



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

April 2, 2015

Mr. Tim Gentleman
Simon Contractors Company
P.O. Box 209
Cheyenne, WY 82003

RE: Notice of Violation
Docket #5561-15

Dear Mr. Gentleman:

Enclosed you will find a Notice of Violation (NOV) issued to Simon Contractors Company by the Department of Environmental Quality, Air Quality Division, for failure to conduct performance testing at the Laramie Plant located in Albany County, Wyoming. This constitutes a violation of conditions 6(i)(a) and 10 of permit MD-12024.

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 these violations 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
Landon Brown
Elizabeth Lyon
Glenn Splangler



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

**IN THE MATTER OF THE NOTICE OF VIOLATION)
ISSUED TO SIMON CONTRACTORS COMPANY) DOCKET NO. 5561-15
MR. TIM GENTLEMAN)
P.O. BOX 209)
CHEYENNE, WY 82003)**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Simon Contractors Company to be in violation of permit MD-12024 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 for the Laramie Plant located in Albany 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 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-12024 was issued to Simon Contractors Company on August 19, 2011 for the portable hot mix asphalt plant facility located in Laramie, Wyoming. Condition 6 of this permit requires performance testing as follows:

Condition 6:

"That performance tests (stack tests) shall be conducted as follows:

- i. Tests shall be conducted no later than thirty (30) days after start-up at the first site after permit issuance.
 - a. NO_x, CO, PM, VOC and SO₂: Tests shall consist of three (3) 1-hour tests following EPA Reference Methods 1-4, 5, 6C, 7E, 10, 18 and 25A. An alternative method may be used upon approval from this Division."

5. In a letter dated October 2, 2012, Simon Contractors Company requested an extension for testing required in Condition 6(i)(a). A letter dated October 11, 2012 granted a stack test extension to June 5, 2013. This facility is seasonally operated and is permitted for 3,774 hours of operation per year (rather than 8,760 operating hours per year). On August 29, 2013 stack testing was conducted and passed for particulate matter (PM). No testing was conducted for NO_x, CO, VOC and SO₂ on this date. On October 9, 2014, the Division received an electronic copy of the emission testing conducted on September 5 and 15, 2014 on the asphalt plant baghouse stack, which included testing NO_x, CO, VOC and SO₂. Emission testing for PM was conducted approximately two (2) months late and for NO_x, CO, VOC and SO₂ was performed approximately fifteen (15) months late.

6. Condition 10 of permit MD-12024 limits the allowable particulate emissions as follows:

Condition 10:

"The allowable particulate emissions from the asphalt plant baghouse shall be limited to 9.6 lb/hr with a loading limit of 0.04 gr/dscf."

7. On October 9, 2014 the Division received an electronic copy of the emission testing conducted on September 5 and 15, 2014. The stack results show that the PM values reported were out of compliance at 18.26 lb/hr.

8. Said violations consist of failure to conduct performance tests within thirty (30) days and particulate emissions exceeding the permitted limits. Failure to conduct performance testing within thirty (30) days and exceeding the permitted particulate emission limits are violations of Condition 6(i)(a) and Condition 10 of permit MD-12024, respectively.

9. 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.

10. 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 2nd day of APRIL, 2015.



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.)