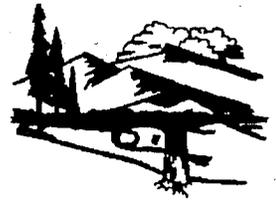




# Department of Environmental Quality



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 12, 2008

Mr. Lebrecht  
Santrol  
435 W Blair Avenue  
Rock Springs, WY 82901

Re: Notice of Violation

Dear Mr. Lebrecht,

Enclosed you will find a Notice of Violation (NOV) issued to Santrol by the Department of Environmental Quality, Air Quality Division for the failure to control fugitive dust emissions from the Santol Haul Facility located in Sweetwater County, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations. This violation was observed by the Division on April 22, 2008, June 24, 2008 and July 21, 2008. During the Division's observation, the haul road 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,

*for* 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 SANTROL  
MR. LEBRECHT, OWNER  
435 W BLAIR AVENUE,  
ROCK SPRINGS, WY 82901**

**DOCKET NO. 4343-08**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Santrol 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 hauling activities at the Santrol Haul Facility 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)(ii)(A) states, "Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such an operation. Such control measures may include the application of asphalt, oil, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can give rise to airborne dusts. Control measures for material handling may also include installation of hoods, fans and fabric filters to enclose and vent dusty materials."

4. On April 22, 2008 the Division received a complaint regarding excessive fugitive dust emissions at the Santrol Haul Facility, located in Rock Springs, Wyoming. In response, the Division conducted an inspection of the road and found excessive fugitive dust from haul trucks using the road. The Division then contacted Santrol and requested that a dust suppressant be applied to the road to control fugitive emissions. On June 24, 2008 another site visit was conducted, which showed excessive fugitive dust. The site was observed again on July 21, 2008 and found to be in poor condition with significant clouds of fugitive dust generated by haul traffic on the road and noted no evidence of fugitive dust control measures taken.

5. Said violation consists of the failure control fugitive dust emissions from the Santrol Haul Facility located in Sweetwater County, 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.

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

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Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 13<sup>th</sup> day of August, 2008.

*for Michael Stoll*  
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David A. Finley  
Administrator  
Air Quality Division

*John V. Corra*  
\_\_\_\_\_  
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, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)