



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 9, 2010

IGC Management, Inc.
Mr. John Sayers
1807 Capitol Avenue, Suite 200
Cheyenne, Wyoming 82001

RE: Notice of Violation, Docket Number 4704-10

Dear Mr. Sayers:

Attached is a copy of a Notice of Violation, Docket Number 4704-10, issued to IGC Management, Inc. (IGC), for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Prairie Park Estates construction site. Violations at the construction site include the failure to comply with the Large Construction General Storm Water permit requirements, failure to maintain proper best management practices (BMPs) to control storm water runoff, failure to stabilize areas where activity has ceased and failure to conduct inspections and update the Storm Water Pollution Prevention Plan (SWPPP) and site map as required by the general permit. 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. IGC should comply with the Large Construction General Storm Water permit requirements including on-site updated copies of the SWPPP, and inspections with documentation and maintenance of BMPs. These practices should commence immediately and be obtainable for viewing during inspections throughout the life of the project.
2. IGC should maintain storm water BMPs 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."*
3. IGC should implement practices for temporary stabilization of areas that are not currently active at the construction site.

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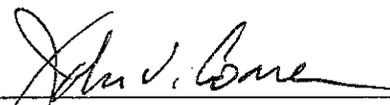
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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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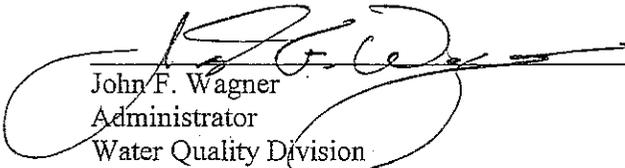


IGC Management, Inc.
July 9, 2010
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by IGC. If IGC wishes to pursue resolution of the previously noted violations through such an agreement, please contact 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

JVC/JFW/KMW/bb/10-0579

Enclosure: Notice of Violation

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)
IPS (for scanning) ► Docket 4704-10
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

IGC Management, Inc.)
Mr. John Sayers)
1807 Capitol Avenue, Suite 200)
Cheyenne, Wyoming 82001)

DOCKET NUMBER 4704-10

NOTICE OF VIOLATION

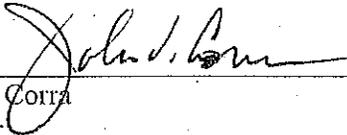
NOTICE IS HEREBY GIVEN THAT:

1. IGC Management, Inc. (IGC) is the operator of a construction site described as Prairie Park Estates (PPE). The construction site is located in the West ¼ of Section 22, in Township 33 North, Range 80 West in Casper, Natrona County, Wyoming. WYPDES construction storm water authorization WYR102329 was renewed for this facility on November 2, 2006.
2. Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection at the PPE site on June 18, 2010. During the inspection it was noted that "Best Management Practices" (BMPs) were in place but had not been maintained, the Storm Water Pollution Prevention Plan (SWPPP) had not been updated, and the site map of the facility was not up to date as well. Some areas of the construction site have not been stabilized where construction activity has ceased. These are all violations of permit conditions required under WYPDES WYR102329 authorization.
3. **Part 7.4.2. (SWPPP Implementation) of the Large Construction General Storm Water Permit states "For projects that begin after the effective date of this permit, (September 1, 2006), the SWPPP must be implemented immediately and throughout the duration of the construction activity and up until the site is finally stabilized." Erosion and sediment controls are not being installed and/or maintained, and inspections, specifically following storm events, are not being conducted or documented.**
4. **Part 8.9 of the Large Construction General Storm Water Permit states "Temporary stabilization (such as cover crop planting, mulching or erosion control blankets, surface roughening, etc) for exposed soil areas where activities have permanently or temporarily ceased should be installed whenever practicable in areas where further work is not expected for 28 days or more. Areas to be protected include graded slopes, ditches, berms, and soil stockpiles."**
5. **Part 9.1.1 Active construction sites states "During active construction inspections must be conducted in accordance with one of the two schedules listed in the permit, unless the project has an alternate inspection schedule approved by the administrator."**
6. **Part 10.1 of the Large Construction General Storm Water Permit states "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.**

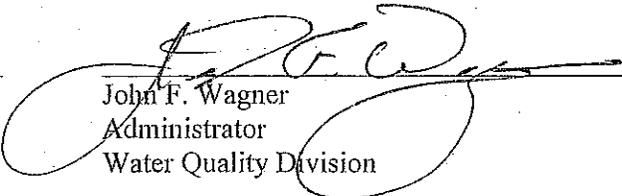
7. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit 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 9 day of July, 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, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/10-0579

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