



# 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

February 6, 2013

Mr. Jeffrey Dahlberg  
Vice President  
Windsor Energy Group, LLC  
14313 North May Ave., Ste 100  
Oklahoma City, OK 73134

RE: Notice of Violation

Dear Mr. Dahlberg:

Enclosed you will find a Notice of Violation (NOV) issued to Windsor Energy Group, LLC by the Department of Environmental Quality, Air Quality Division, for failing to: 1) conduct initial performance tests within the permitted time frames; 2) submit the results of initial performance test within the permitted time frames; 3) comply with the permitted NO<sub>x</sub> and/or CO limits; 4) submit the results of annual tests within the permitted time frames; 5) submit records of maintenance or corrective actions; and 6) maintain records of duration of flare outages at the Bennett Creek Central Station located in Park County, Wyoming. These violations of permit CT-3854 were noted by Mr. Greg Meeker on November 29, 2012.

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,

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 WINDSOR ENERGY GROUP, LLC ) DOCKET NO. 5120-13  
MR. JEFFREY DAHLBERG, PRESIDENT )  
14313 NORTH MAY AVE., SUITE 100 )  
OKLAHOM CITY, OK 73134 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Windsor Energy Group to be in violation of permit CT-3854 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 for the Bennett Creek Central Station located in Park 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 CT-3854 was issued to Windsor Energy Group on March 23, 2005 and allowed construction of the station, including three engines (E1, E2 and E3).
  - (a) Condition 7 required that initial performance tests for each engine be conducted within 30 days of achieving a maximum design rate but not later than 90 days following initial start-up.
  - (b) Condition 8 required that the results of the initial performance tests be submitted to the Division within 30 days of completion
  - (c) Condition 9 limits NO<sub>x</sub> and CO emissions from each engine to 1.0 g/hp-hr and 1.1 lb/hr.
  - (d) Condition 11 requires that the engines be tested annually and that the results of the tests shall be submitted to this Division within 30 days of completing the tests.
  - (e) Condition 12 requires that records of catalyst inlet temperature, pressure drop, and any maintenance or corrective actions be kept and maintained for a period of five years and be made available to the Division upon request
  - (f) Condition 20 requires that records be maintained noting date and duration of time during active operation of the glycol dehydration units or stabilized liquid storage tanks when the pilot flame is not present.
5. On November 29, 2012, Mr. Greg Meeker, Air Quality Division Engineer/Inspector, noted the following:
  - (a) The startup date for engine E2 was January 25, 2008 and the initial performance tests were conducted January 8, 2009, approximately eight months late. The startup date for engine E3 was August 21, 2008 and the initial performance tests were conducted January 8, 2009, approximately one month late.
  - (b) The results of the initial performance tests conducted January 8, 2009 for engines E2 and E3 were received by the Division on July 13, 2009, approximately five months late.
  - (c) Annual engine testing was conducted on December 22, 2010 to assure compliance with the NO<sub>x</sub> and CO limits of 1.0 g/hp-hr and 1.1 lb/hr for engines E2 and E3. Engine E2 was out of compliance for NO<sub>x</sub> emissions, testing at 2.94 g/hp-hr and 3.24 lb/hr (194% above the limits of 1.0 g/hp-hr and 1.1 lb/hr). Engine E3 was out of compliance for NO<sub>x</sub> emissions, testing at 6.74 g/hp-hr and 7.42 lb/hr (574% above the limits of 1.0 g/hp-hr and 1.1 lb/hr), and CO emissions, testing at 4.96 g/hp-hr and 5.46 lb/hr (396% above the limits of 1.0 g/hp-hr and 1.1 lb/hr).

(d) The results of the annual engine testing conducted December 22, 2010 were received by the Division December 15, 2011, approximately ten months late.

(e) A certified letter was sent to the company on January 20, 2012, requesting records of corrective actions taken and follow-up testing in response to the excess emissions indicated during the December 22, 2010 testing. As of November 29, 2012 no records were submitted.

(f) There were no records of the duration of flare outages.

6. Said violations consists of failure to: 1) conduct initial performance tests within the permitted time frames; 2) submit the results of initial performance test within the permitted time frames; 3) comply with the permitted NO<sub>x</sub> and/or CO limits; 4) submit the results of annual tests within the permitted time frames; 5) submit records of maintenance or corrective actions; and 6) maintain records of duration of flare outages at the Bennett Creek Central Station. These are violations of conditions 7, 8, 9, 11, 12 and 20 of permit CT-3854.

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 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 6<sup>th</sup> day of FEBRUARY, 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.)