



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

December 1, 2009

Mr. Nathan Mullinax, Engineer
Mullinax Concrete
615 Fort Road
Sheridan, Wyoming 82801

RE: Notice of Violation, Docket Number 4597-09

Dear Mr. Mullinax:

Attached is a copy of a Notice of Violation, Docket Number 4597-09, issued to Mullinax Concrete (Mullinax) for an unpermitted discharge in violation of W.S. 35-11-301.

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. Mullinax should inform the Water Quality Division (WQD) in writing of the steps taken to ensure that there will be no further discharges of wastewater without proper permit authorization. This information should be received by the WQD on or before December 31, 2009.
2. Mullinax should provide the WQD with an application for authorization to discharge from this facility under the WYPDES program if it wishes to continue discharging.

The WQD has the authority to resolve violations with an out-of-court settlement agreement. If Mullinax desires to pursue resolution of the previously noted violations through such an agreement, the requested information should be received by Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 within 21 days of the date of this letter.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/rm/9-1072

Enclosure: Notice of Violation

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► NOV Docket 4597-09
Keith Guile, DEQ Public Information Officer (PDF)

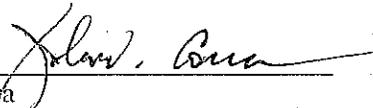
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

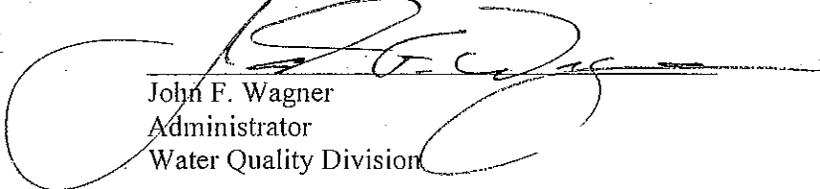
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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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 8 day of DEC, 2009.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin Wells, WYPDES Compliance & Enforcement Program 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/9-1072

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DEQ Director