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

June 5, 2008

Windy Ridge Development, LLC
1000 Woodland
Gillette, WY 82716

Steve Bruce, P.E.
Bruce Engineering, Inc.
1300 East Hwy 14-16
Gillette, WY 82716

RE: Notice of Violation, Docket Number 4283-08
Rodeo Flats Subdivision Water Treatment Facility

Gentlemen:

Attached is a copy of a Notice of Violation, Docket Number **4283-08**, issued to you for the construction of a water treatment facility without a permit.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement. If you desire to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Lou Harmon, Program Manager of the Water and Wastewater Section WDEQ at (307) 777-7088 or Ms. Karen Farley, Northeast District WWW Supervisor, at (307) 473-3478 on or before June 13, 2008 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/LBH/KLF/bb/8-0444

Enclosure: Notice of Violation Docket Number **4283-08**

xc: Karen Farley, WWW, Casper
IPS
Keith Guile, DEQ Public Information Officer

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	)	
	)	
Windy Ridge Development, LLC	)	
1000 Woodland	)	
Gillette, WY 82716	)	
	)	
Steve Bruce, P.E.	)	**4283-08**
Bruce Engineering, Inc.	)	
1300 East Hwy 14-16	)	
Gillette, WY 82716	)	

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1 of 8. Windy Ridge Development, LLC is the applicant for the drinking water treatment facility located in the proposed Rodeo Flats Subdivision, located in the NW ¼, NW ¼, Section 23, Township 49N, Range 73W, of Campbell County. Bruce Engineering, Inc. is listed as the engineer on the permit to construct application form.

2 of 8. On March 6, 2008, a permit to construct application was submitted to the Casper Wyoming Department of Environmental Quality (WDEQ) office for review of the Rodeo Flats Water Treatment Facility Report.

3 of 8. Chapter 12, Section 6 of the WDEQ Water Quality Division Regulations states that water quality data sufficient to determine necessary treatment processes and compliance with all drinking water standards must be provided. The submitted application provided for chlorination only; no water quality data was submitted with the application. A complete listing of the water quality testing data was subsequently submitted to the WDEQ office on April 25, 2008. The testing data showed that the water exceeded the secondary drinking water standards for fluoride and iron.

4 of 8. WDEQ conducted a site visit of the subdivision on May 6, 2008. Upon inspection, it was found that the treatment facility had already been constructed. It was not evident when the construction had occurred. The storage tank, water distribution system, and pump house had also been constructed under separate permits issued by Campbell County pursuant to the WDEQ – Campbell County Delegation agreement.

5 of 8. Wyoming Statute (W.S.) 35-11-301 (a) (v) requires a WDEQ permit for the construction of a public water supply treatment facility.

6 of 8. A meeting between WDEQ personnel and the owners of the development was held at the Casper WDEQ Office on May 15, 2008 to discuss the status of the Rodeo Flats Chapter 23 Subdivision review and the water well permit application. During that meeting, the issue of the unpermitted construction of the treatment facility was discussed. The owners agreed to disconnect the chlorination unit immediately from the system.

7 of 8. This NOV 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 WDEQ shall cause a written notice to be issued and served on the person(s) alleged to be responsible.

THIS SPACE INTENTIONALLY LEFT BLANK

8 of 8. 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 department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions, in lieu of litigation.

NOTHING IN THIS 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 5th day of June, 2008.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Lou Harmon, Water & Wastewater Section Program Manager, Wyoming DEQ WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002, Telephone 307-777-7088.

JVC/JFW/LBH/KLF/bb/8-0444

xc: Karen Farley, WWW Section, Casper
IPS
Keith Guile, DEQ Public Information Officer