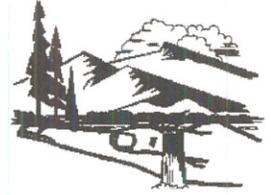




# Department of Environmental Quality

*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

January 9, 2015

Mr. Caleb Coleman  
Wyoming Crushing, Inc.  
PO Box 2440  
Mills, WY 82644

RE: Notice of Violation

Dear Mr. Coleman:

Enclosed you will find a Notice of Violation (NOV) issued to Wyoming Crushing, Inc. by the Department of Environmental Quality, Air Quality Division, for exceeding the 15% opacity limit from the crusher located at the Wayne Coleman construction yard in Casper, Natrona County, Wyoming. This is a violation of permit RE-185A2.

As the Department and this Division consider the failure to comply with air quality permitting 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 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  
Chris Hanify  
Elizabeth Lyon  
Landon Brown



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

**IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO WYOMING CRUSHING, INC. ) DOCKET NO. 5530-15  
MR. CALEB COLEMAN )  
PO BOX 2440 )  
MILLS, WY 82644 )**

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Department of Environmental Quality, Division of Air Quality, has found Wyoming Crushing, Inc. to be in violation of permit RE-185A2. This permit was 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 (WAQSR) for the crushing operations located at the Wayne Coleman construction yard in Casper, Natrona 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 6, Section 2 of the WAQSR prescribes the applicability and procedures for issuing permits to sources under Wyoming's construction and modification permitting program.

4. Permit RE-185A2 was issued to Lee Excavation, Inc. on January 8, 2003 for crushing operations. This facility and applicable permits transferred to Wyoming Crushing, Inc. on or about February 19, 2009. Condition 3 of permit RE-185A2 indicates control of emissions as follows:

"That the allowable opacity for fugitive emissions associated with the crusher shall be limited to 15%, the allowable opacity for the screen, conveyor transfer points and all other fugitive emission points shall be limited to 10% as determined by 40 CFR Part 60, Appendix A, Method 9."

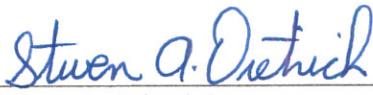
5. On December 8, 2014, Mr. Chris Hanify, Air Quality Division Engineer/Inspector noted a reading of 44% opacity from the crusher, in excess of the 15% opacity limit in permit RE-185A2.

6. Said violation consists of exceeding the allowed opacity limit from the crusher which is a violation of permit RE-185A2.

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 9<sup>th</sup> day of JANUARY, 2015.

  
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Steven A. Dietrich  
Administrator  
Air Quality Division

Wyoming Crushing, Inc.  
Notice of Violation #5530-15  
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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.)