



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

Todd Parfitt, Director

December 7, 2012

Mr. Bill Urbikeit
Public Works Director
City of Riverton
816 North Federal Blvd.
Riverton, WY 82501

RE: Notice of Violation

Dear Mr. Urbikeit,

Enclosed you will find a Notice of Violation (NOV) issued to the City of Riverton by the Department of Environmental Quality, Air Quality Division, for the failure to control fugitive emissions from the Composting Area located at Smith Road in Fremont County, Wyoming. This violation was observed during on July 11, 2012.

As the Department and this Division consider the failure to comply with permit conditions and air quality permitting 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 J. 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
Greg Meeker
Nancy Vehr
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO CITY OF RIVERTON MR. BILL URBIKEIT, PUBLIC WORKS DIRECTOR 816 NORTH FEDERAL BLVD RIVERTON, WY 82501))))))	DOCKET NO. 5093-12
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NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found the City of Riverton to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations in the composting activities at the Composting Area located in Fremont County, Wyoming.
2. W.S. 35-11-201 of the Environmental Quality Act 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 3, Section 2(f) of the Wyoming Air Quality Standards and Regulations specifies requirements for fugitive dust control. Chapter 3, Section 2(f)(ii) states, "Any person owning, operating or maintaining a new or existing material storage, handling and/or hauling operation shall minimize fugitive dust from such an operation. Such control measures may include the application of asphalt, oil, water or suitable chemicals on unpaved roads, material stockpiles and other surfaces which can give rise to airborne dust."
4. On July 11, 2012, the Division observed excessive fugitive dust emissions at the Composting Area, located at Smith Road in Fremont County, Wyoming. Closer inspection revealed the source to be a portable grinding machine being used to grind stockpiled vegetative material. A front-end loader would dump material into the grinder, resulting in a heavy plume of dust (100% opacity) at first, which rose approximately 150 feet above the site.
5. Said violation consists of the failure to control fugitive dust emissions from the Composting Area in violation of Chapter 3, 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.

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DATED this 7th day of DECEMBER, 2012.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
Director
Department of Environmental Quality

Please direct all inquiries to Steven A. Dietrich, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)