



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

John Corra, Director

January 26, 2011

Mr. Jeff Williams,  
Environmental Manager  
Intermountain Construction & Materials  
P.O. Box 2469,  
Gillette, WY 82717

Re: Notice of Violation

Dear Mr. Williams:

Enclosed you will find a Notice of Violation (NOV) issued to Intermountain Construction & Materials at the 1983 CMI UVM-1200SP Portable Hot Mix Asphalt Plant for failing to comply with the 3.1 lb/hr limit for the scrubber as required by permit CT-947A.

As the Department and this Division consider the failure to comply with air quality permit requirements to be a serious matter, and I am considering recommending that 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 issue 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,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Bob Gill  
Tanner Shatto  
Nancy Vehr  
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO INTERMOUNTAIN CONSTRUCTION & MATERIALS, ) DOCKET. 4798-11  
MR. JEFF WILLIAMS, ENVIRONMENTAL MANAGER )  
P.O. BOX 2469, GILLETTE, WY 82717 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Intermountain Construction & Materials to be in violation of permit CT-947A issued in accordance with W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the 1983 CMI UVM-1200SP Portable Hot Mix Asphalt Plant located in Sheridan County, Wyoming.

2. W.S. 35-11-801(a) 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 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. Permit CT-947A was issued to Intermountain Construction & Materials on June 15, 2010. Condition 9 of permit CT-947A states: "The allowable particulate emissions from the hot mix plant scrubber shall be limited to 3.1 lb/hr with a loading limit of 0.04 gr/dscf."

5. Intermountain Construction & Materials performed particulate emissions sampling on the Hot Mix Plant Scrubber on September 10, 2010 and September 23, 2010. The Air Quality Division's review of the stack test report determined Intermountain Construction & Materials exceeded the permitted particulate emission limit with a total particulate emission measurement of 3.32 lb/hr, (107% of the 3.1 lb/hr limit).

6. Said violations consist of failing to comply with the 3.1 lb/hr limit for the scrubber as required by permit CT-947A.

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.

Intermountain Construction & Materials  
Notice of Violation  
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DATED this 31<sup>ST</sup> day of JANUARY, 2011.



Steven A. Dietrich  
Administrator  
Air Quality Division



John 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.)