

Mary

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Pennant Well Service)
2140 North Seven Mile Road)
P.O. Drawer 969)
Mills, Wyoming 82644)
and)
C. Richard Stevenson)
1710 Security Life Building)
1616 Glenarm Place)
Denver, Colorado 80202)

DOCKET NUMBER: 2369-92

FILED
APR 03 1992
Terri A. Lorenzon, Adm. Sec.
Environmental Quality Council

NOTICE OF VIOLATION
AND
ORDER

NOTICE IS HEREBY GIVEN THAT:

1. During 1981, an industrial drainfield was constructed at 2140 North Seven Mile Road, Casper, Wyoming. This industrial leachfield was constructed under permit to construct 78-417 issued by the Water Quality Division. On August 5, 1991, Mr. Robert Lucht and Mr. Clay Rowley of the Water Quality Division inspected the property at 2140 North Seven Mile Road and sampled the industrial septic tank;
2. The groundwater immediately under the surface at 2140 North Seven Mile Road is class I water by virtue of the fact that it is being used for domestic purposes at several points of withdrawal within 1/4 mile of the site, including one domestic use well located on that same lot;
3. On August 5, 1991, Mr. Robert Lucht and Mr. Clay Rowley of the Water Quality Division sampled the standing water in the industrial septic tank in back of the property at 2140 North Seven Mile Road. This sampling was witnessed by personnel from Pennant Well Service;
4. The results of the August sampling indicate that wastes are being discharged to the groundwater at concentrations higher than accepted standards. The following table summarizes the results reported for August 5, 1991 and compares them to appropriate standards:

<u>Parameter</u>	<u>Units</u>	<u>MCL</u> ⁽¹⁾	<u>Class I</u> ⁽²⁾	<u>Value Present</u> ⁽³⁾
Ethylbenzene	ug/l	700	700	2.8 - 1.0
Toluene	ug/l	1,000	1,000	9.1 - 6.8
Total Xylenes	ug/l	10,000	10,000	61.1 - 52.2
Tetrachloroethene	ug/l	5	5	1.5 - 2.4
1,2-Dichlorobenzene	ug/l	75	75	1.3 - 129.0
n-Butylbenzene	ug/l			34.0 - 41.9
Total Phenolics	ug/l		1	320.0 - 230.0
Total Petroleum Hydrocarbon	mg/l		virtually free	9.0 - 39.0

- (1) The MCL is the Maximum Contaminate Level allowed in drinking water by the US EPA.
- (2) The class I standard is the maximum amount allowed in class I groundwater under regulations published in Chapter VIII, Water Quality Rules and Regulations.
- (3) On this site, duplicate samples were taken as a quality control measure. Both analyses are presented on this table as a range of values.

5. W.S. 35-11-301, Prohibited acts, states that:

"(a) No person, except when authorized by a permit issued pursuant to the provisions of this act, shall:

(i) Cause, threaten or allow the discharge of any pollution or wastes into the waters of the state";

6. Chapter VIII, Section 4(d)(5) states that:

"(5) Underground water of Class I, II, III or Special (A) shall not contain biological, hazardous, toxic or potentially toxic materials or substances in concentrations or amounts which exceed maximum allowable concentrations based upon information of the EPA in the Federal Register for December 24, 1975 (Part IV), Water Programs, National Interim Primary Drinking Water Regulations; and in the Federal Register for March 13, 1978 (Part II), Water Programs, Hazardous Substances.

In addition, underground water of Class I, II, III or Special (A) shall not contain any biological, hazardous, toxic or potentially toxic materials or substances in concentrations or amounts which, based on the latest scientific information and as determined by the Administrator, will impair this water for its use suitability or which may contribute to a condition in contravention of groundwater quality standards or to any toxic or hazardous effect in natural biota;"

7. By threatening to discharge 1,2-Dichlorobenzene, Total Phenols and Total Petroleum Hydrocarbons at concentrations above applicable standards to class I groundwater of the state, Pennant Well Service has violated W.S. 35-11-301(a)(i) of the Wyoming Environmental Quality Act and the quality standards established in Section 4(d)(5) of Chapter VIII of the Wyoming Water Quality Rules and Regulations;
8. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license, or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of a violation which penalty may be recovered in civil action brought by the Attorney General in the name of the People of the State of Wyoming; and
9. This Notice is being sent to you pursuant to Wyoming Statute 35-11-701(c)(i), which requires that in any case the failure to correct or remedy any 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 PENNANT WELL SERVICE IS HEREBY ORDERED TO:

1. Provide the department with a chemical analyses of the water being discharged to the industrial drainfield on this location within 45 days of the receipt of this order. The sample analyzed shall be taken to eliminate the affects of floating oils or settled solids and shall be taken from a point within the system as close to the point of discharge as is possible. This sample shall be analyzed for the full suite of organic and inorganic pollutants including:
 - a. Halogenated hydrocarbons and Aromatic Hydrocarbons analyzed by EPA Method 624, or EPA Methods 601 and 602, or EPA Methods 501.1 and 501.2.
 - b. Base, Neutral and Acid extractable organics analyzed by EPA Method 625.
 - c. Toxic metals including Barium, Cadmium, Chromium, Lead, Mercury, and Selenium. Methods used for analyses shall be standard EPA methods for water and wastewater as defined in 40 CFR 136.
 - d. Total Petroleum Hydrocarbons by EPA Method 418.1.

2. Within 45 days of the receipt of this order, submit for DEQ approval a monitoring and analytical plan for groundwaters in the vicinity of the industrial drainfield at 2140 North Seven Mile Road, Natrona County, Wyoming. This monitoring plan shall be designed to determine the lateral and vertical extent of contamination caused by the groundwater discharge from this industrial leachfield facility. This plan shall include at a minimum:
 - a. One well upgradient of this drainfield facility and three wells downgradient from this drainfield facility;
 - b. provisions for quarterly analyses for one year for all wells installed or proposed for use under this plan;
 - c. Analyses for all parameters detected at levels greater than federal Maximum Contaminate Levels in the analyses required under item 1 of this Order;
 - d. An application for a permit to construct for the monitor wells shall be submitted, along with all necessary supporting information as required under Chapter III, Water Quality Rules and Regulations. This application shall include a commitment to provide additional wells if necessary to accomplish the goal of delineating any contaminate plume detected.

3. Implement the plan required under item two of this order within 30 days of receipt of the approved permit to construct. Receipt of the approved permit to construct shall constitute DEQ approval of the entire plan required under item two. Within 90 days of receipt of the approved permit to construct, report to the Water Quality Division with the first results of the groundwater investigation. Subsequent reports shall be filed as soon as the results are available.

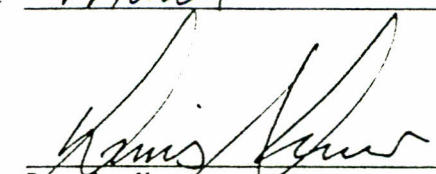
4. Immediately upon receipt of this Order, discontinue the discharge of anything which might cause a groundwater standards violation through either of the subsurface drains on this site.

THIS ORDER is final and binding unless, not later than ten (10) days after the day the notice is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Dennis Hemmer, Executive Secretary, Environmental Quality Council, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002.

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.

SIGNED this 18 day of March, 1992.


 William L. Garland
 Administrator
 Water Quality Division


 Dennis Hemmer
 Director
 Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES TO: Robert Lucht, UIC Program Supervisor, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone: (307) 777-7781.