



# 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

May 18, 2009

Ms. Emily E. Arp  
Environmental Compliance Specialist  
J-W Operating Company  
PO BOX 12340  
Longview, TX 75607

RE: Notice of Violation

Dear Ms. Arp:

Enclosed is a Notice of Violation issued to J-W Operating Company for the failure to obtain a construction permit prior to construction of a second compressor engine and a second dehydration unit at the Battle Compressor Site 2 facility in violation W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality permit/waiver 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: Bob 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 J-W OPERATING COMPANY,** )  
**MS. EMILY E. ARP,** ) **DOCKET NO. 4502-09**  
**ENVIRONMENTAL COMPLIANCE SPECIALIST** )  
**PO BOX 12340, LONGVIEW, TX 75607** )

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found J-W Operating Company to be in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations for the installation of a second compressor engine and the installation and operation of a second dehydration unit at the Battle Compressor Site #2 located in Sweetwater 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. Air quality waivers AP-4889 and AP-4896 were issued for the Battle Compressor Site # 2 on or about July 25, 2006. These waivers allowed the construction of the Battle Compressor Site #2 to include one Waukesha compressor engine and one dehydration unit. Both of these waivers require the Division be notified prior to any modification of the facility.

6. On October 23, 2008, Mr. Carl Disel, Air Quality Engineer/Inspector, conducted an inspection of the Battle Compressor Site #2. During this inspection, Mr. Disel observed a second compressor engine and a second dehydration unit had been installed. In response to this inspection, J-W Operating Company submitted the letter FY-2009 Annual Inspection Report. This letter explains J-W Operating Company moved a second compressor and dehydration unit to the facility in November 2007. It further explains that the engine never operated but the dehydration unit did operate from November 7, 2008 until December 11, 2008. The installation of the engine and the installation and operation of the dehydration unit are modifications to the facility.

7. Said violation consists of the failure to obtain a construction permit prior to constructing a second compressor engine and a second dehydration unit at the Battle Compressor Site #2 facility in violation W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations.

J-W Operating Company.

Notice of Violation

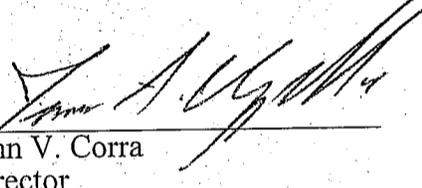
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8. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the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

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 3<sup>rd</sup> day of June, 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.)