



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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

DEC 12 2011

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7007 3020 0002 5102 6832

Mr. Bill Bryant, Owner
B-3 Oil Company
2310 FM 86
Luling, TX 78648

Re: Cease and Desist Administrative Order
Docket Number CWA-06-2012-1751
Facility Number TXU010949

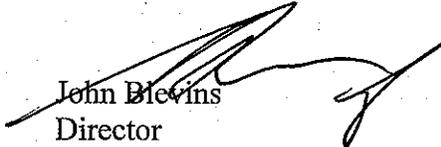
Dear Mr. Bryant:

Enclosed is an Administrative Order (AO) issued to B-3 Oil Company for violation of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violation was identified during a November 2, 2011 inspection, conducted by the Environmental Protection Agency (EPA), of your facility known as the Robert W. Carter A Lease located in Caldwell County, Texas and designated as Facility Number TXU010949. The violation alleged consists of the unauthorized discharge of pollutants, specifically oil field brine and produced wastewater, 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 the West Fork of Plum 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 Matt Rudolph of my staff, at (214) 665-6434.

Sincerely,


John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

cc: RRC District 1

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

In the Matter of B-3 Oil Company (Respondent)
Docket No. CWA-06-2012-1751

STATUTORY AUTHORITY

ORDER

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 has 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, B-3 Oil Company, 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 facility known as the Robert W. Carter A Lease located in Caldwell County, Texas (facility), designated as Facility Number TXU010949.
3. On November 2, 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 the West Fork of Plum Creek. The inspector determined that the water located at the discharge point of entry into the tributary at Latitude N29° 48.8399' and Longitude W97° 37.0717' was contaminated from brine and produced wastewater discharges and measured 60,300 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 November 2, 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).

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. remove all brine and pollutants from the identified tributary of the West Fork of Plum Creek; and,
3. 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.

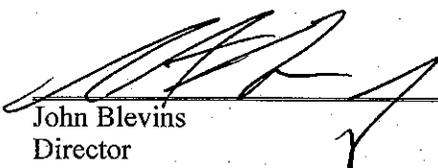
Failure to comply with this Order or the Act may result in the initiation of an administrative penalty action by EPA or a civil judicial penalty action by the U.S. Department of Justice.

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.

DEC 12 2011

Date



John Blevins
Director
Compliance Assurance and
Enforcement Division