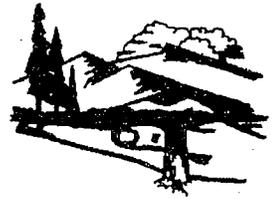




# Department of Environmental Quality



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

July 18, 2008

Mr. Lee Conley  
Operations Manager  
Optigas, Inc.  
1675 Broadway, Suite 2250  
Denver, CO 80202

Re: Notice of Violation

Dear Mr. Conley:

Enclosed you will find a Notice of Violation (NOV) issued to Optigas, Inc. by the Department of Environmental Quality, Air Quality Division for the failure to obtain a construction permit prior to commencing construction of the Caterpillar G3412LE engine at the Shady Clair Compressor Station. This is a violation of condition 11 of permit MD-6464.

As the Department and this Division consider the failure to comply with air quality permit requirements to be a serious matter, I am considering 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 Notice of Violation prior to referral to 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,

David A. Finley  
Administrator  
Air Quality Division

cc: Robert Gill  
Tanner Shatto  
Nancy Vehr  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION  
ISSUED TO OPTIGAS INC.,  
MR. LEE CONLEY,  
OPERATIONS MANAGER,  
1675 BROADWAY, SUITE 2250  
DENVER, CO 80202**

**DOCKET NO. 4324-08**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Optigas, Inc. to be in violation of permit MD-6464 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 for Shady Clair Compressor Station located in Campbell 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-6464 was issued to Optigas, Inc. on October 1, 2007. Condition 11 states:

"That the engine configuration for the Shady Clair Compressor Station shall be limited to five (5) engines consisting of the following:

E1: Waukesha L356GL engine equipped with an oxidation catalyst

E2: Caterpillar G3412LE engine equipped with an oxidation catalyst.

E3: Caterpillar G3508LE engine equipped with an oxidation catalyst.

E4-E5: Caterpillar G3516LE engines equipped with oxidation catalysts."

5. On June 10, 2008, Air Quality Engineer, Mr. Brad Steidley discussed via phone with Mr. Gary McFaddin a second Caterpillar 3412LE engine located at the Shady Clair Compressor Station operated by Optigas, Inc.. Following this discussion, Optigas submitted Notification of Engine Installation (dated June 10, 2008) to the Division explaining the engine was set on June 5, 2008. Under permit MD-6464, a maximum of one Caterpillar G3412LE engine can be installed at the facility. The installation of this engine constitutes a violation of condition 11 of permit MD-6464.

6. Said violation consists of installation of a Caterpillar G3412LE engine without a permit modification. This constitutes a violation of permit condition 11 within permit MD-6464.

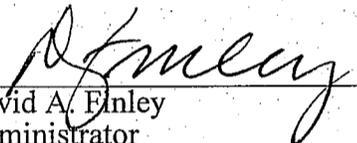
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the

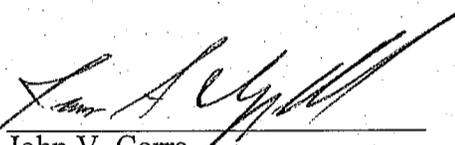
Optigas, Inc  
Notice of Violation  
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Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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 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 28<sup>th</sup> day of July, 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.)