



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

July 31, 2013

Mr. Rob Jongsma
McMurry Ready Mix Co.
PO Box 2488
Casper, WY 82602

RE: Notice of Violation

Dear Mr. Jongsma:

Enclosed is a Notice of Violation issued to McMurry Ready Mix Co. for the failure to comply with the 10% opacity limit for fugitive emissions in violation of condition 4 of permit CT-2407 at the JCI Dual Screen Plant located in Natrona County.

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: Karen Godman
Chris Hanify
Jeremiah Williamson
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO McMURRY READY MIX CO.) DOCKET NO. 5182-13
MR. ROB JONGSMA)
PO BOX 2488)
CASPER, WY 82602)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found McMurry Ready Mix Co. to be in violation of permit CT-2407 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 JCI Dual Screen Plant 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 CT-2407 was issued to McMurry Ready Mix Co. on June 26, 2001. Condition 4 of this permit limits fugitive emissions associated with the conveyor transfer points, and all other fugitive emissions points to 10% opacity.

5. On June 25, 2013, Air Quality Engineer, Mr. Chris Hanify noted excessive fugitive dust from the JCI Dual Screen Plant located approximately two miles north of Rawlins along WYO 287, in Natrona County, Wyoming. In response to this observation a site visit was conducted and a Method 9 opacity reading of 33.5% was measured from the conveyor drop to the JCI dual screen. The reading was in excess of the 10% opacity reading prescribed by permit CT-2407. It was noted that the water spray bar was not operating to sufficiently control dust from the JCI dual screen.

6. Said violation consists of exceeding the allowed opacity limit in violation of W.S. §35-11-801 of the Wyoming Environmental Quality Act, Chapter 6, Section 2 of the Wyoming Air Quality Standards and Regulations, and permit CT-2407 issued for operations at the JCI Dual Screen Plant.

7. 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.

8. 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 31ST day of JULY, 2013.



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, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)