



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

OCT 04 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7004 1160 0003 0357 0418

Marlon Esau
BMC Petroleum, Inc.
1209 N. 30th Street
Enid, OK 73701

Re: Cease and Desist Administrative Order
Docket Number CWA-06-2012-1726
Facility Number OKU000743

Dear Mr. Esau:

Enclosed is an Administrative Order (AO) issued to BMC Petroleum, Inc., for violation of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violation was identified during a September 22, 2011 inspection, conducted by the Environmental Protection Agency (EPA), of your facility located in the Southwest Quarter of Section 27, Township 16 North, Range 12 East, Okmulgee County, Oklahoma, designated as Facility Number OKU000743. The violation alleged consists of the unauthorized discharge of pollutants, specifically oil field brine, to waters of the United States.

Effective upon receipt of this AO, you shall immediately cease and desist all discharges of pollutants into the identified tributary of Middle Duck Creek, and comply with all provisions set forth in the enclosed AO. The EPA is committed to ensuring compliance with the requirements of the Clean Water Act, and my staff will assist you in any way possible.

If you have any questions, please contact Kent Sanborn of my staff, at (918) 557-1615.

Sincerely,

A handwritten signature in black ink, appearing to read "John Blevins".

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

cc: OCC Bristow, OK

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER

In the Matter of BMC Petroleum, Inc. (Respondent)
Docket No. CWA-06-2012-1726

STATUTORY AUTHORITY

The following findings are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), by Section 309(a) of the Clean Water Act (Act), 33 U.S.C. § 1319(a). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Respondent, BMC Petroleum, Inc., is a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

2. At all times relevant to the violation alleged herein (relevant time period), Respondent operated an oil field production and brine disposal facility located in the Southeast Quarter of Section 27, Township 16 North, Range 12 East, Okmulgee County, Oklahoma (facility), designated as Facility Number OKU000743.

3. On September 22, 2011, an EPA inspector observed that pollutants, primarily oil field brine and produced wastewater generated from oil production activities, had been recently discharged from the facility to "waters of the United States", as that term is defined by 40 C.F.R. § 122.2. Pollutants were discharged to a tributary of Middle Duck Creek. The inspector determined that the water located at the discharge point of entry into the tributary was contaminated from brine discharges and measured 3,500 parts-per-million total soluble salts.

4. Pumps, pipes, hoses, flow lines, production wells, and associated devices located at the facility acted as "point sources", as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

5. At no time during the relevant time period did Respondent have National Pollutant Discharge Elimination System permit coverage under the Act which authorized the discharge of pollutants from the facility to waters of the United States.

6. During the relevant time period, it was unlawful under Section 301(a) of the Act, 33 U.S.C. § 1311(a), for any person to discharge pollutants from a point source to waters of the United States without a permit issued under Section 402 of the Act, 33 U.S.C. § 1342.

7. On or about September 22, 2011, Respondent discharged or caused the discharge of pollutants from point sources within the facility to waters of the United States without permit coverage under the Act, in violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

ORDER

Based on these findings and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA orders that Respondent take the following actions upon receipt of this Order:

1. Cease all discharges of pollutants from the facility;
2. prevent runoff from contaminated soil areas to the tributary of Middle Duck Creek;
3. remove all brine and contaminated soils from the flow path located between the facility and the tributary of Middle Duck Creek; and,
4. within thirty (30) days of the effective date of this Order, Respondent shall provide written certification to EPA Region 6 that these requirements have been completed.

GENERAL PROVISIONS

Issuance of this Order shall not be deemed an election by EPA to waive any administrative, judicial, civil or criminal action to seek penalties, fines, or other relief under the Act for the violation alleged herein or other violations which may become known to EPA. EPA reserves the right to seek any remedy available under the law which it deems appropriate.

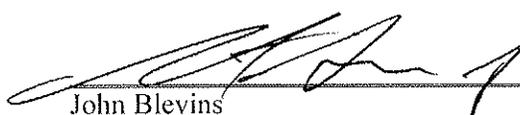
Failure to comply with this Order or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

Compliance with this Order does not relieve Respondent of its obligation to comply with all applicable federal, state, and local laws.

The effective date of this Order is the date it is received by the Respondent.

OCT 04 2011

Date


John Blevins

Director
Compliance Assurance and
Enforcement Division