

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 8

SEP 28 PM 12:40

Docket No. RCRA-08-2012-0005

FILED
EPA REGION VIII
TRAINING CLERK

IN THE MATTER OF:

Red Desert Reclamation, LLC
Sweetwater County, Wyoming

Respondent.

ADMINISTRATIVE ORDER
PURSUANT TO
SECTION 7003 OF RCRA

I. JURISDICTION

The United States Environmental Protection Agency Region 8 (EPA) issues this order pursuant to its authority under section 7003 of the Solid Waste Disposal Act (commonly referred to as the Resource Conservation and Recovery Act, or RCRA), as amended, 42 U.S.C. § 6901 *et seq.* (the Act), 42 U.S.C. § 6973. The authority to issue this order has been delegated to the undersigned EPA officials.

II. FINDINGS OF FACT

- A. In many oil fields, saline water exists in the oil reservoir and is extracted along with the crude oil. Following extraction, the process of separating the oil and water using various methods is often ineffective. The saline water is subsequently discharged into surface waters, injected underground, or transported to a commercial oil field waste disposal facility (COWDF).
- B. COWDFs may pose a significant risk to migratory birds and other wildlife because they utilize large evaporation ponds to dispose of oil and gas exploration and production wastes. COWDFs receive wastewater from one or more oil and gas producers.
- C. The following non-exhaustive list of COWDF management practices may present risks to the environment, and migratory birds in particular:
 - 1. large evaporation ponds are unable to be adequately netted to keep birds out,
 - 2. inadequate oil/water separation eventually results in the accumulation of crude oil, crude oil sheens and/or crude oil emulsion on evaporation pond surfaces,
 - 3. concentration of salts in evaporation ponds eventually results in hypersaline conditions which pose a risk to migratory birds and cause mortality (i.e., sodium toxicity), and

4. surfactants and other oil field chemicals present in the saline wastewater pose multiple threats to migratory birds and can cause mortality.
- D. Red Desert Reclamation, LLC (Respondent) is a Wyoming limited liability company which operates a COWDF in east-central Sweetwater County, Wyoming, east of Creston Junction and just north of Interstate 80 on HC 31 (41° 47' 53.5" N / -107° 32' 14.9" W) (facility). The facility has been issued EPA identification number WYR000210419.
- E. On or about September 20, 2010, representatives of EPA, the United States Fish and Wildlife Service (USFWS), and Wyoming Department of Environmental Quality (WDEQ) inspected the facility. The facility was close to being operational, but was not yet in operation. All three (3) of the facility's evaporation ponds were lined and empty, except for precipitation. While the inspectors were onsite facility representatives removed a live mule deer from the north evaporation pond, which had slid down the unit's synthetic liner.
- F. On or about May 6, 2011, representatives of EPA, USFWS, and WDEQ again inspected the facility. The south evaporation pond had crude oil covering approximately 20% of the pond surface, and the north evaporation pond had crude oil covering approximately 10% of the pond surface.
- G. By letter dated June 23, 2011, USFWS informed Respondent of environmental concerns with oil and oily sludge present on two of the facility's three evaporation ponds. This letter detailed the threats to migratory birds posed by the oil on the facility's ponds, offered solutions to these environmental concerns, and notified Respondent of the Migratory Bird Treaty Act's prohibition of killing migratory birds, such as a result of contact with exposed oil.
- H. By letter dated June 29, 2011, EPA warned Respondent that failure to address the threats to wildlife caused by oil on the facility's evaporation ponds could result in EPA issuing an imminent and substantial endangerment order under section 7003. EPA requested that no later than September 1, 2011, Respondent complete appropriate measures to address the environmental concerns raised by EPA and USFWS.
- I. By letter dated August 31, 2011, Respondent responded to EPA's warning letter, claiming that by employing multiple oil skimming service companies, installing an oil/water separator, and continuing daily visual inspections, it had completed the work necessary to protect wildlife and had implemented new daily procedures to prevent the accumulation of oil on the surface of its ponds.
- J. On or about October 3, 2011, representatives of EPA, USFWS, and WDEQ inspected the facility. The south evaporation pond had crude oil covering approximately 15% of its surface, and the north evaporation pond had a 5% crude oil surface coverage. The inspectors explained to Respondent's representative that the conditions found at the facility still posed a threat to wildlife, especially migratory birds.

