

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

999 18TH STREET- SUITE 300
DENVER, CO 80202-2466
Phone 800-227-8917
<http://www.epa.gov/region08>

Ref: ENF-L

BY CERTIFIED MAIL;
RETURN RECEIPT REQUESTED

SEP 16 2011

Mr. Georg Jensen
Registered Agent for Pure Petroleum, LLC
705 Bonanza Trail
Cheyenne, Wyoming 82009

Re: Pure Petroleum, LLC, Commercial Oilfield Waste Disposal Facility
Administrative Order Pursuant to Section 7003 of RCRA

Dear Mr. Jensen:

You are listed as the registered agent for service of process for Pure Petroleum, LLC, in Wyoming. Enclosed please find a copy of the administrative order we are issuing today to Pure Petroleum. The order is issued under the authority of Section 7003 of the Solid Waste Disposal Act, as amended (commonly referred to as the Resource Conservation and Recovery Act, or "RCRA"), 42 U.S.C. § 7003. The order requires that Pure Petroleum quickly take steps to abate imminent and substantial endangerments to health or the environment, particularly wildlife, at two of Pure Petroleum's facilities in Crook County, Wyoming. The facilities are referred to in the Order as the Gill Battery and Thorsen Battery. The Order requires that Pure Petroleum quickly develop and implement a work plan (or work plans), if necessary, to supplement the work plans Pure Petroleum has submitted to the Wyoming Oil and Gas Conservation Commission, to address the identified threats to health and the environment at the Gill Battery and Thorsen Battery. The order also requires that the Gill Battery and Thorsen Battery hereafter be maintained and operated in a manner that is protective of human health and the environment.

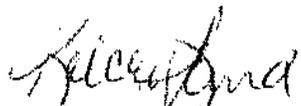
We recommend that Pure Petroleum pay particular attention to the following sections of the order: section VII Work to be Performed; section XVII Opportunity to Confer; XVIII Notice of Intent to Comply; and section XXI Effective Date. Each of these sections provides details on certain time critical elements of the order.

If Pure Petroleum has any questions or would like to set up the offered conference, please feel free to call Randy Lamdin at (303) 312-6350, within the time frames set forth in the letter.

Sincerely,



Amy Swanson
Acting Supervisory Enforcement Attorney
Legal Enforcement Program



Keleey Land, Director
Technical Enforcement Program

Enclosure (order)

Copy by certified mail:

Mr. Greg Karl
Managing Member
Pure Petroleum, LLC
400 South Gillette Ave., Suite 106
Gillette, Wyoming 82716



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

2011 SEP 16 AM 11:28

REGION 8

RECEIVED
REGIONAL OFFICE
EPA REGION 8

Docket No. RCRA-08-2011-0003

IN THE MATTER OF:

Pure Petroleum, LLC
Post Office Box 2326
Gillette, Wyoming 82717

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.

II. INTRODUCTION

- A. Pure Petroleum, LLC (Respondent) is a "person" within the meaning of section 1004(15) of the Act, 42 U.S.C. § 6903(15).
- B. Respondent has handled "solid waste" within the meaning of section 1004(27) of the Act, 42 U.S.C. § 6903(27), at two crude oil production facilities in the Thorsen oil field near Moorcroft, in Crook County, Wyoming. The two facilities are referred to as the Gill 3-6 Battery (API # 49-011-21563) (Gill Battery), and the Thorsen I-6H Battery (API # 49-011-21468) (Thorsen Battery).
- C. Based upon evidence received, EPA has determined that Respondent's handling of solid waste at the Gill Battery and Thorsen Battery 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 (section 7003).
- D. Pursuant to section 7003(a) of the Act, EPA notified Ms. Janie Nelson, Natural Resources Program Supervisor, Wyoming Oil and Gas Conservation Commission (WOGCC), of this action on September 15, 2011. Pursuant to section 7003(b) of the Act, EPA notified Dr. Keith Noback, Crook County Public Health Officer, of this action on September 15, 2011.

