



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

Todd Parfitt, Director

January 3, 2013

Pacificorp Energy
Mr. Shawn Smith
P.O. BOX 191
Kemmerer, Wyoming 83101

Re: Notice of Violation

Dear Mr. Smith,

Enclosed you will find a Notice of Violation (NOV) issued to Pacificorp Energy for the failure to comply with the Sulfuric Acid Mist emission limit of 0.004 lb/MMBtu as required by permit MD-9861. This was discovered through the Division's review of Pacificorp Naughton Power Plant reports for performance tests of Units 1 & 2 performed June 28, 2012 and June 14, 2012. These test results showed noncompliance with the 0.004 lb/MMBtu Sulfur Acid Mist limit for Unit 1 & 2. Noncompliance with the Sulfuric Acid Mist emission limit is a violation of Condition 8 of permit MD-9861.

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 Karen Godman.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Robert Gill, Greg Meeker, Nancy Vehr, Keith Guille



**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO PACIFICORP ENERGY,) DOCKET NO. 5097-13
MR. SHAWN SMITH, PLANT MANAGING DIRECTOR)
P.O. BOX 191,)
KEMMERER, WY 83101)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Pacificorp Energy (Pacificorp) to be in violation of permit MD-9861 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 Naughton Power Plant located in Lincoln 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-9861 was issued to Pacificorp on August 20, 2010. This permit is a modification to the Naughton Power Plant, to in part, modify permit requirements to increase the sulfuric acid emission limits for Units 1 and 2. Condition 8 establishes the limits for Unit 1 for Sulfuric Acid Mist (H₂SO₄) as 0.004 lb/MMBtu.

5. The Air Quality Division's review of Pacificorp Naughton Plant test reports show noncompliance for Sulfuric Acid Mist on both Unit 1 & Unit 2 during annual testing. Unit 1 Sulfuric Acid Mist testing was conducted on June 28, 2012 and test results showed a result of 0.010 lb/MMBtu. Unit 2 Sulfuric Acid Mist testing was conducted on June 14, 2012 and test results showed a result of 0.010 lb/MMBtu. Test results for Sulfuric Acid Mist were approximately 250% of the 0.004 lb/MMBtu limit established in MD-9861.

6. Said violations consist of failing to comply with the Sulfuric Acid Mist emission limit of 0.004 lb/MMBtu for Units 1 & 2 as required by permit MD-9861.

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 3rd day of JANUARY, 2013.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
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)