



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

December 4, 2013

Mr. Bill Lloyd
Cirque Resources LP
475 17th Street, Suite 1600
Denver, CO 80202

RE: Notice of Violation

Dear Mr. Lloyd:

Enclosed you will find a Notice of Violation (NOV) issued to Cirque Resources LP by the Department of Environmental Quality, Air Quality Division, for the failure to shut down the MTU RG6090L diesel fired engine at the Warren 17-1CH facility located in Laramie County, Wyoming. This constitutes a violation of condition 4 of waiver wv-14557.

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 Mr. Fred DiLella, Air Quality Compliance Manager, at 307-777-3774 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 Mr. Fred DiLella.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Fred DiLella
Glenn Spangler
Jeremiah Williamson
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO CIRQUE RESOURCES LP) **DOCKET NO. 5202 -13**
MR. BILL LLOYD)
475 17th STREET, SUITE 1600)
DENVER, CO 80202)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Cirque Resources LP to be in violation of waiver wv-14557 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 Warren 17-1CH facility located in Laramie 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. Waiver wv-14557 was issued to Cirque Resources LP on May 23, 2013 for the Warren 17-1CH facility allowing temporary operation of one MTU RG6090L diesel fired engine. Condition 4 of waiver wv-14557 indicated "This waiver shall expire on August 1, 2013."

5. An application for further operation of the MTU RG6090L diesel fired engine was received August 12, 2013. The Division was notified October 9, 2013 that the MTU RG6090L diesel fired engine was still operating. A new temporary waiver, wv-15349, was issued October 28, 2013. Operation of the engine between August 1, 2013 and October 28, 2013 is a violation of condition 4 of waiver wv-14557.

6. Said violation consists of the failure to shut down the MTU RG6090L diesel fired engine, which is a violation of condition 4 of waiver wv-14557.

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.

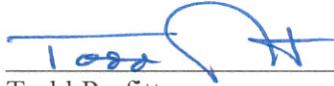
8. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

Cirque Resources LP
Notice of Violation
Page Two

DATED this 4th day of DECEMBER, 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.)