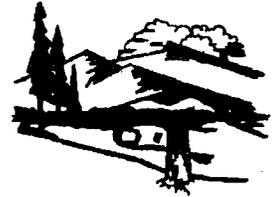




Department of Environmental Quality



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

February 23, 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 exceeding permitted particulate limits for the NS-1A Mono Coal/Gas Fired Boiler in violation of condition (F5)(a) of permit 3-1-132 at the Westvaco Facility located in Sweetwater County, Wyoming. This is a direct violation of condition (F5)(a) of permit 3-1-132.

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. 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 FMC CORPORATION,)
MR. JAMES PEARCE, MANAGER, P.O. BOX 872,)
GREEN RIVER, WY 82935)**

DOCKET NO. 4440-09

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 permit 3-1-132 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 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 3 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedure for issuing permits to major sources under Wyoming's operating permitting program.

4. Operating permit 3-1-132 was issued to FMC Wyoming Corporation on October 24, 2007. Condition (F5)(a) of permit 3-1-132 requires that visible and particulate emissions from the units listed in Table 1 shall not exceed the specified limits. The NS-1A Mono Coal/Gas Fired Boiler is listed in Table 1, with a particulate emission limit of 45 lb/hr.

5. Stack testing was conducted on August 26, 2008, for the NS-1A Mono Coal/Gas Fired Boiler to assure compliance with the particulate limit of 45 lb/hr. Reports indicate that the NS-1A particulate test results were in excess of permitted lb/hr limits, NS-1A tested at 49.6 lb/hr (110% of 45 lb/hr allowable). Failure to meet emission limits for particulate constitutes a violation of condition (F5)(a) of permit 3-1-132.

6. Said violation consists of exceeding permitted particulate limits for the NS-1A Mono Coal/Gas Fired Boiler in violation of condition (F5)(a) of permit 3-1-132.

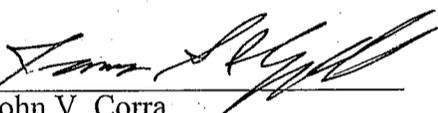
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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 26th day of February, 2009.



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)