BEFORE THE

MAY 1 6 2005

DEPARTMENT OF ENVIRONMENTAL QUALITY

Terri A. Lorenzon, Director Environmental Quality Council

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:)		
Wolverine Operating, LLC P.O. Box 1118 Buffalo, WY 82834)		
	}	DO	CKET NUMBER 3748-05
)		

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

- Wolverine Operating, LLC (Wolverine) is the owner/operator of a coal bed methane (CBM) facility operation located in the NESE ¼ of Section 12, Township 53 North, Range 80 West (Sec 12, T53N, R80W), Sheridan County, Wyoming;
- On November 3, 2004, Jim Eisenhauer of the Water Quality Division (WQD) observed water flowing off fields being irrigated with CBM produced water from Wolverine's CBM facility near Double Crossing Creek. The discharge of CBM water was to an unnamed tributary draw of Double Crossing Creek, Class 3B water, which is a tributary to Clear Creek, Class 2AB water. The un-permitted discharge of CBM produced water resulted from the application of produced water for irrigation at rates exceeding the soil intake. The discharge occurred in Sheridan County;
- The Department of Environmental Quality (DEQ) has no record of permits authorizing the discharge to waters of the state from the location referenced in the case described previously;
- 4. The site was visited again on November 4, 2004, and irrigation had stopped on the field located on the west side of the county road, but irrigation was still continuing to occur on the field located east of the county road. Produced water was running off the east field into an unnamed tributary of Double Crossing Creek;
- 5. Double Crossing Creek and its tributaries are "waters of the state" as defined under W.S. 35-11-103 (c)(vi);
- 6. CBM produced water contains "pollution" as defined in W.S. 35-11-103 (c)(i);
- 7. By discharging pollution into waters of the state, Wolverine is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) which state that no person, except when authorized by a permit issued by the DEQ, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state;
- 8. 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:

- Wolverine Operating, LLC (Wolverine) shall apply the CBM produced water at agronomic rates and not allow the water to pool and flow into the drainage of Double Crossing Creek.
- Wolverine shall ensure that a significant buffer zone is present between any defined channel in the Double Crossing Creek watershed and the land where the sprinklers are located to prevent CBM produced water from entering the channel via wind, overland flow, or subsurface flow.
- Wolverine shall discontinue the use of the sprinklers at any location should the surrounding soil become saturated with water. The sprinklers shall then be relocated and not returned to the previous location until soils have dried sufficiently to utilize additional water.
- 4. Wolverine shall provide the Division with a written report on or before June 6, 2005 summarizing the actions to be taken to prevent the un-permitted discharge of CBM produced water from reoccurring in the future.
- 5. W.S. §35-11-301(a)(iii) requires all wastewater treatment and disposal facilities to have a "permit to construct" under Chapter 3 of the Wyoming Water Quality Rules and Regulations. Wolverine shall submit a Chapter 3 permit application for all wastewater treatment or disposal facilities (land application) no later than June 1, 2005. This application shall be submitted to Dennis Lamb in the WQD's Casper office.

This ORDER is final unless, no 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. 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 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, 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 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.

John **Y/**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/MB/bb/5-0573.ltr

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8

James B. Eisenhauer, WQD, Sheridan

Dennis Lamb, WQD Casper

Environmental Quality Council

Director, DEQ

NOV Docket 3748-05

Todd T. Parfitt ► Brian K. Lovett ► Leah J. Krafft ► Brian R. Bohlmann