

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

July 18, 2011

Mr. Shad Peabody
Permits Coordinator
Skanska USA Civil West Rocky Mountain District
PO BOX 1660
Cortez, CO 81321

RE: Notice of Violation

Dear Mr. Peabody:

Enclosed is a Notice of Violation issued to the Skanska USA Civil West Rocky Mountain District for the failure to comply with the 10% opacity limit for the conveyor transfer and west screen in violation of condition 6 of permit CT-11515 at the Brokaw Mine in Carbon County, Wyoming.

As the Department and this Division consider the failure to comply with permit and regulatory requirements to be a serious matter, 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 Notice of Violation 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
Chris Hanify
Nancy Vehr
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO SKANSKA USA CIVIL WEST ROCKY MOUNTAIN DISTRICT,)
MR. SHAD PEABODY,) DOCKET 4862-11
PERMITS COORDINATOR,)
PO BOX 1660, CORTEZ, CO 81321)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Skanska USA Civil West Rocky Mountain District (Skanska) to be in violation of permit CT-11515 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 crushing/screening equipment located at the Brokaw Mine in Carbon 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-11515 was issued to Skanska on April 5, 2011. Condition 6 of permit CT-11515 states: "That the allowable opacity for fugitive emissions associated with the crushing equipment shall be limited to fifteen percent (15%), the allowable opacity for screens, conveyor transfer points and other fugitive emission points shall be limited to ten percent (10%) as determined by 40 CFR, Part 60, Appendix A, Method 9."

5. On June 10, 2011, in response to a complaint Mr. Chris Hanify, Air Quality Division Engineer, conducted an inspection of the Brokaw Pit and collected Method 9 measurements for the opacity of the conveyor transfer and west screen. The measured opacity of the conveyor transfer was 49%. The measured opacity of the west screen was 40%. Opacity measurements above 10% are violations of Condition 6 of permit CT-11515.

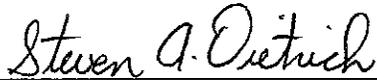
6. Said violations consist of failing to comply with the 10% opacity limit for the conveyor transfer and west screen as required by permit CT-11515.

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.

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Notice of Violation
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DATED this 22nd day of JULY, 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.)