



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

January 27, 2009

Mr. Phil Lane,
Plant Manager
Mountain Cement Company
5 Sand Creek Road
Laramie, WY 82070

RE: Notice of Violation

Dear Mr. Lane:

Enclosed is a Notice of Violation issued to Mountain Cement Company for: 1) exceeding the opacity limit of 10% for the K-602 clinker/conveyor entrance/transfer point to the clinker storage in violation of condition F3(d) of permit 30-1-098-1, 2) failure to minimize fugitive dust from the clinker transfer tunnel under the clinker storage building in violation of condition G20 of permit 3-1-098-1, and 3) failure to notify and request permission from the Division for the outside clinker storage pile, which is a violation of condition F2(a) and F2(b) of permit 3-1-098-1. These violations are requirements of permit 3-1-098-1.

As the Department and this Division consider the failure to comply with air quality permit requirements to be a serious matter, I am 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 action on the referral by 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: Bob Gill
Glenn Spangler
Keith Guille
Nancy Vehr

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

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| ADMIN/OUTREACH (307) 777-7937 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 777-5973 | 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 |
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**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO MOUNTAIN CEMENT COMPANY,)
MR. PHIL LANE, PLANT MANAGER,)
5 SAND CREEK ROAD, LARAMIE, WY 82070)**

DOCKET NO. 4424-09

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Mountain Cement Company to be in violation of permit 3-1-098-1 issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 3 of the Wyoming Air Quality Standards and Regulations in the operation of the Laramie Cement Plant located Albany County, Wyoming.

2. W.S. 35-11-801 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 3 of the Wyoming Air Quality Standards and Regulations prescribes the applicability and procedures for issuing permits to major sources under Wyoming's operating permitting program.

4. Permit 3-1-098-1 was issued to Mountain Cement Company on or about December 26, 2007. Condition F3(d) of permit 3-1-098-1 states, "Visible emissions from the sources listed in Table I of this permit; the CKD spout; kiln #1 feed transfer (K-274); each raw material, clinker, or finished product storage bin; conveying system transfer point; bagging systems; and bulk loading or unloading system shall not exceed 10 percent."

5. On September 15, 2008, Air Quality Engineers, Mr. Glenn Spangler and Mr. Thor Nordwick conducted an inspection of the Laramie Cement Plant and noted continuous fugitive emissions from the K-602 clinker/conveyor transfer point to the clinker storage building. An EPA Method 9 opacity test was conducted at this transfer point resulting in a six-minute average opacity measurement of 27.7%.

6. Said violation consists of exceeding the opacity limit of 10% for the K-602 clinker/conveyor entrance/transfer point to the clinker storage in violation of condition F3(d) of permit 3-1-098-1.

7. Permit 3-1-098-1 was issued to Mountain Cement Company on or about December 26, 2007. Condition G20 of permit 3-1-098-1 states, "The permittee shall minimize fugitive dust in compliance with standards in Ch 3, Sec 2(f) of WAQSR for construction/demolition activities, handling and transportation of materials, and agricultural practices."

8. On September 15, 2008, Air Quality Engineers, Mr. Glenn Spangler and Mr. Thor Nordwick conducted an inspection of the Laramie Cement Plant and noted excessive fugitive dust from the clinker transfer tunnel under the clinker storage building. It was stated by a maintenance employee that the fugitive dust in the tunnel was due to the clinker being loaded onto the reclaim conveyor at uncontrolled chutes.

9. Said violation consists of failure to minimize fugitive dust from the clinker transfer tunnel under the clinker storage building in violation of condition G20 of permit 3-1-098-1.

10. Permit 3-1-098-1 was issued to Mountain Cement Company on or about December 26, 2007. Condition F2(a-b) of permit 3-1-098-1 outline requirements for raw material and clinker storage. Condition F2(a) states, "No raw material or clinker shall be stored in the open." Condition F2(b) states, "The Division will allow temporary outside storage of materials due to materials handling equipment breakdown. The permittee shall notify the Division of each such event within 24 hours of occurrence, to be followed in writing requesting permission to do so and stating the types of materials involved, amounts to be stockpiled, life of stockpile, and proposed method of controls."

11. On September 15, 2008, Air Quality Engineers, Mr. Glenn Spangler and Mr. Thor Nordwick conducted an inspection of the Laramie Cement Plant and noted an outside clinker storage pile (approximately 100-feet wide and 200-feet long containing approximately 4,000 tons of clinker) to the west of the storage building. Company representatives stated the storage pile was necessary due to repairs being completed on the clinker storage building.

12. Said violation consists of failure to notify and request permission from the Division for the outside clinker storage pile which is a violation of condition F2(a) and F2(b) of permit 3-1-098-1.

13. Said violations consist of: 1) exceeding the opacity limit of 10% for the K-602 clinker/conveyor entrance/transfer point to the clinker storage in violation of condition F3(d) of permit 3-1-098-1, 2) failure to minimize fugitive dust from the clinker transfer tunnel under the clinker storage building in violation of condition G20 of permit 3-1-098-1, and 3) failure to notify and request permission from the Division for the outside clinker storage pile, which is a violation of condition F2(a) and F2(b) of permit 3-1-098-1.

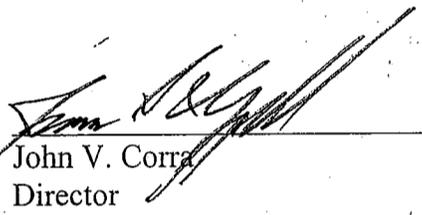
14. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental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

15. 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 30th day of January, 2009.



David A. Finley
Administrator
Air Quality Division



John V. 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.)