

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
VIOLATION ISSUED TO:

Mr. Brian King
Bexar Alliance Joint Venture
5045 List Drive
Colorado Springs, Colorado 80919

DOCKET NUMBER 3940-06

NOTICE OF COMPLIANCE

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) issued Notice of Violation (NOV) Docket Number 3940-06 to Bexar Alliance Joint Venture (BAJV) October 13, 2006. The NOV alleged that BAJV failed to collect the proper compliance samples from a construction dewatering operation in Laramie County, Wyoming. These are violations of the Wyoming Environmental Quality Act (Act) and applicable Wyoming Water Quality Rules and Regulations (WWQRR).

The NOV required BAJV to pay a total penalty of thirteen thousand seven hundred dollars and no cents (\$13,700.00) to the DEQ. Based on the receipt of the \$13,700.00 penalty by DEQ, BAJV has complied with the conditions of the Settlement Agreement for Docket Number 3940-06 and the DEQ finds that all terms have been satisfied.

Dated this 30th day of January, 2007.



Brian R. Bohlmann, P.E.
WYPDES Compliance & Enforcement Coordinator
Water Quality Division
Wyoming DEQ

cc: Julie Orr, 8ENF-W-NP, EPA Region 8
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 3940-06
Keith Guille, DEQ Public Information Officer (PDF File)

SETTLEMENT AGREEMENT

The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), and Bexar Alliance Joint Venture (BAJV), a company authorized to do business in Wyoming, enter into this Settlement Agreement to fully and finally resolve without litigation the violations alleged in **Notice of Violation Docket (NOV) Number 3940-06 dated October 13, 2006.**

W.S. §35-11-901(a)(ii) authorizes the DEQ to negotiate a stipulated settlement, including payment of a penalty, in lieu of litigation. To that end, BAJV and the DEQ hereby stipulate and agree as follows:

1. The DEQ, pursuant to W.S. §35-11-104, is a department in the executive branch of the state government of Wyoming and is principally situated in Cheyenne, Wyoming. DEQ is the agency with the responsibility for administering the Wyoming Environmental Quality Act (Act) including all provisions of the Wyoming Water Quality Rules and Regulations (WWQRR).
2. BAJV accepts responsibility for the violations alleged in NOV Docket Number 3940-06 which occurred in Laramie County, Wyoming.
3. Since receiving NOV Docket Number 3940-06, BAJV has provided the WQD with documentation indicating the steps taken to prevent the violations from occurring again.
4. BAJV agrees to pay a total penalty of thirteen thousand seven hundred dollars and no cents (\$13,700.00) as a stipulated settlement to resolve this matter in lieu of litigation under W.S. §35-11-901(a)(ii). The WQD received full payment of the penalty on November 29, 2006.
5. Except as provided in paragraph 4 above, this signed Settlement Agreement and payment by BAJV as specified above shall constitute full satisfaction for and resolution of all claims by the DEQ against BAJV based on the violations alleged in Notice of Violation Docket Number 3940-06. Contingent upon BAJV's compliance with the terms of this Settlement Agreement, the DEQ will refrain from taking further enforcement actions against BAJV for these particular violations. By this Settlement Agreement, the parties intend to resolve with prejudice all allegations that were asserted in NOV Docket Number 3940-06.
6. BAJV waives any statute of limitations which may apply to an enforcement action by the DEQ involving the specific matters described in Notice of Violation Docket Number 3940-06 in the event that BAJV fails to fulfill their obligations under this Settlement Agreement.
7. Nothing in this agreement precludes DEQ from taking additional enforcement action, including the issuance of a Notice of Violation, Order, and/or pursuing additional penalties, should BAJV violate the Act or applicable rules and regulations in the future.
8. This Settlement Agreement shall be admissible by either party without objection by the other party in any subsequent action between these parties.
9. Notwithstanding any other language in this Settlement Agreement, the State of Wyoming and DEQ do not waive sovereign immunity by entering into this Settlement Agreement with BAJV and specifically retain all immunity and all defenses available as sovereigns under state and federal law.
10. Each party shall bear its own attorney fees and costs, if any incurred, through the date this Settlement Agreement is signed by both parties.
11. This Settlement Agreement is binding upon BAJV, its successors and assigns, and upon the DEQ.
12. The persons signing this Settlement Agreement certify that they are duly authorized to bind their respective parties to this Settlement Agreement.
13. Full execution of this Settlement Agreement shall be determined by the latest date when signed by all parties.

FOR: BEXAR ALLIANCE JOINT VENTURE

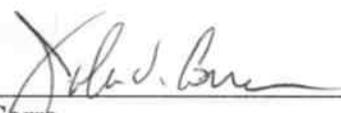
Signed: 

Typed: Brad Hix, Managing Partner

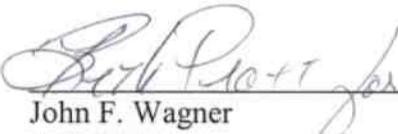
Title: _____

Date: 12/7/06

FOR THE WYOMING DEPARTMENT OF ENVIRONMENTAL QUALITY:


John V. Corra
Director
Department of Environmental Quality

Date: 11/30/06


John F. Wagner
Administrator
Water Quality Division

Date: 11/30/06

JVC/JFW/BRB/bb/6-1121.SA

- cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8 (signed copy by all parties only)
- Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
- Bill DiRienzo ► Brian K. Lovett ► Barb Sahl
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- Keith Guille, DEQ Public Information Officer (PDF File of signed copy by all parties only)