



Matthew H. Mead, Governor

# 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

August 19, 2011

Mr. Paul D. Miller  
Owner  
Scrap Busters  
150 South Main Street  
Torrington, WY 82240

RE: Notice of Violation

Dear Mr. Miller:

Enclosed is a copy of a Notice of Violation issued to Scrap Busters for unlawful burning of prohibited materials at Scrap Busters property located at 150 South Main Street, Torrington, Wyoming 82240.

As the Department and this Division consider the failure to comply with open burning 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,

Steven A. Dietrich  
Administrator  
Air Quality Division

cc: Bob Gill  
Nancy Vehr  
Keith Guille  
Glenn Spangler



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO SCRAP BUSTERS, ) DOCKET NO. 4888-11  
MR. PAUL D. MILLER, OWNER, )  
150 SOUTH MAIN STREET, )  
TORRINGTON, WYOMING 82240 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Scrap Busters to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 10, Section 2 of the Wyoming Air Quality Standards and Regulations.

2. W.S. 35-11-201 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 10, Section 2(c) states, "No person shall burn prohibited materials using an open burning method, except as may be authorized by permit."

4. On May 17, 2011, the Wyoming Department of Environmental Quality, Air Quality Division received a complaint regarding open burning at the Scrap Busters property located at 150 South Main Street, Torrington Wyoming (Goshen County). In response, Ms. Carla Mlinar, Air Quality Division Engineer, conducted an inspection and noted the following prohibited items burning: tires, rims, telephone poles, rebar and concrete, stoves, refrigerators, electrical wiring and a tank (cylinder). No permit or communication regarding the open burning of the prohibited materials was initiated by Mr. Miller to the Division.

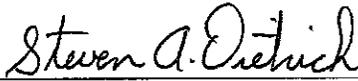
5. Said violation consists of unlawful open burning of prohibited materials in violation of W.S. 35-11-201 of the Environmental Quality and Chapter 10, Section 2 of the Wyoming Air Quality Standards and Regulations.

6. 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.

7. 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.

Scrap Busters  
Notice of Violation  
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DATED this 19<sup>th</sup> day of AUGUST, 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.)