



Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

February 21, 2006

Ms. Jeraldan Lewis
President
Lewis & Lewis, Inc.
P.O. Box 1928
Rock Springs, WY 82902

RE: Notice of Violation

Dear Ms. Lewis:

Enclosed you will find a Notice of Violation (NOV) issued to Lewis & Lewis, Inc. by the Department of Environmental Quality, Air Quality Division, for the failure to use water sprays at all times the crusher at the Lewis & Lewis Pit #2 is operational such that fugitive emissions are adequately controlled in violation of condition #4 of permit CT-1235. This violation was observed by the Air Quality Division District Engineer on February 8, 2006.

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. Robert Gill, Air Quality Compliance Program 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. Robert Gill.

Sincerely,
Michael Stoll

Michael Stoll
Administrator
Air Quality Division

cc: Robert Gill
Tony Hoyt
Nancy Vehr

MS

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH
(307) 777-7758
FAX 777-3610

ABANDONED MINES
(307) 777-6145
FAX 777-6462

AIR QUALITY
(307) 777-7391
FAX 777-5616

INDUSTRIAL SITING
(307) 777-7369
FAX 777-6937

LAND QUALITY
(307) 777-7756
FAX 777-5864

SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973



BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION
ISSUED TO LEWIS & LEWIS, INC., MS. JERALDAN
LEWIS, PRESIDENT, P.O. BOX 1928
ROCK SPRINGS, WY 82902

)
) DOCKET NO.
) 3844-06
)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Lewis & Lewis, Inc. to be in violation of permit CT-1235 issued in accordance with W.S. 35-11-801(a) of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the portable crushing and screening equipment at the Lewis & Lewis Pit #2 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 procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Permit CT-1235 was issued to Lewis & Lewis, Inc. on July 22, 1996. Condition #4 of permit CT-1235 states, "That water sprays shall be utilized at all times this crusher is operational, such that the maximum visible emission of dust escaping the crusher units is limited to fifteen percent (15%) opacity. Visible emissions from all other plant operations, such as conveyor belt transfer and discharge points, screens, loaders, stackers, etc., are limited to ten percent (10%) opacity. Spray nozzles shall be located at belt transfer and discharge points, screens, and the inlet/outlet of crushers as necessary to achieve this level of control."

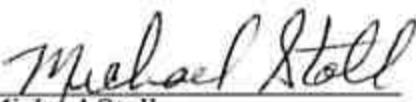
5. On February 8, 2006, Mr. Tony Hoyt, Air Quality Division District Engineer, observed the crushing and screening equipment permitted under CT-1235 operating at the Lewis & Lewis Pit #2. Significant fugitive emissions were noted from the belt drop points to the stockpiles, from the crusher output and from the primary screen. Mr. Hoyt also observed that water sprays were not operational on any equipment.

6. Said violation consists of the failure to use water sprays at all times the crusher is operational such that fugitive emissions are adequately controlled in violation of condition #4 of permit CT-1235.

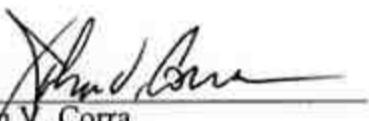
7. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental 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 23 day of February, 2006.



Michael Stoll
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

Please direct all inquiries to Michael Stoll, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)