



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 5, 2007

IGC Management, Inc.
Mr. Kevin Keller, President
121 West 5th Street
Cheyenne, Wyoming 82007

RE: Notice of Violation, Docket Number 4148-07

Dear Mr. Keller:

Attached is a copy of a Notice of Violation, Docket Number 4148-07, issued to IGC Management, Inc. (IGC), 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. IGC is also in violation of the settleable solids provisions 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. IGC shall 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. IGC shall 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

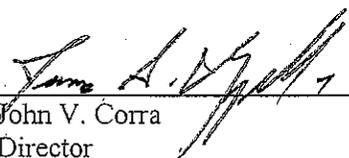
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (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
--	---	---	---	--	--	---

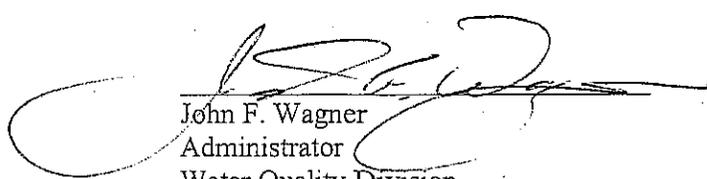


IGC Management, Inc.
October 5, 2007
Page L-2

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by IGC. If IGC 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 October 24, 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/7-0869

Enclosure: Notice of Violation

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 4148-07
Keith Guille, DEQ Public Information Officer (PDF)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

IGC Management, Inc.)
Mr. Kevin Keller, President)
121 West 5th Street)
Cheyenne, Wyoming 82007)

DOCKET NUMBER 4148-07

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. IGC Management, Inc. (IGC) 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 WYR102329 was issued for this facility on July 21, 2004.
2. Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection at the PPE site on July 11, 2007. During the inspection it was noted that "Best Management Practices" (BMPs) were not in place. A Letter of Violation (LOV) was issued citing the absence of the following: the Letter of Authorization, a copy of the WYPDES Large Construction Permit, a copy of the Notice of Intent (NOI), the Storm Water Pollution Prevention Plan (SWPP), and inspection reports with regards to BMP practices as required under the SWPP.
3. In addition to the noted violations mentioned in Paragraph 2, additional violations noted by the inspector included 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."***
4. On July 19, 2007 the DEQ responded to a complaint and conducted an inspection at the PPE project site. Violations again 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."***

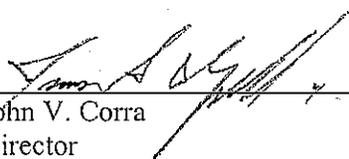
5. On July 26, 2007 the DEQ conducted an inspection of the PPE project site following a precipitation event and observed numerous issues regarding non-existent, ineffective, or poorly maintained erosion and sediment controls. The event required the City of Casper to remove sediment deposited on the street 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."*
6. On August 3, 2007 the DEQ conducted an inspection of the PPE project site following a precipitation event and observed numerous issues 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.*
7. 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 states *"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.
8. Part 8.4 of the Large Construction General Storm Water Permit states *"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.

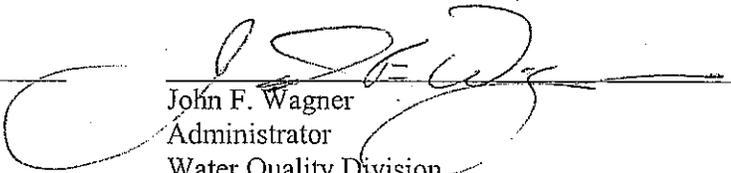
THIS SECTION INTENTIONALLY LEFT BLANK

9. Part 10.1 of the Large Construction General Storm Water Permit states "*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.
10. 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 8th day of October, 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/7-0869

cc: Aaron Urdiales, 8ENF-W-NP, EPA Region 8 (PDF)
Craig W. Toal, Casper DEQ Office (PDF)
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl
IPS (for scanning) ► Docket 4148-07
Keith Guille, DEQ Public Information Officer (PDF)
DEQ Director