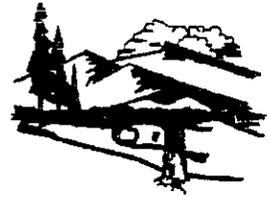




# Department of Environmental Quality



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**

March 30, 2009

**Sampson Construction  
Mr. Dale Lienemann  
3730 South 14th  
Lincoln, NB 68502**

*RE: Notice of Violation, Docket Number 4466-09*

Dear Mr. Lienemann:

Attached is a copy of a Notice of Violation, Docket Number 4466-09, issued to Sampson Construction (Sampson), for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Cheyenne South High School construction site. Violations at the construction site include the failure to comply with the Large Construction General Storm Water permit requirements and failure to maintain proper best management practices (BMPs) to control storm water runoff. 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. Sampson should comply with the requirement as written under the large construction general permit authorization WYR103712.
2. Sampson shall maintain storm water "Best Management Practices" (BMP) 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."*

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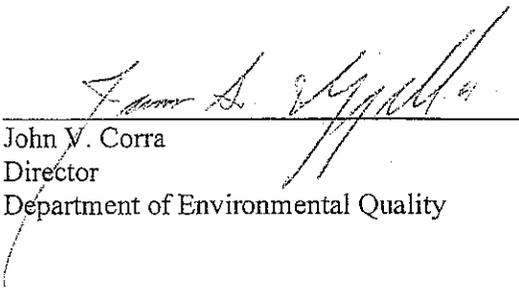
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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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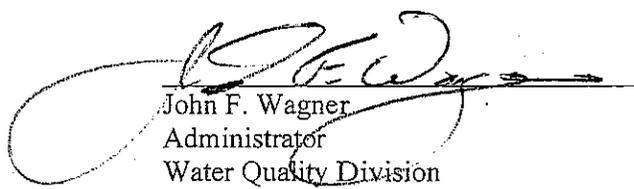


*Sampson Construction*  
*March 30, 2009*  
*Page L-2*

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Sampson. If Sampson 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 within 21 days of the date of this notice to set up a meeting to discuss this matter.



\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality



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John F. Wagner  
Administrator  
Water Quality Division

Enclosure: Notice of Violation

JVC/JFW/KMW/bb/rm/9-0254

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill J. DiRienzo (PDF)  
IPS (for scanning) ► Docket 4466-09  
Keith Guille, DEQ Public Information Officer (PDF)  
DEQ Director

**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**STATE OF WYOMING**

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

Sampson Construction )  
3730 South 14<sup>th</sup> )  
Lincoln, NB 68502 )

DOCKET NUMBER 4466-09  
Permit # WYR103712

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

1. Sampson Construction (Sampson) is the contractor of a construction site described as Cheyenne South High School (SHS). The construction site is located in Section 7, Township 13 North, Range 66 West, Laramie County, Cheyenne, Wyoming and received WYPDES construction storm water authorization WYR103800 on May 8, 2008.
2. On February 24, 2009 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection at the SHS construction site. During the inspection numerous violations of permit conditions (no inspection or maintenance schedules, no updated Storm Water Pollution Prevention Plan (SWPPP) or site map, improperly installed Best Management Practices (BMPs), and no maintenance records regarding inspections of BMPs as needed to prevent transport of sediment off site) were documented. The DEQ submitted a copy of the inspection report to Sampson, dated March 15, 2009, and indicated within the cover letter that elevated enforcement was warranted based on the conditions of the construction site and the nature of the violations.
3. Sampson's failure to install and/or maintain erosion and sediment control measures resulted in sediment being deposited on adjacent property and having the potential to enter the storm drain system, which is a conduit to waters of the state (Crow Creek). This is a violation of the following permit conditions:

**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.**

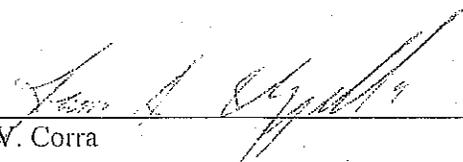
**Part 10.1 Duty to Comply. "The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees or other persons associated with the construction activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation 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.**

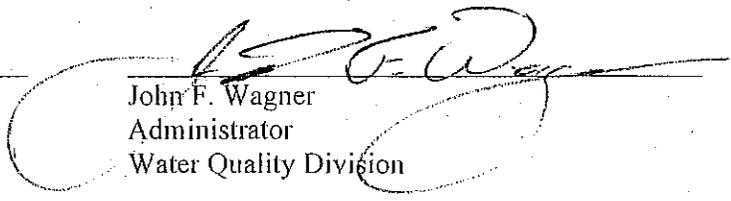
4. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation,

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 2<sup>nd</sup> day of Apr. 1, 2009.

  
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, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/rm/9-0254

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill J. DiRienzo (PDF)  
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