- K. By letter dated November 18, 2011, USFWS advised Respondent of its continuing concern with the threat to migratory birds posed by the oil on the surface of facility's evaporation ponds.
- L. By letter dated February 8, 2012, EPA issued a follow up warning letter to Respondent. EPA acknowledged Respondent's partial mitigation of crude oil coverage on its evaporation ponds and noted there was no history of migratory bird kills at the facility. Nonetheless, EPA emphasized that the threat to wildlife remained, especially to migratory birds. Accordingly, EPA extended its September 1, 2011 compliance deadline to July 1, 2012.
- M. On or about April 30, 2012, representatives of EPA, USFWS, and WDEQ returned to the facility. The north evaporation pond had a 5% - 10% crude oil surface coverage, and had crude oil emulsion residual on predominately the east side of the synthetic liner. The south evaporation pond had no discernable crude oil/crude oil emulsion on its surface coverage; however, there was a small amount of white surfactant in the northeast corner of the unit. There was also crude oil/crude oil emulsion residual on predominately the east side of the synthetic liner, above the water line. The central evaporation pond also had no discernable crude oil/crude oil emulsion on its surface, but it too had crude oil/crude oil emulsion on predominately the east side of the synthetic liner, above the water line. If not removed from the liner, the crude oil residual left on the liners has a propensity to bleed back into the water, especially during the warm summer months.
- N. By letter dated July 5, 2012, USFWS reemphasized its concern with the oil present on the facility's evaporation ponds and the threat posed to migratory birds.
- O. On or about July 10, 2012, a WDEQ inspector observed crude oil sheens on the south evaporation pond and approximately 5% crude oil surface coverage on the north evaporation pond. The facility was vacuuming up the oil on the north pond during this inspection.

III. CONCLUSIONS OF LAW

- A. Respondent is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Wastes received by, and handled at the facility are "solid waste[s]" as defined in section 1004(27) of the Act, 42 U.S.C. § 6903(27).
- C. Respondent has contributed and/or is contributing to the handling, storage, treatment, transportation or disposal of solid waste at the facility within the meaning of section 7003 of the Act, 42 U.S.C. § 6973.
- D. Since September 2010, EPA, USFWS and WDEQ have been providing Respondent with information on the threats and suggested solutions to mitigate threats to wildlife posed by the

operations at the facility. EPA and USFWS have made repeated site inspections and issued multiple warning letters all in an attempt to eliminate the threat to wildlife in an informal manner. EPA acknowledges that Respondent has taken some steps to mitigate the threats to wildlife at the facility, but its efforts have not been sufficient to remove the threat to wildlife at the facility. Accordingly, EPA finds that Respondent's handling of solid waste at the facility may present an imminent and substantial endangerment to health or the environment within the meaning of section 7003 of the Act, 42 U.S.C. § 6973.

IV. ORDER

Based on the above, and on other information contained in the administrative record for this Order, EPA has determined that the activities required by this Order are necessary to protect health or the environment. EPA, therefore, hereby orders Respondent to perform the work specified in this Order in the manner and by the dates specified herein. All work undertaken pursuant to this Order shall be performed in a manner consistent with this Order, including all documents incorporated herein pursuant to this Order, and all applicable laws.

