



# 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

August 21, 2014

Mr. Levi Poe  
Chesapeake Operating  
PO Box 18496  
Oklahoma City, OK 73154

RE: Notice of Violation

Dear Mr. Poe:

Enclosed you will find a Notice of Violation (NOV) issued to Chesapeake Operating by the Department of Environmental Quality, Air Quality Division, for exceeding the opacity from the vents on the fourth SandCastle™ silo at the Smith Creek 6-32A PAD facility located in Converse County, Wyoming. This is a violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations.

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. Ann Shed, 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. Ann Shed.

Sincerely,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Fred DiLella  
Ann Shed  
Chris Hanify  
Elizabeth Lyon  
Landon Brown



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

**IN THE MATTER OF THE NOTICE OF VIOLATION    )**  
**ISSUED TO CHESAPEAKE OPERATING            )** **DOCKET NO. 5451-14**  
**MR. LEVI POE                                    )**  
**PO BOX 18496                                    )**  
**OKALHOMA CITY, OK 73154                    )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Chesapeake Operating to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations (WAQSR) for the Smith Creek 6-32A PAD facility located in Converse 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 3, Section 2(a) and (e)(i) of the WAQSR states:
  - (a) "Visible emissions of any contaminant discharged into the atmosphere from any single new source of emission whatsoever as determined by a qualified observer shall be limited to 20 percent opacity..."
  - (e) "Unless restricted by more stringent emission limits established elsewhere in the Wyoming Air Quality Standards and Regulations or permit conditions, any single source may discharge for a period or periods aggregating not more than 6 minutes in any hour contaminants; (i) Having an equivalent opacity of not more than 40 percent as determined by a qualified observer."
4. On July 18, 2014, Chris Hanify, Air Quality Division Engineer/Inspector, performed Method 9 visible emissions readings averaging 35.4% and 47.5% opacity from the vents on the fourth SandCastle™ silo when arriving at the facility from East Antelope Road. The readings were in excess of the 20/40% opacity limits stated in Chapter 3, Section 2.
5. Said violation consists of exceeding the allowed opacity limit from the vents on the fourth SandCastle™ silo, which is a violation of Chapter 3, Section 2 of the WAQSR.
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 21<sup>ST</sup> day of AUGUST, 2014.



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)