UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TEXAS 75202-2733

JAN 0 3 2012

CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7007 3020 0002 5102 6863

Mr. Charlie Paulson
B.O.G. Osage L.L.C.
9420 Cedar Lake Ave.
Oklahoma City, OK 73114

Re: Cease and Desist Administrative Order
Docket Number CWA-06-2012-1763
Facility Number OKU000754

Dear Mr. Paulson:

Enclosed is an Administrative Order (AO) issued to B.O.G. Osage L.L.C. for violation of the Clean Water Act (33 U.S.C. § 1251 et seq.). The violation was identified during a December 1, 2011 inspection, conducted by the Environmental Protection Agency (EPA), of your facility located in the Northwest Quarter of Section 33, Township 22 North, Range 10 East, Osage County, Oklahoma, designated as Facility Number OKU000754. 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 Wildhorse Creek, and comply with the provisions of this 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,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosure(s)

cc: Osage Tribe

U.S. ENVIRONMENTAL PROTECTION AGENCY - REGION 6
FINDINGS OF VIOLATION AND COMPLIANCE ORDER
In the Matter of B.O.G. Osage L.L.C. (Respondent)
Docket No. CWA-06-2012-1753

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 has delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who has further delegated such authority to the Director of the Compliance Assurance and Enforcement Division.

FINDINGS

1. Respondent, B.O.G. Osage L.L.C. 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 Northwest Quarter of Section 33, Township 22 North, Range 10 East, Osage County, Oklahoma (facility), designated as Facility Number OKU000754.

3. On December 1, 2011, an EPA inspector observed that pollutants, primarily oil field brine 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 Wildhorse Creek. The inspector determined that the water located at the discharge point of entry into the creek was contaminated from brine discharges and measured over 8,500 parts-per-million total soluble salts.

4. Pumps, pipes, hoses, flow lines, production wells, and associated devices 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 December 1, 2011, Respondent discharged and 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. remove all brine and contaminated soils from the flow path located between the producing well and Wildhorse 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.

JAN 0 3 2012
Date

John Blevins
Director
Compliance Assurance and
Enforcement Division