



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

October 28, 2011

Mr. David Fertig
Knife River
P.O. BOX 730
Casper, WY 82602

RE: Notice of Violation

Dear Mr. Fertig:

Enclosed you will find a Notice of Violation (NOV) issued to Knife River by the Department of Environmental Quality, Air Quality Division, for failing to comply with the 10% opacity limit for transfer points and utilize a wet suppression system on the crusher/screen at the Madsen Site in violation of conditions 4 and 5 of permit MD-1498A. These violations of permit MD-1498A were observed by Mr. Chris Hanify on September 29, 2011.

As the Department and this Division consider the failure to comply with air quality permit conditions 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: Robert 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 KNIFE RIVER,)
MR. DAVID FERTIG, VICE PRESIDENT) DOCKET NO. 4918-11
P.O. BOX 730,)
CASPER, WY 82602)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Knife River to be in violation of permit MD-1498A 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 Madsen Site located Natrona 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 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 MD-1498A was issued to Knife River on April 21, 2008. Condition 4 requires that the allowable opacity for the screens, conveyor transfer points and other fugitive emission points be limited to 10% as determined by 40 CFR Part 60, Appendix A, Method 9.
5. On September 29, 2011, Air Quality Engineer, Mr. Chris Hanify conducted an inspection and recorded an opacity reading of 33% at the transfer point from the product conveyor out of the Svedala cone crusher. The opacity reading is in excess of the 10% opacity limit required by condition 4 permit MD-1498A.
6. Condition 5 of permit MD-1498A requires that the crusher/screen utilize a wet suppression system at all times the crusher/screen is in use. The wet suppression system shall be located at all belt transfer points, screens and discharge points off the crusher and operated to the extent necessary to achieve the allowable opacity limits established in Condition 4.
7. During the September 29, 2011 inspection, Air Quality Engineer, Mr. Chris Hanify observed a spray bar hanging down below the crusher and conveyor with no water coming out. The lack of the wet suppression system on the crusher/conveyor is a violation of condition 5 of permit MD-1498A.
8. Said violations consist of exceeding the opacity limit of 10% for transfer points and failing to utilize a wet suppression system on the crusher/screen at the Madsen Site in violation of conditions 4 and 5 of permit MD-1498A.
9. 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.

10. 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 28th day of OCTOBER, 2011.



Steven A. Dietrich
Administrator
Air Quality Division



John W. 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.)