



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

May 7, 2010

Mr. Justin D. Vineyard,
Chevron Mining Inc.
PO BOX 950
Kemmerer, WY 83101

RE: Notice of Violation

Dear Mr. Vineyard,

Enclosed you will find a Notice of Violation (NOV) issued to Chevron Mining Inc. 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 Kemmerer Mine. Based on high PM₁₀ measurements at the 800-2A TEOM monitoring site associated with the Kemmerer Mine, the Air Quality Division has determined that Chevron Mining Inc. failed to take appropriate measures to control fugitive dust emissions from operations at the Kemmerer Mine.

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,

Robert P. Gill
Acting Administrator
Air Quality Division

cc: Robert Gill
Nancy Vehr
Keith Guille
Greg Meeker
Cara Keslar



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO CHEVRON MINING INC.,)
MR. JUSTIN D. VINEYARD,)
PO BOX 950, KEMMERER, WY 83101)**

DOCKET NO. 4687-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Chevron Mining Inc. (Chevron) 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 in the operation of the Kemmerer Mine located in Lincoln 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 Kemmerer Mine require implementation of fugitive dust control measures and installation and operation of an ambient particulate monitoring network.

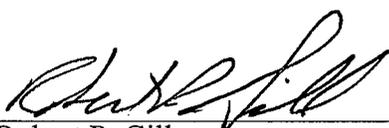
5. During a recent review of Chevron's ambient particulate monitoring data for the 800-2A TEOM monitoring site associated with the Kemmerer Mine, the Air Quality Division determined that there were two exceedances of the 24-hour PM₁₀ standard at this site on May 18, 2009 and December 28, 2009. The final PM₁₀ 24-hour concentration for the 800-2A TEOM on May 18, 2009 was measured at 169.0 µg/m³ and final PM₁₀ 24-hour concentration for the 800-2A TEOM on December 28, 2009 was measured at 186.5 µg/m³, exceeding the PM₁₀ 24-hour average concentration limit of 150 µg/m³. Based on a review of this monitoring data and information provided by Chevron, the Air Quality Division has determined that Chevron failed to take appropriate measures to control fugitive dust emissions at Kemmerer Mine as required by Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations and the various permits issued for the Kemmerer Mine.

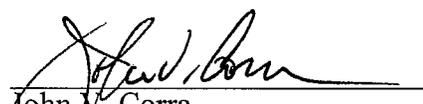
6. Said violations consist of the failure to minimize fugitive dust emissions from the Kemmerer Mine operations in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act, Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations, and the various permits issued for operations at the Kemmerer Mine.

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 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 11 day of MAY, 2010.


Robert P. Gill
Acting Administrator
Air Quality Division


John N. Corra
Director
Department of Environmental Quality

Please direct all inquiries to Acting Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)