



# 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

August 7, 2006

Mr. William Fehrman  
PacifiCorp Naughton Plant  
P.O. Box 191  
Kemmerer, WY 83101

Re: Notice of Violation

Dear Mr. Fehrman:

Enclosed you will find a Notice of Violation (NOV) issued to PacifiCorp by the Department of Environmental Quality, Air Quality Division for the failure control fugitive dust emissions from the Naughton Plant coal stockpile in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations. This violation was observed by Mr. David Reid, Air Quality District Inspector, on June 14, 2006. During Mr. Reid's observation, PacifiCorp was increasing the size of the coal stockpile, water sprays were not in operation, and the coal pile was uncontrolled.

As the Department and this Division consider the failure to comply with air quality regulatory requirements 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  
Greg Meeker  
Keith Guille

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 777-5973	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
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## NOTICE OF VIOLATION

### **NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found PacifiCorp to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the Naughton Plant located in Lincoln County, Wyoming.

2. W.S. 35-11-201 of the Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations specifies requirements for fugitive dust control. Chapter 3, Section 2(f)(ii) states, "Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such an operation. Such control measures may include the application of asphalt, oil, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can give rise to airborne dust."

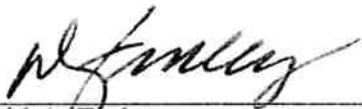
4. On June 14, 2006, Mr. David Reid, Air Quality District Inspector, observed extreme fugitive dust emissions from the Naughton Plant coal stockpile. During Mr. Reid's observation, PacifiCorp was increasing the size of the coal stockpile. Mr. Reid observed that water sprays were not in operation and the coal pile was uncontrolled at the time of his inspection.

5. Said violation consists of the failure control fugitive dust emissions from the Naughton Plant coal stockpile in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations.

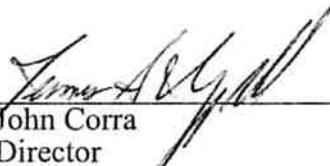
6. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental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

7. 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 29 day of August, 2006.



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David A. Finley  
Administrator  
Air Quality Division



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John 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.)