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

October 9, 2009

Mr. Lee Conley
Optigas, Inc.
1675 Broadway, Suite 2250
Denver, CO 80202

Re: Notice of Violation

Dear Mr. Conley:

Enclosed you will find a Notice of Violation (NOV) issued to Optigas, Inc. by the Department of Environmental Quality, Air Quality Division, for Barber Creek Compressor Station located in Campbell, County, Wyoming. The NOV was issued for the failure to: 1) comply with formaldehyde emission limits from the Caterpillar G3606LE engine (4ZS-00449) and 2) repair and retest/monitor the affected engine to demonstrate that the engine has been returned to operation within the permitted emission limits within 7 days of failing the formaldehyde test.

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: Bob Gill
Tanner Shatto
Nancy Vehr
Keith Guille

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO OPTIGAS, INC.,	)	**DOCKET NO.** 4587-09
MR. LEE CONLEY,	)	
1675 BROADWAY, SUITE 2250	)	
DENVER, COLORADO 80202	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Optigas, Inc. to be in violation of permit MD-6165 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 in the operation of the Barber Creek Compressor Station located in Campbell County, Wyoming.

2. 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."

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 MD-6165 was issued to Optigas, Inc. on July 24, 2007. Condition 10 of permit MD-6165 set formaldehyde emission limits for the Caterpillar G3606LE engine (S/N: 4ZS-00449) of 0.27 lb/hr.

5. On November 5th & 12th, 2008, Aspen Consulting & Testing, Inc. (Aspen) conducted the required formaldehyde emission tests on the Caterpillar G3606LE engine. The test results were provided to the Air Quality Division under a cover letter dated December 5, 2008. Based on a review by the Air Quality Division, the Caterpillar G3606LE engine (S/N: 4ZS-00449) exceeded the allowable limits for formaldehyde emissions of 0.27 lb/hr, with a result of 0.478 lb/hr.

6. Permit MD-6165 was issued to Optigas, Inc. on July 24, 2007. Condition 12b. of permit MD-6165 requires that the Air Quality Division be notified within 24 hours of any engine where the testing/monitoring shows operation outside the permitted emission limits. It also requires that by no later than 7 calendar days of such testing/monitoring event, the owner or operator shall repair and retest/monitor the affected engine to demonstrate that the engine has been returned to operation within the permitted emission limits.

7. On November 5th & 12th, 2008, Aspen Consulting & Testing, Inc. (Aspen) conducted the required formaldehyde emission tests on the Caterpillar G3606LE engine. The test results were provided to the Air Quality Division under a cover letter dated December 5, 2008. Based on a review by the Air Quality Division, the Caterpillar G3606LE engine (S/N: 4ZS-00449) exceeded the allowable limits for formaldehyde emissions of 0.27 lb/hr, with a result of 0.478 lb/hr.

8. Said violations consist of: 1) failure to comply with formaldehyde emission limits from the Caterpillar G3606LE engine (S/N: 4ZS-00449) in violation of condition 10 of permit MD-6165 and 2) failure to repair and retest/monitor the affected engine to demonstrate that the engine has been returned to operation within the permitted emission limits within 7 days of failing the formaldehyde test in violation of condition 12b. of permit MD-6165.

9. 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.

10. 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 4 day of November, 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)