



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

CERTIFIED MAIL

June 22, 2006

Mr. John Niedfelt
Member
Platte Valley Construction Company, LLC
P.O. Box 1445
Grand Island, Nebraska 68802

RE: Notice of Violation, Docket Number 3882-06

Dear Mr. Niedfelt:

Attached is a copy of a Notice of Violation, Docket Number 3882-06, issued to Platte Valley Construction Company, LLC (Platte Valley), for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at The Preserve at Humphrey Ranch development. Violations at the development include the failure to obtain coverage under the general permit for large construction activities, failure to develop a storm water pollution prevention plan (SWPPP), failure to install proper best management practices (BMPs) to control storm water runoff, and failure to conduct inspections.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Platte Valley should submit a Notice of Intent (NOI) to the WQD for The Preserve at Humphrey Ranch development. This information should be received by the WQD on or before June 27, 2006.
2. Platte Valley should submit a separate SWPPP to WQD for review for each development. This information should be received by the WQD on or before July 11, 2006.
3. Platte Valley should install storm water preventative measures throughout the life of the projects to ensure no sedimentation enters a water of the state.
4. Platte Valley should maintain compliance with all conditions established in the WYPDES storm water general permit for large construction activities.

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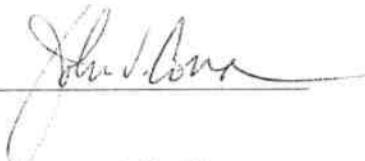
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

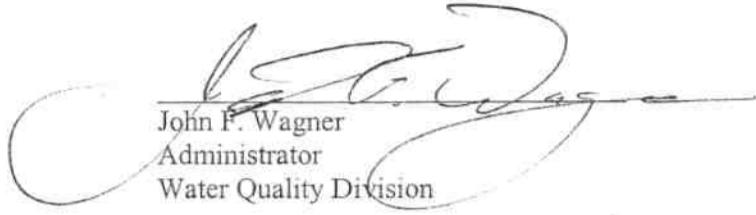
ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Mr. John Niedfelt
June 22, 2006
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Platte Valley. If Platte Valley wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before July 11, 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/6-0527.LTR

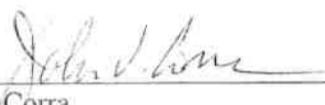
Enclosure: Notice of Violation
5/23/06 Inspection Report
Large Construction Storm Water General Permit
NOI Form

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 3882-06
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director

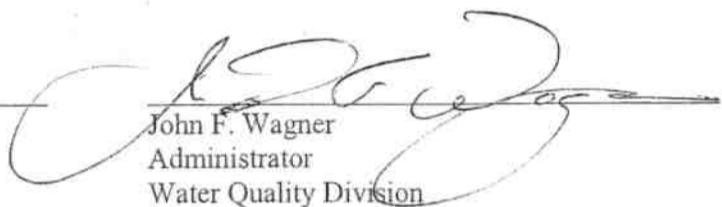
6. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible;
7. 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 DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions.

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 26 day of June, 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/6-0527.NOV

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
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