



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Ref: 8ENF-AT

April 7, 2020

10:25 AM

Received by

EPA Region VIII

Hearing Clerk

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Clay Gaspar
President & Chief Operating Officer
WPX Energy, Inc.
3500 One Williams Center
Tulsa, Oklahoma 74172-0172

Re: Notice of Violation to WPX Energy, Inc.

Dear Mr. Gaspar:

The U.S. Environmental Protection Agency issues the enclosed Notice of Violation (NOV) to WPX Energy, Inc. (WPX) for alleged violations of implementing regulations of the Clean Air Act included in the Federal Implementation Plan for Oil and Natural Gas Well Production Facilities; Fort Berthold Indian Reservation (Mandan, Hidatsa and Arikara Nation), North Dakota (Fort Berthold FIP), 40 C.F.R. §§ 49.4161–.4168, at its oil and natural gas production facilities located on the Fort Berthold Indian Reservation. The EPA also alleges that WPX has violated or is violating Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015, 40 C.F.R. part 60, subpart OOOOa (NSPS OOOOa) for oil and natural gas production facilities located on the Fort Berthold.

Section 113(a) of the Clean Air Act provides that whenever, based on any information available to the Administrator of the EPA, the Administrator finds that any person has violated, or is in violation of an applicable implementation plan, the Administrator may issue an administrative compliance order, issue an administrative penalty order, or bring a civil judicial action. 42 U.S.C. § 7413(a).

We are offering WPX an opportunity to confer with the EPA about the violations alleged in the NOV. The EPA received WPX's Response to EPA's Partial Compliance Evaluation Report for the Fort Berthold FIP violations on January 24, 2020. If WPX is interested in a conference with the EPA to discuss the violations alleged in the NOV, please also be prepared to provide the following information, in electronic format, during or before the conference:

1. All records required to be maintained by 40 C.F.R. § 49.4167(a)(8)(i)-(iv) for all oil and natural gas production facilities listed in Tables 1-2 of WPX's 2018, 2017, 2016, and 2015 Fort Berthold FIP Annual Reports. This includes all infrared camera video records taken during the inspections; and
2. Process flow diagrams for the following oil and natural gas production facilities:
 - a. Dora Smith Pad (8HC, 8HY, 8HD)

- b. Van Hook
- c. Edward Flies Away Pad (7-8-9HC, 7-8-9HY, 7-8-9-HB, 7-8-9HZ)
- d. FBIR/Olson Pad (FBIR13-24HZ, HD, HC, HC & Olson 12-HD, HY, HC, HX)
- e. Olive Mae Pad (7-8-9HW, HX, HA)
- f. Glen Fox Pad (13-24HX, HA, HW)
- g. George Evans (11-2HD, HC, HZ &14-23HD, HC, HZ)
- h. Adam Good Bear (15-22H, 22HX, 22HW) & State of ND (10-3HW, 3HA) 5 Well Pad.

Please contact Alexis North, Environmental Scientist, Air and Toxics Enforcement Branch, at (303) 312-7005 or north.alexis@epa.gov within 30 days of receipt of this NOV if WPX would like to schedule a meeting.

Sincerely,

Suzanne J. Bohan, Director
Enforcement and Compliance Assurance Division

Enclosure

cc (w/Encl.): Chairman Mark Fox, MHA Nation
Lisa Lone Fight, Senior Science Advisor, MHA Nation
Edmund Baker, Director, MHA Environmental Programs
Carson Hood, Director, MHA Energy
Kenny Lyson, Deputy Director, MHA Energy
Sal Beston, Compliance Manager, MHA Energy
JoDell Mizoue, Environmental Manager, WPX Energy

Ecc (w/Encl.): Alexis North, EPA
Lauren Hammond, EPA
Justin Bleiler, EPA