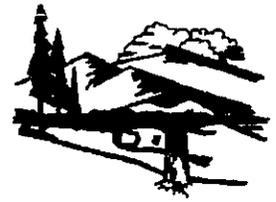




# Department of Environmental Quality



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**

April 9, 2010

Mr. Brad Baxendale  
Midway Construction and Dirt Work  
1785 Hwy 310  
Lovell, Wyoming 82431

*RE: Notice of Violation, Docket Number 4667-10*

Dear Mr. Baxendale:

Attached is a Notice of Violation, Docket Number 4667-10, issued to Midway Construction and Dirt Company (Midway) for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the construction site adjacent to Sage Creek, a perennial class 2AB water of the state. Violations at the site include the failure to obtain coverage under the general permit for construction activities, failure to develop a storm water pollution prevention plan (SWPPP), failure to install 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. Midway should submit a Notice of Intent (NOI) to the WQD for the construction site. This information should be received by the WQD on or before May 3, 2010.
2. Midway should submit a SWPPP to WQD for review for the construction site. This information should be received by the WQD on or before May 3, 2010.
3. Midway should install storm water preventative measures throughout the life of the projects to ensure no sediment enters a water of the state.
4. Midway should maintain compliance with all conditions established in the WYPDES storm water general permit for construction activities.

For questions pertaining to the required information and forms please visit the website at the link provided [http://deq.state.wy.us/wqd/WYPDES\\_Permitting/WYPDES\\_Storm\\_Water/stormwater.asp](http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_Storm_Water/stormwater.asp)

**THIS SPACE INTENTIONALLY LEFT BLANK**

Page L-1

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

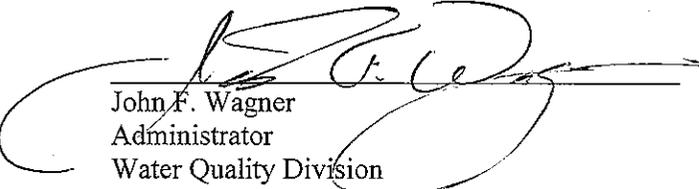
|  |   |   |   |  |  |   |
|--|---|---|---|--|--|---|
| ADMIN/OUTREACH<br>(307) 777-7937<br>FAX 777-3610 | ABANDONED MINES<br>(307) 777-6145<br>FAX 777-6462 | AIR QUALITY<br>(307) 777-7391<br>FAX 777-5616 | INDUSTRIAL SITING<br>(307) 777-7369<br>FAX 777-5973 | LAND QUALITY<br>(307) 777-7756<br>FAX 777-5864 | SOLID & HAZ. WASTE<br>(307) 777-7752<br>FAX 777-5973 | WATER QUALITY<br>(307) 777-7781<br>FAX 777-5973 |
|--|---|---|---|--|--|---|



*Midway Construction and Dirt Work*  
*April 9, 2010*  
*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 Midway. If Midway wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Manager, at (307) 777-8669 within 21 days of the date of this letter to set up a meeting to discuss this matter.

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

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

Enclosure: Notice of Violation

JVC/JFW/KMW/bb/10-0293

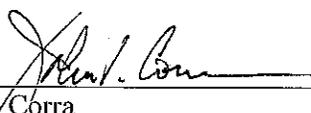
cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)  
IPS (for scanning) ► Docket 4667-10  
Keith Guille, DEQ Public Information Officer (PDF File)  
DEQ Director

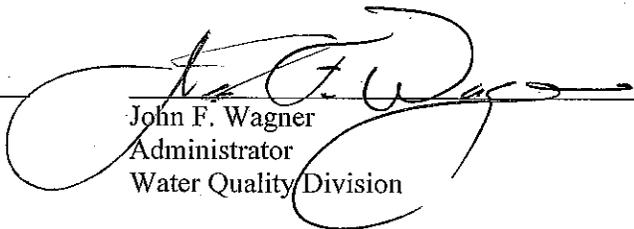


violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to 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 13 day of April, 2010.

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

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells WYPDES Natural Resource Program Manager, 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/10-0293

cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill J. DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)  
IPS (for scanning) ► Docket 4667-10  
Keith Guille, DEQ Public Information Officer (PDF File)  
DEQ Director