



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

May 31, 2006

Mr. Jim Huxtable
Owner/Operator
Jim Huxtable Quarry
720 Cold Springs Road
Douglas, WY 82633

RE: Notice of Violation

Dear Mr. Huxtable:

Enclosed you will find a Notice of Violation (NOV) issued to the Jim Huxtable Quarry by the Department of Environmental Quality, Air Quality Division, for the failure to obtain air quality permit prior to commencing construction and operation of the Nordberg Screen at the Huxtable Quarry in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations and the failure to maintain and make available for review records of dust suppressant and water usage at the Huxtable Quarry in violation of permit CT-3787. These violations were observed during inspections of the Jim Huxtable Quarry in November 2005 and in April 2006.

As the Department and this Division consider the failure to comply with air quality permitting requirements and 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,

David A. Finley
Administrator
Air Quality Division

cc: Robert Gill
Chris Hanify
Nancy Vehr
Keith Guille



NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Jim Huxtable Quarry (Huxtable Quarry) to be in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations and to be in violation of permit CT-3787 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 Huxtable Quarry 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. W.S. 35-11-801(c) states, "A permit to construct is required before the construction or modification of any industrial facility capable of causing or increasing air or water pollution in excess of standards established by the department is commenced."

4. 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.

5. Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations states, "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality, before any actual work is begun on the facility."

6. Permit CT-3787 was issued for the Huxtable Quarry on September 1, 2005. Conditions 3 and 5 of permit CT-3787 require treatment of haul roads, work areas, disturbed areas and stockpiles with water and/or chemical dust suppressants to control fugitive dust. The requirement for haul road dust control requires a minimum of two applications of dust suppressant annually and the road to be continually maintained with the application of water to the extent that such treatment remains a viable control measure. Condition 4 of permit CT-3787 requires the Huxtable Quarry to maintain a log book listing the dates, amount of dust suppressant applied, areas treated, water usage and operating hours of the water truck. The log book shall be maintained on site and made available to Air Quality Division personnel upon request.

7. On November 3, 2005, Mr. Chris Hanify, Air Quality Division Compliance Inspector, conducted an inspection of the Huxtable Quarry. During the November 3, 2005 site visit, Mr. Hanify observed a Nordberg Screen constructed on site. During the inspection and follow-up investigation, Mr. Hanify could not find, nor did the Huxtable Quarry provide, any record of where this screen had been permitted by the Air Quality Division. Additionally, during the inspection and in a follow-up

conversation, Mr. Hanify inquired about the Huxtable Quarry dust control records. No dust control records were made available for review. Mr. Hanify conducted another inspection of the Huxtable Quarry on April 28, 2006. During the April 28th inspection, the same concerns remained regarding permitting for the screen and dust suppressant records.

8. Said violations consist of the failure to obtain an air quality permit prior to commencing construction and operation of the Nordberg Screen at the Huxtable Quarry in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations and the failure to maintain and make available for review records of dust suppressant and water usage at the Huxtable Quarry in violation of permit CT-3787.

9. 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.

10. 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 9th day of June, 2006.



David A. Finley
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

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