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

December 30, 2009

Mr. James Pearce
FMC Wyoming Corporation
PO 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 by the Department of Environmental Quality, Air Quality Division, for the Westvaco Facility located in Sweetwater County, Wyoming. The violation consists of failing to comply with particulate emission limits for the NS-4 Mono Secondary Crusher (Scrubber). This is a violation of condition F5 of permit 3-1-132.

As the Department and this Division consider the failure to comply with air quality permit conditions to be a serious matter, I am 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 action on the 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

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO FMC CORPORATION,	)	**DOCKET NO.** 4621-10
MR. JAMES PEARCE, MANAGER, P.O. BOX 872,	)	
GREEN RIVER, WY 82935	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found FMC Wyoming 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 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 procedures for issuing permits to major sources under Wyoming's operating permitting program.

4. Permit 3-1-132 was issued to FMC Wyoming Corporation on or about October 24, 2007. Condition F5 of permit 3-1-132 limits the particulate emissions from the NS-4 Mono Secondary Crusher (Scrubber) to 1.0 lb/hr.

5. Stack testing conducted August 18, 2009 for the NS-4 Mono Secondary Crusher (Scrubber) showed a result of 7.36 lb/hr for particulate emissions (736% of the 1.0 lb/hr limit). Failure to meet emission limits for particulate constitutes a violation of condition F5 of permit 3-1-132.

6. Said violation consists of failing to meet particulate emission limits from the NS-4 Mono Secondary Crusher (Scrubber) as required in permit 3-1-132. This is a violation of condition F5 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 10TH day of JANUARY, ~~2009~~ 2010.

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)