



# 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**

October 4, 2006

Mr. Tim Joannides  
General Manager  
Joannides Family Properties, LLC  
P.O. Box 1164  
Cheyenne, Wyoming 82003

***RE: Notice of Violation, Docket Number 3932-06***

Dear Mr. Joannides:

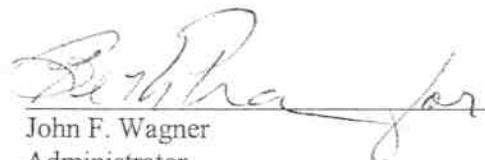
Attached is a copy of a Notice of Violation, Docket Number 3932-06, issued to Halladay Motors, Inc., a wholly owned subsidiary of Joannides Family Properties, LLC, for the dumping of sludge into a storm sewer. This is a violation of the Wyoming Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

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

1. Halladay Motors, Inc. should immediately remove all sludge dumped into the storm sewer if this has not already been done. Additionally, Halladay Motors, Inc. should inform the Wyoming Department of Environmental Quality (DEQ), in writing, of the steps taken to ensure that sludge removed from the car dealer ship is properly disposed of. This information should be received by the DEQ on or before November 17, 2006.

The DEQ has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Halladay Motors, Inc. If Halladay Motors, Inc. wishes to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Joe Hunter, DEQ Emergency Response Coordinator at (307) 777-5885 on or before November 3, 2006 to set up a meeting to discuss this matter.

  
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 John V. Corra  
 Director  
 Department of Environmental Quality

  
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 John F. Wagner  
 Administrator  
 Water Quality Division

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8  
 Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator  
 Joe Hunter, DEQ Emergency Response Coordinator  
 IPS (for scanning) ► Docket 3952-06  
 Keith Guille, DEQ Public Information Officer (PDF file only)  
 DEQ Director

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



**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )

Halladay Motors, Inc. )  
2100 Westland Road )  
Cheyenne, Wyoming 82001 )

DOCKET NUMBER 3932-06

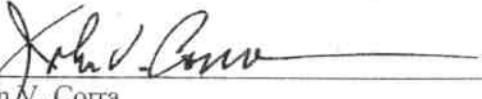
**NOTICE OF VIOLATION**

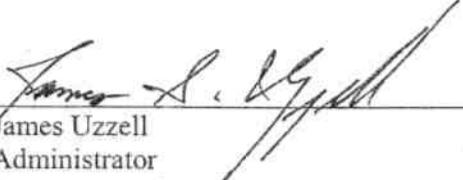
**NOTICE IS HEREBY GIVEN THAT:**

1. On August 18, 2006 the Department of Environmental Quality (DEQ) received pictures taken by a City of Cheyenne Employee. These pictures were taken on August 11, 2006, and showed that sludge was being dumped into a storm sewer drain in front of Halladay Motors. In discussions with the City of Cheyenne employee, it was determined that the sludge was dumped by a Halladay Motors employee. This incident occurred in front of Halladay Motors on Westland Road in Cheyenne, Wyoming;
2. On August 30, 2006, a DEQ employee went to the site to investigate the incident. Upon arrival at the site, a dark stain was immediately noticed in front of the storm drain. The storm drain runs north approximately one quarter of a mile, before entering Crow Creek. Inspection of the storm drain outlet at Crow Creek did show some staining;
3. Sludge and petroleum products are considered "pollution" as defined in W.S. 35-11-103 (c)(i);
4. The dumping referenced above entered "waters of the state" as defined under W.S. 35-11-103 (c)(vi);
5. By dumping pollution into waters of the state, Halladay Motors, Inc. is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which state 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;
6. The Department of Environmental Quality has no record of permits authorizing the discharge to waters of the state from the locations referenced in the case described above;
7. 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;
8. Pursuant to Wyoming Statute 35-11-901(a), any person who violates any provision of the Environmental Quality Act (Act), or any order, rule, standard, permit license, or variance adopted thereunder, 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. 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 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 Oct 4<sup>th</sup> day of October, 2006.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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James Uzzell  
Administrator  
Department of Environmental Quality

**PLEASE DIRECT ALL INQUIRIES TO:** Joe Hunter, Emergency Response Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-5885.

- cc: James Uzzell, Administrator, Department of Environmental Quality  
John Wagner, Administrator, Water Quality Division  
Joe Hunter, DEQ Emergency Response Coordinator  
Docket 3829-05  
DEQ Director