



# 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

November 30, 2006

Mr. Ron McMurry  
Vice President  
McMurry Ready Mix Company  
P.O. Box 2488  
Casper Wyoming 82602

*RE: Notice of Violation, Docket Number 3980-06*

Dear Mr. McMurry:

Attached is a copy of a Notice of Violation, Docket Number 3980-06, issued to McMurry Ready Mix Company (McMurry), for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the McMurry South Storage Yard in Casper. Violations at the storage yard include the failure to install and maintain proper best management practices (BMPs) to control storm water runoff, and failing to keep the storm water pollution prevention plan (SWPPP) current.

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. McMurry should remove the soil piled up against the chain link fence and properly install silt fence to prevent sediment from leaving the South Storage Yard site. All silt fence should be properly installed on or before February 28, 2007. Photo documentation showing the silt fence installation should be received by the WQD on or before March 15, 2007.
2. McMurry should maintain gravel pads at all entrances to the South Storage Yard to prevent the tracking of soil onto paved public roads. Additionally, McMurry should immediately remove and properly dispose of all soil tracked onto the Old Yellowstone Highway from the South Storage Yard. Photo documentation of the cleaned roadway should be received by the WQD on or before December 31, 2006.
3. McMurry should update and keep current the SWPPP for the South Storage Yard, and include measures taken to eliminate the noted violations. An updated version of the SWPPP should be received by the WDQ on or before January 31, 2007.
4. McMurry should provide the WQD with copies of all inspections conducted by McMurry for the South Storage Yard from January 1, 2003 through December 31, 2006. The inspection reports should be received by the WQD on or before January 15, 2007.

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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

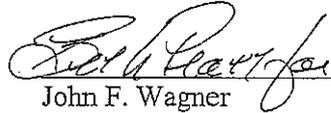
WATER QUALITY  
(307) 777-7781  
FAX 777-5973



Mr. Ron McMurry  
November 30, 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 McMurry. If McMurry 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, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630, on or before January 2, 2007 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  
10/30/06 Inspection Report

JVC/JFW/BRB/bb/6-1090.LTR

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8  
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator  
Mike Barrash, Senior Assistant Attorney General  
Craig W. Toal, WYPDES Inspector, Casper DEQ Office  
Bill DiRienzo ► Brian K. Lovett ► Barb Sahl  
IPS (for scanning) ► Docket 3980-06  
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: )

McMurry Ready Mix Company )  
P.O. Box 2488 )  
Casper, Wyoming 82602 )

DOCKET NUMBER 3980-06

NOTICE OF VIOLATION

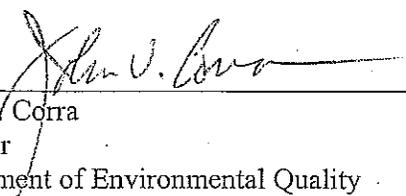
NOTICE IS HEREBY GIVEN THAT:

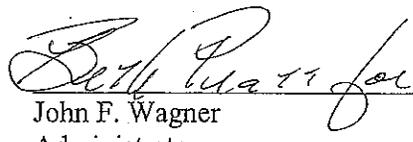
1. McMurry Ready Mix Company (McMurry) is the operator of the McMurry South Storage Yard located in the Southeast ¼ of Section 35, in Township 34 North, Range 80 West in Casper, Natrona County, Wyoming. WYPDES industrial storm water authorization WYR000016 was issued for this facility. The current industrial storm water general permit, which the authorization was issued under, will expire on August 31, 2007;
2. On April 17, 2006, the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of the storage yard as a result of a complaint. The complaint was concerning sediment leaving the storage yard. During the inspection it was noted that a large dirt berm had been constructed against the chain link fence along the storage yard property. There was no silt fence or other erosion control measures present to prevent sediment from leaving the storage yard. **This is a violation of Part 4.2.3 of the industrial storm water general permit for failing to identify exposed materials, and Part 4.2.5 for failing to identify and install erosion control measures or best management practices (BMPs).** During the meeting with the inspector, McMurry agreed to remove the material next to the chain link fence and install a silt fence;
3. On August 23, 2006, several members of the WQD inspection staff visited McMurry's South Storage Yard. During the inspection it was noted that the material piled up against the chain link fence had not been removed, and the silt fence had not been installed as previously agreed upon;
4. The WQD received a second complaint on September 15, 2006 concerning runoff from the storage yard. A WQD inspector observed sediment laden water discharging from McMurry's South Storage Yard at this time. **This is a violation of Part 4.2.5 for failing to identify and install erosion control measures or best management practices (BMPs) to prevent the discharge of sediment laden water off the storage yard site;**
5. A third complaint was received by the WQD on October 23, 2006 concerning sediment from McMurry's South Storage Yard leaving the site. On October 26, 2006, the WQD conducted a fourth inspection of McMurry's South Storage Yard. Photos taken by the WQD inspector on October 26, 2006, show areas where sediment from the storage yard has been transported off site due to storm water runoff. **This is a violation of Part 4.2.5. of the storm water general permit for industrial activities for failing to identify and install BMPs to contain the sediment on the storage yard property;**

6. A review of the current storm water pollution prevention plan (SWPPP) does not contain information concerning BMPs for the unconsolidated soil berm along McMurry's South Storage Yard property line. **This is a violation of Section 4.4 of the storm water general permit for industrial activities for failing to keep the SWPPP current when the SWPPP is shown to be ineffective;**
7. A review of the section 4.5 of the current SWPPP for McMurry's South Storage Yard concerning measures and controls states that "... **gravel pads will be utilized in areas where truck and loader traffic would disturb soil and allow erosion. ...**" As noted by the WQD during the inspection on October 26, 2006, soil is being tracked by equipment and vehicles out of McMurry's South Storage Yard and onto Old Yellowstone Highway. **This is a violation of Part 4.2.5.2 of the storm water general permit for industrial activities for failing to maintain BMPs to contain the soil within the storage yard property and prevent it from being tracked onto paved public roads;**
8. 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;
9. 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 30th day of November, 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/6-1090.NOV

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