



# 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 12, 2006

Mr. Grayson Edwards  
Superintendent  
Bexar Alliance Joint Venture  
5045 List Drive  
Colorado Springs, Colorado 80919

*RE: Notice of Violation, Docket Number 3940-06*

Dear Mr. Edwards:

Enclosed is a copy of a Notice of Violation, Docket Number 3940-06, issued to Bexar Alliance Joint Venture (Bexar) for failing to comply with the monitoring requirements listed in WYPDES authorization WYG740143. The violation was noted during an inspection of the construction dewatering project on September 12, 2006 conducted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD).

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 violation as follows:

1. Bexar should immediately begin conducting the monitoring required by the authorization. Additionally, Bexar should inform the WQD in writing of the steps taken to ensure that the required monitoring is conducted in accordance with the requirements listed in the Authorization. This information should be received by the WQD on or before November 10, 2006.
2. Bexar should submit all monitoring results through October 9, 2006 to the WQD for review. The reports should be received by the WQD on or before November 10, 2006.

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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

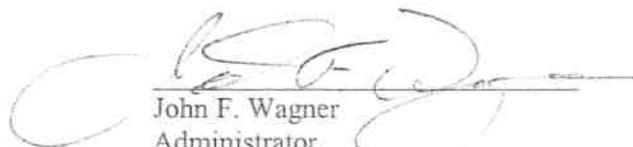


Dock 3940-06  
October 12, 2006  
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Bexar. If Bexar wishes to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, at (307)777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor on or before October 27, 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/6-0935.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 ► Leah J. Krafft  
IPS (for scanning) ► Docket 3940-06  
Keith Guile, DEQ Public Information Officer (PDF file only)  
DEQ Director

Ms. Dorothy Hall  
300 Vesle Drive, Suite 600  
FE Warren AFB, Wyoming 82005

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

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

DOCKET NUMBER 3940-06

Bexar Alliance Joint Venture )  
5045 List Drive )  
Colorado Springs, Colorado 80919 )  
)  
)  
)  
)  
)

**NOTICE OF VIOLATION**

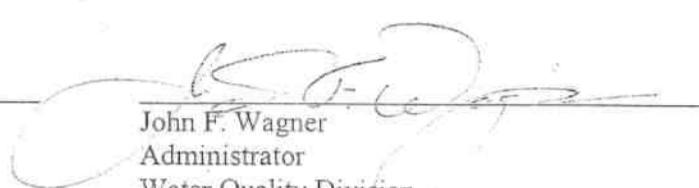
**NOTICE IS HEREBY GIVEN THAT:**

1. On July 18, 2006, the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) issued a Letter of Violation (LOV) to Bexar Alliance Joint Venture (Bexar) for failing to obtain a an authorization for construction dewatering activities prior to commencing the dewatering. WYPDES authorization WYG740143, under the general permit for temporary discharges, was then issued to Bexar on July 18, 2006 for the construction dewatering activities for the storm water drainage system upgrades at F.E. Warren Air Force Base in Laramie County, Wyoming. The construction dewatering authorization will expire on October 31, 2006;
2. On August 31, 2006, Bexar submitted a second Notice of Intent (NOI) to the WQD to change the location of water discharged from the construction site, add additional discharge points to the site, and change the expiration date of the authorization. Modified WYPDES authorization WYG740143 was issued on August 31, 2006, and will now expire on December 31, 2006;
3. Authorization WYG740143 requires that flow, pH, total suspended solids (TSS), and oil and grease be monitored on a weekly basis. Additionally, the temporary discharge general permit and the authorization require that the weekly grab samples be analyzed for pH and TSS concentrations in accordance with approved Environmental Protection Agency (EPA) test methods. During an inspection conducted on September 12, 2006, by the WQD, the inspectors noted that TSS samples were not being collected and analyzed, and pH was not being measured in accordance with approved EPA methods. These are violations of Part I.B.2 and Part I.B.6. of the general permit for temporary discharges;
4. 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;
5. 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, as appropriate, 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 13<sup>th</sup> day of October, 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, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/BRB/bb/6-0935.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 ► Leah J. Krafft  
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