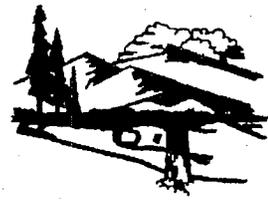




# Department of Environmental Quality



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

April 28, 2009

Mr. Peter Wolberg  
Environmental & Regulatory Supervisor  
Western Gas Resources, Inc.  
1099 18<sup>th</sup> Street,  
Denver, CO 80202-1955

Re: Notice of Violation

Dear Mr. Wolberg:

Enclosed you will find a Notice of Violation (NOV) issued to Western Gas Resources, Inc by the Department of Environmental Quality, Air Quality Division for failing to obtain a construction permit prior to construction of a 325 hp Caterpillar G3406 TA genset engine located at the Dead Horse Amine Plant located in Campbell County, Wyoming.

As the Department and this Division consider the failure to comply with air quality permitting 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  
Nancy Vehr  
Tanner Shatto  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION  
ISSUED TO WESTERN GAS RESOURCES, INC  
MR. PETER WOLBERG,  
ENVIRONMENTAL & REGULATORY SUPERVISOR  
1099 18<sup>TH</sup> STREET, DENVER, CO 80202-1955**

)  
)  
) **DOCKET NO. 4491-09**  
)  
)

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Western Gas Resources, Inc. to be in violation of W.S. 35-11-801(c) and Chapter 6, Section 2(a) of the Wyoming Air Quality Standards and Regulations in the installation of a 325 hp, Caterpillar G3406 TA genset engine located at the Dead Horse Amine Plant in Campbell County, Wyoming.

2. W.S. 35-11-801(c) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

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. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality, before any actual work is begun on the facility."

5. In a voluntary disclosure letter dated January 29, 2009, Western Gas Resources disclosed that a 325 hp, Caterpillar G3406 TA genset engine had been installed on January 23, 2009 at the Dead Horse Amine Plant prior to obtaining an air quality construction permit.

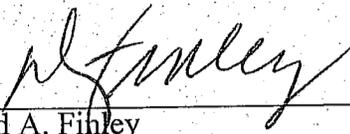
6. Said violation consists of the failure to obtain an air quality permit for the 325 hp, Caterpillar G3406 TA genset engine at Dead Horse Amine Plant in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a) of the Wyoming Air Quality Standards and Regulations.

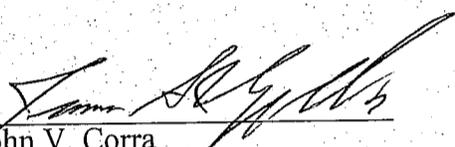
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental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

Western Gas Resources, Inc.  
Notice of Violation  
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DATED this 8<sup>th</sup> day of May, 2009.

  
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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.)