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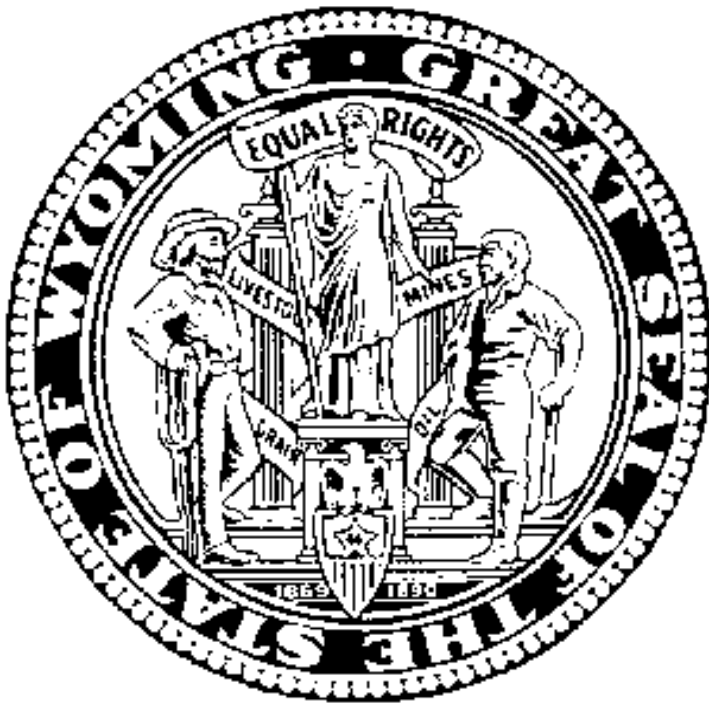
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50.1 EQC - CONTESTED CASE  
SPERRY-SUN DRILLING SERVICES  
DOCKET NO. 2325-91  
NOV

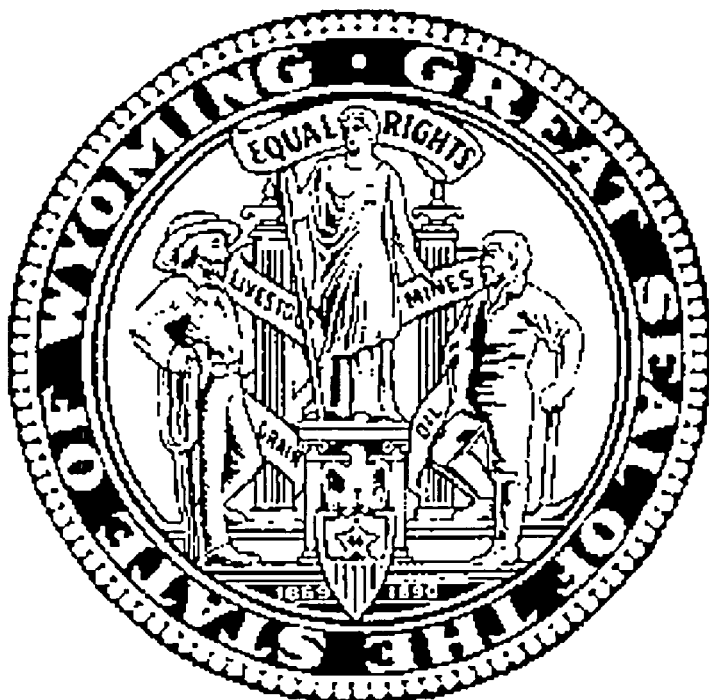
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TA Sperry Sun  
2325-91



**State Archives  
Scanned as  
Received**



**The Following  
Document(s) May Be  
Illegible In Part Or  
Entirely.**



NOV AND C&D

Notes:

Reasons

Reasons \_\_\_\_\_

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BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF  
VIOLATION AND ORDER ISSUED TO:  
N. L. Sperry Sun, Inc.  
P. O. Box 183  
Casper, WY 82602

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)  
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)  
)

DOCKET NO. 2325-91

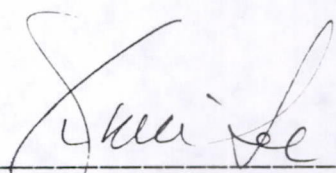
**FILED**  
MAY 04 1992  
TERRILL COUNTY, WYOMING  
Environmental Quality Council  
Quality Council

**ORDER**

The Wyoming Department of Environmental Quality, having vacated the Notice of Violation and Order issued in the above referenced matter, and the Environmental Quality Council being fully advised,

IT IS ORDERED THAT the appeal is dismissed.

