



# 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

December 12, 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 particulate emission limits for the RA-1 (Baby Sesqui Calciner) located at the Westvaco Facility in Sweetwater County, Wyoming. The RA-1 (Baby Sesqui Calciner) stack tests showed a particulate level of 8.30 lb/hr, which is 166% of the 5.0 lb/hr limit required in condition 10 of permit MD-5723

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 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 Ms. Karen Godman.

Sincerely,

for David A. Finley  
Administrator  
Air Quality Division

cc: Bob Gill  
Tony Hoyt  
Nancy Vehr  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO FMC CORPORATION, MR. JAMES ) DOCKET NO. 4192-07  
PEARCE, MANAGER, P.O. BOX 872, )  
GREEN RIVER, WY 82935 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found FMC Corporation to be in violation of permit MD-5723 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the Westvaco Facility located in Sweetwater County, Wyoming.

2. W.S. 35-11-801(a) 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 2 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Permit MD-5723 was issued to FMC Corporation on July 17, 2007. Condition 10 limits emissions from the RA-1 Calciner to 5.0 lb/hr.

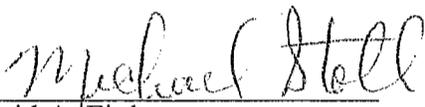
5. Stack testing conducted September 28, 2007 for the RA-1 (Baby Sesqui Calciner) showed a result of 8.30 lb/hr for particulate emissions (166% of the 5.0 lb/hr limit). Failure to meet emission limits for particulate constitutes a violation of condition 10 of permit MD-5723.

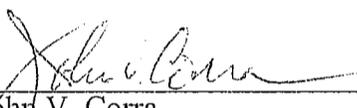
6. Said violation consists of failing to meet particulate emission limits as required in permit MD-5723. This constitutes a violation of permit condition 10 of permit MD-5723.

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 14<sup>th</sup> day of December, 2007.

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