



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

April 27, 2012

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

RE: Notice of Violation

Dear Mr. Lane:

Enclosed you will find a Notice of Violation (NOV) issued to Mountain Cement Company by the Department of Environmental Quality, Air Quality Division, for failing to comply with the SO₂ limit of 100 lb/hr 30-day rolling average for Kiln #1 as required by permit CT-1137 and the Division's letter Re: Administrative Amendment to Operating Permit 30-098, dated March 23, 2000 for the Laramie Cement Plant located in Albany County, Wyoming.

As the Department and this Division consider the failure to comply with air quality permit 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 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: 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 MOUNTAIN CEMENT COMPANY,)
MR. PHIL LANE, PLANT MANAGER,) DOCKET NO. 4978-12
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 permit CT-1137 and the Division's letter Re: Administrative Amendment to Operating Permit 30-098, dated March 23, 2000 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 Laramie Cement Plant located in Albany 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 CT-1137 was issued to Mountain Cement Company on March 6, 1995. Condition 13 requires that Mountain Cement Company review monitoring data and report on a quarterly basis to the Division to assure the application of operational practices to minimize SO₂ emissions for Kiln #1. After one year of submission of certified SO₂ data from Kiln#1, the Division will establish a maximum 30 day rolling average emission limit, not to exceed the 3 hour average emission limit, based on the reported SO₂ emission data and operational data. The 30 day rolling average emission limit will be established through the operating permit.

5. The Air Quality Division's letter Re: Administrative Amendment to Operating Permit 30-098, dated March 23, 2000 states that from the submitted information the Division determined that hourly SO₂ emissions should be limited to 100 pounds per hour on a 30-day rolling average.

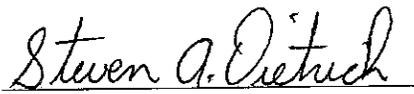
6. The Air Quality Division's review of Mountain Cement Company's excess emission reports for Kiln #1 during the second quarter 2010 showed SO₂ emissions in excess of the 100 lb/hr 30-day rolling average limit. The second quarter 2010 reported excess emissions were 192 hours (12.6 %) of the monitored operating hours of the 100 lb/hr 30-day rolling average limit. These excess emission reports were received by the Division on August 17, 2011.

7. Said violation consists of the failure to comply with the SO₂ limit of 100 lb/hr 30-day rolling average for Kiln #1 as required by permit CT-1137 and the Division's letter Re: Administrative Amendment to Operating Permit 30-098, dated March 23, 2000.

8. 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.

9. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of 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 27th day of April, 2012.



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)