DATED this 23 day of April, 1992

  
\_\_\_\_\_  
VINCENT R. LEE, Chairman

CERTIFICATE OF SERVICE

I, Terri A. Lorenzon, certify that at Cheyenne, Wyoming, on the 4<sup>th</sup> day of May, 1992, I served a copy of the foregoing Order by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Mike Kirby, Manager  
N. L. Sperry Sun  
P. O. Box 183  
Casper, WY 82602

and also to the following persons via interoffice mail:

Dennis Hemmer, Director  
Department of Environmental Quality  
122 W. 25th Street, Herschler Building  
Cheyenne, WY 82002

Robert Lucht  
UIC Program Supervisor  
Department of Environmental Quality  
Water Quality Division  
122 W. 25th Street, Herschler Building  
Cheyenne, WY 82002

Steve Jones  
Senior Assistant Attorney General  
Attorney General's Office  
123 Capitol Building  
Cheyenne, WY 82002

Terri A. Lorenzon  
TERRI A. LORENZON, Attorney  
Environmental Quality Council  
2301 Central Avenue, Room 407  
Cheyenne, WY 82002  
Tel: (307) 777-7170



BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

MAR 16 1992

Terri A. Lerone, Adm. Aide  
Environmental Quality Council


IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
N.L. Sperry Sun, Inc. )  
P. O. Box 183 )  
Casper, Wyoming 82602 )

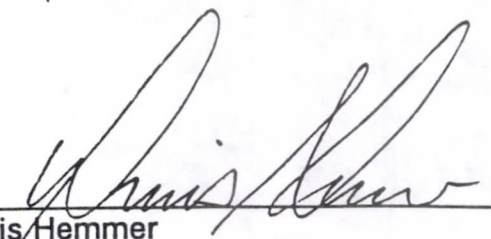
Docket No. 2325-91

VACATION OF ORDER

Notice is hereby provided to the Petitioner, N.L. Sperry Sun, Inc., that the  
Cease and Desist Order issued in the above referenced matter is hereby vacated.

Dated this 11 day of March, 1992

  
\_\_\_\_\_  
William L. Garland  
Administrator  
Water Quality Division  
Department of Environmental Quality  
Herschler Building  
Cheyenne, Wyoming 82002

  
\_\_\_\_\_  
Dennis Hemmer  
Director  
Department of Environmental Quality  
Herschler Building  
Cheyenne, Wyoming 82002





MIKE SULLIVAN  
GOVERNOR



## Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

Administration  
(307) 777-7937

Air Quality Division  
(307) 777-7391

Land Quality Division  
(307) 777-7756  
FAX (307) 634-0799

Solid Waste Management Program  
(307) 777-7752

Water Quality Division  
(307) 777-7781  
FAX (307) 777-5973

February 21, 1992

FILED

FEB 21 1992

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

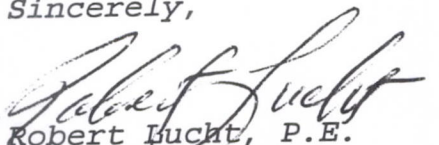
Mr. Mike Kirby, Manager  
N. L. Sperry Sun  
P.O. Box 183  
Casper, WY 82602

RE: Notice of Violation and Order, Docket Number 2325-91, Casper,  
Natrona County, Wyoming

Dear Mr. Kirby:

This department has asked the Council to vacate the above referenced Notice of Violation and Order based on the investigation done by your company on this location showing no groundwater contamination. Our records also show that the industrial sumps on this location are now hooked to a non-discharging holding tank and no longer drain to the groundwater.

