



Dave Freudenthal, Governor

## Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

*Bob Gill*



John Corra, Director

January 5, 2006

Mr. Steve Legg  
Industrial Hygiene/Safety Manager  
US Department of Veterans Affairs  
2360 Pershing Blvd.  
Cheyenne, WY 82001

RE: Notice of Violation

Dear Mr. Legg:

Enclosed you will find a Notice of Violation (NOV) issued to the US Department of Veterans Affairs by the Department of Environmental Quality, Air Quality Division, for the failure to comply with air quality permitting and regulatory reporting requirements for the boilers at the Cheyenne Medical Center.

As the Department and this Division consider the failure to comply with air quality permitting and regulatory requirements to be a serious matter, I am considering recommending the Department refer this violation to the State Attorney General's office requesting a suit be filed in District Court to recover appropriate penalties. If you would like to discuss settlement of this Notice of Violation prior to referral to the Attorney General's office, please contact Mr. Robert Gill, Air Quality Compliance Program Manager, at 307-777-3774 no later than ten (10) days after receipt of this letter.

Should you have any questions or comments regarding this matter, please feel free to contact me or Mr. Robert Gill.

Sincerely,

Dan Olson  
Administrator  
Air Quality Division

cc: Bernie Dailey  
Glenn Spangler  
Nancy Vehr

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO THE US DEPARTMENT OF VETERANS )  
AFFAIRS, MR. STEVE LEGG, INDUSTRIAL HYGIENE/ )  
SAFETY MANAGER, 2360 E. PERSHING BLVD., )  
CHEYENNE, WYOMING 82001 )

DOCKET NO.

3835-06

NOTICE OF VIOLATION

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found the US Department of Veterans Affairs to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act, Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations and Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations in the construction and operation of the new boilers at the Cheyenne Medical Center located in Laramie County, Wyoming.

2. W.S. 35-11-801(c) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

3. Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality, before any actual work is begun on the facility."

5. Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations adopted 40 CFR Part 60, Subpart Dc by reference. 40 CFR Part 60, Subpart Dc (Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units) establishes emission limits, monitoring, record keeping and reporting requirements for steam generating units with a heat input capacity of 10 million to 100 million BTU/hour. 40 CFR Part 60, §60.42c(d) establishes SO<sub>2</sub> emission limits for oil fired steam generating units and §§60.48c(d), 60.48c(e), 60.48c(f), 60.48c(g), 60.48c(i) and 60.48c(j) establish the associated monitoring, record keeping and reporting requirements which apply to these boilers.

6. On September 29, 2005, Mr. Glenn Spangler, State of Wyoming Air Quality Division Compliance Inspector, and Ms. Cindy Beeler, US EPA Region VIII State Coordinator, conducted an inspection of the Cheyenne Medical Center. During the inspection, Mr. Spangler and Ms. Beeler noted that the Cheyenne Medical Center install three new boilers (two with a heat input capacity 10.5 MMBTU/hr and one with a heat input capacity of 4.2 MMBTU/hr) which have the capability to fire on natural gas and distillate oil. A review of available records indicates that the Cheyenne Medical Center did not obtain an air quality permit for these boilers and did not comply with any reporting requirements of 40 CFR Part 60, Subpart Dc.

7. Said violations consist of the failure to comply with the air quality permitting requirements

prior to commencing construction and operation of the boilers at the Cheyenne Medical Center in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations and the failure to comply with the reporting requirements for the two boilers with a heat input capacity of 10.5 million BTU/hour in violation of Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations (40 CFR Part 60, Subpart Dc by reference).

8. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental Quality Act] ... is subject to a penalty not to exceed ten thousand dollars (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

9. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 7th day of JANUARY, 2006.



Dan Olson  
Administrator  
Air Quality Division



John V. Corra  
Director  
Department of Environmental Quality

Please direct all inquiries to Dan Olson, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)