



# 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 8, 2015

Mr. Richard Spinks  
Georgia-Pacific Gypsum, LLC  
PO Box 756  
Lovell, WY 82431

CERTIFIED MAIL

RE: Notice of Violation  
Docket # 5613-15

Dear Mr. Spinks:

Enclosed you will find a Notice of Violation (NOV) issued to Georgia-Pacific Gypsum, LLC by the Department of Environmental Quality, Air Quality Division, for failure to comply with the permitted PM<sub>10</sub> limit from the #5 crusher baghouse. This is a violation of condition 10 of permit MD-13761.

As the Department and this Division consider the failure to comply with air quality permit conditions to be a serious matter, I am 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 action on the referral by 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 Morrisseau  
Greg Meeker



BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION )  
ISSUED TO GEORGIA-PACIFIC GYPSUM LLC ) DOCKET NO. 5613-15  
MR. RICHARD SPINKS )  
PO BOX 756 )  
LOVELL, WY 82431 )

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality, has found Georgia-Pacific Gypsum LLC to be in violation of permit MD-13761 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 Lovell Plant located in Big Horn 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 MD-13761 was issued to Georgia-Pacific Gypsum LLC on January 26, 2015 for the Lovell Plant. Condition 10 of this permit limits the #5 crusher baghouse to PM<sub>10</sub> emissions of 1.1 lb/hr.

5. On May 7, 2015, stack testing was conducted on the #5 crusher baghouse. Test results reported June 18, 2015 indicated that the baghouse tested out of compliance for PM<sub>10</sub> emissions at 3.2 lb/hr (almost triple the limit of 1.1 lb/hr).

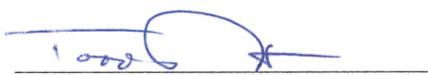
6. Said violation consists of the #5 crusher baghouse exceeding the permitted PM<sub>10</sub>. Exceeding the permitted PM<sub>10</sub> limits is a violation of condition 10 of permit MD-13761.

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 8<sup>th</sup> day of SEPTEMBER, 2015.

  
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Steven A. Dietrich  
Administrator  
Air Quality Division

  
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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.)