



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

May 18, 2015

Mr. James M. Pearce
FMC Wyoming Corporation
P.O. Box 872
Green River, WY 82935

CERTIFIED MAIL

Re: Notice of Violation
Docket #5573-15

Dear Mr. Pearce:

Enclosed you will find a Notice of Violation (NOV) issued to FMC Wyoming Corporation by the Department of Environmental Quality, Air Quality Division, for the failure to comply with permitted particulate matter limits from the MW-3 (ELDM Fluid Bed Dryer), in violation of condition 3 of permit OP-265 at the Westvaco Facility located in Sweetwater County, Wyoming.

As the Department and this Division consider the failure to comply with permit requirements to be a serious matter, I am recommending that 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. 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
Tony Hoyt
Elizabeth Lyon
Landon Brown



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

**IN THE MATTER OF THE NOTICE OF VIOLATION
ISSUED TO FMC WYOMING CORPORATION) DOCKET NO. 5573-15
MR. JAMES M. PEARCE)
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 OP-265 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 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 procedure for issuing permits to sources under Wyoming's construction and modification permitting program.
4. Permit OP-265, was issued to FMC Wyoming Corporation on October 25, 1996. Table I of Condition 3 in this permit limits the particulate emission rates for the MW-3 (ELDM Fluid Bed Dryer) to 9.89 pph (lb/hr).
5. On December 16, 2014, emission testing was performed, as required by permit OP-265, for the MW-3 (ELDM Fluid Bed Dryer) located at the Westvaco facility. The unit was tested for particulate emissions using Reference Methods 1-5 with test results of 20.65 lb/hr, exceeding the permit limit of 9.89 lb/hr. On February 11, 2015 the unit was retested for particulate. The results of that test were 9.06 lb/hr, within the 9.89 lb/hr permit limits.
6. Said violation consists of exceeding permitted particulate limits for the MW-3 at the Westvaco facility. This is a violation of condition 3 of permit OP-265.
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.

FMC WYOMING CORPORATION
Notice of Violation, Docket # 5573-15
Page 2

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 18th day of MAY, 2015.



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.)