Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Matthew H. Mead, Governor

John Corra, Director

March 13, 2012

Mr. Inder Mathur
The Western Sugar Cooperative
7555 E. Hampden Avenue
Denver, CO 80231

Re: Notice of Violation Docket # 4792-12

Dear Mr. Mathur:

Following issuance of the Notice of Violation, an error regarding the initial odor measurement was discovered with the incorrect time of 1:34 a.m., this time should be 1:34 p.m. To correct this mistake, the first page of the NOV has been revised and is included for your records.

If you should have any questions, please feel free to contact Karen Godman at (307) 777-8601.

Sincerely,

Karen Godman

Karen Godman
Compliance Program Principal
Air Quality Division

cc: Bob Gill
Nancy Vehr
Karen Godman
Glenn Spangler

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION	)	
ISSUED TO THE WESTERN SUGAR COOPERATIVE,	)	**DOCKET NO. 4972-12**
MR. INDER MATHUR,	)	
7555 E. HAMPDEN AVENUE,	)	
DENVER, CO 80231	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found The Western Sugar Cooperative to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 2, Section 11 of the Wyoming Air Quality Standards and Regulations in the operation of the Torrington Facility located in Goshen County, Wyoming.

2. W.S. 35-11-201 of the Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3. Chapter 2, Section 11(a) of the Wyoming Air Quality Standards and Regulations states, "The ambient air standard for odors from any source shall be limited to: (i) An odor emission at the property line which is undetectable at seven dilutions with odor free air as determined by a scentometer as manufactured by the Barnebey-Cheney Company or any other instrument, device, or technique designated by the Division as producing equivalent results. The occurrence of odors shall be measured so that at least two measurements can be made within a period of one hour, these determinations being separated by at least 15 minutes."

4. On January 25, 2012, the Air Quality Division conducted odor monitoring at your Torrington Facility. At 1:34 p.m. Ms. Carla Mlinar, Air Quality Division Inspector, conducted odor monitoring across the street, approximately five feet from John's Pump Service approach. Odors were detected at a 15:1 level. A follow-up odor evaluation was conducted in the same location at 1:49 p.m. with odors again detected at a 15:1 level.

5. Said violation consists of odors from The Western Sugar Cooperative at the Torrington Facility in excess of that allowed by regulation in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 2, Section 11 of the Wyoming Air Quality Standards and Regulations.

6. 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.

7. 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 12th day of MARCH, 2012.

Steven A. Dietrich
Administrator
Air Quality Division

John Corra
Director
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)