



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

November 6, 2013

Mr. Luke Lungren
Nine Iron Feedlot, Inc.
1586 Road 13
Worland, WY 82401

RE: Notice of Violation

Dear Mr. Lungren:

Enclosed you will find a Notice of Violation (NOV) issued to Nine Iron Feedlot, 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 Nine Iron Pit located in Washakie County, Wyoming. These are violations of permit MD-14168. These violations were observed by Mr. Jon Walker on August 15, 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
Greg Meeker
Jeremiah Williamson
Keith Guille



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

IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO NINE IRON FEEDLOT, INC) **DOCKET NO. 5203-13**
MR. LUKE LUNGREN)
1586 ROAD 13)
WORLAND, WY 82401)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Nine Iron Feedlot, Inc. to be in violation of permit MD-14168 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 Nine Iron Pit located in Washakie 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 MD-14168 was issued March 4, 2013. Conditions 10 and 11 require control of emissions and recordkeeping as follows:

"All unpaved haul roads shall be treated with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust from vehicular traffic and wind erosion. At a minimum, two (2) applications of chemical dust suppressant shall be applied annually in accordance with the manufacturer's recommendations. The chemical dust suppressant shall be maintained continuously to the extent that it remains a viable control measure, which may require additional applications. All unpaved portions of haul roads shall receive an initial treatment of chemical dust suppressant prior to any hauling activities at the beginning of each construction season."

"Nine Iron Feedlot, Inc. shall maintain a log book listing the dates, amount of dust suppressant applied, areas treated, water usage and operating hours of the water truck. The log shall be maintained on site for a period of at least five (5) years and shall be made available to the Division upon request."

5. On August 15, 2013, Air Quality Engineer Mr. Jon Walker observed significant excess emissions associated with truck traffic, and noted that the haul road to the pit was dry and had no chemical dust suppressant or water applied. Mr. Walker also noted that records documenting dust control did not exist for the Nine Iron Pit. Failing to control fugitive dust and maintain records are violations of conditions 9, 10 and 11 of permit MD-14168.

6. Said violations consist of failing to control fugitive dust and maintain records of dust suppressant at the Nine Iron Pit. Failing to control fugitive dust and maintain records are violations of permit MD-14168.

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 6th day of NOVEMBER, 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.)