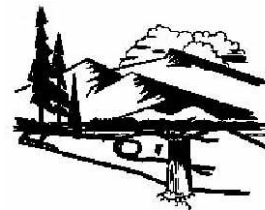




Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Mark Gordon, Governor



Todd Parfitt, Director

Via Certified Mail, Return Receipt Requested: 7017 1070 0000 5305 8206

April 16, 2021

Andreas Petroleum
Mr. Lee Andreas
516 Anderson Street
Big Timber, MT 59011

RE: Order, Docket Number 6050-20

Dear Mr. Andreas,

On October 20, 2020, the Wyoming Department of Environmental Quality issued Notice of Violation, Docket Number 6050-20, to Andreas Petroleum for violation of the Wyoming Environmental Quality Act. Enclosed is the Order associated with the Notice of Violation, Docket Number 6050-20 issued to Andreas Petroleum for violation of the Wyoming Environmental Quality Act.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c). Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<https://sites.google.com/a/wyo.gov/wyomingeqc/rules>) sets forth the requirements for the initiation of appeal proceedings.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first petition shall be mailed to the Chairman of the Environmental Quality Council at Room E423A, Herschler Building, 4th Floor East, 122 West 25th Street, Cheyenne, Wyoming 82002.

The second petition shall be mailed to Mr. Todd Parfitt, Director, Wyoming Department of Environmental Quality, 200 West 17th Street, 4th Floor, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

PLEASE DIRECT ALL INQUIRIES TO: Ms. Lily Barkau, Water Quality Division, 200 West 17th Street, Cheyenne, Wyoming 82002. Telephone 307-777-7072.

Sincerely,

Kevin Frederick
Administrator
Water Quality Division

Enc: Order, Docket Number 6050-20

cc: Ms. Jody Passeler (for DEQ Director) (pdf only)
Ms. Nicole Budine, Attorney General's Office (pdf only)
Mr. Luke Esch, Administrator, SHWD (pdf only)
Ms. Lily Barkau, Groundwater Section Manager, WQD (pdf only)
Mr. Joe Hunter, DEQ Emergency Response Coordinator (pdf only)
Mr. Keith Guille, DEQ Public Information Officer (pdf only)
Ms. Nancy Finley, Chief, Resource Management And Science, NPS (pdf only)
(Nancy_Finley@nps.gov)
Mr. Eric Sandusky, US EPA Region 8 (pdf only)(Sandusky.eric@epa.gov)
Ms. Robyn Hanson Emeson, Senior Assistant Regional Counsel, U.S. EPA Region 8 (pdf only)
Ms. Amy Duin, Solicitor's Office (Amy.Duin@sol.doi.gov)
File (Docket Number 6050-20)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Andreas Petroleum)
Attn: Mr. Lee Andreas)
516 Anderson Street)
Big Timber, MT 59011)

DOCKET NUMBER 6050-20

INTERIM ORDER

On October 20, 2020, the Wyoming Department of Environmental Quality issued Notice of Violation, Docket Number 6050-20 to Andreas Petroleum for violation of the Wyoming Environmental Quality Act. A Settlement Agreement was not agreed upon.

If an alleged violation is not corrected, the Wyoming Department of Environmental Quality (WDEQ) is authorized to order violators to cease and desist from violations of the Wyoming Environmental Quality Act.

WHEREFORE IT IS HEREBY ORDERED THAT:

Upon receipt of this Interim Order, **Andreas Petroleum** shall immediately cease, desist, and abate the discharge of gasoline and related pollutants to waters of the state resulting from the tandem tanker accident on August 27, 2020. To cease, desist, and abate the violation, **Andreas Petroleum** shall:

1. Submit a work plan to conduct additional subsurface assessment(s) of the site, as stated in the conclusions of *Site Activities Report and Remedial Alternatives Analysis – Cascade Picnic Area Gasoline Spill Yellowstone National Park, WY* (Report)(dated November 27, 2020). The Report was submitted for WDEQ review and, based on WDEQ’s review, the Report serves as the initial site characterization of the site. As stated in the Report, additional subsurface assessment will be required to fully delineate the light non-aqueous phase liquids (LNAPL) and dissolved phase hydrocarbon plume.

