



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 12, 2014

Mr. Steve Wilkerson
Plant Manager
American Colloid Company
PO Box 428
Lovell, WY 82431

Re: Notice of Violation

Dear Mr. Wilkerson,

Enclosed you will find a Notice of Violation (NOV) issued to American Colloid Company by the Department of Environmental Quality, Air Quality Division for the failure to control fugitive dust emissions from the Lovell Plant located in Big Horn County, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations. Violations were observed by the Division on May 20 and June 10, 2014.

As the Department and this Division consider the failure to comply with air quality regulatory 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 issue prior to referral to the Attorney General's office, please contact Ms. Ann Shed, 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 the Notice of Violation, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Elizabeth Lyon
Fred Di Lella
Ann Shed
Greg Meeker
Landon Brown



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

IN THE MATTER OF THE NOTICE OF VIOLATION)	
ISSUED TO AMERICAN COLLOID COMPANY)	DOCKET NO. 5449-14
MR. STEVE WILKERSON)	
PLANT MANAGER)	
PO BOX 428)	
LOVELL, WY 82431)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found American Colloid Company 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 hauling and dumping activities at the Lovell Plant located in Big Horn 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. Control measures for material handling may also include installation and use of hoods, fans and fabric filters to enclose and vent dusty materials."
4. On May 20, 2014, a large plume of fugitive dust was observed by Greg Meeker, Air Quality District 4 Engineer, from Highway 14A. On May 21, 2014, Mr. Meeker met with Justin Bowers and Steve Wilkerson, American Colloid personnel, and discussed the previous days fugitive dust emissions. It was noted that the cause of the excess fugitive dust on May 20, 2014 was the failure of the BV-13 baghouse, resulting in the D & C Bunker #1 operating without adequate controls. A bunker curtain was replaced on that date. On May 21, 2014, no visible emissions were observed. The bunker was not in operation on this date to allow for further repairs to be made to the baghouse.
5. On June 10, 2014, Dave Selvig, Air Quality Engineer, observed excessive fugitive emissions coming from the Lovell Plant. As viewed from Highway 37, just southwest of the plant, the train, semi-trucks, and the entire west side of the facility were obscured from view.
6. Said violations consist of the failure to control fugitive dust emissions from the Lovell Plant in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations.
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.

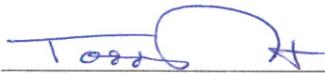
American Colloid Company
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8. This notice is being sent to you pursuant to W.S. 35-11-701(c), which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

DATED this 12th day of AUGUST, 2014.



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.)