V. WORK TO BE PERFORMED

A. CORRECTIVE MEASURES

1. Respondent shall evaluate all corrective measures necessary to protect wildlife, including migratory birds and threatened or endangered species, at the facility. The corrective measures shall include at a minimum, but not limited to, methods for permanently and continuously eliminating contact by wildlife with any oily wastes throughout the facility, including remediation of shorelines and other ground surfaces as presently necessary and as may be necessary in the future. Synthetic liners at un-netted cells also must be kept oil free, to prevent chronic oiling of the liquids in these cells.
2. Within fourteen (14) calendar days of the effective date of this Order, Respondent shall submit by certified mail to EPA, with copies to USFWS and WDEQ, a work plan for the facility (Work Plan).
3. The Work Plan shall describe:
 - a) all work conducted as of the date of the transmittal of the Work Plan to abate threats to wildlife at the facility, as well as changes in operation of the facility that have already been implemented to abate threats to wildlife;
 - b) in detail, the corrective measures selected by Respondent after the evaluation required under paragraph V.A.1. above; and
 - c) a detailed schedule for completion of all remaining work described in the Work Plan.

4. The Work Plan shall include:
 - a) an operations and maintenance plan which will result in uninterrupted effectiveness of all corrective measures; and
 - b) the names and qualifications of the personnel and contractor(s) to be used in carrying out the work required by this Order. The Work Plan, or any supplements to the Work Plan, shall demonstrate that such personnel and contractor(s) possess all appropriate qualifications.
5. EPA will notify Respondent in writing of any comments it may have on the Work Plan which must be incorporated into the Work Plan before it can be approved; or EPA will approve the Work Plan as submitted. EPA may also approve the Work Plan with EPA's comments incorporated into the approved Work Plan.
6. If EPA affords Respondent an opportunity to incorporate EPA's comments, Respondent shall incorporate EPA's comments into the Work Plan and resubmit the Work Plan to EPA within seven (7) calendar days of receipt of EPA's comments.
7. Upon receipt of the Work Plan with EPA comments incorporated, EPA will notify Respondent in writing of its approval, approval with modifications, or disapproval of the Work Plan. If approved with modifications, the EPA notification correspondence shall serve as an addendum to the final Work Plan and shall be considered part of the approved Work Plan.
8. Upon receipt of EPA's written approval or approval with modifications, Respondent shall implement the corrective measures in accordance with the procedures and schedules contained in the Work Plan as approved by EPA.
9. If EPA concludes it must disapprove the Work Plan after Respondent has had the opportunity to incorporate EPA's comments, EPA may choose to draft a Work Plan which EPA will transmit to Respondent as the approved Work Plan. EPA may also choose to request that a court order Respondent to take action as is necessary to protect health or the environment at the facility.
10. Within fifteen (15) calendar days of completing the work as set forth in the approved Work Plan, Respondent shall provide a written Corrective Measures Summary Report ("CMSR") to EPA detailing the completion of the activities conducted pursuant to the Work Plan, including confirmation through photographic evidence. The CMSR, with photographs, shall demonstrate the adequate installation, coverage and integrity of the corrective measures implemented.

11. EPA shall notify Respondent as soon as possible after receipt of the CMSR whether the CMSR is accepted and all work, except ongoing operations and maintenance work, is completed under this Order.

B. EMERGENCY ACTION

1. In the event Respondent identifies a threat to human health or the environment at the facility at any time during implementation of this Order, including during the operation and maintenance period, which warrants more immediate action than pursuant to any requirement of this Order, Respondent shall orally notify the EPA Project Manager identified below not more than twenty-four (24) hours after discovery and notify EPA, USFWS, and WDEQ in writing not more than three (3) days after such discovery, summarizing the nature, immediacy and magnitude of such threat(s). Threats to the environment shall include, but not be limited to, the discovery of any mortality of, or injury to any wildlife, and in particular to any animal subject to the Endangered Species Act or the Migratory Bird Treaty Act at the facility.
2. Proper notification as required in this Order, does not relieve Respondent of any other notification responsibility Respondent may have under any other law, including, but not limited to, section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), section 304 of the Emergency Planning and Community Right to Know Act, the Migratory Bird Treaty Act, or State law.
3. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat(s).
4. If EPA, USFWS, or WDEQ identifies such a threat at the facility at any time during implementation of this Order, EPA will notify Respondent orally and provide subsequent notification in writing. If EPA determines that immediate action is required, the EPA Project Manager may orally authorize and require Respondent to take actions to abate the threat.
5. Any oral requirements made pursuant to this subsection shall be immediately incorporated into this Order by reference and are immediately enforceable, unless EPA does not provide to Respondent in writing a description of such requirements within five (5) calendar days of oral notification.

