

DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

NOTICE OF VIOLATION

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO)
MOUNTAIN CEMENT COMPANY)
ATTEN: MR. MONTE BUCHANAN) DOCKET NO. 3870-06
5 SAND CREEK ROAD)
LARAMIE, WY 82070)
PERMIT 298C)

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Notice of Violation (NOV) is being sent to you pursuant to Wyoming Statute §35-11-701(c)(i) which requires that a written notice shall be issued in the case of failure to correct or remedy an alleged violation.
2. The violations noted on this mine site were self reported by the company to Bill Hogg, Land Quality Division (LQD), District I, on April 17, 2006. This mining disturbance is located southeast of Laramie Wyoming in Albany County.
3. A citizen's complaint was received by the LQD in a letter dated April 18, 2006. Both Mountain Cement Company (MCC) and the citizen who complained agreed that a blast had occurred at 12:50 pm on April 17, 2006. The dust cloud generated from the blast was blown to the northwest over the residential area to the northwest. This action is in violation of the Department of Environmental Quality Act §35-11-415(a) and the blasting section of Permit 298C.
4. MCC's Permit 298c has a long history of blasting complaints and has been issued several Notices of Violation (NOV) for blasts that have affected native lands and residences off the permit boundary. After a NOV in 2003, MCC modified the 298c blasting plan. MCC committed to not blasting during the noon hour, not blasting when the wind would carry dust onto the residential area and to work with the blasting contractor to reduce NOX from future blasts.
5. This NOV is being issued MCC for their failure to follow the blasting plan contained in the 298C permit. The shot occurred during the noon hour, the winds were in the direction of the residential area.
6. Wyoming Statute §35-11-901(a) provides that any person who violates any provision of the Environmental Quality Act or any rule, standard, permit, license or variance adopted hereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

NOTHING IN THE NOTICE shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

SIGNED this 18th day of May, 2006



John V. Corra
Director
Department of Environmental Quality



Richard A. Chancellor
Administrator
Land Quality Division

Please direct all inquires regarding this Notice of Violation to Mr. Lowell Spackman, District I Supervisor, Wyoming Department of Environmental Quality/Land Quality Division, Herschler Building, 3rd W, 122 West 25th Street, Cheyenne, WY 82002

CERTIFIED MAIL # 7005 0390 0001 7735 5303
RETURN RECEIPT REQUESTED
DOCKET NO. 3798-05
PERMIT 298C

cc: Lowell Spackman, LQD