

**FILED**

SEP 18 2000

Terri A. Lorenzon, Director  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )

Devon Energy Production Company, L.P. )  
20 North Broadway, Suite 1500 )  
Oklahoma City, Ok 73102-8260 )

DOCKET NUMBER 00-3217

*EGC - 00 - 3203*

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. In January, 1999, this Agency issued NPDES permit WY0038377 to authorize the discharge of wastewater from the Flowers Prospect, located in Sections 1,2,3,10,11,13,15 and 25 of T55N, R76W and Sections 3,18,19,28, and 29 of T55N, R75W of Campbell County.
2. Since issuing this authorization, downstream landowners have filed a complaint alleging that the quality of the discharge waters from these permitted operations is adversely affecting their irrigated agricultural lands.
3. On July 3, 2000, Mr. Jim Eisenhauer collected chemical and physical data connected to the discharges. (See Mr. Eisenhauer's report of July 5, 2000). The sodium adsorption ratios (SAR) for the discharged water ranged from 18 to 20. The specific conductance for the discharge water measured 3,100 umhos/cm and increased downstream.
4. SAR levels ranging from 18 to 20 are resulting in a standards violation of the Wyoming Water Quality Rules and Regulations, Chapter 1, Section 20, which states that all Wyoming surface waters which have the natural water quality potential for use as an agricultural water supply shall be maintained at a quality which allows continued use of such waters for agricultural purposes. The rule further states that degradation of such waters shall not be of such an extent as to cause a measurable decrease in crop or livestock production;
6. This Notice is being sent to Devon Energy Production Company, L.P. pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.
7. Pursuant to W.S. 35-11-901(a), any person who violates any provision of the Environmental Quality Act, or any order, rule, standard, permit, license or variance adopted thereunder, is subject to a penalty not to exceed ten thousand dollars (\$10,000) for each violation for each day during which the violation continues. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

September 5, 2000

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

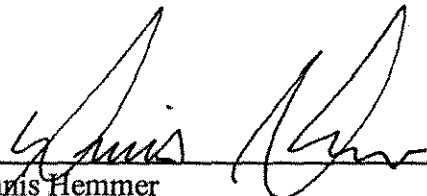
WHEREFORE IT IS HEREBY ORDERED THAT:

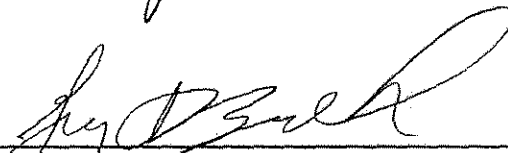
1. Devon Energy Production Company, L.P shall stop, control or eliminate the discharge of CBM waters from their operations onto the Cresswell and Pee Gee Ranch flood irrigated lands unless a demonstration has been successfully made that the level of sodium and salinity contained in these CBM discharge waters and delivered to these lands will not cause a measurable decrease in crop production.
2. Within 10 calendar days of receipt of this Notice and Order, the recipient shall submit to this department a written description of actions and schedules that have or will be taken to fulfill this order.

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 5 day of September, 2000

  
Dennis Hemmer  
Director  
Department of Environmental Quality

  
Gary Beach  
Administrator  
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Maggie Davison, NPDES Supervisor at Wyoming Department of Environmental Quality\Water Quality Division, Herschler Building 4th West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002, 307-777-7781.

GB/MGD/mad/02158-ltr

cc: Maggie Allely, Assistant Attorney General  
Don Likwartz, WOGCC  
Maggie Davison, DEQ  
John Araas, Yonkee & Toner  
Haultain Corbett, Lonabaught and Riggs