

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

OFFICE OF
ATTORNEY GENERAL
1986 AUG 13 PM 1:33

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO ALLSTATE PAVING)
COMPANY, MR. BOB EGAN, ENGINEER,)
7200 HEMLOCK LANE NORTH, MAPLE)
GROVE, MINNESOTA 55369)

DOCKET NO. 1770-86

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. The Department of Environmental Quality, Division of Air Quality has found Allstate Paving Company to be in violation of Section 21 of Wyoming Air Quality Standards and Regulations, 1985 and W.S. 35-11-201 of the Environmental Quality Act;
2. Said violation consists of the operation of a concrete batch plant resulting in the emission of particulate matter without first having obtained a permit;
3. Section 21(a)(i) states that "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 . . . air contaminants into the air of this state shall obtain a construction permit from the State of Wyoming Department of Environmental Quality . . .";
4. 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;
5. Allstate Paving Company has not been issued a permit by the Department of Environmental Quality which allows for the construction of the concrete batch plant and subsequent emission of particulate matter;
6. Said violation was witnessed by Mr. Lee Gribovicz, District Air Quality Engineer, on July 18, 1986 at a location approximately two miles west of the East Flaming Gorge interchange on interstate 80, between Rock Springs and Green River;
7. 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;
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.

ORDER

WHEREFORE, IT IS HEREBY ORDERED THAT:

1. Allstate Paving Company shall immediately cease and desist the operation of the concrete batch plant;

Allstate Paving Company
Notice of Violation

2. That prior to the resumption of operations which result in the emission of particulate matter, Allstate Paving Company shall have received an air quality permit which allows such operations and emissions.

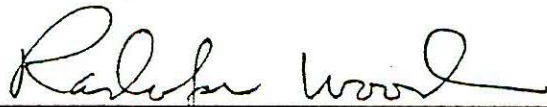
THIS ORDER is final and binding unless, not later than ten days after the date of its postmark, the person or persons named herein request, in writing, a hearing before the Environmental Quality Council. The request should be mailed to Randolph Wood, Executive Secretary, Environmental Quality Council, 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 12 day of August, 1986.



Charles A. Collins
Administrator
Air Quality Division



Randolph Wood, 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)