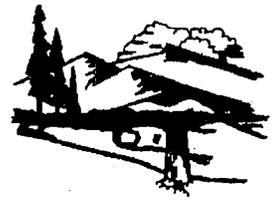




# Department of Environmental Quality



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. Jeffrey H. Bull  
Manager HSE/Regulatory  
Windsor Energy Group  
14301 Caliber Drive, Suite 300  
Oklahoma City, OK 73134

RE: Notice of Violation

Dear Mr. Bull:

Enclosed you will find a Notice of Violation (NOV) issued to Windsor Energy Group by the Department of Environmental Quality, Air Quality Division, for failing to: 1) send in correct or timely start-up notifications as required in permit CT-3854, 2) conduct annual testing for the Caterpillar G398NAHC engine (E-1) for the years 2007 and 2008 as required by permit CT-3854 and 3) conduct catalyst inlet temperature and pressure drop monitoring as required by permit CT-3854. These are violations of permit CT-3854 for the Bennett Creek Central Station located in Park County, Wyoming. These violations of permit CT-3854 were observed by Mr. Greg Meeker during the annual inspection and subsequent record review on January 8, 2009.

As the Department and this Division consider the failure to comply with air quality permit conditions 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  
Greg Meeker  
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 WINDSOR ENERGY GROUP,  
MR. JEFFREY H. BULL,  
MANAGER HSE/REGULATORY,  
14301 CALIBER DRIVE, SUITE 300  
OKLAHOMA CITY, OKLAHOMA 73134**

**DOCKET NO. 4493-09**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Windsor Energy Group to be in violation of permit CT-3854 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 Bennett Creek Central Station located in Park 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 CT-3854 was issued to Windsor Energy Group on March 23, 2005. Condition 5 states:

"That written notification of the anticipated date of initial startup, in accordance with Chapter 6, Section 2(i) of the WAQSR, is required not more than 60 days or less than 30 days prior to such date. Notification of the actual date of start-up is required 15 days after start-up."

5. On January 8, 2009, Mr. Greg Meeker conducted an inspection and record review of the Bennett Creek Central Station. During this inspection, it was noted that an incomplete startup notification was received for engine E1 and that two additional Caterpillar G398NAHC engines (E2 & E3) were operating but no start-up notifications had been received for these engines.

6. Permit CT-3854 was issued to Windsor Energy Group on March 23, 2005. Condition 11 states:

"That annually the engines shall be tested to verify compliance with the NO<sub>x</sub> and CO limits set forth in this permit."

7. Annual testing results for Caterpillar G398NAHC engine (E-1) were not received for the years 2007 and 2008. Failure to conduct annual testing of this engine constitutes a violation of condition 11 of permit CT-3854.

8. Permit CT-3854 was issued to Windsor Energy Group on March 23, 2005. Condition 12 requires that a thermocouple be installed to measure catalyst inlet temperature monthly and to measure the pressure drop across the catalyst monthly.

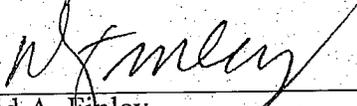
9. On January 8, 2009, Mr. Greg Meeker conducted an inspection and record review of the Bennett Creek Central Station. During this inspection, it was noted that engines E2 & E3 catalyst monitoring had not been conducted. It was also noted that the engine E1 catalyst inlet temperature was not being monitored correctly and a reference pressure drop across the catalyst was not established during the initial performance test. Failure to conduct catalyst temperature monitoring and catalyst pressure drop monitoring for the engines are violations of condition 12 of permit CT-3854.

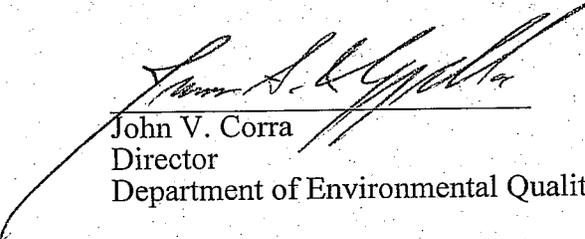
10. Said violations consist of failing to: 1) to send in correct or timely start-up notifications as required in permit CT-3854, 2) conduct annual testing for the Caterpillar G398NAHC engine (E-1) for the years 2007 and 2008 as required by permit CT-3854 and 3) conduct catalyst temperature monitoring and catalyst pressure drop monitoring for the engines as affirmed by permit CT-3854.

11. 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.

12. 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 9<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.)