

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND CEASE AND DESIST)
ORDER ISSUED TO BELLE FOURCHE) Docket No. 1031-82
PIPELINE COMPANY)

FINDINGS OF FACT AND CONCLUSIONS OF LAW AND ORDER

Pursuant to notice duly given to all parties in interest, this matter came on for hearing on the 5th day of May, 1983, at 10:00 o'clock a.m. in the Federal Building, Room 3116, 100 East B Street, Casper, Wyoming. Mr. Lee E. Keith, a member of the Environmental Quality Council, presided as hearing officer.

The Petitioner appeared and was represented by Richard E. Day of Williams, Porter, Day, and Neville. The Department of Environmental Quality, Water Quality Division, was represented by Steve Jones, Assistant Attorney General. The intervenors, Elmore Livestock Company and Mike and Rita Elmore, were represented by Kim Cannon of Burgess and Davis.

With all parties participating in the hearing, the Environmental Quality Council having taken this matter under advisement and having been fully advised and having considered all testimony and evidence admitted by the parties, the Environmental Quality Council now makes its findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. On October 8, 1976, a rupture occurred in a pipeline owned by the Petitioner, Belle Fourche Pipeline Company. As a result of the rupture, crude oil was spilled on approximately three to five acres of land owned by the intervenors, Elmore Livestock Company, and Mike and Rita Elmore. The location of the spill was in Section 28, Township 51 North, Range 71 West, Campbell County, Wyoming. Some, but not all, of the oil that was spilled onto the land was removed by the Petitioner at the time of the spill.

2. During the summer of 1980, oil was discovered to have contaminated the groundwater beneath the location of the above-described oil spill.

3. After subsequent investigations by the Respondent, a Notice of Violation and Cease and Desist Order was entered against the Petitioner by the Respondent, ordering the Petitioner to clean up the oil spill site and to document groundwater and soil analysis.

4. Further studies were made on the extent of the groundwater contamination during July and August, 1982 (by Western Water Consultants) and during February, March, and May, 1983 (by the Department of Environmental Quality, Water Quality Division).

5. All of the studies of the oil contamination of the groundwater established that the groundwater of that area had been caused by the oil which had spilled from the Petitioner's pipeline rupture on October 8, 1976.

6. It was also revealed that investigations conducted in July, 1982, showed that another potential source of oil that

tered in this matter on January 6, 1982, is hereby affirmed.

B. The Plaintiffs shall begin oil recovery and clean-up operations at the affected site no later than September 15, 1983.

C. Respondent shall determine when the Petitioner has removed all pollution from the groundwater aquifer in Section 28, Township 51 North, Range 71 West, Campbell County, Wyoming, to the satisfaction of the Respondent, and consistent with the standards of the Department of Environmental Quality.

DATED this 13th day of Sept., 1983.

ENVIRONMENTAL QUALITY COUNCIL

By Lee E. Keith
Lee Keith
Hearing Examiner Member
Environmental Quality Council

APPROVED AS TO FORM:

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CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 13th day of September, 1983, I served a copy of the foregoing Findings of Fact and Conclusions of Law and Order, by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Mr. Richard E. Day
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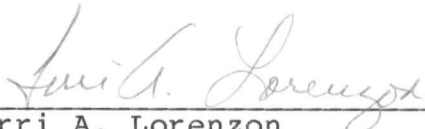
and by interoffice mail of the same to:

Mr. Robert E. Sundin, Director
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Mr. William Garland, Administrator
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