



Department of Environmental Quality

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



John Corra, Director

Matthew H. Mead, Governor

June 22, 2011

Mr. Don Beard
Road Foreman
Laramie County
2503 East Fox Farm Road
Cheyenne, WY 82007

RE: Notice of Violation

Dear Mr. Don Beard:

Enclosed you will find a Notice of Violation (NOV) issued to Laramie County by the Department of Environmental Quality, Air Quality Division, for the failure to obtain an air quality permit prior to commencing construction and operation of crushing equipment located at the Geortz Pit in Laramie County, Wyoming in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a)(i) of the Wyoming Air Quality Standards and Regulations. This violation was discovered during a complaint inspection conducted on May 10, 2011.

As the Department and this Division consider the failure to comply with air quality permitting 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 J. 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: Robert Gill
Glenn Spangler
Nancy Vehr
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO LARAMIE COUNTY,)
MR. DON BEARD,)
ROAD FOREMAN,)
2503 EAST FOX FARM ROAD,)
CHEYENNE, WY 82007)**

DOCKET NO. 4850-11

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Laramie County 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 in the operation of crushing equipment(Grizzly, cone crusher(s), conveyors and genset) located at the Goertz Pit 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. On May 10, 2011, in response to a complaint, Air Quality Division Engineer, Ms. Carla Mlinar visited the Goertz Pit and conducted an inspection of the site. Upon inspection, crushing and screening equipment was observed in operation. Subsequent discussion with county representatives indicated that the crushing and screening equipment was owned and operated by Laramie County and review of the Air Quality Division's files showed that the crushing equipment did not have an air quality permit.

6. Said violation consists of the failure to obtain an air quality permit for the crushing equipment at this site in violation of W.S. 35-11-801(c) of the Wyoming Environmental Quality Act and Chapter 6, Section 2(a) Wyoming Air Quality Standards and Regulations.

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 22nd day of JUNE, 2011.



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.)