



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

September 29, 2014

Mr. John Penton
Supervisor
Sublette County Road & Bridge
PO Box 766
Pinedale, WY 82941

RE: Notice of Violation

Dear Mr. Penton:

Enclosed you will find a Notice of Violation (NOV) issued to Sublette County Road & Bridge by the Department of Environmental Quality, Air Quality Division, for the failure to control fugitive dust emissions from the Richardson Pit located in Sublette County, Wyoming in violation of Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations and Permit MD-9706, Conditions 8 and 9. Violations were observed by the Division on July 31, 2014.

As the Department and this Division consider the failure to comply with air quality regulatory requirements and 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. 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 this matter, please feel free to contact me or Ms. Ann Shed.

Sincerely,

Steven A. Dietrich
Administrator
Air Quality Division

cc: Fred DiLella
Ann Shed
Tony Hoyt
Elizabeth Lyon
Landon Brown



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

IN THE MATTER OF THE NOTICE OF VIOLATION)	
ISSUED TO SUBLETTE COUNTY ROAD & BRIDGE)	DOCKET NO. 5463-14
MR. JOHN PENTON,)	
PO BOX 766)	
PINEDALE, WYOMING 82941)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Sublette County Road & Bridge to be in violation of W.S. 35-11-801 of the Wyoming Environmental Quality Act and Chapter 3, Section 2 of the Wyoming Air Quality Standards and Regulations (WAQSR) at the Richardson Pit located in Sublette County, Wyoming.

2. W.S. 35-11-801(a) 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 3, Section 2(a) and (f)(ii) of the WAQSR states:
 - (a) "Visible emissions of any contaminant discharged into the atmosphere from any single new source of emission whatsoever as determined by a qualified observer shall be limited to 20 percent opacity..."
 - (f) "Fugitive Dust. Sources operating within the State of Wyoming are required to control fugitive dust emissions. The following control measures or any equivalent method approved by the Division Administrator shall be considered appropriate for minimizing fugitive dust:
 - (ii) Handling and Transporting of Materials. (A) 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 dusts. Control measures for material handling may also include installation and use of hoods, fans and fabric filters to enclose and vent dusty materials. (B) When transporting materials likely to give rise to airborne dust, open bodied trucks shall be covered when in motion.

4. Permit MD-9706 was issued on September 29, 2009, to Sublette County Road & Bridge for modification of the Richardson Pit. The Richardson Pit includes gravel crushing, screening, exposed acreage, stockpiling, haul activity and a hot mix asphalt plant. Conditions 8 and 9, of permit MD-9706, require treatment with dust suppressants on a schedule sufficient to control fugitive dust.

Condition 8: "That all work areas, and stockpiles shall be treated with water and/or chemical dust suppressants on a schedule sufficient to control fugitive dust."

Condition 9: "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.”

5. On July 31, 2014, Ms. Jamie Brewer, Air Quality Division Engineer, observed excessive fugitive dust from the Richardson Pit. During Ms. Brewer’s facility visit it was observed that no dust suppression was being utilized on a schedule sufficient to control fugitive dust at the work areas, disturbed areas and stockpiles. It was further observed that the unpaved haul road was not being treated with dust suppressants on a schedule sufficient to control fugitive dust from vehicular traffic.

6. Said violations consist of failing to control emissions at the Richardson Pit. Failing to control emissions is a violation of Chapter 3, Section 2 of the WAQSR and of permit MD-9706.

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 29th day of SEPTEMBER, 2014.



Steven A. Dietrich
Administrator
Air Quality Division



Todd Parfitt
Director
Department of Environmental Quality

Please direct all inquiries to the Steven A. Dietrich, Division of Air Quality, Department of Environmental Quality, Herschler Building, 2nd Floor, 122 W. 25th Street, Cheyenne, Wyoming 82002. (Telephone: 307/777-7393.)