



# 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

March 22, 2006

Mr. James Pearce  
Resident Manager  
FMC Corporation  
P.O. Box 872  
Green River, WY 82935

Re: Notice of Violation

Dear Mr. Pearce:

Enclosed you will find a Notice of Violation (NOV) issued to FMC Corporation by the Department of Environmental Quality, Air Quality Division for particulate emissions from the NS-1B Boiler in excess of that allowed by permit 30-116-2. This violation was determined based on the Air Quality Division's review of a stack test performed on the NS-1B Boiler on December 28, 2005.

As the Department and this Division consider the failure to comply with air quality permit emission limits 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.

Should you have any questions or comments regarding the Notice of Violation, please feel free to contact me or Mr. Robert Gill

Sincerely,

David A. Finley  
Administrator  
Air Quality Division

cc: Nancy Vehr  
Robert Gill  
Tony Hoyt

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) 777-7389  
FAX 777-6937

LAND QUALITY  
(307) 777-7756  
FAX 777-5864

SOLID & HAZ. WASTE  
(307) 777-7752  
FAX 777-5973

WATER QUALITY  
(307) 777-7781  
FAX 777-5973



**BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO FMC CORPORATION, )  
MR. JAMES PEARCE, RESIDENT MANAGER, )  
P.O. BOX 872, GREEN RIVER, WYOMING 82935 )**

**DOCKET NO. 3860-06**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found FMC Corporation (FMC) to be in violation of permit 30-116-2 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the NS-1B Boiler at the Green River Sodium Specialty Products and Utility Services Facility 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 3 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to major sources under Wyoming's operating permitting program.

4. Permit 30-116-2 was issued to FMC on March 25, 2004. Condition F3 of permit 30-116-2 sets the allowable particulate emission rate from the NS-1B Boiler at 45.0 pounds per hour (lb/hr). Condition F9 of permit 30-116-2 requires FMC to test the NS-1B Boiler annually.

5. FMC performed a stack test on the NS-1B Boiler on December 28, 2005 and the Air Quality Division's review of the stack test report confirmed FMC's reported exceedance of the permitted emission limit with a measured particulate emission rate of 53.8 lb/hr. The stack test report and accompanying transmittal letter outlined steps FMC took to resolve the emission limit exceedance. The NS-1B Boiler was retested on January 25, 2006 demonstrating compliance with the permitted emission limit.

6. Said violation consists of particulate emissions from the NS-1B Boiler in excess of that allowed by permit 30-116-2.

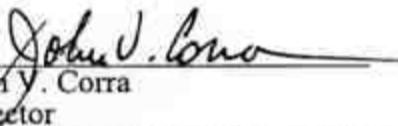
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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 28th day of MARCH, 2006.



David A. Finley  
Administrator  
Air Quality Division



John V. Corra  
Director  
Department of Environmental Quality

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