



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

July 6, 2015

Mr. Terrell Johnson
OCI Wyoming, LLC
PO Box 513
Green River, WY 82935

RE: Notice of Violation, Docket #5596-15

Dear Mr. Johnson:

Enclosed you will find a Notice of Violation (NOV) issued to OCI Wyoming, LLC by the Department of Environmental Quality, Air Quality Division, for the failure to minimize fugitive dust emissions at the Big Island Mine & Refinery operations in violation of W.S. §35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations.

As the Department and this Division consider the failure to comply with air quality permitting requirements to be a serious matter, I am considering recommending the Department refer these violations 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
Landon Brown
Cara Keslar
Elizabeth Lyon
Tony Hoyt



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO OCI WYOMING, LLC)
MR. TERRELL JOHNSON)
P.O. BOX 513)
GREEN RIVER, WY 82935)**

DOCKET NO. 5596-15

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found OCI Wyoming, LLC to be in violation of W.S. 35-11-201 and W.S. 35-11-801 of the Wyoming Environmental Quality Act, Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations and various permits issued to OCI Wyoming, LLC in the operation of the Big Island Mine & Refinery located in Sweetwater County, Wyoming.

2. W.S. 35-11-201 of the Wyoming Environmental Quality Act states, "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the council."

3. 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."

4. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations states, "Sources operating within the State of Wyoming are required to control fugitive dust emissions."

5. During a recent review of OCI Wyoming, LLC's ambient particulate monitoring data for the 4B & 4C monitoring site associated with the Big Island Mine & Refinery, the Air Quality Division determined that there have been two exceedances of the 24-hour PM-10 standard at this site on June 10, 2014 and October 26, 2014. The final PM₁₀ 24-hour concentrations measured at the 4B & 4C monitor were 186µg/m³ on June 10, 2014, and 239µg/m³ on October 26, 2014. These measurements exceed the PM₁₀ 24-hour average concentration limit of 150 µg/m³. Based on a review of this monitoring data, the Air Quality Division has determined that OCI Wyoming, LLC has failed to take appropriate measures to control fugitive dust emissions from the excavation, stockpiling, material handling and material hauling operations at the Big Island Mine & Refinery as required by Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations and the various permits issued to OCI Wyoming, LLC.

6. Said violation consists of the failure to control fugitive dust emissions from the Big Island Mine & Refinery operations in violation of W.S. §35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations.

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.

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DATED this 6th day of JULY, 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, 2-E, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)