



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

August 21, 2007

Mr. Robert A. Volcic
Volcic Mobile Homes Sales, Inc.
P.O. Box 666
Rock Springs, WY 82902

Re: Notice of Violation

Dear Mr. Volcic,

Enclosed you will find a Notice of Violation (NOV) issued to Volcic Mobile Homes Sales, Inc. by the Department of Environmental Quality, Air Quality Division for the failure to control fugitive dust emissions from the stockpile of dirt located on your property at Skyview Estates, directly across the street from 3901 Peregrin, Rock Springs, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations. This violation was observed by Mr. Tony Hoyt, Air Quality District Engineer, on both May 22, 2007 and June 21, 2007. During Mr. Hoyt's observation, the stockpile of dirt had no evidence of fugitive dust control measures to alleviate fugitive dust.

As the Department and this Division consider the failure to comply with air quality regulatory requirements 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 issue 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 the Notice of Violation, please feel free to contact me or Ms. Karen Godman.

Sincerely,

David A. Finley
Administrator
Air Quality Division

cc: Nancy Vehr,
Robert Gill
Tony Hoyt
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION
ISSUED TO VOLCIC MOBILE HOMES SALES, INC.
MR. ROBERT A. VOLCIC, PRESIDENT
P.O. BOX 666,
ROCK SPRINGS, WY 82902**

**DOCKET NO.
4137-07**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Volcic Mobile Homes Sales, Inc. to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations in the construction activities at Skyview Estates, near the corner of Foothills Boulevard and Signal Drive located in Sweetwater County, Wyoming.

2. W.S. 35-11-201 of the 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. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations specifies requirements for fugitive dust control. Chapter 3, Section 2(f)(i) states, "Any person engaged in clearing or leveling of land, earthmoving, excavation, or movement of trucks or construction equipment over access haul roads or cleared land shall take steps to minimize fugitive dust from such activities. Such control measures may include frequent watering and/or chemical stabilization."

4. On April 19, 2007, the Division received a complaint about fugitive dust emissions at the Skyview Estates subdivision located in Rock Springs, Wyoming coming from a stockpile of dirt located across the street from 3901 Peregrin, Rock Springs, Wyoming. In response, the Division sent letters dated April 19, 2007 to the contractors believed to be involved with the vacant lot where the stockpile of dirt was located. On May 22, 2007, Mr. Tony Hoyt, Air Quality District Engineer, conducted an inspection of the property following the complaint and observed extreme fugitive dust emissions from the stockpile of dirt located directly across the street from 3901 Peregrin, Rock Springs, Wyoming. Following the inspection, the Division contacted Mr. Volcic, owner and operator of the vacant lot and discussed acceptable ways to control fugitive dust to include water sprays and chemical dust suppressants. On June 21, 2007, Mr. Tony Hoyt again visited the site and again observed fugitive dust and noted no evidence of fugitive dust control measures taken..

5. Said violation consists of the failure control fugitive dust emissions from the stockpile of dirt located directly across the street from 3901 Peregrin in Rock Springs, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations.

6. 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.

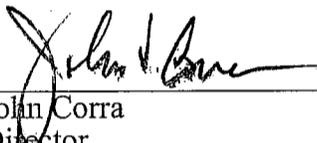
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7. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 23 day of Aug, 2007.



David A. Finley
Administrator
Air Quality Division



John Corra
Director
Department of Environmental Quality

Please direct all inquiries to David 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.)