



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. Phil Lane,
Plant Manager
Mountain Cement Company
5 Sand Creek Road
Laramie, WY 82070

RE: Notice of Violation

Dear Mr. Lane:

Enclosed is a Notice of Violation issued to Mountain Cement Company for failing to handle and store coal as represented and required in permit MD-73.

As the Department and this Division consider the failure to comply with air quality permitting requirements to be a serious matter, I am 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 action on the 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
Glenn Spangler
Keith Guille
Nancy Vehr
Chad Schlichtemeier



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO MOUNTAIN CEMENT COMPANY,)
MR. PHIL LANE, PLANT MANAGER,) DOCKET NO. 4913-11
5 SAND CREEK ROAD, LARAMIE, WY 82070)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Mountain Cement Company to be in violation of the permitting requirements of Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations in the operation of the Laramie Cement Plant located in Albany County, Wyoming.

2. 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.

3. 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."

4. Permit MD-73 was issued to Mountain Cement Company on August 26, 1987.

5. Permit MD-73 acknowledges and incorporates all commitments within the Permit Application through the statement "On the basis of our analysis of the permit application...approval to modify the facility as described in the application is hereby granted..."

6. For MD-73, Mountain Cement Company submitted the Permit Application and the Division's review process for this permit outlined the purpose of the application. Within the permitting process, Mountain Cement Company asserted that coal would be trucked to the plant, trucks would back into a building and dumped inside and coal stored inside this building reclaimed with an overhead crane.

7. During permitting, the Division considered the control of particulate matter emissions by the use of an enclosure as control for the Laramie Cement Plant coal unloading and handling process.

8. On August 11, 2011 an inspection was conducted by Ms. Carla Mlinar, AQD Engineer where she noted that coal had been unloaded in front of the coal storage building. On September 30, 2011, Mr. Thor Nordwick, Air Quality Engineer noted the coal loadout area was covered in coal outside of the building. Therefore, the Laramie Cement Plant coal unloading operations were modified from what was represented when the facility was permitted and this modification/change in plant operations resulted in an increase in emissions from the coal unloading and handling process.

9. Said violation consists of failing to obtain a permit prior to modifying/changing the coal unloading and handling process in violation of Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations.

10. 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.

11. 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 Gorra
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.)