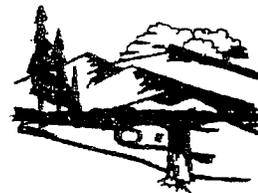




# Department of Environmental Quality



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

May 21, 2007

Mr. James Pearce, 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 Wyoming Corporation for the failure to comply with the UIN-14, Number 1 Boiler requirements. The UIN-14, Number 1 Boiler showed an opacity noncompliance rate of 6.53% for the fourth quarter of 2006 and 3.48% for the first quarter of 2007. FMC Wyoming Corporation also failed to operate and maintain the SO<sub>2</sub> and NO<sub>x</sub> monitoring systems on the UIN-14, Number 1 Boiler such that the availability of the monitoring systems meets the levels required by the Air Quality Division.

As the Department and this Division consider the failure to comply with air quality regulatory requirements to be a serious matter, and I am recommending that 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 this matter, please feel free to contact me or Robert Gill.

Sincerely,

David A. Finley  
Administrator  
Air Quality Division

cc: Tony Hoyt  
Nancy Vehr

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

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

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

**DOCKET NO. 4085-07**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found FMC Wyoming Corporation to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations (WAQSR) in the operation of the FMC Wyoming Corporation Granger Soda Ash Plant (FMC Granger) located in Sweetwater, 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 5, Section 2 of the Wyoming Air Quality Standards and Regulations includes the general provisions for and adopts certain New Source Performance Standards (NSPS) for New Stationary Sources by reference including 40 CFR Part 60, Subpart D, Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction Is Commenced After August 17, 1971 (§60.40 through §60.46). The UIN-14, Number 1 Boiler at FMC Granger is an affected facility under NSPS Subpart D and is subject to the general provision requirements of Chapter 5, Section 2 and the requirements of NSPS Subpart D.

4. Chapter 5, Section 2(j)(v) states, "Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under paragraph (iv) of this section, all continuous monitoring systems shall be in continuous operation ..."

5. 40 CFR Part 60, Subpart D, paragraph 60.42(a)(2) requires that no owner or operator shall cause to be discharged into the atmosphere from any affected facility any gases which exhibit greater than 20 percent opacity except for one six-minute period per hour of not more than 27 percent opacity.

6. 40 CFR Part 60, Subpart D, paragraph 60.45(a) requires that each owner or operator shall install, calibrate, maintain, and operate continuous monitoring systems for measuring the opacity of emissions, sulfur dioxide emissions, nitrogen oxide emissions, and either oxygen or carbon dioxide.

7. The FMC Granger 4Q06 Excess Emission Report was received by the Administrator on February 20, 2007. This report showed that the UIN-14, Number 1 Boiler opacity noncompliance rate was 6.53% for the fourth quarter of 2006. The FMC Granger 1Q07 Excess Emission Report was received by the Administrator on May 4, 2007. This report showed that the UIN-14 Number 1 Boiler opacity noncompliance rate was 3.48% for the first quarter of 2007.

8. Review of the 1Q07 Excess Emission showed monitor downtime for the Sulfur Dioxide (SO<sub>2</sub>) and Nitrogen Oxides (NO<sub>x</sub>) Continuous Emission Monitoring Systems for UIN-14, Number 1 Boiler at 19.22% for both.

9. Said violations consist of: 1) an opacity noncompliance rate for the UIN-14, Number 1 Boiler of 6.53% for the fourth quarter of 2006, 2) an opacity noncompliance rate for the UIN-14, Number 1 Boiler of 3.48% for the first quarter of 2007, 3) the failure to operate and maintain the

FMC Wyoming Corporation  
Granger Soda Ash Plant  
Notice of Violation  
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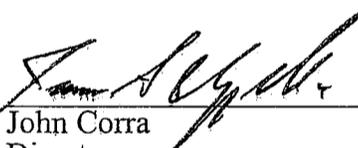
SO<sub>2</sub> Continuous Emission Monitoring System on the UIN-14, Number 1 Boiler such that the monitoring system is in continuous operation during all periods of time that the process equipment is operating, and 4) the failure to operate and maintain the NO<sub>x</sub> Continuous Emission Monitoring System on the UIN-14, Number 1 Boiler such that the monitoring system is in continuous operation during all periods of time that the process equipment is operating. All of the listed deficiencies constitute violations of WAQSR Chapter 5, Section 2 and/or 40 CFR Part 60, Subpart D.

10. 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.

11. 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 5<sup>th</sup> day of June, 2007.

  
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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, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)

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Sent	<b>Mr. James Pearce, Manager</b>
Street or P.O. Box	<b>FMC Corporation</b>
City	<b>PO Box 872</b>
State	<b>Green River WY 82935</b>

PS Instructions