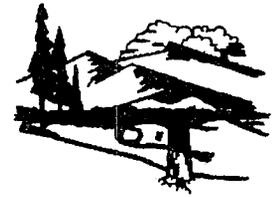




Department of Environmental Quality



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

July 20, 2009

Mr. Bill Schaible
Sema Construction
7353 South Eagle Street,
Centennial, CO 80112-4223

Re: Notice of Violation

Dear Mr. Schaible:

Enclosed you will find a Notice of Violation (NOV) issued to Sema Construction by the Department of Environmental Quality, Air Quality Division for failing to: 1) obtain a construction permit for the crusher prior to construction and 2) control fugitive dust emissions from a crusher located near the FE Warren Air Force Base and I-25 interchange in Laramie County, Wyoming.

As the Department and this Division consider the failure to comply with air quality permitting requirements and control fugitive dust 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
Nancy Vehr
Glenn Spangler
Keith Guille

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

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 SEMA CONSTRUCTION,
MR. BILL SCHAIBLE, SUPERINTENDENT,
7353 SOUTH EAGLE STREET,
CENTENNIAL, CO 80112-4223**

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DOCKET NO. 4530-09

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Sema Construction to be in violation of W.S. 35-11-801(c) and Chapter 6, Section 2(a) of the Wyoming Air Quality Standards and Regulations and also to be in violation of Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations in the operation of a crusher located near the FE Warren Air Force Base and I-25 interchange in Laramie County, Wyoming.

2. 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."

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. 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."

5. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations states in part, "Sources operating within the State of Wyoming are required to control fugitive dust emissions..."

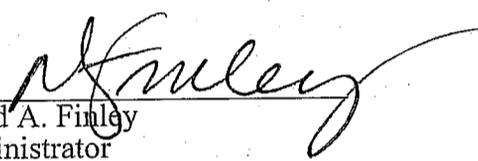
6. On April 21, 2009, Mrs. Carla Mlinar, Air Quality Division Engineer, visited a site near the FE Warren Air Force Base and I-25 interchange in response to a complaint regarding excessive fugitive dust. Upon inspection, a crusher was observed creating excessive fugitive dust. Subsequent discussion with company representative, Mr. Richard Wilcox, indicated that the crusher was owned and operated by Sema Construction and a review of the Air Quality Division's files showed that this equipment does not have an air quality permit.

7. Said violations consists of the failure to: 1) obtain an air quality permit for the crusher and 2) control fugitive dust emissions at this site in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a) and Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations.

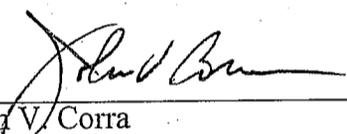
8. Under W.S. 35-11-901(a), any person who violates any provision of Article 2 of [the Environmental Quality Act] ... or any rule, regulation, standard or permit adopted pursuant to those provisions, or who violates any determination or order of the council pursuant to Article 2 of [the Environmental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

9. 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 29 day of July, 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.)