



**REGION 6**

DALLAS, TX 75270

November 8, 2024

TRANSMITTED VIA E-MAIL

Billy Pharr  
B. Pharr Operating, LLC  
P.O. Box 130  
Emerson, AR 71740  
bp@hydrooil.net

Re: Administrative Order, Docket Number: CWA-06-2024-1776  
Facility Permit Number: ARU002211

Dear Billy Pharr:

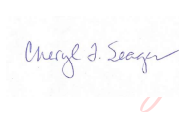
Enclosed is an Administrative Order (AO) issued to B. Pharr Operating, LLC by the United States Environmental Protection Agency, Region 6 (EPA) for violation of the Clean Water Act (CWA), 33 U.S.C. §§ 1251-1387. A violation was identified during a December 14, 2023 inspection conducted by EPA of your oil field facility known as Stylite Townsend Tank Battery located near Armer Road, Old Union, Union County, Arkansas. The violation alleged is for the unauthorized discharge of pollutants, specifically produced water, to waters of the United States.

Effective upon receipt of this AO, you shall immediately cease and desist all discharges of pollutants into the impacted tributary of Mill Creek and comply with all provisions set forth in the enclosed AO. The AO also requires the submission of information verifying compliance and describing actions taken to prevent future discharges.

This AO does not assess a monetary penalty; however, it does require compliance with applicable federal regulations. The first compliance deadline is within thirty (30) days of the effective date of the AO. The EPA is committed to ensuring compliance with the requirements of the National Pollutant Discharge Elimination System (NPDES) program and my staff will assist you in any way possible. Please reference AO Docket Number CWA-06-2024-1776 and Facility Number ARU002211 in your response.

If you have any questions, please contact Kerri McCabe, of my staff, at [mccabe.kerri@epa.gov](mailto:mccabe.kerri@epa.gov) or 214-665-6467.

Sincerely,



Digitally signed by  
CHERYL SEAGER  
Date: 2024.11.08  
12:45:34 -06'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division

Enclosure

ec: Jason Bolenbaugh, Branch Manager, Office of Water Quality, Division of Environmental Quality  
[jason.bolenbaugh@arkansas.gov](mailto:jason.bolenbaugh@arkansas.gov)

Gary Looney, Assistant Director, Arkansas Oil and Gas Commission  
[gary.looney@aogc.state.ar.us](mailto:gary.looney@aogc.state.ar.us)

Stacie Wassell, Associate Director, Office of Water Quality, Division of Environmental Quality  
[stacie.wassell@arkansas.gov](mailto:stacie.wassell@arkansas.gov)



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 6

### FINDINGS OF VIOLATION AND COMPLIANCE ORDER

Docket Number: CWA-06-2024-1776; Facility Number: ARU002211

#### 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 (the Act), 33 U.S.C. § 1319(a). The Administrator of EPA 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 Enforcement and Compliance Assurance Division.

#### FINDINGS

1. B. Pharr Operating, LLC (Respondent) is a "person," as that term is defined at Section 502(5) of the Act, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

2. At all times relevant to the violation alleged herein (relevant time period), Respondent owned or operated an oil field facility known as the Stylite Townsend Tank Battery, located near Armer Road, Old Union, Union County, Arkansas, (Latitude 33.25611 North and Longitude -92.53466 West) (facility) and designated as Facility Number ARU002211. Respondent was, therefore, an "owner or operator" within the meaning of 40 C.F.R. § 122.2.

3. Pumps, pipes, hoses, flow lines, vents, disposal storage tanks, 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).

4. At all times relevant, the facility acted as a "point source" of a "discharge" of "pollutants," specifically oil field produced water generated from oil production activities, to a tributary of Mill Creek, which is considered "waters of the United States" within the meaning of Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 122.2.

5. On December 14, 2023, an EPA inspector observed that produced water and brine had been discharged from the facility to waters of the United States. The inspector determined that the water located at the Point of Entry (Latitude 33.25680 North and Longitude -92.53427 West) was contaminated from produced water discharges and measured 1,459 milligrams per Liter (mg/L) Total Dissolved Solids (TDS).

6. Under Section 301 of the Act, 33 U.S.C. § 1311, it is unlawful for any person to discharge any pollutant from a point source to waters of the United States, except with the authorization of, and in compliance with, a National Pollution Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the Act, 33 U.S.C. § 1342. At no time during the relevant time period did Respondent have an NPDES permit coverage under the Act that authorized the discharge of a pollutant from the facility to waters of the United States.

7. Each instance in which Respondent discharged pollutants to waters of the United States without an NPDES permit was a violation of Section 301 of the Act, 33 U.S.C. § 1311.

#### SECTION 309(a)(3) COMPLIANCE ORDER

8. Based on the foregoing Findings and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), EPA hereby orders Respondent to take the following actions immediately upon receipt of this Order:

A. Cease all unpermitted discharges of pollutants from the facility;

B. Remove or sufficiently remediate all pollutants from the flow path located between the point of discharge and the point of entry into a tributary of Mill Creek.

C. Remove sufficient amounts of pollutants from the impacted tributary of Mill Creek and downstream impacted water bodies which were discharged from the facility on or about December 14, 2023, so the TDS in the tributary and downstream water bodies are at or below background water quality levels;

D. Within thirty (30) days of the effective date of this Order, Respondent shall provide a written certification including photographs, in-stream salinity, conductivity, or total dissolved solids measurements, manifests, work orders, and/or receipts to document how discharges and the removal of pollutants have been properly addressed. Please verify in the certification that the company name, mailing address, and name of the authorized signatory for the company are correct.

E. Within thirty (30) days of the effective date of this Order, Respondent shall develop and submit to EPA a Pollution Prevention Plan to prevent similar occurrences.

F. Any information or correspondence submitted by Respondent to EPA under this Order shall be submitted, via e-mail, to the following:

Ms. Kerri McCabe  
mccabe.kerri@epa.gov

GENERAL PROVISIONS

Respondent may seek federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701–706.

Issuance of this Section 309(a)(3) Compliance Order shall not be deemed an election by EPA to waive any administrative, judicial, civil, or criminal action to seek penalties, fines, or any other relief under the Act for the violations cited herein, or other violations that become known to EPA. EPA reserves the right to seek any remedy available under the law that it deems appropriate.

Failure to comply with this Section 309(a)(3) Compliance Order or the Act can result in further administrative action, or a civil judicial action initiated by the United States Department of Justice.

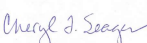
For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2), performance of Paragraph 8 of the Section 309(a)(3) Compliance Order section of this Order is restitution, remediation, or requirement to come into compliance with the law.

Compliance with the terms and conditions of this Order does not relieve Respondent of its obligations to comply with any applicable federal, state, or local law or regulation.

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

November 8, 2024

Date

 Digitally signed by CHERYL SEAGER  
Date: 2024.11.08 12:44:34 -06'00'

Cheryl T. Seager, Director  
Enforcement and  
Compliance Assurance Division