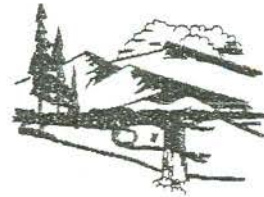




Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

07-3202

CERTIFIED MAIL

December 2, 2005

FILED

JAN 19 2007

Mr. Jim McLeland
Vice President
M & K Oil Company
PO Box 3470
Gillette, Wyoming 82717-3470

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Notice of Violation and Order, Docket Number 3830-05

Dear Mr. McLeland:


Enclosed is a copy of a Notice of Violation, Docket Number 3830-05, issued to M & K Oil Company (M & K), for violating Parts I.A., I.B.2 and II.A.11 of WYPDES permits WY0033341 and WY0036072.

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 enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all of the provisions of the attached Rules of Practice and Procedures as they relate to this action.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first copy of the petition shall be mailed to the Ms. Terri A. Lorenzon, Director, Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second copy of the petition should be sent to Mr. John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both copies of the petition must be sent by certified mail, return receipt requested.

PLEASE DIRECT ALL INQUIRIES TO: Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

JVC/JFW/BRB/bb/5-1289.LTR
Enclosure: Notice of Violation

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E. WYPDES Compliance & Enforcement Coordinator
James B. Eisenhauer, WYPDES Inspection Program Coordinator
Todd T. Parfitt ▶ Brian K. Lovett ▶ Leah J. Krafft
NOV Docket 3830-05
Environmental Quality Council
Director, DEQ

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Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

M & K Oil Company)
PO Box 3470)
Gillette, Wyoming 82717-3470)

DOCKET NUMBER 3830-05

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. M & K Oil Company (M & K) is the owner of two oil treater facilities located in the NWNW Quarter of Section 19, Township 44 North, Range 70 West, and also in the SWNW Quarter of Section 17, Township 44 North, Range 70 West, both of which are in Campbell County, Wyoming called the Hilight South Unit US Winn (Hilight) and the Marilyn Battery respectively. Modified WYPDES permit WY0033341 (Hilight facility) was issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), to M & K on May 27, 2004, and expires on December 31, 2006. Produced water from the Hilight facility is discharged to Middle Fork Little Thunder Creek (class 3B), in the Cheyenne River (class 2A) Basin. Renewed WYPDES permit WY0036072 (Marilyn Battery) was issued by the DEQ, WQD, to M & K on July 15, 2004, and expires on July 31, 2009. Produced water from the Marilyn Battery is discharged to Black Thunder Creek (class 3B) via an unnamed drainage (class 3B), in the Cheyenne River (class 2A) Basin;
2. Part I.A. of WYPDES permits WY0033341 and WY0036072 require sampling for chlorides once every two months (bi-monthly), monthly flow sampling, bi-monthly oil & grease sampling, and also annual total radium 226 sampling. Part I.B.2. of the above referenced WYPDES permits states "*Effluent monitoring results obtained during the previous six (6) months shall be summarized and reported on a Discharge Monitoring Report Form.*" It goes on to state "*Legible copies of these, and all other reports required herein, shall be signed and certified in accordance with the Signatory Requirements (See Part II.A.11.), and submitted to the state water pollution control agency at the following address postmarked no later than the 28th day of the month following the completed reporting period. ...*" Part II.A.11.a. of the above referenced WYPDES permits states "*All permit applications shall be signed as follows: (1) For a corporation: by a responsible corporate officer; ...;*
3. The discharge monitoring reports (DMRs) originally supplied to M & K for WYPDES permit WY0033341 were printed off incorrectly. The DMRs showed the monitoring requirements for chlorides and oil & grease as once every sixth months (semi-annual), instead of bi-monthly. The Division corrected the DMRs and sent a new copy to M & K. M & K is required to sample and report all parameters as required by their permit;
4. On June 12, 2003, October 5, 2004, and again on February 14, 2005 the DEQ, WQD sent a Letter of Violation (LOV) to M & K for not completely filling out their DMRs. The only information supplied on the 2nd Semester, 2002, 1st Semester, 2004, and the 2nd Semester, 2004 DMRs were the oil and grease, and the total radium 226 results. The DMRs were missing the chloride and flow results. The LOV dated February 14, 2005 also stated the need for a "Corporate Officer" to sign the DMRs. Upon review of the 1st Semester, 2005 DMRs it was noted the only samples reported were the oil and grease, and the total radium 226 results. It was also noted that the 1st Semester, 2005 DMRs were signed by a "Secretary," not a "responsible corporate officer." The aforementioned are violations of Parts I.A., I.B.2 and II.A.11 of WYPDES permits WY0033341 and WY0036072;

5. This Notice is being sent to you 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. M & K Oil Company (M & K) shall immediately send in all sample results for all required parameters dating back to January 1, 2004. The sample results shall be accompanied by an original signed letter from a corporate officer.
2. M & K shall send to the DEQ, WQD a plan of action to ensure all DMRs will be properly filled out in the future. The plan of action shall include a time frame including the steps taken to ensure there will be no further violations in the future.

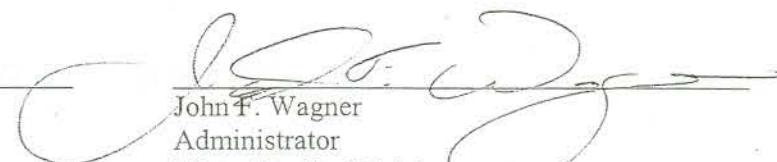
This ORDER is final unless, no later than ten (10) days after the date this notice is received, it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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

Ordered this 2nd day of December, 2005.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/BRB/bb/5-1289.LTR

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Todd T. Parfitt ► Brian K. Lovett ► Leah J. Krafft
Craig Toal, WQD-Casper
NOV Docket 3830-05
Environmental Quality Council
DEQ Director