



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

April 20, 2007

CERTIFIED MAIL

Phillip R. Stuckert
Director
City of Casper Public Services
200 North David
Casper, WY 82601

RE: Notice of Violation and Order Docket Number 4048-07

Dear Mr. Stuckert

Enclosed is a copy of Notice of Violation and Order Docket Number 4048-07 issued to the City of Casper Public Services Department for the discharge of pollutants into waters of the state. Specifically, the discharge was from soil erosion at the McMurry Business Park caused by fire hydrant flushing conducted by the City of Casper Public Services Department. The sediment was transported off the McMurry Business Park site and into an unnamed tributary to Claude Creek.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY LIMIT PRESCRIBED BY WYOMING STATUTE 35-11-701(c). Chapter 1, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedures sets forth the requirements for the initiation of appeal proceedings. You are urged to review all of the provisions of the attached Rules of Practice and Procedures as they relate to this action.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail return receipt requested.

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

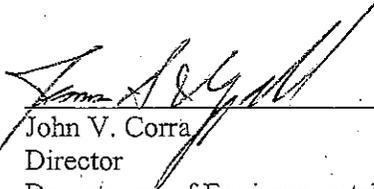
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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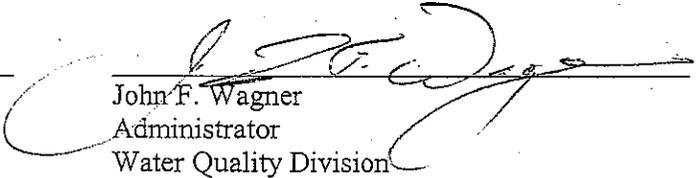
City of Casper

NOV and Order Docket No 4048-07

The Department of Environmental Quality understands that the City of Casper Public Services Department is now aware of the discharge of a pollutant into waters of the state and will diligently move towards rectifying this problem. If you have any questions or comments concerning this matter, please contact Mr. Kevin Wells, WYPDES Compliance & Enforcement Program Coordinator at (307) 777-8669.

 4/27/07

John V. Corra
Director
Department of Environmental Quality

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John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/7-0327.LTR

Enclosure: Notice of Violation and Order/Rules of Practice and Procedure

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)
Leah J. Krafft, WYPDES Permitting Supervisor
Brian K. Lovett, WYPDES Inspection & Compliance Program Supervisor

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

City of Casper Public Services)
200 North David)
Casper, Wyoming 82601)

DOCKET NUMBER 4048-07

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The City of Casper owns and maintains a fire hydrant system at a construction site described as the McMurry Business Park. The construction site is located in Sections 8 and 9, Township 33 North, Range 78 West in Casper, Natrona County, Wyoming.
2. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) visited the McMurray Business Park construction site on February 28, 2007. During this site visit DEQ observed that five fire hydrants on the site had been flushed sometime prior to February 28, 2007. This hydrant flushing resulted in the erosion and transport of sediment resulting in the destruction of storm water management practices applied by the contractor and the discharge of sediment laden water to an unnamed tributary of Claude Creek.
3. The City of Casper conducted hydrant flushing activities causing soil erosion and transport of sediment into waters of the state. This discharge of pollution to a water of the state is a violation of W.S. §35-11-301 of the Wyoming Environmental Quality Act.
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;

ORDER

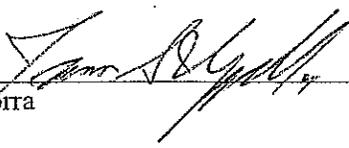
**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL - STATE OF WYOMING
WHEREFORE IT IS HEREBY ORDERED THAT:**

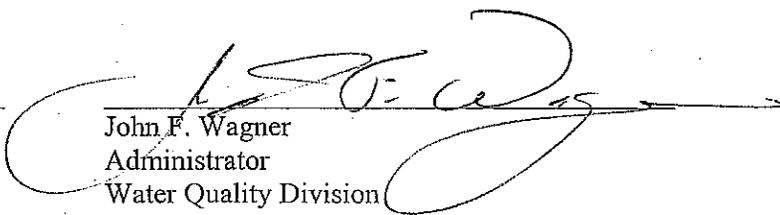
1. The City of Casper shall require all city employees involved in activities that will or have potential to cause erosion to attend a training session addressing water quality concerns. The City shall cooperate with DEQ in the development and approval of such training to address at a minimum: water quality rules and regulations, storm water best management practices, design of storm water control practices, installation and maintenance of best management practices,
2. The City of Casper shall cease all hydrant flushing activities in areas were such activity may cause erosion until the requirements of section 1 above are completed.

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NOTHING IN THIS NOTICE OF VIOLATION (NOV) AND ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV AND ORDER be interpreted as being a condition precedent to any other enforcement action.

Ordered this 27th day of April, 2007.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin Wells., 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/KMW/bb/7-0327.NOV

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8
Craig W. Toal, WYPDES Inspector, Casper DEQ Office
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 4048-07
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director