



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

October 18, 2012

Mr. James Pearce, Manager
FMC Wyoming Corporation
P.O. 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 for exceeding permitted NO_x limits for the Boiler NS-1B in violation of condition 6 of permit MD-6045 at the Westvaco Facility located in Sweetwater County, Wyoming. This is a direct violation of condition 6 of permit MD-6045.

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 issue prior to action on the referral by 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. Godman.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Robert 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 WYOMING CORPORATION,) DOCKET NO. 5076-12
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 MD-6045 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 Westvaco Facility located in Sweetwater 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 MD-6045 was issued to FMC Wyoming Corporation on July 17, 2009. Condition 6 requires Boiler NS-1B not exceed the NO_x limits of 284.0 lb/hr and 0.35 lb/MMBtu on a 30-day rolling average.

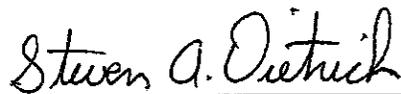
5. Review of the FY 2012 inspection report revealed that the company had excess NO_x emissions during the third quarter of 2011, showing 17 days of emissions higher than the 284.0 lb/hr limit. During this time, the measured high was recorded at 290.8 lb/hr.

6. Said violation consists of failing to meet NO_x emission limits as required in permit MD-6045. This constitutes a violation of permit condition 6 of permit MD-6045.

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 18th day of OCTOBER, 2012.



Steven A. Dietrich
Administrator
Air Quality Division



John V. 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)