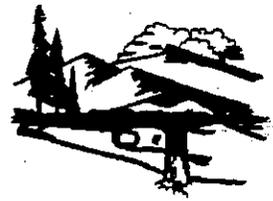




Department of Environmental Quality



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

July 29, 2008

Mr. Bill Bruso -Owner
Bruso Homes
Sunny Ridge, Dildine Commons & Villas
P. O. Box 367
Windsor, Colorado 80550

RE: Notice of Violation, Docket Number 4320-08

Dear Mr. Bruso:

Attached is a copy of a Notice of Violation, Docket Number 4320-08, issued to Bruso Homes, for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Sunny Ridge, Dildine Commons & Villas development. Violations at the development include the failure to obtain coverage under the general permit for large construction activities, failure to develop a storm water pollution prevention plan (SWPPP), failure to install and maintain proper best management practices (BMPs) to control storm water runoff, and failure to conduct inspections.

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. Bruso Homes should immediately submit a Notice of Intent (NOI) to the WQD for the development.
2. Bruso Homes should immediately submit a SWPPP for the development to the WQD for review.
3. Bruso Homes should install and maintain storm water preventative measures throughout the life of the projects to ensure no sedimentation enters a water of the state.
4. Bruso Homes should maintain compliance with all conditions established in the WYPDES storm water general permit for large construction activities.

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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

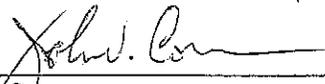
SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

WATER QUALITY
(307) 777-7781
FAX 777-5973

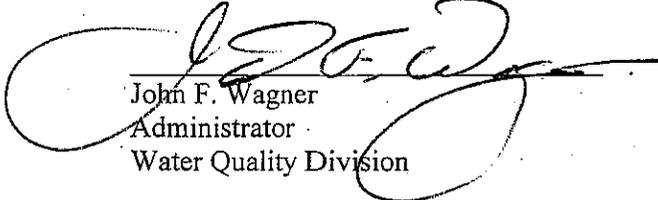


Bruso Homes
July 29, 2008
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Bruso Homes. If Bruso Homes wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before 30 days from the date on this letter to arrange 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/rm/8-0577

Enclosure: Notice of Violation
6/19/08 Inspection Report

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl ► Leah Krafft
IPS (for scanning) ► Docket 4320-08
Keith Guille, DEQ Public Information Officer (PDF File)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

**Mr. Bill Bruso
Owner – Bruso Homes
Sunny Ridge, Dildine Commons & Villas
P.O. Box 367
Windsor, CO 80550**

DOCKET NUMBER 4320-08

NOTICE OF VIOLATION

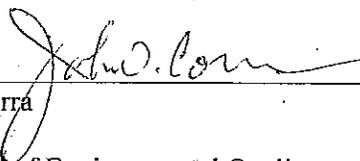
NOTICE IS HEREBY GIVEN THAT:

1. Mr. Bill Bruso is the developer of three adjacent developments with a combined area of over six disturbed acres known as Sunny Ridge, Dildine Commons, and Dildine Villas located at the southeast corner of Rock Springs Street and Polk Avenue, Laramie County, Cheyenne, Wyoming. The roads associated with these developments are asphalt paved with concrete curbs and gutters and storm drains. Receiving waters for this project consist of Clear Creek.
2. Chapter 2, Section 2(a)(ii) of the Wyoming Water Quality Rules and Regulations (WWQRR) states *“All storm water discharges from industrial, construction and municipal facilities as described in Section 6 of these regulations ... shall be permitted as described in these regulations”*. Chapter 2, Section 4(o)(i)(B) of the WWQRR states *“... for any storm water discharge associated with large construction activities as described in Section 6(f)(i) ... should have made an application to the administrator ... as specified in the applicable general permit.”*
3. Chapter 2, Section 6(f)(i) of the WWQRR concerning large construction activities states the following: *“Storm water discharge associated with large construction activity means the discharge of storm water from construction activities, including clearing, grading, and excavating, that result in land disturbance of five (5) or more acres of total land area. Large construction activity also includes the disturbance of less than five (5) acres of total land area that is part of a large common plan of development or sale if the larger common plan will ultimately disturb five (5) acres or more.”*
4. Part III.A.1. of the general permit for storm water discharges associated with large construction activities (general permit) states *“... any operator of a large construction activity ... shall prepare a storm water pollution prevention plan (SWPPP) and submit a Notice of Intent (NOI)... to the Department at least 30 days prior to commencing construction activities. ...”* Part III.A.3. of the general permit states *“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”*. The DEQ has no record of receiving an NOI for the project referenced above. This is a violation of Part III.A. of the general permit and Chapter 2 of the WWQRR;
5. On June 19, 2008 the WQD inspected the developments. Concerns noted during the inspection included the failure to develop a SWPPP for the site, failure to maintain the installed best management practices (BMPs) or fully implement final stabilization measures to prevent sediment from entering the drainages. These are violations of Chapter 2 of the WWQRR;

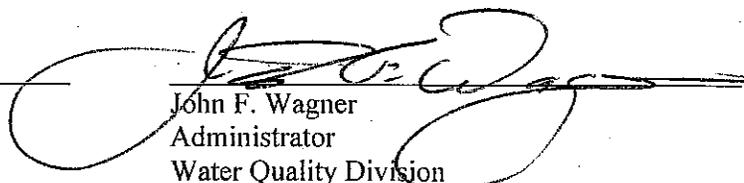
6. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible;
7. 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 6 day of August, 2008.



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/rm/8-0577

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Brian K. Lovett ► Barb Sahl ► Leah Krafft
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DEQ Director