

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Wyoming Ethanol to be in violation of permit MD-989 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations and to be in violation of Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the Torrington Plant located in Goshen County, Wyoming.

2. W.S. 35-11-801 states, "In granting permits, the director may impose such conditions as may be necessary to accomplish the purpose of this act which are not inconsistent with the existing rules, regulations and standards."

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. Permit MD-989 was issued to Wyoming Ethanol on March 9, 2004 to modify operations at the Torrington Plant to increase production to 12 million gallons per year. Condition 20 of permit MD-989 required Wyoming Ethanol to comply with all applicable requirements of Chapter 5, Section 2, Subpart VV of the Wyoming Air Quality Standards and Regulations (Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry).

5. Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations adopts the New Source Performance Standards of 40 CFR Part 60 by reference, including 40 CFR Part 60, Subpart VV, and includes provisions which are applicable to any stationary source which contains an affected facility. An affected facility under Chapter 5, Section 2 means, "with reference to a stationary source, any apparatus to which a standard is applicable." 40 CFR Part 60, Subpart VV requires each owner or operator of an affected facility to submit semiannual VOC monitoring reports to the Administrator beginning six months after the initial startup date. Chapter 5, Section 2(n) allows the Administrator to adjust the due dates for reports due under the applicable subparts. By letter from the Administrator dated September 29, 2005, the Administrator re-enforced that the semiannual VOC monitoring reports were due on July 31 and January 31.

6. The Air Quality Division's review of Wyoming Ethanol's files showed that, as of February 22, 2006, the Air Quality Division has not received Wyoming Ethanol's semiannual VOC monitoring report which was due on January 31, 2006.

7. Said violation consists of the failure to submit the second semiannual period VOC monitoring report for the Torrington Plant by the required January 31, 2006 due date in violation of permit MD-989 and Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations.

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 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 22 day of February, 2006.



Michael Stoll
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

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