



# 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

November 4, 2009

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

RE: Notice of Violation

Dear Mr. Lane,

Enclosed you will find a Notice of Violation (NOV) issued to Mountain Cement Company by the Department of Environmental Quality, Air Quality Division, for failing to control fugitive dust as required by W.S. 35-11-201 of the Wyoming Environmental Quality Act, Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations and various permits issued for the operation of the Laramie Cement Plant. Based on high PM<sub>10</sub> measurement at the East and North TEOM monitoring sites associated with the Laramie Cement Plant, the Air Quality Division has determined that Mountain Cement Company has failed to take appropriate measures to control fugitive dust emissions from operations at the Laramie Cement Plant.

As the Department and this Division consider the failure to comply with regulatory and permit 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 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  
Keith Guille  
Glenn Spangler  
Cara Keslar



**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. 4588-09**

**NOTICE OF VIOLATION**

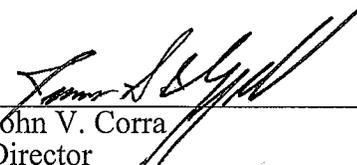
**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Mountain Cement Company to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act, Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations, and various permits issued in the operation of the Laramie Cement Plant located in Albany County, Wyoming.
2. W.S. 35-11-201 of the Wyoming 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)(ii)(A) of the Wyoming Air Quality Standards and Regulations states, "Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such operations. 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 dust...."
4. Various permits issued for the Mountain Cement Company require implementation of fugitive dust control measures and installation and operation of an ambient particulate monitoring network.
5. During a recent review of Mountain Cement Company's ambient particulate monitoring data for the East and North TEOM monitoring sites associated with the Laramie Cement Plant, the Air Quality Division determined that there were two exceedances of the 24-hour PM<sub>10</sub> standard at this site on January 25, 2008 and January 7, 2009. The final PM<sub>10</sub> 24-hour concentration for the East TEOM on January 25, 2008 was measured at 179.3 µg/m<sup>3</sup> and final PM<sub>10</sub> 24-hour concentration for the North TEOM on January 7, 2009 was measured at 255.6 µg/m<sup>3</sup>, exceeding the PM<sub>10</sub> 24-hour average concentration limit of 150 µg/m<sup>3</sup>. Based on a review of this monitoring data, the Air Quality Division has determined that Mountain Cement Company has failed to take appropriate measures to control fugitive dust emissions at the Laramie Cement Plant as required by Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations and the various permits issued for the Laramie Cement Plant.
6. Said violations consist of the failure to minimize fugitive dust emissions from the Laramie Cement Plant operations in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act, Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations, and the various permits issued for operations at the Laramie Cement Plant.
7. 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.

8. 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 9<sup>th</sup> day of November, 2009.

  
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David A. Finley  
Administrator  
Air Quality Division

  
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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.)