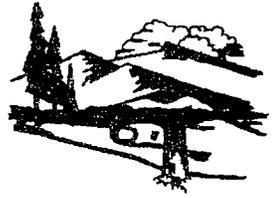




Department of Environmental Quality



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

June 25, 2007

Mr. David Crnich
Environmental Director
McMurry Ready Mix Company
PO BOX 2488
Casper, WY 82602

RE: Notice of Violation

Dear Mr. Crnich:

Enclosed you will find a Notice of Violation (NOV) issued to McMurry Ready Mix Company by the Department of Environmental Quality, Air Quality Division, for failing to comply with the permit requirements for 1) failing to maintain opacity at the venturi scrubber to 20% or less and 2) failing to adequately control fugitive dust from the haul road and aggregate handling bin for the hot mix asphalt plant located in Carbon County, Wyoming. These violations of permit MD-899 were observed by Mr. Thor Nordwick and Mr. Glenn Spangler on May 30, 2007.

Another issue, not currently addressed in this Notice of Violation, but of great concern was observed during this inspection. A fire in a steel barrel was observed, burning which is suspected to be burning trade waste.

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. Karen Godman, 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. Karen Godman.

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Robert Gill
Karen Godman
Glenn Spangler
Thor Nordwick
Nancy Vehr
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO MCMURRY READY MIX COMPANY,)
MR. DAVID CRNICH,)
ENVIRONMENTAL DIRECTOR,)
PO BOX 2488)
CASPER, WYOMING 82602)**

**DOCKET NO.
4107-07**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found McMurry Ready Mix Company to be in violation of permit MD-899 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 at the hot mix asphalt plant located in Carbon 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 MD-899 was issued to McMurry Ready Mix Company July 25, 2003. Condition 6 states:

"That the opacity from the venturi scrubber or any other emission point shall be limited to 20 percent or less as determined by 40 CFR, Part 60, Appendix A, Method 9."

5. On May 30, 2007, Mr. Thor Nordwick and Mr. Glenn Spangler, Air Quality Engineers, visited the McMurry Ready Mix Company hot mix asphalt plant operating near Walcott Junction located in Carbon County, Wyoming. Mr. Nordwick conducted a Method 9 opacity observation of the venturi scrubber with a resultant opacity of 32.9%.

6. Condition 13 of permit MD-899 states:

"All haul roads, access roads, and work areas used in the operation of this facility shall be treated with water and/or chemical suppressants on a schedule sufficient to adequately control fugitive dust emissions"

7. On May 30, 2007, Mr. Thor Nordwick and Mr. Glenn Spangler, Air Quality Engineers, visited the McMurry Ready Mix Company hot mix asphalt plant operating near Walcott Junction located in Carbon County, Wyoming. Mr. Nordwick and Mr. Spangler observed significant fugitive dust emissions from trucks using the haul road and also the aggregate handling bin.

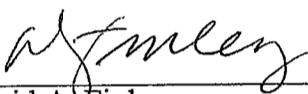
8. Said violations consist of 1) visible emissions from the venturi scrubber system in excess of the opacity limitation of 20% and 2) failing to adequately control fugitive dust from the haul road and aggregate handling bin. These are direct violations of permit MD-899.

McMurry Ready Mix Company
Notice of Violation
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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 12 day of July, 2007.



David A. Finley
Administrator
Air Quality Division



John Corra
Director
Department of Environmental Quality

Please direct all inquiries to David A. Finley, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)