Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

May 9, 2006

CERTIFIED MAIL

Mr. Butch Tilton
President
Tilton Ready Mix
312 E 15th St
Cheyenne, WY 82001

RE: Notice of Violation, Docket Number 3871-06

Dear Mr. Tilton:

Enclosed is a copy of Notice of Violation (NOV), Docket Number 3871-06, for violating the requirements of NOV and Order Docket Number 3765-05 issued to Tilton Ready Mix (Tilton) on June 30, 2005. The Order required Tilton to submit a Notice of Intent (NOI) for storm water discharges to the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) by July 8, 2005. Additionally, the Order required Tilton to submit a Storm Water Pollution Prevention Plan (SWPPP) to the WQD for review by July 31, 2005. Tilton did not appeal the Order and it became final as determined by the Wyoming Environmental Quality Council (EQC) on September 14, 2005 (EQC Docket Number 05-3408). As of the date of this letter, Tilton has not submitted the NOI or SWPPP to the WQD in violation of the EQC Order.

While neither the attached Notice of Violation nor this letter constitutes an order, it is the recommendation of this office that you take action to eliminate the alleged violations as follows:

1. Tilton should immediately comply with all requirements listed in DEQ Order Docket Number 3765-05 and EQC Order Docket Number 05-3408.

2. Tilton should immediately submit a NOI and SWPPP to the WQD for the ready-mix batch plant located at 312 East 15th Street, Cheyenne, Wyoming.

3. Tilton should immediately inform the WQD in writing of the steps taken to prevent process wastewater from entering the City of Cheyenne's storm sewer collection system which discharges into Crow Creek.

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • http://deq.state.wy.us

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610 | ABANDONED MINES (307) 777-6145 FAX 777-6462 | AIR QUALITY (307) 777-7391 FAX 777-5616 | INDUSTRIAL SITING (307) 777-7369 FAX 777-6937 | LAND QUALITY (307) 777-7756 FAX 777-5864 | SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973 | WATER QUALITY (307) 777-7781 FAX 777-5973

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a monetary penalty by Tilton. If Tilton wishes to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before May 22, 2006 to set up a meeting to discuss this matter.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/BRB/bb/6-0380.LTR

Enclosure: Notice of Violation

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 3871-06
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director
EQC Docket 05-3408

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
Tilton Ready Mix **312 E. 15th St** **Cheyenne, WY 82001**	)	**DOCKET NUMBER 3871-06**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Tilton Ready Mix (Tilton) is the owner/operator of concrete ready-mixed facility located in Township 14 North, Range 66 West (T14N, R66W), Laramie County, Wyoming. The street address is 312 East 15th Street, Cheyenne, Wyoming;

2. On June 30, 2005, the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) issued Notice of Violation (NOV) and Order Docket Number 3765-05 to Tilton for discharging process wastewater without a WYPDES effluent discharge permit and for operating a regulated facility without a WYPDES storm water authorization for industrial activities. The Order was not appealed and was approved by the Wyoming Environmental Quality Council (EQC) on September 14, 2005;

3. NOV and Order Docket Number 3765-05 ordered the following: ***"... 2. On or before July 8, 2005 Tilton shall submit a Notice of Intent (NOI) to obtain a WYPDES storm water authorization for industrial activities. No discharges of storm water should occur to the storm sewer drain, until Tilton has obtained the necessary authorization, and has a Storm Water Pollution Prevention Plan (SWPPP), and BMPs in place... 4. Tilton shall submit to the WQD its SWPPP along with a schedule for implementation of the BMPs on or before July 31, 2005.;"***

4. In a letter dated January 4, 2006 to Tilton, the WQD reminded Tilton of the requirement to submit the NOI and SWPPP for the ready-mix facility located at 312 East 12th Street, Cheyenne, Wyoming. Additionally, phone calls were made to Tilton on November 14, 2005, and April 17, 2006 requesting the submittal on the NOI and SWPPP. To date, neither the NOI nor the SWPPP have been submitted to the WQD for review. These are violations of DEQ Order Docket Number 3765-05 and EQC Order Docket Number 05-3408;

5. 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;

6. 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 9th day of May, 2006.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, 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/BRB/bb/6-0380.NOV

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
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Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director
EQC Docket 05-3408