- E. Documents comprising the administrative record for this order (Order) are referred to as "AR-#". An index to the administrative record is provided as Attachment 1 to this Order.
- F. EPA takes this action pursuant to section 7003 having determined that the issuance of this Order is necessary to protect human health or the environment.

III. PARTIES BOUND

- A. This Order shall apply to and be binding upon Respondent, its employees, agents, successors and assigns.
- B. 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.
- C. Respondent shall give notice to EPA thirty (30) or more days prior to transfer of ownership or operation of the Gill Battery or Thorsen Battery.

IV. FINDINGS OF FACT

- A. On or about June 3, 2011, a representative of WOGCC inspected the Gill Battery, the Thorsen Battery and the Thorsen #2-6H well area. Conditions at the Gill Battery and Thorsen Battery were the same as during the inspection conducted on June 7, 2011 (see paragraphs IV.C. and IV.D. below). The WOGCC inspector observed a workover pit at the Thorsen #2-6H that was completely filled with oil and not engineered to prevent access by wildlife to the oil. (AR-1)
- B. On June 7, 2011, representatives from WOGCC and the United States Fish and Wildlife Service (USFWS) inspected Respondent's Gill Battery and Thorsen Battery.
- C. During the June 7, 2011, inspection of the Gill Battery the inspectors observed that the skim pit was 100% covered with oil. Five bird carcasses were observed in the pit. The three carcasses recovered from the pit were of a duck, a goose and a songbird. A total of 18 other oiled bird carcasses were recovered around the perimeter of the pit. A sump near the heater treater was full of oily fluid, and uncovered. (AR-1, 2)
- D. During the June 7, 2011, inspection of the Thorsen Battery the inspectors observed that the skim pit was 100% covered with oil. Puddles of oil were observed at the tank battery. No bird carcasses were found during this inspection.

- E. By letter dated June 15, 2011, WOGCC advised Respondent of multiple violations of Wyoming regulations. (AR-1) In the June 15 letter, WOGCC required Respondent to immediately begin remediation of the Gill Battery and Thorsen Battery. Respondent was given three options to address the contamination of the pits and tank areas at each. In the June 15 letter, WOGCC required Respondent to remove the oil from each of the pits at the Gill Battery and Thorsen battery within ten (10) days. WOGCC also informed Respondent that a hearing be held in front of the Commission regarding penalties for Respondent's operation of these facilities in violation of certain provisions of the Wyoming regulations. As of the date of this Order, the hearing is scheduled for September 20, 2011.
- F. On August 16, 2011, representatives from USFWS and EPA inspected Respondent's Gill Battery and Thorsen Battery. (AR-2)
- G. During the August 16, 2011, inspection of the Gill Battery, the inspectors observed that the skim pit remained 100% covered with oil. Significant amounts of exposed oil and oily soil existed at multiple other locations around the Gill Battery; particularly at the tank battery and heater treater area. A sump near the heater treater remained full of oily fluid, and uncovered. Three oily bird carcasses were recovered from the skim pit area, including a mallard.
- H. During the August 16, 2011, inspection of the Thorsen Battery the inspectors observed that the skim pit remained 100% covered with oil. Significant amounts of exposed oil and oily soil existed at multiple other locations around the Thorsen Battery; particularly at the tank battery and heater treater area. Oiled feathers were found adjacent to the skim pit and a song bird carcass was retrieved from the skim pit.
- I. As of the date of this Order, WOGCC has informed EPA verbally that Respondent has submitted a clean-up work plan to WOGCC for approval for both the Gill Battery and Thorsen Battery.
- J. WOGCC has informed EPA verbally that it has approved each work plan.
- K. WOGCC also informed EPA verbally that Respondent has asserted to WOGCC that all liquids have been removed from the skim pit at the Thorsen battery and that it has begun certain other clean-up activities pursuant to the work plans.

