



# 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

June 26, 2007

Mr. Joel DeBruycker  
Lovell Plant Manager  
American Colloid Company  
P.O. Box 428  
Lovell, WY 82431

Re: Notice of Violation

Dear Mr. DeBruycker:

Enclosed you will find a Notice of Violation (NOV) issued to American Colloid Company by the Department of Environmental Quality, Air Quality Division for the failure to comply with the operating hour limits listed in condition F1 of permit 3-1-133.

As the Department and this Division consider the failure to comply with permit 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 Ms. Karen Godman, Air Quality Compliance Program Principal, at 307-777-8601 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 Karen Godman.

Sincerely,

  
David A. Finley  
Administrator  
Air Quality Division

cc: Robert Gill  
Karen Godman  
Nancy Vehr  
Greg Meeker  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO AMERICAN COLLOID COMPANY, )  
MR. JOEL DEBRUYCKER, LOVELL PLANT MANAGER, )  
P.O. BOX 428, LOVELL, WY 82431 )**

**DOCKET NO.**

**4109-07**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found American Colloid Company to be in violation of permit 3-1-133 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 Lovell Plant located in Big Horn 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 3-1-133 was issued to American Colloid Company on or about February 16, 2006. Condition F1 of permit 3-1-133 listed the annual operating hour limitations of DC-01 to 5,000 hours per year and DC-04 to 7,200 hours per year.

5. American Colloid Company submitted the Annual Compliance Certification and Semiannual Monitoring Report for the Lovell Plant in a letter dated January 31, 2007. A review of the Annual Compliance Certification indicates DC-01 and DC-04 exceeded the allowable operating hours. According to the Semiannual Monitoring Report, DC-01 operated 5,751 hours and DC-04 operated 7,441 hours; both were in excess of the annual hours of operation allowed by permit condition.

6. Said violation consists of the failure to comply with the annual operating hour limits in condition F1 of permit 3-1-133 for sources DC-01 and DC-04.

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.

American Colloid Company  
Notice of Violation  
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DATED this 12 day of July, 2007.

  
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David A. Finley  
Administrator  
Air Quality Division

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