- a. Emergency response actions were completed in September 2020, and a work plan to further delineate the nature and extent of the August 27, 2020 pup-tank spill was submitted by Stantec Consulting Services Inc. on October 19, 2020. A revised work plan based on National Park Service (NPS) and WDEQ comments was submitted on October 23, 2020, and was approved by WDEQ on October 23, 2020. Activities identified in that work plan were conducted in late October and early November 2020.
- b. The work plan shall utilize WDEQ Voluntary Remediation Program (VRP) Fact Sheet 8 to investigate the area west of the road where the spill occurred.
- c. The work plan shall be submitted to WDEQ for review and approval.
- d. The work plan shall utilize VRP Fact Sheets 28 and 29 to develop a sampling and analysis plan and data quality objectives.
- e. The work plan shall include information specific to the analytical methods, screening levels, laboratory chosen for analysis, quality assurance/quality control sampling and evaluation, sample collection, and any other items identified in the enclosed Fact Sheets.
- f. The work plan shall account for laboratory reporting limits to be below applicable water quality standards to ensure that non-detects are appropriately identified.
- g. The work plan shall address any data gaps for the site to ensure site characterization has been completed. VRP Fact Sheet 8 provides guidance on conducting site characterization.
- h. Groundwater Cleanup levels shall be protective of surface waters. Analysis of groundwater and surface water shall include: Benzene, Ethylbenzene, Toluene, Xylenes (BTEX), Gasoline Range Organics (GRO) and general chemistry (e.g., pH, Total Dissolved Solids, Total Suspended Solids, Biological Oxygen Demand, alkalinity, conductivity, dissolved oxygen, Chemical Oxygen Demand and Total Organic Carbon). VRP Fact Sheet 13 establishes cleanup levels for groundwater and soil. Standards for surface water are as follows:
 - i. Benzene – 2.2 micrograms per liter ($\mu\text{g/L}$)
 - ii. Ethylbenzene – 530 $\mu\text{g/L}$
 - iii. Toluene 1,000 $\mu\text{g/L}$
 - iv. Xylenes 10,000 $\mu\text{g/L}$
- i. In addition to BTEX and GRO, groundwater samples shall also be evaluated for naphthalene and 2-Methylnaphthalene and contain Water Quality Rules and Regulations Chapter 8, Table 1 constituents for Domestic Class of Use (Class I). Radionuclides do not need to be evaluated. Class I waters may not be degraded and any remedy selected shall ensure that constituents are restored to Class I or ambient standards.
- j. Prior to collection of groundwater samples monitoring wells shall measure water levels, groundwater flow direction and rate, and hydraulic conductivity.
- k. The work plan shall include a discussion on the management of investigative derived waste.
- l. The work plan shall include appropriate figures and tables depicting the extent of contamination from free product and dissolved phase plumes to date. Existing and proposed borings, monitoring wells, and extraction points shall be shown on work plan figures.

- m. The work plan may contain information from the LMH Environmental, Inc. November 30, 2020, work plan.
2. Continue LNAPL removal until all LNAPL is removed or until the Water Quality Division terminates this Interim Order. LMH Environmental, Inc. proposed impacted water extraction, soil vapor extraction, and air sparging implementation in their November 30, 2020, work plan. The additional site characterization work plan identified in item number one above shall account for these measures to be conducted as part of the site characterization and remediation.
3. Submit Chapter 3 Permit to Construct Applications for proposed and existing monitoring wells, extraction sumps/culverts and proposed treatment systems (i.e., air sparge, pump and treat) to WDEQ within thirty (30) days of issuance of this Interim Order.
4. Submit a Final Report to include data collected during additional site characterization activities, interim remedial actions, and LNAPL recovery measures. The Final Report shall be submitted within ninety (90) days of completion of additional site characterization activities.
5. Based on findings from the Final Report, **Andreas Petroleum** shall provide an additional work plan(s) to conduct remedial activities at the site to address remaining LNAPL and dissolved phased hydrocarbon constituents. The plan shall account for long term monitoring of the site. Long term monitoring is determined complete when WDEQ terminates this Interim Order or when four (4) consecutive groundwater sampling events in monitoring wells MW01 through MW12 are below groundwater cleanup levels identified in Fact Sheet 13 and surface water standards as identified in item number 1.h above.

This INTERIM ORDER is final unless, not later than ten (10) days after the date of this notice is received, it is appealed by filing a written petition for a hearing before the Environmental Quality Council. If a hearing is requested, the petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, 122 West 25th Street, Room E423A Herschler Building, 4th Floor East, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, 200 West 17th Street, Cheyenne, Wyoming 82002. Both petitions must be sent via certified mail, return receipt requested.

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

Signed this 19th day of April, 2021.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Lily Barkau, Groundwater Section Manager, Wyoming DEQ/WQD, 200 West 17th Street, 2nd Floor, Cheyenne, Wyoming 82002. Telephone 307-777-7072, E-mail lily.barkau@wyo.gov.

- Encl: Voluntary Remediation Fact Sheet No. 8 – Site Characterization
Voluntary Remediation Fact Sheet No. 12 – Soil Cleanup Levels
Voluntary Remediation Fact Sheet No. 12 – Technical Support Memorandum: Total Petroleum Hydrocarbon Fractionation
Voluntary Remediation Fact Sheet No. 12 – Technical Support Memorandum: Development of Migration to Groundwater Cleanup Levels
Voluntary Remediation Fact Sheet No. 13 – Groundwater Cleanup Levels
Voluntary Remediation Program Fact Sheet No. 28 – Data Quality Objectives
Voluntary Remediation Program Fact Sheet No. 29 – Sampling and Analysis Plan
Water Quality Division Chapter 3 Permit to Construct Application Form