V. 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 Gill Battery and Thorsen Battery 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 Gill Battery and Thorsen Battery within the meaning of section 7003 of the Act, 42 U.S.C. § 6973.
- D. Respondent's handling of solid waste at the Gill Battery and Thorsen Battery may present an imminent and substantial endangerment to health or the environment within the meaning of section 7003 of the Act.

VI. 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.

VII. WORK TO BE PERFORMED

A. CORRECTIVE MEASURES

1. Immediately upon receipt of this Order Respondent shall submit by certified mail to EPA and USFWS the workplans submitted to WOGCC for the Gill Battery and Thorsen Battery (referred to collectively as the workplans).
2. In a transmittal letter delivering the workplans to the EPA Project Manager designated below (with a copy to each of the WOGCC and USFWS contacts designated below), Respondent shall describe any work conducted pursuant to those workplans as of the date of the transmittal letter, and Respondent shall set forth a detailed schedule for completion of the work in the workplans.
3. Within three (3) calendar days of receipt of this Order Respondent shall inform EPA orally, and inform EPA, WOGCC, and the USFWS in writing (again by using certified mail to EPA), of the results of its review of the workplans to determine whether the workplans include and address each and every element of a Corrective Measures Work Plan described in the paragraph immediately below. To the extent that any element described below is not contained in either the Gill Battery or Thorsen workplans, Respondent shall either: provide an explanation satisfactory to EPA as to why such element is not necessary for each of the workplans; or submit an addendum to both the Gill Battery work plan and the Thorsen Battery work plan. Respondent may submit a single document addressing both the Gill Battery and Thorsen Battery, or may submit separate addenda for each. The addenda are hereinafter referred to as the Supplemental Work Plan; and for convenience will be referred to in the singular.

4. Respondent shall evaluate all corrective measures necessary to protect wildlife, including migratory birds and threatened or endangered species, at the Gill Battery and Thorsen Battery and develop a Supplemental Work Plan and submit such Supplemental Work Plan to EPA for approval within seven (7) calendar days of receipt of this Order. The Supplemental Work Plan shall describe:
 - a) the selected corrective measures, including but not limited to the corrective measures described below;
 - b) an operations and maintenance plan which will result in uninterrupted effectiveness of the chosen corrective measures; and
 - c) the names and qualifications of the personnel and contractor(s) to be used in carrying out the work required by this Order. The Supplemental Work Plan shall demonstrate that the personnel and contractor(s) possess all appropriate qualifications.
5. The corrective measures shall include at a minimum, but not be limited to:
 - a) methods for permanently and continuously eliminating contact by wildlife with any oil throughout the Gill Battery and Thorsen Battery, including if appropriate, removal of all oily waste; and
 - b) remediation of oily skim pit shorelines and other ground surfaces throughout the Gill Battery and Thorsen Battery.
6. The Supplemental Work Plan shall specify that the corrective measures shall be immediately implemented upon EPA approval of the Supplemental Work Plan.
7. EPA will notify Respondent in writing of any comments it may have on the Supplemental Work Plan which must be incorporated into the Supplemental Work Plan before it can be approved; or EPA will approve the Supplemental Work Plan as submitted or with EPA comments incorporated into the approved Supplemental Work Plan.
8. If EPA affords Respondent an opportunity to incorporate EPA's comments, Respondent shall incorporate EPA's comments into the Supplemental Work Plan and resubmit the Supplemental Work Plan to EPA within two (2) calendar days of receipt of EPA's comments.
9. Upon receipt of the Supplemental Work Plan with EPA comments incorporated, EPA will notify Respondent in writing of its approval, approval with modifications or disapproval of the Supplemental Work Plan. If approved with modifications, the EPA notification correspondence shall serve as an addendum to the final Supplemental Work Plan and shall be considered part of the approved Supplemental Work Plan.

