

THE WYOMING DEPARTMENT

OF

ENVIRONMENTAL QUALITY

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
Herbaly Petroleum Corporation )  
1099 18th Street, Suite 1700 )  
Denver, CO 80202 )

DOCKET NO. 1915-88

**FILED**

FEB 18 1988

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Herbaly Petroleum Corporation holds an NPDES permit, number WY-0032859, to discharge from the oil treater facility serving the 29-1 East Neiber Well located in the SW $\frac{1}{4}$ , NE $\frac{1}{4}$ , Section 29, Township 45 North, Range 91 West, Washakie County, Wyoming;
2. Part IA of the NPDES permit and Section 4.e., Chapter VII, Wyoming Water Quality Rules and Regulations (enclosed) require that the oil and grease concentration of any properly-preserved grab sample of effluent discharged from the facility's skim pit not exceed 10 mg/l;
3. Samples collected by Mr. Mike Young on September 29, 1987 and January 6, 1988 contained oil and grease concentrations of 23 mg/l and 59 mg/l, respectively (see enclosed copies of inspection reports);
4. A letter of violation and copy of the September 29, 1987 inspection report were sent to Herbaly Petroleum Corporation by Mr. John Wagner on October 30, 1987, requesting that actions be taken to remedy the permit violation;
5. The items referenced in number 4 above were received by Herbaly Petroleum on November 2, 1987;
6. A response to the letter of violation was received on November 18, 1987 which indicated that remedial actions would be taken;
7. The oil and grease concentration of the sample collected on January 6, 1988 indicates that remedial has not been successful;
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 violation which penalty may be recovered in a 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 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. Within 30 days of receipt of this Notice and Order, Herbaly Petroleum shall submit:
  - a. a written description of actions taken to reduce oil and grease levels to permit limits including a laboratory analyses showing that the oil and grease concentration has been reduced to 10 mg/l or less; or
  - b. written documentation that the discharge has been eliminated.

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 Randolph Wood, Executive Secretary, Environmental Quality Council, Herschler Building, 4th Floor, 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.

ORDERED this 3 day of FEBRUARY, 1987.

  
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William L. Garland  
Administrator  
Water Quality Division

  
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Randolph Wood  
Director  
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES TO: Maggie Davison, Compliance Specialist, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone: (307) 777-7781.

Enclosures: Inspection Reports, Regulations, Environmental Quality Act

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