



# 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 Corra, Director

April 13, 2006

Mr. Kenton Schoch  
Operation Center Manager  
BP America Production Company  
P.O. Box 829  
Evansville, WY 82930

Re: Notice of Violation

Dear Mr. Schoch:

Enclosed you will find a Notice of Violation (NOV) issued to BP America Production Company by the Department of Environmental Quality, Air Quality Division for the failure to comply with the sulfur recovery plant minimum sulfur recovery efficiency limit as required by condition F6 of permit 31-048. This violation was discovered during the Air Quality Division's review of the Whitney Canyon Gas Plant's excess emission report for the first quarter of 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, Wyoming 82002 • <http://deg.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) 777-7368 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 BP AMERICA PRODUCTION COMPANY, )  
MR. KENTON SCHOCH, OPERATIONS CENTER )  
MANAGER, P.O. BOX 829, EVANSTON, WY 82930 )**

**DOCKET NO. 3869-06**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found BP America Production Company (BP) to be in violation of permit 31-048 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 Whitney Canyon Gas Plant located in Uinta 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 31-048 was issued to the BP on December 2, 2002. Condition F6 of permit 31-048 establishes a minimum sulfur recovery efficiency of 99.0 percent for the sulfur recovery plant. Condition F27(b) of permit 31-048 defines excess emissions from the Tail Gas Incinerator as any 24-hour period when the average sulfur recovery efficiency is less than 99.0 percent.

5. The Air Quality Division's review of BP's excess emission report showed the Tail Gas Incinerator sulfur recovery efficiency excess emission rate for the first quarter of 2005 was 22.2 percent.

6. Said violation consists of the failure to comply with the sulfur recovery plant minimum sulfur recovery efficiency limit as required by condition F6 of permit 31-048.

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.

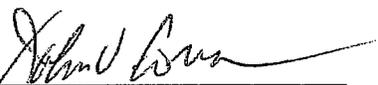
8. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

BP America Production Company  
Notice of Violation  
Page Two

DATED this 26 day of April, 2006.



David A. Finley  
Administrator  
Air Quality Division



John V. Corra  
Director  
Department of Environmental Quality

Please direct all inquiries to David A. 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)