

FILED

SEP 25 1989

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO )  
HILDE CONSTRUCTION COMPANY, )  
MR. LOREN R. BLOSSOM, P.O. BOX )  
2287 GREAT FALLS, MONTANA 59403 )

DOCKET NO. 2074-89

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality Division of Air Quality, has found Hilde Construction Company to be in violation of W.S. 35-11-201 of the Wyoming Environmental Quality Act and Sections 14, 21 and 22 of the Wyoming Air Quality Standards and Regulations, 1989.
2. W.S. 35-11-201 states that "No person shall cause, threaten or allow the discharge or emission of any air contaminant in any form so as to cause pollution which violates rules, regulations and standards adopted by the Administrator after consultation with the Advisory Board."
3. Section 14(a) states "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;"
4. Section 22(b) Subpart I - Standards of Performance for Asphalt Concrete Plants Subsection 60.92 states "..... no owner or operator subject to the provisions of this subpart shall discharge or cause the discharge into the atmosphere from any affected facility any gases which exhibit 20 percent opacity, or greater."
5. Said violation consists of the visible emissions of particulate matter from the lime storage silo and the asphalt plant scrubber stack in excess of the 20 percent allowable.
6. On January 7, 1986, Hilde Construction Company was notified by the Division that lime storage silos were required to have some type of control measures installed, such as bin vent filters.
7. On July 24, 1989, Christine Jenkins and Dave Searle, Air Quality Engineers for the Division of Air Quality and both qualified opacity observers read opacities at the facility at a location near Kaycee, Wyoming. Ms Jenkins read the lime storage silo at 100% opacity. Mr. Searle read the scrubber stack at 74% opacity in the morning and at 57% opacity in the afternoon.
8. Section 21(a)(1) states "Any person who plans to construct any new facility or source, modify any existing facility or source, or to engage in the use of which may cause the issuance of or an increase in the issuance of air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming, Department of Environmental Quality before any actual work is begun on the facility."
9. Hilde Construction Company was issued construction permit CT-489 on April 6, 1983 for construction of a Boeing Model 600 drum mix asphalt plant to produce virgin aggregate asphaltic mix.
10. On July 24, 1989, Mr. Dave Searle observed that the subject plant was producing 50/50 recycle mix at the location near Kaycee, Wyoming. Mr. Searle was informed by the operator that the plant had recently been modified to handle recycle. Permit CT-489 is valid only for virgin aggregate asphaltic mix.
11. Any person who violates, or any director, officer or agent of a corporate permittee who willfully and knowingly authorizes, orders or carries out the

violation of any provision of the Environmental Quality Act, or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is liable to either a penalty of not to exceed ten thousand dollars (\$10,000.00) for each day during which violation continues, or, for multiple violations by surface coal mining operations, a penalty of not to exceed five thousand dollars (\$5,000.00) for each violation for each day during which the violation continues, which may be recovered in a civil action, and the person may be enjoined from continuing the violation.

12. 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.

ORDER

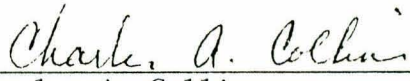
**WHEREFORE, IT IS HEREBY ORDERED THAT:**


1. Hilde Construction Company shall immediately cease and desist from operation of said asphalt plant in violation of Wyoming Air Quality Standards and Regulations.
2. Hilde Construction Company shall immediately make necessary modifications to said asphalt plant to comply with Wyoming Air Quality Standards and Regulations prior to any further operation in this State.
3. Hilde Construction shall immediately arrange to conduct stack tests on this plant to determine particulate emission levels in accordance with applicable reference methods of Section 22.
4. Hilde Construction shall immediately apply for an Air Quality permit to process recycle asphaltic mix.

**THIS ORDER** is final and binding unless, not later than ten days after the date it is served, the person or persons named herein request, in writing, a hearing before the Environmental Quality Council. The request should be mailed to Dennis Hemmer, Executive Secretary, Environmental Quality Council, Herschler Building, 122 W. 25th Street, Cheyenne, Wyoming 82002.

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

DATED this 15 day of August, 1989.

  
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Charles A. Collins  
Administrator  
Air Quality Division

  
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Dennis Hemmer  
Director  
Department of Environmental Quality

Please direct all inquiries to Charles A. Collins, Administrator, Division of Air Quality, Department of Environmental Quality, Herschler Building, 4th floor, 122 West 25th Street, Cheyenne, Wyoming 82002.  
(Telephone: 307/777-7391)