C. ADDITIONAL WORK

If EPA determines that additional work is necessary, EPA will inform Respondent of such additional requirements in writing, including a written justification for requiring the specified additional work and Respondent shall conduct such work according to EPA direction.

D. PUBLIC PARTICIPATION

1. Because the fall bird migration (early October) is imminent and the threat of mortality to wildlife is extremely high, EPA does not anticipate making the Work Plan available for public review prior to approval.
2. Unless exigent circumstances exist at the time, EPA may make any other work plan or other document available to the public for review and comment for an appropriate period prior to taking final action on such document.

E. REPORTING

1. Commencing the first full month after the effective date of this Order, Respondent shall provide EPA, USFWS, and WDEQ with monthly progress reports which shall include, at a minimum, the following information:
 - a) activities conducted at the facility in the previous month;
 - b) summaries of problems encountered during the previous month and how the problems were or are being addressed;
 - c) changes in work performed at the facility from that projected in the previous monthly progress report; and
 - d) projected work for the next reporting period.
2. These progress reports are to be submitted by the tenth calendar day of the month following the monthly reporting period.
3. The reporting requirement in V.E.1. becomes a quarterly (calendar) reporting requirement after EPA's acceptance of the CMSR. The first quarterly report will be due on the tenth day of the first January, April, July, or October after the CMSR is accepted.
4. Respondent shall continue submitting quarterly reports until EPA, after consultation with USFWS and WDEQ, determines that reporting can continue on a semi-annual or annual basis. Respondent may request such a determination at any time after two quarterly reports have been submitted.

VI. CERTIFICATION

- A. Any notice, report, certification, data presentation, or other document submitted by Respondent pursuant to this Order which discusses, describes, demonstrates, or supports any finding or makes any representation concerning Respondent's compliance or noncompliance with any requirement of this Order shall be certified by a duly authorized representative of Respondent. A person is a "duly authorized representative" only if: (a) the authorization is made in writing; (b) the authorization specifies either an individual or position having responsibility for overall operation of the facility (a duly authorized

representative thus may be either a named individual or any individual occupying a named position); and (c) the written authorization is submitted to the EPA Project Manager designated below.

B. The certification shall be in the following form:

I certify that the information contained in or accompanying this [type of submission] is true, accurate, and complete. As to [the/those identified portion(s)] of this [type of submission] for which I cannot personally verify [its/their] accuracy, I certify under penalty of law that this [type of submission] and all attachments were prepared in accordance with procedures designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, or the immediate supervisor of such person(s), the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

Signature :

Name :

Title :

VII. ACCESS

Respondent shall permit full access to EPA, USFWS, WDEQ, and the Sweetwater County (Wyoming) Health Department, and their authorized representatives or agents, as may be necessary for the purposes of oversight of and implementation of this Order.

VIII. GENERAL PROVISIONS

- A. All plans and documents submitted under any section of this Order shall, upon approval by EPA, be incorporated by reference into this Order as if set forth fully herein.
- B. Respondent shall obtain any permits or approvals which are necessary to perform work on or outside the facility under applicable law and shall submit timely applications and requests for any such permits and approvals.
- C. Respondent shall employ sound scientific, engineering, and construction practices and principles under this Order.

IX. PARTIES BOUND

- A. This Order shall apply to and be binding upon Red Desert Reclamation, LLC (Respondent), its employees, agents, successors and assigns.

