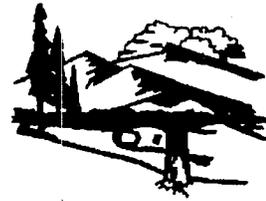




Department of Environmental Quality



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

January 12, 2009

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 operate and maintain the NO_x and SO₂ Continuous Emission Monitoring Systems on Boiler 1 and Boiler 2, such that the monitoring systems are in continuous operation during all periods of time that the process equipment is operating. This is a direct violation of condition P60-D2(b) of permit 3-1-083 and WAQSR Chapter 5, Section 2(j)(v) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality regulatory and permit 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. Godman.

Sincerely,

David A. Binley
Administrator
Air Quality Division

cc: Robert Gill
Tony Hoyt
Nancy Vehr
Keith Guille

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

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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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. 4421-09

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 W.S. 35-11-201 of the Environmental Quality Act, Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations and permit 3-1-083 issued in accordance with W.S. 35-11-801 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. 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."

4. Chapter 5, Section 2 of the Wyoming Air Quality Standards and Regulations includes the general provisions for and adopts certain New Source Performance Standards. Chapter 5, Section 2(j)(v) states, "Except for system breakdown, repairs, calibration checks, and zero span adjustments required under paragraph (iv) of this section, all continuous monitoring systems shall be in continuous operation..."

5. Permit 3-1-083 was issued to the FMC Corporation on or about June 27, 2007. Condition P60-D2(b) of permit 3-1-083 requires that, "Except for system breakdown, repairs, calibration checks, and zero and span adjustments required under WAQSR Chapter 5, Section 2(j)(iv), all continuous monitoring systems shall be in continuous operation..."

6. The FMC Granger Excess Emission Reports received over the past two years by the Administrator have shown significant monitor downtime for NO_x and SO₂ Continuous Emission Monitoring Systems (CEMS). Boiler 1 reports for NO_x showed significant downtime with a high shown on Q306 at 24%. Boiler 1 reports for SO₂ showed significant downtime with a high shown on Q306 at 24%. Boiler 2 reports for NO_x showed significant downtime with a high on Q207 at 8.5%. Boiler 2 reports for SO₂ showed significant downtime with a high on Q108 at 10%.

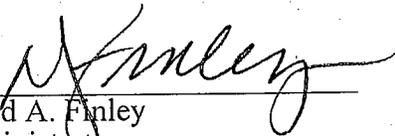
7. Said violations consist of the failure to operate and maintain the NO_x and SO₂ Continuous Emission Monitoring Systems on Boiler 1 and Boiler 2 such that the monitoring systems are in continuous operation during all periods of time that the process equipment is operating. This is a direct violation of condition P60-D2(b) of permit 3-1-083 and Chapter 5, Section 2(j)(v) of the Wyoming Air Quality Standards and Regulations.

8. 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.

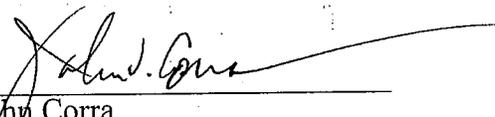
FMC Wyoming Corporation
Granger Soda Ash Plant
Notice of Violation
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9. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 22 day of JANUARY, 2009.



David A. Finley
Administrator
Air Quality Division



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.)