

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO THE)
MOUNTAIN CEMENT COMPANY, MR. BOB)
WEEKS, PLANT MANAGER, P.O. BOX 339,)
LARAMIE, WYOMING 82070)

DOCKET NO. 2277-91

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Mountain Cement Company to be in violation of § 35-11-201 and of the Wyoming Environmental Quality Act and Sections 19 and 22 of Wyoming Air Quality Standards and Regulations.
2. § 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 19(a) states that "Emissions in excess of established regulation limits as a direct result of malfunction or abnormal conditions or breakdown of a process, control or related operating equipment beyond the control of the person or firm owning or operating such equipment shall not be deemed to be in violation of such regulations, if the Division is advised of the circumstances within 24 hours of such malfunction and a corrective program acceptable to the Division is furnished."
4. Said violation consists of the emission of gases from the kiln stack in excess of 20 percent opacity without notifying the Division within the time frame specified in Section 19.
5. On July 15, 1991, Kathryn Blaney, Air Quality Engineer, was contacted by telephone by a resident of Laramie who complained of excess emissions coming from the kiln stack during the afternoon of July 14, 1991.
6. Ms. Blaney contacted Jim May, a Mountain Cement employee, on July 16, 1991, and was told that the kiln stack had exceeded opacity limits on several occasions on July 14, 1991, with maximum opacities of over 90 percent recorded.
7. The cement kiln and related operations at Mountain Cement's plant are subject to emission standards of Section 22 including Subpart F - Standards of Performance for Portland Cement Plants.
8. Section 22(i)(iv) states that "At all times, including periods of start-up, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source."
9. Said violation consists of failure to operate the cement kiln and maintain associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
10. A review of plant operating records, excess emission reports and Division telephone logs has indicated to the Administrator that Mountain Cement's air pollution control activities do not represent good control practices for minimizing emissions nor can periods of extensive excess emissions be excluded from compliance with established regulation limits pursuant to Section 19.

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 § 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

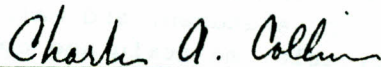
WHEREFORE, IT IS HEREBY ORDERED THAT:

1. That the Mountain Cement Company shall immediately take steps to reduce excess emissions at the Laramie cement plant.
2. That within seven (7) days of the receipt of this Notice of Violation and Order, the Mountain Cement Company shall provide the Air Quality Division with written details of the interim steps which are being taken to immediately reduce excess emissions.
3. That no later than forty-five (45) days after the receipt of this Notice of Violation and Order, the Mountain Cement Company shall submit a corrective action plan and schedule for bringing the Laramie facility into complete compliance with Wyoming Air Quality Standards and Regulations, and permit conditions.

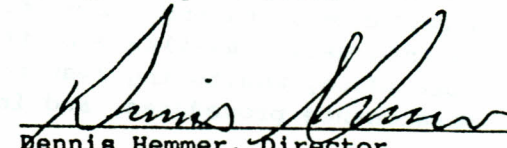
THIS ORDER is final and binding unless, not later than ten days after the date it is served, the person or persons named herein request, in writing, a hearing before the Environmental Quality Council. The request should be mailed to Dennis Hemmer, Executive Secretary, Environmental Quality Council, Herschler 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 13 day of August, 1991.



Charles A. Collins, Administrator
Air Quality Division



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)