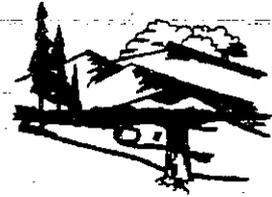




Department of Environmental Quality



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

August 16, 2007

Richardson Construction
Jim Chadwick, Superintendent
101 Lexington Avenue, Suite 2
Cheyenne, Wyoming 82007

RE: Notice of Violation, Docket Number 4126-07

Dear Mr. Chadwick:

Attached is a copy of a Notice of Violation, Docket Number 4126-07, issued to Richardson Construction (Richardson), for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Prairie Park Estates construction site. Violations at the construction site include the failure to comply with the Large Construction General Storm Water permit requirements, failure to maintain proper best management practices (BMPs) to control storm water runoff, and failure to conduct and document inspections as required by the general permit. Richardson is also in violation of Chapter 1, section 15 of the Wyoming Water Quality Rules and Regulations. 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 alleged violations as follows:

1. Richardson should comply with the Large Construction General Storm Water permit requirements including on-site copies of the SWPPP, and inspections with documentation of BMPs. These practices should commence immediately and be obtainable for viewing during inspections throughout the life of the project.
2. Richardson should maintain storm water BMPs throughout the life of the project to ensure no sedimentation enters a water of the state. *"BMPs mean schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage."*

Page L-1

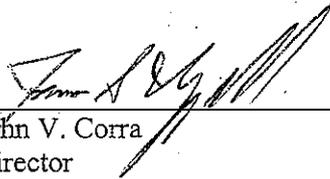
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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

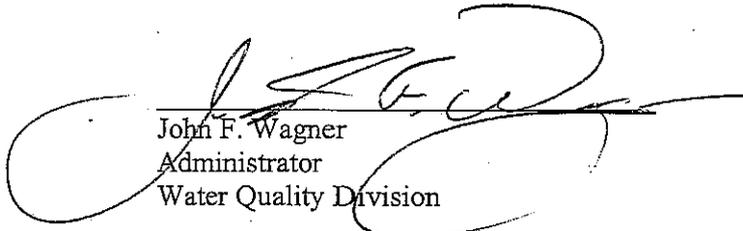


Richardson Construction
August 16, 2007
Page L-2

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Richardson. If Richardson wishes to pursue resolution of the previously noted violations through such an agreement, please contact Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before August 31, 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

JVC/JFW/KMW/bb/7-0701

Enclosure: Notice of Violation
7/19/07 Inspection Report

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)
Craig W. Toal, WYPDES Inspector, Casper DEQ Office (PDF)
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 4126-07
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:)

Richardson Construction)
Jim Chadwick, Superintendent)
101 Lexington Avenue, Suite 2)
Cheyenne, Wyoming 82007)
)
)
)

DOCKET NUMBER 4126-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Richardson Construction (Richardson) is the operator of a construction site described as Prairie Park Estates (PPE). The construction site is located in the West ¼ of Section 22, in Township 33 North, Range 80 West in Casper, Natrona County, Wyoming. WYPDES construction storm water authorization WYR103439 was issued for this facility on June 5, 2007.
2. Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection at the PPE site on March 9, 2007. A Letter of Violation (LOV) citing the failure to seek coverage under the storm water general permit, develop a storm water pollution prevention plan (SWPPP), implement best management practices (BMPs), or conduct required inspections was sent to Ms. Holly Clark (Richardson) on April 23 2007. On May 23, 2007, a certified LOV was sent to Ms. Clark requesting a written response to the DEQ addressing the concerns noted in the April LOV. The DEQ did not receive the requested response. Richardson submitted a Notice of Intent (NOI) to request coverage under a storm water permit on June 5, 2007.
3. DEQ documentation indicates Richardson operated at the site for a minimum of three months prior to submitting a Notice of Intent (NOI). **This is a violation of Part 3.3 of the Large Construction General Storm Water permit for failing to submit an NOI. An NOI must be submitted to the Department and "coverage under this permit must be authorized in writing prior to the start of soil disturbing activities".**
4. On July 11, 2007 the DEQ responded to a complaint and conducted an inspection at the PPE project site with Mr. Jim Chadwick, Superintendent for Richardson. Violations noted by the inspector included failure to install erosion and sediment control measures required in a Storm Water Pollution Prevention Plan (SWPPP). Lack of the erosion control practices resulted in large amounts of sediment deposited onto adjacent property and discharged to city storm sewers. **This is a violation of Part 7.2.4.1.1 and Part 7.2.4.1.2 of the Large Construction General Storm Water permit for failing to identify exposed materials, and to identify and install erosion control measures or best management practices (BMPs). This is also a violation of Water Quality Rules and Regulations Chapter 1, Section 15. *Settleable Solids: In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank, or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife.***
5. On July 19, 2007 the DEQ responded to a complaint and conducted an inspection at the PPE project site. Violations noted by the inspector included failure to install erosion and sediment control measures resulting in large amounts of sediment moving off site including adjacent property and discharges to the city storm sewer. **This is a violation of Part 7.2.4.1.1 and Part 7.2.4.1.2 of the Large Construction General Storm Water permit for failing to identify exposed materials, and to identify and install erosion control measures or best management**