- B. No change in the ownership if the facility, or the corporate or partnership status of Respondent, will in any way alter, diminish, or otherwise affect Respondent's obligations under this Order.
- C. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct or monitor any portion of the work performed pursuant to this Order within two (2) calendar days of the date of Respondent's receipt of this order or date of retention, and shall condition all such contracts on compliance with the terms of this Order.
- D. Respondent shall give written notice to EPA thirty (30) or more days prior to transfer of ownership or operation of the facility.

X. NOTICE TO THE STATE

Notice of issuance of this Order has been given to the State of Wyoming pursuant to Section 7003(a) of the Act, 42 U.S.C. § 6973.

XI. AVAILABILITY AND RETENTION OF INFORMATION

- A. Respondent shall make available to EPA, and shall retain, during the pendency of this Order and for a period of five (5) years after its termination, all records and documents in its possession, custody, or control, or in the possession, custody or control of their contractors and subcontractors, which relate to the performance of this Order, including but not limited to documents reflecting information generated or acquired by Respondent, or on Respondent's behalf, with respect to the implementation of this Order.
- B. After the document retention period, Respondent shall notify EPA at least ninety (90) calendar days prior to the destruction of any such documents and, upon request by EPA, shall deliver the documents to EPA.

XII. CONFIDENTIALITY CLAIMS

Respondent may assert confidentiality claims pursuant to 40 C.F.R. part 2. Information determined to be confidential by EPA will be afforded the protection specified in 40 C.F.R. part 2, subpart B. If no such claim accompanies the information when it is submitted to the EPA, the public may be given access to such information without further notice to Respondent.

XIII. AVAILABILITY OF ADMINISTRATIVE RECORD

The administrative record supporting this Order shall be available for public review at the RCRA File Room, EPA Region 8, 1595 Wynkoop Street, Denver, Colorado from 8 a.m. to 5 p.m., every Federal business day. An index to the administrative record is provided in Attachment 1 to this Order.

XIV. NOTICES, CONTACTS, AND EPA PROJECT MANAGER

- A. Whenever under the terms of this Order, notice is required to be given, and/or a report or other document is required to be forwarded by one party to another, such correspondence shall be sent by US mail (certified-mail where specified in this Order) or hand carried to the following individuals at the addresses specified below. The following EPA person is designated as the Project Manager for EPA for this Order.

Mr. Randy Lamdin
EPA Region 8, 8ENF-RC
1595 Wynkoop Street
Denver, Colorado 80202-1129
(303) 312-6350
lamdin.randy@epa.gov

As to USFWS:

Mr. Pedro Ramirez, Jr.
Ecological Services
Wyoming Field Office
U.S. Fish & Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, Wyoming 82009
(307) 772-2374 ext. 236

As to WDEQ:

Mr. John Wagner, Administrator
Water Quality Division
Wyoming Department of Environmental Quality
122 West 25th Street
Herschler Building, 4th Floor - West
Cheyenne, Wyoming 82002
(307) 777-7781

- B. If the date for submission of any item or notification required by this Order falls upon a weekend or state or Federal holiday, the time period for submission of that item or notification is extended to the next Federal working day following the weekend or holiday.

XV. RESERVATION OF RIGHTS

- A. Nothing in this Order shall limit the information gathering, access, and response authority of the United States under any other applicable law, nor shall it limit the authority of EPA to issue additional orders to Respondent as may be necessary.
- B. This Order shall not be construed as a waiver or limitation of any rights, remedies, powers and/or authorities which EPA has under the Act, CERCLA or any other applicable law.
- C. EPA hereby reserves all of its statutory and regulatory powers, authorities, rights, remedies, both legal and equitable, which may pertain to Respondent's failure to comply with any applicable laws and regulations and with any of the requirements of this Order, including but not limited to, the right to disapprove of work performed by Respondent, to request that Respondent perform additional tasks, and the right to perform any portion of the work

herein.

- D. Compliance by Respondent with the terms of this Order shall not relieve Respondent of its obligation to comply with the Act and/or any other applicable State, Federal, or other law, regulation, permit, or other requirement.

