BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO: **General Chemical (Soda Ash) Partners** **P.O. Box 551** **Green River, Wyoming 82935-0551** **Land Quality Division Permit 464**	)	**DOCKET NUMBER 4233-08**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. General Chemical (Soda Ash) Partners (General Chemical) is a trona ore mining and refining operation located in SE ¼ Section 30 of Township 19 North, Range 109 West, (SE1/4 S5 T19N R109W) in Sweetwater County, Wyoming;

2. On February 19, 2008, the Department of Environmental Quality, Water Quality Division (WQD) was notified that General Chemical had a 25,000 to 30,000 gallon release of "water mixed with soda ash and trona ore impurities" from a partial dike failure which began February 17, 2008 and was controlled on February 19, 2008. This resulted in the unauthorized discharge to the Blacks Fork River (Class 2ABww);

3. Water mixed with soda ash and trona impurities constitutes "pollution" as defined under W.S. 35-11-103(c)(i);

4. The discharge referenced above entered "waters of the state" as defined under W.S. 35-11-103 (c)(vi) and was not through a permitted discharge point;

5. The Department of Environmental Quality has no record of permits authorizing the discharge of pollution to waters of the state from the location referenced in the cases described above;

6. By discharging pollution into waters of the state, General Chemical is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which states that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten, or allow the discharge of any pollution or wastes into the waters of the state;

7. By discharging pollution into waters of the state, General Chemical is in violation of W.S § 35-11-415(b)(viii) which requires all Land Quality Division (LQD) permit operators to prevent pollution from draining into surface or subsurface water. This violation is documented in an Inspection Report dated March 17, 2008, which was mailed to General Chemical on March 17, 2008;

8. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), 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;

9. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer, or agent of a corporate permittee who willingly and knowingly authorizes, orders, or carries out the violation of any provision of the Environmental Quality Act (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 subject to a penalty not to exceed ten thousand dollars and no cents ($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. The 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 herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions, in lieu of litigation.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) 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 23 day of April, 2008.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

Carol J. Bilbrough FOR DRM
Donald R. McKenzie
Administrator
Land Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/8-0292

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office (PDF)
Bill J. DiRienzo ▶ Brian K. Lovett ▶ Leah J. Krafft (PDF)
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