- practices (BMPs). This is also a violation of Water Quality Rules and Regulations Chapter 1, Section 15. *Settleable Solids: In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank, or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife.*
6. On July 26, 2007 the DEQ conducted an inspection of the PPE project site following a precipitation event and observed numerous concerns regarding non-existent, ineffective, or poorly maintained erosion and sediment controls. The event required the City of Casper to remove sediment deposited on the street and in the storm sewer system. This is a violation of Part 7.2.4.1.4 of the Large Construction General Storm Water permit for failing to properly install and maintain all Best Management Practices (BMPs) and Part 8.5 Recovery of offsite sediment. *"If any measurable quantity of sediment leaves the construction site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state."* This is also a violation of Water Quality Rules and Regulations Chapter 1, Section 15. *Settleable Solids: In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank, or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife.*
 7. On August 3, 2007, the DEQ conducted an inspection of the PPE project site following a precipitation event and observed numerous concerns regarding non-existent, ineffective, or poorly maintained erosion and sediment controls. The event required the City of Casper to remove sediment deposited on the street and in the storm sewer system with loaders and trucks. This is a violation of Part 7.2.4.1.4 of the Large Construction General Storm Water permit for failing to properly install and maintain all Best Management Practices (BMPs) and Part 8.5 Recovery of offsite sediment. *"If any measurable quantity of sediment leaves the construction site because of structural failure or inadequate design of the BMPs, the sediment shall be placed back on site or properly disposed of, as soon as is prudent. Under no conditions shall the sediment be washed into municipal storm sewers or surface waters of the state."* This is also a violation of Water Quality Rules and Regulations Chapter 1, Section 15. *Settleable Solids: In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank, or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife.*
 8. Part 7.4.2. (SWPPP Implementation) of the Large Construction General Storm Water Permit states *"For projects that begin after the effective date of this permit (September 1, 2006), the SWPPP must be implemented immediately and throughout the duration of the construction activity and up until the site is finally stabilized."* Erosion and sediment controls are not being installed and/or maintained, and inspections, specifically following storm events, are not being conducted or documented. Part 9.1.1 Active construction sites: *"During active construction, inspections must be conducted in accordance with one of the two schedules listed in the permit, unless the project has an alternate inspection schedule approved by the administrator."* These are all violations of the Large Construction General Storm Water Permit.
 9. Part 8.4 Visible or measurable erosion, associated with a construction activity, which leaves the construction site as a result of inadequate or ineffective SWPPP design or maintenance of BMPs is prohibited. *Visible or measurable erosion is defined as: Part 8.4.1 "Deposits of mud, dirt, sediment, or similar material exceeding one cubic foot in any area of 100 square feet or less on public or private roads, adjacent property, or into water of the state by deliberate actions or as a result of water or wind erosion; or Part 8.4.2 evidence of concentrated flows of water over bare soils, turbid or sediment-laden flows, or evidence of on-site erosion on bare slopes, where runoff of water is not filtered, treated, or captured on the site using BMPs specified in the SWPPP; or Part 8.4.3 earth slides, mud flows, earth sloughing, or other earth movement which leaves the construction site" are all violations of the Large Construction General Storm Water Permit.*

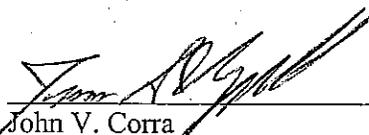
10. **Part 10.1 Duty to Comply.** *The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees, or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Chapter 2 of the Wyoming Water Quality Rules and Regulations, The Wyoming Environmental Quality Act, and the Clean Water Act and may be grounds for enforcement action, permit termination, revocations, or modification, or for denial of a permit renewal application.* Failure to comply is a violation of the Large Construction General Storm Water Permit.

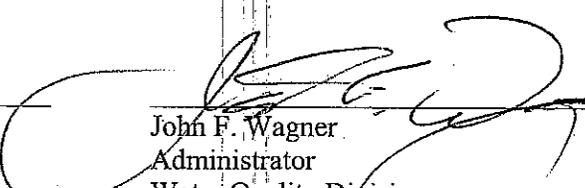
11. **Water Quality Rules and Regulations Chapter 1, Section 15. Settleable Solids:** *In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank, or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife.* Discharges of sediment to the storm sewer are a violation of Chapter 1, Section 15.

12. 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 21st day of August, 2007.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. 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/7-0701

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)
Craig W. Toal, WYPDES Inspector, Casper DEQ Office (PDF)
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