XVI. FAILURE TO COMPLY

Pursuant to section 7003(b) of the Act and 40 C.F.R. part 19, any failure by Respondent to comply with this Order shall subject Respondent to civil penalties of not more than \$7,500.00 for each day of each failure to comply with this Order. *See also*, the Federal Register notice dated December 11, 2008, (73 Fed. Reg. 75340).

XVII. OPPORTUNITY TO CONFER, AND MODIFICATION

- A. Respondent has the opportunity to confer informally with EPA concerning the terms and applicability of this Order. If Respondent desires a conference, Respondent must contact EPA's Project Manager by telephone to schedule such a conference within seven (7) calendar days of receipt of this Order by Respondent and follow up this request in writing immediately thereafter. An email message to the EPA Project Manager containing automatically generated date and time information (as verified by EPA's electronic mail management system) will suffice to meet this writing requirement.
- B. Any conference held is not an evidentiary hearing and does not constitute a proceeding to challenge this Order. It does not give Respondent a right to seek review of this Order or to seek resolution of potential liability, and no official stenographic record of the conference will be made. At any conference held pursuant to Respondent's request, Respondent may appear in person or by an attorney or other representative.
- C. If EPA determines that any element of this Order, including work to be performed or schedules, warrants modification after a conference is held, EPA will modify the order in writing, file the modification with the Regional Hearing Clerk and issue a copy to Respondent.
- D. Except as otherwise provided in this Order, no modification to this Order shall be effective unless and until it is issued in writing by EPA and filed with the Regional Hearing Clerk.

XVIII. NOTICE OF INTENT TO COMPLY

Within seven (7) days from receipt of this Order, or within twenty-four (24) hours from the end of any conference with EPA pursuant to the above section of the Order, Respondent shall provide written notice to EPA's Project Manager stating whether Respondent will comply with the terms of this Order. The absence of a response by EPA to the notice required by this

paragraph shall not be deemed to be acceptance of any assertions that Respondent may make in its notice, and shall not affect Respondent's obligation to implement this Order. Respondent's failure to provide this written notice, or failure to agree to fully and completely comply with this Order, shall be deemed a refusal to comply with this Order.

XIX. NOTICE OF NON-LIABILITY OF EPA

EPA shall not be deemed a party to any contract involving Respondent and relating to activities at the facility and shall not be liable for any claim or cause of action arising from or on account of any act, or the omission of Respondent, their employees, contractors, receivers, trustees, agents or assigns, in carrying out the activities required by this Order.

XX. SEVERABILITY

If any provision or authority of this Order or the application of this Order to any party or circumstance is held by any judicial or administrative authority to be invalid, the application of such provision to other parties or circumstances and the remainder of this Order shall not be affected thereby and shall remain in full force.

XXI. EFFECTIVE DATE OF ORDER

- A. This Order shall become effective ten (10) days after the date this Order is filed with the Regional Hearing Clerk and mailed to Respondent, unless an informal conference is held pursuant to section XVII above. If such a conference is held, this Order becomes effective on the date of Respondent's receipt of EPA's decision on whether to modify the Order.
- B. Subsequent modifications made by EPA to this Order are effective on the date such modification is filed with the Regional Hearing Clerk, so long as Respondent is sent a copy by certified mail or Respondent is hand-delivered a copy of the modification as expeditiously as possible after the modification is filed with the Regional Hearing Clerk.

XXII. TERMINATION AND SATISFACTION

The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from EPA that Respondent has demonstrated, to the satisfaction of EPA, the terms of this Order, including ongoing operation and maintenance requirements in any approved Work Plan, or any additional tasks determined by EPA to be required pursuant to this Order, have been satisfactorily completed. This notice, however, shall not terminate Respondent's continuing

obligations hereunder, including, but not limited to: record retention, reservations of rights, other claims, other applicable laws, and notice of non-liability of EPA.

