



UTE MOUNTAIN UTE TRIBE

P.O. Box 248
Towaoc, Colorado 81334-0248
(970) 565-3751

2007 OCT -3 PM 1:55

EPA REGION 8
HEARING CLERK

10/1/07

Tina Artemis (8RC)
Regional Hearing Clerk
U.S. EPA, Region 8
1595 Wynkoop St.
Denver, CO 80202

RE: Docket # SDWA-08-2007-0083 (Von Engineering/Smith Energy UIC Violation)

Dear Ms. Artemis:

As the party most affected by Von Engineering/Smith Energy's unauthorized injection of fluids into the Cache #15 injection well (T34N, R20W, Section 2, SE/4, NE/4) the Ute Mountain Ute Tribe supports EPA's pursuit of penalties against the respondents.

On June 14th, 2007, Tom Rice, Director of the Ute Mountain Environmental Department joined EPA inspectors on an unannounced inspection of the Cache #15 well. Upon inspection Mr. Rice witnessed the operation of the UIC well both at the well head and at the central pump house located within the exterior boundaries of the Ute Mountain Ute Reservation. Subsequently, the operator of the Cache #15 well was ordered to shut in the well until EPA authorization to operate the well was granted.

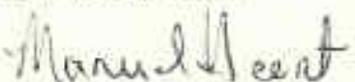
During a conversation with Drew Cleveland, operator for the respondents, Mr. Cleveland admitted bringing the unit on-line because he had knowledge that inspectors were in the area and he wanted to demonstrate that the well was functioning properly.

Mr. Nathan Wiser, EPA UIC inspector, has copied the Tribe on all matters included in the "**Penalty complaint and notice of opportunity for hearing**" (SDWA-08-2007-0083) document. The Tribe, represented by Mr. Rice, has witnessed the events outlined in the complaint including the tubing replacement on or about April 27th, 2007 as well as additional production related problems.

Enclosed are photos and a 5/7/07 letter to Von Engineering indicating non-UIC violations that the Ute Mountain Environmental Department has identified during field inspections of the facility. Von Engineering has had numerous production problems in addition to what is identified in the enclosed document and photos.

Because Von Engineering has a demonstrated history of unprofessional operations on the reservation the Ute Mountain Ute Tribe respectfully requests that Von Engineering pays the \$4771.00 penalty.

Please direct any questions to Tom Rice, Director of the Tribe's Environmental Department, at 970 564 5432.

Sincerely, 

Manuel Heart
Chairman, Ute Mountain Ute Tribal Council

CC: Priscilla Bancroft, USDI BIA
Peter Ortega, UMUT Justice Department
Dan Rabinowitz, USDI BLM,
Nathan Wisner, EPA UIC Program

COPY

Environmental Department

5/7/07

Von Engineering
Paul Vonplonski
3505 Pearl St.
Monroe, MI 48162

Dear Mr. Vonplonski,

On a May 3rd, 2007 inspection of the Cache Unit Central Tank Battery a number of problems with your operation were encountered.

The following problems need to be corrected in the next 30 days.

- 1) Two bermed pits, one with an open tank and one with a production tank have experienced hydrocarbon spills on multiple occasions. These pits have been backfilled with clean sand to dry the fluids. All fluids and petroleum laden soils must be removed from the pits. All soils/fluids must be removed from the reservation.
- 2) A spill occurred at the Smith #12 Underground Injection Control well. Soil at the well head must be removed. Fluids in an adjacent semi-bermed pit must be removed from the reservation; the pit must be excavated in order to remove petroleum laden soils and the pit must be reconstructed.
- 3) Fluids leaking from the injection well pump house must be repaired. All soils impacted by the leak must be removed from the reservation.

The required clean ups must be completed within 30 days of receipt of this letter.

It is understood that some of the fluids are due to recent storm events. If weather does not allow the problems to be addressed within that time you must contact the Tribe for an extension.

The Ute Mountain Environmental Department must be contacted when fluids have dried and clean up commences.

I can be contact at 970 564 5432 if you have any questions.

Sincerely,

Tom Rice
Director, Ute Mountain Environmental Department

CC: Priscilla Bancroft -BIA
Gordon Hammond, UMUT Energy Department
William Johnson- UMUT Legal Department
Marie Lope -BLM







