



# Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Daye Freudenthal, Governor

John Corra, Director

March 12, 2008

Pacificorp  
Mr. Robert Arambel  
1407 W. North Temple  
Salt Lake City, Utah 84116

Re: Notice of Violation

Dear Mr. Arambel,

Enclosed you will find a Notice of Violation (NOV) issued to Pacificorp for the failure to comply with PM emission limits of 180 lb/hr and 0.03 lb/MMBtu as required by permit MD-1552. This was discovered through the Division's review of Pacificorp Jim Bridger Plant reports for performance tests of Units 1-4 performed July 16-18, 2007. These test results showed noncompliance with the lb/hr PM limit for units Units 1, 3 and 4 and the lb/MMBtu PM limit for Units 1 and 4. Noncompliance with PM emission limits is a violation of Condition 8 of permit MD-1552.

As the Department and this Division consider the failure to comply with air quality permit conditions 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, 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 PACIFICORP, )  
MR. ROBERT ARAMBEL, )  
1407 W. NORTH TEMPLE, )  
SALT LAKE CITY, UTAH 84116 )**

**DOCKET NO.  
4239-08**

**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 permit MD-1552 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 Jim Bridger Plant located in Sweetwater 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 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-1552 was issued to Pacificorp on April 9, 2007. This permit is a specific modification to the Jim Bridger Plant, to modify Jim Bridger Units 1, 2, 3, and 4 and set plantwide Applicability Limitations (PALs) for sulfur dioxide (SO<sub>x</sub>) and nitrogen oxide (NO<sub>x</sub>). Condition 8 establishes the limits for PM as 0.03 lb/MMBtu and 180 lbs/hr.

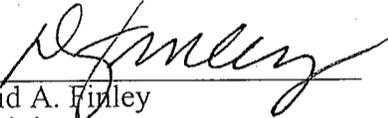
5. The Air Quality Division's review of Pacificorp Jim Bridger Plant test reports show substantial noncompliance rates for PM during the July 16-18, 2007 performance testing. Unit 1 test results showed a result of 212 lb/hr and 0.04 lb/MMBtu (with respective permitted limits of 180 lbs/hr and 0.03 lb/MMBtu), the Unit 3 test results showed a result of 202 lb/hr and 0.03 lb/MMBtu (with respective permitted limits of 180 lbs/hr and 0.03 lb/MMBtu) and Unit 4 test results showed a result of 304 lb/hr and 0.06 lb/MMBtu (with respective permitted limits of 180 lbs/hr and 0.03 lb/MMBtu).

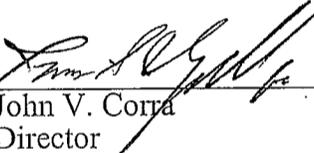
6. Said violation consists of the failure to comply with the PM emission limit of 180 lb/hr for Units 1, 3 and 4 and the failure to comply with the PM emission limit of 0.03 lb/MMBtu for Units 1 and 4 as required by permit MD-1552.

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 21st day of March, 2008.

  
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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)