Sincerely,

  
Robert Bucht, P.E.  
UIC Program Supervisor  
Water Quality Division

RL/bb/20530.1tr

cc: Jake Strohman  
Carmen Curtis, EQC  
Kieth Burron, AG

December 12, 1991

Via Federal Express

Via FAX: 307/777-5973



Mr. Dennis Hemmer  
Director of the  
Department of Environmental Quality  
Herschler Building  
122 West 25th Street  
Cheyenne, Wyoming 82002

**FILED**

DEC 16 1991

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

Re: Notice of Violation and Order, 1076 North Robertson Road,  
Casper, Natrona County, Wyoming

Dear Mr Hemmer:

We wish to appeal Docket Number 2325-91, issued under the  
provisions of W.S. 35-11-701(a) and (c).

Thank you for your consideration.

Very truly yours,

Patricia K. Suttles  
Sr. Manager, Litigation Services

cc: Ms. Terry Lorizon  
Chairman of the  
Environmental Quality Council  
Room 308  
Barrett Building  
2301 Central Avenue  
Cheyenne, Wyoming 82002



Mary

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
N. L. Sperry Sun, Inc. )  
1076 Robertson Road )  
P.O. Drawer 183 )  
Casper, Wyoming 82602 )

DOCKET NUMBER: 2325-91

NOTICE OF VIOLATION

AND

ORDER

**FILED**

DEC 16 1991

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

NOTICE IS HEREBY GIVEN THAT:

1. In 1981 or 1982 an industrial drainfield was constructed at 1076 Robertson Road, Casper, Wyoming. This industrial leachfield was constructed under permit to construct number 81-844 issued by the Water Quality Division. On August 6, 1991, Mr. Robert Lucht of the Water Quality Division inspected the property at 1076 Robertson Road and sampled the industrial sump.
2. The groundwater immediately under the surface at 1076 Robertson 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;
3. On August 6, 1991, Mr. Robert Lucht of the Water Quality Division sampled the standing water in the industrial sump in back of the property at 1076 Robertson Road. This sampling was witnessed by personnel from N. L. Sperry Sun, Inc.
4. The results of the August sampling indicate that wastes are being discharged to the groundwater at concentrations above accepted standards. The following table summarizes the results reported for August 6, 1991 and compares them to appropriate standards:

<u>Parameter</u>	<u>Units</u>	<u>MCL</u> <sup>(1)</sup>	<u>Class I</u> <sup>(2)</sup>	<u>Value Present</u>
Ethylbenzene	ug/l	700	700	236
Toluene	ug/l	1,000	1,000	252
Total Xylenes	ug/l	10,000	10,000	27
1,1,1-Trichloroethane	ug/l	200	200	209
1,1-Dichloroethane	ug/l			73
Methylene Chloride	ug/l	5	5	265
n-Butylbenzene	ug/l			2.8
Total Petroleum Hydrocarbon	mg/l		virtually free	20.0

- (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.
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;
    - (ii) Alter the physical, chemical, radiological, biological, or bacteriological properties of any 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 its discharge of 1,1,1-Trichloroethane, Methylene Chloride, and Total Petroleum Hydrocarbons at concentrations above applicable standards to class I groundwater of the state, N. L. Sperry Sun, Inc. has violated W.S. 35-11-301(a)(i) & (ii) 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 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 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 N. L. SPERRY SUN, INC. IS HEREBY ORDERED TO:

1. Provide the department with a chemical analyses of the water being discharged to both the industrial drainfield and the sanitary 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 in-organic 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 sampling and analytical plan for groundwaters in the vicinity of both of these drainfields on Robertson Road. This monitoring plan shall be designed to monitor the affect on the groundwater by discharges from either of these two facilities. This plan shall include a minimum of 1 well upgradient of both of these drainfield facilities and 3 wells downgradient from these two drainfield facilities and sited so as to detect any contamination coming from either of these facilities. This plan shall also include plans for quarterly analyses for one year for all wells installed under this plan. Analyses shall be conducted for all parameters detected in the analyses required under



Item 1 of this order. As a part of this plan, the proper paperwork for a Permit to Construct for the monitor wells shall be submitted, and a commitment made to provide additional wells if necessary to accomplish the goal of delineating any contaminate plume detected. This plan shall be implemented within 30 days of receipt of DEQ approval of the plan and issuance of the required permit to construct. Wells shall be sited so as to take advantage of any existing wells located in the vicinity of 1076 Robertson Road.

3. Eliminate the use of the industrial leachfield on this site, remove the contaminated soils in this leachfield from the site and properly dispose of this material within 90 days of the receipt of this order.

