



# Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corre, Director

February 28, 2006

Mr. Michael Brinkmeyer  
Operations Manager/Northern Region  
Mountain Gas Resources, Inc.  
1099 18<sup>th</sup> Street, Suite 1200  
Denver, CO 80202

Re: Notice of Violation

Dear Mr. Brinkmeyer:

Enclosed you will find a Notice of Violation (NOV) issued to Mountain Gas Resources, Inc. by the Department of Environmental Quality, Air Quality Division for formaldehyde emissions from the Superior 8GTLB engine (FC-1) in excess of the allowable gram per horsepower-hour and pound per hour limit, formaldehyde emissions from the Superior 8GTLB engine (FC-2) in excess of the allowable gram per horsepower-hour and pound per hour limit and formaldehyde emissions from the Superior 8GTLA/B engine (FC-3) in excess of the allowable gram per horsepower-hour and pound per hour limit in violation of condition 5 of permit MD-1224. These violations were discovered during a review of the performance test reports for tests which were conducted during the week of October 17<sup>th</sup>, 2005 and during the week of December 5<sup>th</sup>, 2005.

As the Department and this Division consider the failure to comply with air quality permit conditions to be a serious matter, I am 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 issue prior to action on the referral by 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.

In addition, Mountain Gas Resources, Inc.'s February 7, 2006 letter which transmitted the above referenced test results contained a compliance plan with a date of June 1, 2006 to install oxidation catalysts on the Superior 8GTLA and Superior 8GTLA/B engines. Please be advised that I am requiring Mountain Gas Resources, Inc. to submit a permit application to revise permit MD-1224. This permit application should address the requirement to install, operate and maintain oxidation catalysts on the Superior 8GTLB and Superior 8GTLA/B engines, should address the MACT Subpart ZZZZ requirements for all affected sources (particularly the Superior 8GTLB engine (FC-2) and the Waukesha 7044GSI engine (FC-9) since it appears these engines may be new or reconstructed engines under Subpart ZZZZ while the Fontenelle Compressor Station was a major source of hazardous air pollutants and after the initial compliance date for new or reconstructed engines under Subpart ZZZZ had passed (August 16, 2004)), and should address any other MACT requirements which may have been applicable to major sources of hazardous sources of air pollutants (such as Subpart HH).

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5854	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Notice of Violation Transmittal Letter  
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Should you have any questions or comments regarding the Notice of Violation, please feel free to contact me or Mr. Robert Gill. For questions regarding the required permit application to modify MD-1224, please contact Mr. Bernie Dailey at 307-777-7345.

Sincerely,

A handwritten signature in cursive script that reads "Michael Stoll".

Michael Stoll  
Administrator  
Air Quality Division

cc: Nancy Vehr  
Robert Gill  
Bernie Dailey  
Tony Hoyt

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO MOUNTAIN GAS RESOURCES, INC.,	)	DOCKET NO.
MR. MICHAEL BRINKMEYER, OPERATIONS	)	
MANAGER/NORTHERN REGION, 1099 18TH STREET,	)	3849-06
SUITE 1200, DENVER, COLORADO 80202	)	

NOTICE OF VIOLATION

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Mountain Gas Resources, Inc. to be in violation of permit MD-1224 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 in the operation of the Fontenelle Compressor Station located in Sweetwater 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-1224 was issued to Mountain Gas Resources, Inc. on September 7, 2005. Condition 5 of permit MD-1224 set formaldehyde emission limits for the Superior 8GTLB and Superior 8GTLA/B engines (engines FC-1, FC-2 and FC-3) of 0.2 grams per horsepower-hour (0.2 g/hp-hr) and 0.5 pounds per hour (0.5 lb/hr). Condition 6 of permit MD-1224 required Mountain Gas Resources, Inc to test the Superior 8GTLB and Superior 8GTLA/B engines for formaldehyde emissions within 90 days of permit issuance.

5. During the week of October 17<sup>th</sup>, 2005, Mountain Gas Resources, Inc. conducted the required formaldehyde emission tests on the Superior 8GTLB and Superior 8GTLA/B engines. The test results were provided to the Air Quality Division under a cover letter dated February 7, 2006. Based on a review by the Air Quality Division, the Superior 8GTLB and Superior 8GTLA/B engines exceeded the allowable limits with tested formaldehyde emissions for engine FC-1 of 0.7 g/hp-hr and 1.3 lb/hr, tested formaldehyde emissions for engine FC-2 of 0.8 g/hp-hr and 1.6 lb/hr and tested formaldehyde emissions for engine FC-3 of 0.8 g/hp-hr and 1.5 lb/hr. Mountain Gas Resources, Inc. conducted additional formaldehyde tests on these engines during the week of December 5<sup>th</sup>, 2005. These additional test results also showed that the Superior 8GTLB and Superior 8GTLA/B engines were exceeding the allowable formaldehyde emission limits.

6. Said violations consist of the formaldehyde emissions from the Superior 8GTLB engine (FC-1) in excess of the allowable gram per horsepower-hour and pound per hour limit, formaldehyde emissions from the Superior 8GTLB engine (FC-2) in excess of the allowable gram per horsepower-hour and pound per hour limit and formaldehyde emissions from the Superior 8GTLA/B engine (FC-3) in excess of the allowable gram per horsepower-hour and pound per hour limit in violation of condition 5 of permit MD-1224.

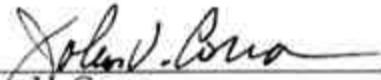
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the

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.

8. 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 23 day of February, 2006.

  
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Michael Stoll  
Administrator  
Air Quality Division

  
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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)