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

June 30, 2006

CERTIFIED MAIL

Mr. Kelly Cook
Project Manager
Groathouse Construction, Inc.
1050 North 3rd Street
Laramie, Wyoming 82072

*RE: Notice of Violation, Docket Number 3897-06*

Dear Mr. Cook:

Attached is a copy of Notice of Violation, Docket Number 3897-06, issued to Groathouse Construction, Inc. (Groathouse) for failing to maintain proper storm water preventative measures in accordance with the WYPDES general storm water permit for large construction activities (general permit). As of the date of this notice, two (2) inspections of the new Buffalo high School have been conducted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD). Both inspections have noted deficiencies in the implementation and maintenance of the storm water best management practices (BMPs), along with the failure to conduct and/or document inspections. The most recent inspection was conducted on June 7, 2006.

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. Groathouse should maintain compliance with all conditions established in the WYPDES general storm water permit for large construction activities.

2. Groathouse should update storm water preventative measures throughout the life of the project to ensure no sediment leaves the construction site.

3. Groathouse should conduct and document each inspection every fourteen (14) days as required be the general permit and include the appropriate certification in Part VII.G.4. of the general permit.

4. Groathouse should provide the WQD with a written report indicating the steps taken to prevent these violations from occurring again in the future. This information should be received by the WQD on or before July 31, 2006.



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

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

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Groathouse. If Groathouse desires 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 17, 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

Enclosure: Notice of Violation
6/7/06 Inspection Report

JVC/JFW/BRB/bb/6-0570.LTR

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 3897-06
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director

**BEFORE THE**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**STATE OF WYOMING**

| | | |
|---|---|---|
| **IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:** | ) | |
| **Groathouse Construction, Inc.**<br>**1050 North Third Street, Suite A**<br>**Laramie, Wyoming 82072** | ) | **DOCKET NUMBER 3897-06** |

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. Groathouse Construction, Inc. (Groathouse) is the operator of a construction project described as the Buffalo High School located in Section 2, Township 50 North, Range 82 West, in the City of Buffalo, Johnson County, Wyoming. Large construction storm water WYPDES authorization WYR102400 was issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), to Groathouse on September 29, 2004, and expires on August 31, 2006. Cemetery Creek receives storm water runoff from the construction project;

2. On June 16, 2005, the WQD inspected the Buffalo High School construction project and issued a letter of violation (LOV) dated June 28, 2005. The LOV was for inadequate best management practices (BMPs) for storm water erosion control and failing to document storm water inspections as noted during the inspection and discussed with Groathouse representatives;

3. Preventative measures are to be in place before, during, and after any construction work as required by the general storm water permit for large construction activities (greater than five (5) acres of disturbed land). During the inspections, it was noted that all storm water preventative measures were not in place. This is a violation of Part IV.D.2. of the general permit;

4. The Buffalo High School was inspected by the WQD again on June 7, 2006. The inspector again observed and documented inadequate maintenance of BMPs at the construction site and failing to conduct inspections every 14 days as required by the general permit. This is a violation of Part V.A. of the general permit;

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 on 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 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 28 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/6-0570.NOV

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
James B. Eisenhauer, WYPDES Inspection Coordinator, Sheridan DEQ Office
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
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Keith Guille, DEQ Public Information Officer (PDF File Only)
DEQ Director