10. 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 Supplemental Work Plan as approved by EPA.
11. If EPA concludes it must disapprove the Supplemental Work Plan after Respondent has had the opportunity to incorporate EPA's comments, EPA may choose to draft a Supplemental Work Plan which EPA will transmit to Respondent as the approved Supplemental 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 Gill Battery and/or Thorsen Battery.
12. Within fifteen (15) calendar days of completing the work as set forth in the Supplemental Work Plan as approved by EPA, Respondent shall provide a written Corrective Measures Summary Report ("CMSR") to EPA detailing the completion of the activities conducted pursuant to the Supplemental Work Plan, including confirmation through photographic evidence. The CMSR, with photographs, shall demonstrate the adequate installation, coverage and integrity of the corrective measures implemented. All analytical results of sampling conducted to determine compliance with the workplans or Supplemental Work Plan will be submitted to EPA within three (3) days of receipt of such results. EPA may request any and all information related to such sampling and analysis efforts, including quality assurance and quality control information. Respondent must provide such information within three (3) days of receipt of EPA's request.
13. 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 Gill Battery or Thorsen Battery 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, FWS, and WOGCC 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 Gill Battery or Thorsen Battery.
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, FWS, or WOGCC identifies such a threat at the Gill Battery or Thorsen Battery 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 migration is imminent and the threat of mortality to wildlife is extremely high, EPA does not anticipate making the Supplemental 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, FWS, and WOGCC with monthly progress reports which shall include, at a minimum, the following information:
 - a) activities conducted at the Gill Battery and Thorsen Battery 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 Gill Battery and Thorsen Battery 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 VII.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 WOGCC and USFWS 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.

VIII. 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 Gill Battery or Thorsen Battery (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 :

IX. ACCESS

Respondent shall permit full access to EPA, FWS, WOGCC, and Crook County, and their authorized representatives or agents, as may be necessary for the purposes of oversight of and implementation of this Order.

X. 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 Gill Battery or Thorsen Battery 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.

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 the results of any sampling, tests, or other data or 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.

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 FWS:

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 WOGCC:

Mr. Tom Kropatsch
Natural Resource Analyst
Wy. Oil and Gas Conservation Commission
Basko Building
2211 King Boulevard
Casper, Wyoming 82602
(307) 234-7147

- 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 two (2) 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

- A. Within two (2) 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 at the address set forth above 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.

- B. Failure of Respondent to provide notification to EPA's Project Manager of intent to comply within this time period is a violation of 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 Gill Battery or Thorsen Battery 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 DATES

- A. This Order shall become effective two (2) days after the date this Order is filed with the Regional Hearing Clerk and mailed to Respondent, unless an informal conference is held. If such a conference is held, this Order becomes effective on the date of receipt by Respondent 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.

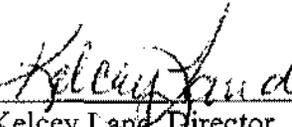
XXII. TERMINATION AND SATISFACTION

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 workplan, 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: 9/16/11

By: 
Kelcey Lane, Director
Technical Enforcement Program

Date: 9.16.2011

By: 
Acting Supervisory Enforcement Attorney
Legal Enforcement Program

Administrative Record Index for
Order Issued to
Pure Petroleum, LLC
Pursuant to Section 7003 of RCRA, 72 U.S.C. § 6973
September 2011

1. Letter dated June 15, 2011, from Wyoming Oil and Gas Conservation Commission (WOGCC) to Pure Petroleum, LLC (Pure Petroleum).
2. Letter dated August 22, 2011, from United States Fish and Wildlife Service (USFWS) to WOGCC.
3. USFWS Field Inspection Report for inspection of Pure Petroleum's Gill Battery on June 7, 2011.
4. USFWS Field Inspection Report for inspection of Pure Petroleum's Gill Battery on August 16, 2011.
5. USFWS Field Inspection Report for inspection of Pure Petroleum's Thorsen Battery on June 7, 2011.
6. USFWS Field Inspection Report for inspection of Pure Petroleum's Thorsen Battery on August 16, 2011.
7. United States Environmental Protection Agency Inspection Report for inspection of Pure Petroleum's Gill Battery on August 16, 2011.
8. United States Environmental Protection Agency Inspection Report for inspection of Pure Petroleum's Thorson Battery on August 16, 2011.