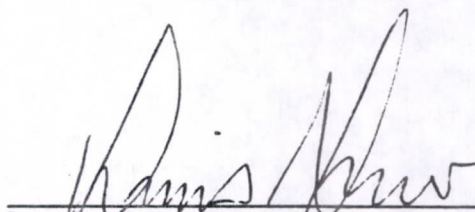
THIS ORDER is final and binding unless, not later than ten (10) days after the day the notice is served, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Dennis Hemmer, Executive Secretary, Environmental Quality Council, 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 condition precedent to any other enforcement action.

SIGNED this 12 day of November, 1991.



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, 122 West 25th Street, Cheyenne, Wyoming, 82002. Telephone (307) 777-7095

/jn

FILED

DEC 13 1991

Terry A. Lorizon, Admin. Aide  
Environmental Quality Council

December 12, 1991

Via Federal Express

Ms. Terry Lorizon  
Chairman of the  
Environmental Quality Council  
Room 308  
Barrett Building  
2301 Central Avenue  
Cheyenne, Wyoming 82002

Re: Notice of Violation and Order, 1076 North Robertson Road,  
Casper, Natrona County, Wyoming

Dear Ms. Lorizon:

We wish to appeal Docket Number 2325-91, issued under the  
provisions of W.S. 35-11-701(a) and (c).

Thank you for your consideration.

Very truly yours,



Patricia K. Suttles  
Sr. Manager, Litigation Services

cc: Mr. Dennis Hemmer  
Director of the  
Department of Environmental Quality  
Herschler Building  
122 West 25th Street  
Cheyenne, Wyoming 82002

cc: R. Lucht; S. Jones. 12-16-91. ccc.





THE STATE OF WYOMING

MIKE SULLIVAN  
GOVERNOR



## Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

Administration  
(307) 777-7937

Air Quality Division  
(307) 777-7391

Land Quality Division  
(307) 777-7756  
FAX (307) 634-0799

Solid Waste Management Program  
(307) 777-7752

Water Quality Division  
(307) 777-7781  
FAX (307) 777-5973

**FILED**

March 4, 1992

MAR 16 1992

Terri A. Lorenson, Adm. Aide  
Environmental Quality Council

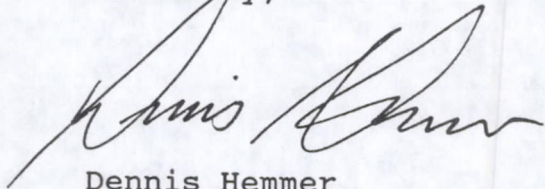
Mr. Vincent R. Lee, Chairman  
Environmental Quality Council  
Barrett Building  
Cheyenne, Wyoming 82002

Re: Notices of Violation and Orders--Vacation of.  
No. 2328-91 Issued to Baker Service Tool  
No. 2326-91 Issued to Casper Equipment Rental  
No. 2330-91 Issued to Garlic Sales and Service  
No. 2327-91 Issued to High Plains Construction  
No. 2332-91 Issued to MGF Drilling Company  
No. 2331-91 Issued to Pennant Well Service  
No. 2325-91 Issued to Sperry Sun  
No. 2322-91 Issued to SWECO  
No. 2338-91 Issued to C and H Well Servicing, Inc.

The above listing consists of Notices and Orders issued to the respective companies for the discharge of hazardous substances into Class 5X28 Injection Wells. These are disposal facilities that directly discharge to the environment through a dry well or leachfield without treatment. The orders consisted of a provision requiring removal of the facilities without consideration of the effects or potential effects on water quality and before the study is completed to enable such a determination. I, therefore, request that the Environmental Quality Council vacate the existing orders irrespective of whether they have been appealed by the responsible party. New and more appropriate orders will be issued by the Department and each of the parties will still preserve their right to a hearing before the Council.

The Department has issued notices to the respective parties that the Department is vacating the original orders. I hope the Council will concur in this action. Copies of these notices are attached for your information.

Sincerely,

A handwritten signature in cursive script, appearing to read "Dennis Hemmer", written in dark ink.