IT IS SO ORDERED:

**ENVIRONMENTAL PROTECTION
AGENCY REGION 8**

Date: 9/28/12

By: Kelcey Land
Kelcey Land, Director
Technical Enforcement Program

Date: 9.28.12

By: Margaret J. (Peggy) Livingston, Acting for
James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program

ATTACHMENT 1

ADMINISTRATIVE RECORD INDEX

1. EPA Trip Report for September 20-21, 2010
2. EPA Trip Report for May 4-6, 2011
3. Letter from USFWS to Red Desert Reclamation, dated June 23, 2011
4. Warning letter from EPA to Red Desert Reclamation, dated June 29, 2011
5. Letter from Red Desert Reclamation to EPA, dated August 31, 2011
6. EPA Trip Report for October 3-5, 2011
7. Letter from USFWS to Red Desert Reclamation, dated November 18, 2011
8. Warning letter from EPA to Red Desert Reclamation, dated February 8, 2012-09-27
9. EPA Trip Report for April 30 – May 3, 2012
10. Letter from USFWS to Red Desert Reclamation, dated July 5, 2012
11. Email from Dennis Lamb (WDEQ) to Randy Lamdin (EPA), 12:27 p.m., July 13, 2012
re: site inspection
12. Wyoming Sec. of State, Business Division, records for Red Desert Reclamation, LLC
13. EPA Region 8 delegations for issuing unilateral orders under RCRA 7003
14. Guidance On The Use Of Section 7003 of RCRA, dated October 1997
15. USFWS commercial oil field waste disposal facilities and migratory birds web links:
<http://www.fws.gov/mountain-prairie/contaminants/contaminants1b.html>
<http://www.fws.gov/mountain-prairie/contaminants/oilpits.htm>
16. Migratory Bird Mortality in Oilfield Wastewater Disposal Facilities, USFWS 2 page
information sheet, May 2009

17. The Ineffectiveness of Flagging to Deter Migratory birds from Oilfield Production Skim Pits and Reserve Ponds, 2 page information sheet, November 2011
18. Email from Randy Lamdin (EPA) to John Wagner (WDEQ) re: notice of EPA action under RCRA 7003. September 27, 2012, 12:15 p.m.
19. Email from Randy Lamdin (EPA) to Dr. Jean Stanton (Sweetwater County Health Department) re: notice of EPA action under RCRA 7003. September 27, 2012, 1:46 p.m.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the original and one copy of the foregoing Administrative Order Pursuant to Section 7003 of RCRA were hand-carried to:

Tina Artemis
Regional Hearing Clerk (8RC)
U.S. Environmental Protection Agency, Region 8
1595 Wynkoop Street
Denver, Colorado 80202-1129

and true copies were served on the persons or entities designated below in the manner indicated:

Paracorp Incorporated
Registered Agent for Red Desert Reclamation, LLC
3603 Hawthorne Ave.
Casper, WY 82604
(via certified mail # 7009 3410 0000 2599 3558, return receipt requested)

Red Desert Reclamation, LLC
One Cate Street, Suite 100
Portsmouth, NH 03801
(via certified mail # 7009 3410 0000 2592 4750, return receipt requested)

Mr. Pat Schmid, Manager
Red Desert Reclamation, LLC
P.O. Box 893
Rock Springs, WY 82903
(via first class mail)

Mr. Pedro Rameriez, Jr.
Ecological Services
Wyoming Field Office
U.S. Fish and Wildlife Service
5353 Yellowstone Road, Suite 308A
Cheyenne, WY 82009
(via first class mail)

Mr. John Wagner, Administrator
Water Quality Division
Wyoming Department of Environmental Quality
122 West 25th Street
Herschler Building, 4th Floor – West
Cheyenne, WY 82002
(via first class mail)

Dr. Jean Stachon, County Health Officer
Sweetwater County Health Department
1208 Hilltop Drive, Suite 105
Rock Springs, WY 82901
(via first class mail)

Date: SEP 28 2012

By: 
Dayle De Arvil