



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

October 20, 2010

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 failing to minimize fugitive dust from plant areas in violation of Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations and condition F1(b) 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 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,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Bob Gill
Glenn Spangler
Keith Guille
Nancy Vehr



**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,) DOCKET NO. 4750-10
5 SAND CREEK ROAD, LARAMIE, WY 82070)**

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 Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations, 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. Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations requires sources to control fugitive dust emissions.

5. Permit 3-1-098-1 was issued to Mountain Cement Company on or about December 26, 2007. Condition F1(b) of permit 3-1-098-1 states, "All working areas subject to the movement of trucks, loaders and other heavy equipment shall be treated with chemical dust suppressants and/or water to prevent excessive fugitive dust emissions."

6. On September 9, 2010, Air Quality Engineer, Mr. Glenn Spangler observed a haze in the vicinity of the Laramie Cement Plant and subsequently conducted an inspection. During the inspection Mr. Spangler noted a haze of visible emissions of significant height originating from the main areas of the Laramie Cement Plant. Intermittent dust plumes were observed being generated from 1) the area behind the Raw Material Storage Building near the crusher and enclosed raw material loadout building, 2) the area behind (west of) the truck cement loadout area and north of the Coal Storage Building and 3) the area immediately south of the Coal Storage Building where a front-end loader was moving coal. Plumes of fugitive dust were also observed in the following areas: 1) the area between the Raw Material Storage Building and the Clinker Storage Building, 2) the area to the south and west of the Coal Storage Building and 3) the area between the Coal Storage Building and the Truck Cement Loadout Silos. Significant fugitive dust clouds were observed leaving the cement plant property. Initial observations did not note street sweeping equipment or water trucks.

7. Said violation consists of failing to minimize fugitive dust from plant areas in violation of Chapter 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations and condition F1(b) of permit 3-1-098-1.

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 22 day of OCTOBER, 2010.



Steven A. Dietrich
Administrator
Air Quality Division



John V. Corra
Director
Department of Environmental Quality

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