Dennis Hemmer  
Director

Attachments



THE STATE OF WYOMING



MIKE SULLIVAN  
GOVERNOR



## Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

Administration  
(307) 777-7937

Air Quality Division  
(307) 777-7391

Land Quality Division  
(307) 777-7756  
FAX (307) 634-0799

Solid Waste Management Program  
(307) 777-7752

Water Quality Division  
(307) 777-7781  
FAX (307) 777-5973

December 13, 1991

Terri Lorenzon, Administrative Aide  
Environmental Quality Council  
Barrett Building, Room 407  
2301 Central Avenue  
Cheyenne, Wyoming 82002

**FILED**  
DEC 16 1991  
Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

Dear Ms. Lorenzon:

Attached you will find an appeal of Notice of Violation and Order, Docket No. 2325-91. I have also attached a copy of the original Notice of Violation and Order.

Sincerely,

Dennis Hemmer  
Director  
Department of Environmental  
Quality

DH:ma

Enclosures





MIKE SULLIVAN  
GOVERNOR



## Department of Environmental Quality

Herschler Building • 122 West 25th Street • Cheyenne, Wyoming 82002

Administration  
(307) 777-7937

Air Quality Division  
(307) 777-7391

Land Quality Division  
(307) 777-7756  
FAX (307) 634-0799

Solid Waste Management Program  
(307) 777-7752

Water Quality Division  
(307) 777-7781  
FAX (307) 777-5973

November 12, 1991

CERTIFIED

Mike Kirby, Manager  
N.L. Sperry Sun  
P.O. Box 183  
Casper, Wyoming 82602

**FILED**

**DEC 20 1991**

*Terri A. Lenzon, Adm. Aide  
Environmental Quality Council*

RE: Notice of Violation and Order, 1076 North Robertson Road, Casper, Natrona County, Wyoming

Dear Mr. Kirby:

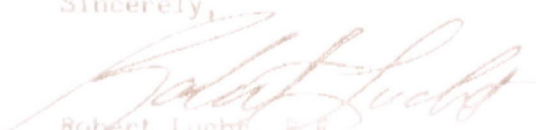
Attached you will find a notice of violation and order, Docket No. 2325-91 issued under the provisions of W.S. 35-11-701(a) and (c).

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 Procedure as they relate to this action.

If you request a hearing, please file two (2) copies of your written petition. One petition should go to the Chairman of the Environmental Quality Council at Room 308, Barrett Building, 2301 Central Avenue, Cheyenne, Wyoming 82002. The second petition should be directed to the Director of the Department of Environmental Quality at the Herschler Building, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by registered mail, return receipt requested.

Sincerely,

  
Robert Lucht, P.E.  
UIC Program Supervisor  
Water Quality Division

RL/jn

encl: NOV, Rules of Practice and Procedure, Chapter VIII and IX

cc: Jake Strohm, DEQ/WQD

Louis Harmon, DEQ/WQD

Mike Jennings, Natrona County Health Department, Casper, Wyoming 82601

**SENDER:**

- Complete items 1, 2, 3, 4a & b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece next to the article number.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

**3. Article Addressed to:**

Mike Kirby, Manager  
N.L. Sperry Sun  
P. O. Box 183  
Casper, Wyoming 82602

**4a. Article Number**

74782

**4b. Service Type**

- ☐ Registered ☐ Insured  
☒ Certified ☐ COD  
☐ Express Mail ☐ Return Receipt for Merchandise

**7. Date of Delivery**

12-3-91

**5. Signature (Addressee)****6. Signature (Agent)****8. Addressee's Address (Only if requested and fee is paid)**

PS Form 3811, October 1990

U.S. GPO: 1990-273-001

**DOMESTIC RETURN RECEIPT**

**FILED**

**DEC 20 1991**

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council



BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF  
VIOLATION AND ORDER ISSUED TO:  
N. L. Sperry Sun, Inc.  
1076 Robertson Road  
P.O. Drawer 183  
Casper, Wyoming 82602

)  
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DOCKET NUMBER: 2325-91

**FILED**

**DEC 20 1991**

NOTICE OF VIOLATION

AND

ORDER

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

NOTICE IS HEREBY GIVEN THAT:

1. In 1981 or 1982 an industrial drainfield was constructed at 1076 Robertson Road, Casper, Wyoming. This industrial leachfield was constructed under permit to construct number 81-844 issued by the Water Quality Division. On August 6, 1991, Mr. Robert Lucht of the Water Quality Division inspected the property at 1076 Robertson Road and sampled the industrial sump.
2. The groundwater immediately under the surface at 1076 Robertson 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;
3. On August 6, 1991, Mr. Robert Lucht of the Water Quality Division sampled the standing water in the industrial sump in back of the property at 1076 Robertson Road. This sampling was witnessed by personnel from N. L. Sperry Sun, Inc.
4. The results of the August sampling indicate that wastes are being discharged to the groundwater at concentrations above accepted standards. The following table summarizes the results reported for August 6, 1991 and compares them to appropriate standards:

<u>Parameter</u>	<u>Units</u>	<u>MCL<sup>(1)</sup></u>	<u>Class I<sup>(2)</sup></u>	<u>Value Present</u>
Ethylbenzene	ug/l	700	700	236
Toluene	ug/l	1,000	1,000	252
Total Xylenes	ug/l	10,000	10,000	27
1,1,1-Trichloroethane	ug/l	200	200	209
1,1-Dichloroethane	ug/l			73
Methylene Chloride	ug/l	5	5	265
n-Butylbenzene	ug/l			2.8
Total Petroleum Hydrocarbon	mg/l		virtually free	20.0

- (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.
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;
    - (ii) Alter the physical, chemical, radiological, biological, or bacteriological properties of any 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 its discharge of 1,1,1-Trichloroethane, Methylene Chloride, and Total Petroleum Hydrocarbons at concentrations above applicable standards to class I groundwater of the state, N. L. Sperry Sun, Inc. has violated W.S. 35-11-301(a)(i) & (ii) 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 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 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 N. L. SPERRY SUN, INC. IS HEREBY ORDERED TO:

1. Provide the department with a chemical analyses of the water being discharged to both the industrial drainfield and the sanitary 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 in-organic 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 sampling and analytical plan for groundwaters in the vicinity of both of these drainfields on Robertson Road. This monitoring plan shall be designed to monitor the affect on the groundwater by discharges from either of these two facilities. This plan shall include a minimum of 1 well upgradient of both of these drainfield facilities and 3 wells downgradient from these two drainfield facilities and sited so as to detect any contamination coming from either of these facilities. This plan shall also include plans for quarterly analyses for one year for all wells installed under this plan. Analyses shall be conducted for all parameters detected in the analyses required under



Item 1 of this order. As a part of this plan, the proper paperwork for a Permit to Construct for the monitor wells shall be submitted, and a commitment made to provide additional wells if necessary to accomplish the goal of delineating any contaminate plume detected. This plan shall be implemented within 30 days of receipt of DEQ approval of the plan and issuance of the required permit to construct. Wells shall be sited so as to take advantage of any existing wells located in the vicinity of 1076 Robertson Road.

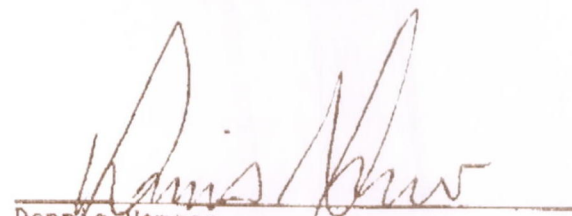
3. Eliminate the use of the industrial leachfield on this site, remove the contaminated soils in this leachfield from the site and properly dispose of this material within 90 days of the receipt of this order.

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 condition precedent to any other enforcement action.

SIGNED this 12 day of November, 1991.

  
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, 122 West 25th Street, Cheyenne, Wyoming, 82002. Telephone (307) 777-7095

/jn

### CHRONOLOGY OF EVENTS

N. L. Sperry Sun, Inc.

1. In 1981 or 1982, an industrial drainfield was constructed at 1076 Robertson Road, Casper, Wyoming. This industrial leachfield was constructed under permit to construct number 81-844 issued by the Water Quality Division.
2. On August 6, 1991, Mr. Robert Lucht of the Water Quality Division sampled the standing water in the industrial sump in back of the property at 1076 Robertson Road. This sampling was witnessed by personnel from N. L. Sperry Sun, Inc..
3. The results of the August sampling indicate that wastes are being discharged to the groundwater at concentrations above accepted standards. The following table summarizes the results reported for August 6, 1991 and compares them to appropriate standards:

<u>Parameter</u>	<u>Units</u>	<u>MCL</u> <sup>(1)</sup>	<u>Class I</u> <sup>(2)</sup>	<u>Value Present</u>
Ethylbenzene	ug/l	700	700	236
Toluene	ug/l	1,000	1,000	252
Total Xylenes	ug/l	10,000	10,000	27
1,1,1-Trichloroethane	ug/l	200	200	209
1,1-Dichloroethane	ug/l			73
Methylene Chloride	ug/l	5	5	265
n-Butylbenzene	ug/l			2.8
Total Petroleum Hydrocarbon	mg/l		virtually free	20.0

- (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.

/jn

**FILED**

DEC 20 1991

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council



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Company <b>BAROID CORP</b>		Department/Floor No.		Company <b>Environmental Quality Council</b>		Department/Floor No. <b>Room 308</b>	
Street Address <b>3000 NORTH SAM HOUSTON PKWY E</b>				Exact Street Address (We Cannot Deliver to P.O. Boxes or P.O. Zip Codes *) <b>Barrett Building, 2301 Central Avenue</b>			
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By giving us your package to deliver, you agree to all the terms on this Airbill and in our current Service Guide, which is available on request. If there is a conflict between the current Service Guide and this Airbill, the Service Guide will control. No one is authorized to alter or modify the terms of our Agreement.

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You are responsible for adequately packaging your goods and for properly filling out this Airbill. Omission of the number of packages and weight per package from this Airbill will result in a billing based on our best estimate of the number of packages received from you and an estimated "default" weight per package, as determined and periodically adjusted by us.

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Our basic rate includes a federal tax required by Internal Revenue Code Section 4271 on the air transportation portion of this service.

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Our liability for loss or damage to your package is limited to your actual damages or \$100, whichever is less, unless you pay for and declare a higher authorized value. We do not provide cargo liability insurance, but you may pay an additional charge for each additional \$100 of declared value. If you declare a higher value and pay the additional charge, our liability will be the lesser of your declared value or the actual value of your package.

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We won't be liable for your acts or omissions, including but not limited to improper or insufficient packing, securing, marking or addressing, or for the acts or omissions of the recipient or anyone else with an interest in the package. Also, we won't be liable if you or the recipient violates any of the terms of our agreement. We won't be liable for loss of or damage to shipments of cash, currency or other prohibited items.

We won't be liable for loss, damage or delay caused by events we cannot control, including but not limited to acts of God, perils of the air, weather conditions, mechanical delays, acts of public enemies, war, strikes, civil commotions, or acts or omissions of public authorities (including customs and quarantine officials) with actual or apparent authority.

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collectible instruments, and other items listed in our current Service Guide.

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### FILING A CLAIM

ALL CLAIMS MUST BE MADE BY YOU IN WRITING. You must notify us of your claim within strict time limits. See current Service Guide.

We'll consider your claim filed if you call and notify our Customer Service Department at 800-238-5355 and notify us in writing as soon as possible.

Within 90 days after you notify us of your claim, you must send us all relevant information about it. We are not obligated to act on any claim until you have paid all transportation charges, and you may not deduct the amount of your claim from those charges.

If the recipient accepts your package without noting any damage on the delivery record, we will assume that the package was delivered in good condition. In order for us to process your claim, you must, to the extent possible, make the original shipping cartons and packing available for inspection.

### RIGHT TO INSPECT

We may, at our option, open and inspect your packages prior to or after you give them to us to deliver.

### NO C.O.D. SERVICES

We don't provide C.O.D. services.

### RESPONSIBILITY FOR PAYMENT

Even if you give us different payment instructions, you will always be primarily responsible for all delivery costs, as well as any costs we may incur in either returning your package to you or warehousing it pending disposition.

### QUALIFIED ACCEPTANCE

We reserve the right to reject a shipment at any time, when such shipment would be likely to cause damage or delay to other shipments, equipment or personnel, or if the transportation of which is prohibited by law or is in violation of any rules contained in this Airbill or our Service Guide.

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In the event of untimely delivery, Federal Express will at your request and with some limitations, refund or credit all transportation charges. See current Service Guide for further information.