



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

August 1, 2013

Mr. Jay D. Hacklin
Quality Aggregate & Construction, Inc.
PO Box 637
Moorcroft, WY 82721

RE: Notice of Violation

Dear Mr. Hacklin:

Enclosed you will find a Notice of Violation (NOV) issued to Quality Aggregate & Construction, Inc. by the Department of Environmental Quality, Air Quality Division, for failing to comply with permit requirements for controlling emissions and maintaining records at the McInerney Quarry located in Crook County, Wyoming. These are violations of permit CT-4299. These violations were observed by Mr. Dorran Larner on May 30 and June 24, 2013.

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
Tanner Shatto
Jeremiah Williamson
Keith Guille



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO QUALITY AGGREGATE & CONSTRUCTION, INC.) DOCKET NO. 5183-13
MR. JAY D. HACKLIN)
PO BOX 637)
MOORCROFT, WY 82721)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Quality Aggregate & Construction, Inc. to be in violation of permit CT-4299 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 McInerney Quarry located Crook 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-4299 was issued to Quality Aggregate & Construction, Inc. on June 6, 2006 for the McInerney Quarry. Conditions 7 and 9 require control of emissions and recordkeeping as follows:

"Any crushing/screening equipment operated at this site shall utilize water spray control measures at all belt transfer points, screens and the discharge points of the crushers as necessary to limit visible emissions to twenty (20) percent opacity or applicable limits set forth..."

"Quality Aggregates shall maintain a log book listing the dates, amount of dust suppressant applied, areas treated, water usage and operating hours of water truck".

5. On May 30, 2013, Air Quality Engineer, Mr. Dorran Larner noted that the water and chemical application records were incomplete for the McInerney Quarry. On June 24, 2013, a follow-up inspection was conducted during which time Mr. Larner observed excessive dust emitting from the haul roads, screen, crusher and drop points off the end of the conveyors, and that the produced material appeared to be dry. Failing to control emissions and maintain records are violations of conditions 7 and 9 of permit CT-4299.

6. Said violations consist failing to control emissions and maintain records of water usage at the McInerney Quarry. Failing to control emissions and maintain records are violations of permit CT-4299.

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 1ST day of AUGUST, 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.)