

U. S. ENVIRONMENTAL PROTECTION AGENCY REGION 6  
ADMINISTRATIVE ORDER

In the Matter of Wyatt Corporation, Respondent  
Docket No. SDWA-06-2012-1106

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency ("EPA") by Section 1423(c) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300h-2(c). The authority to issue this Order has been delegated by the Administrator to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Compliance Assurance and Enforcement Division. The EPA has primary enforcement responsibility for underground injection within the meaning of Section 1422(c) of the Act, 42 U.S.C. § 300h-1(c), to ensure that owners or operators of Class II injection wells within Osage County, Oklahoma, comply with the requirements of the Act.

FINDINGS

1. Respondent, Wyatt Corporation, is a "person," within the meaning of Section 1401(12) of the Act, 42 U.S.C. § 300f(12).

2. At all times relevant to the violation alleged herein, Respondent operated an injection well located in the Southeast Quarter of Section 10, Township 26 North, Range 8 East, Meyers Field, Osage County, Oklahoma, designated as Well Number 10 and EPA Inventory Number OS5858 ("the well").

3. Respondent is subject to underground injection control program requirements set forth at 40 C.F.R. Part 147, Subpart GGG, which are authorized under Section 1421 of the Act, 42 U.S.C. § 300h.

4. EPA regulations require the operator of an "injection well," as defined at 40 C.F.R. § 147.2902, to maintain its injection wells so that fluids could not flow through the well bore into underground sources of drinking water ("USDWs"), pursuant to 40 C.F.R. § 147.2903(b).

5. Respondent violated the regulations cited above by maintaining the fluid level in the injection well annulus above the base of USDWs.

ORDER

6. Based on the foregoing findings and under the authority of Section 1423(c) of the Act, it is hereby ordered that Respondent shall complete corrective actions to prevent fluids from moving through the well bore into the USDWs within fifteen (15) days from the effective date of this Order. Corrective actions may include the following options:

- a. Convert the injection well to a production well;
- b. Plug the injection well; or
- c. Pump and maintain the static fluid level in the injection well to at least 50 feet below the base of the USDWs.

GENERAL PROVISIONS

7. This Order does not constitute a Waiver, Suspension, or modification of the requirements of 40 C.F.R. Part 147, Subpart GGG, which remain in full force and effect.  
EPA REGION VI

8. Issuance of this Order is not an election by EPA to forego any civil or criminal action otherwise authorized under the Act.

9. Violation of the terms of this Order after its effective date or date of final judgment as described in Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6), may subject Respondent to further enforcement action, including a civil action for enforcement of this Order under Section 1423(b) of the Act, 42 U.S.C. § 300h-2(b), and civil and criminal penalties for violations of the compliance terms of this Order under Section 1423(b)(1) and (2) of the Act, 42 U.S.C. § 300h-2(b)(1) and (2).

EFFECTIVE DATE

10. This Order becomes effective thirty (30) days after issuance unless an appeal is taken pursuant to Section 1423(c)(6) of the Act, 42 U.S.C. § 300h-2(c)(6).

12-7-11

Date



John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

**CERTIFICATE OF SERVICE**

I certify that the foregoing Administrative Order was sent to the following persons, in the manner specified, on the date below:

Original hand-delivered: Regional Hearing Clerk (6RC-D)  
U.S. EPA, Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Copy by certified mail  
return receipt requested: Mr. Rick Wyatt  
Wyatt Corporation  
P.O. Box 344  
Pawhuska, OK 74056

Copy: Bureau of Indian Affairs, Osage Agency  
P.O. Box 1539  
Pawhuska, OK 74056

Osage Nation Environmental and  
Natural Resources Department  
P.O. Box 1495  
Pawhuska, OK 74056

Dated: 1-9-2012

Lori Jackson