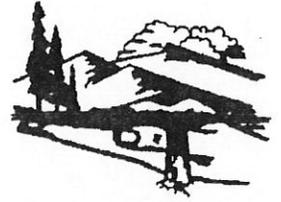




Department of Environmental Quality



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

September 8, 2010

Mr. Paul Beeson
Mobile Concrete, Inc.
PO Box 1129
Casper, WY 82602

RE: Notice of Violation, Docket Number 4729-10

Dear Mr. Beeson:

Attached is a Notice of Violation, Docket Number 4729-10, issued to Mobile Concrete Inc., (Mobile Concrete) for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Rawlins Plant. Violations at the site include an unauthorized discharge of production water, the failure to update 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. Mobile Concrete should submit a SWPPP to WQD for review for the industrial site. This information should be received by the WQD on or before September 20, 2010.
2. Mobile Concrete should install storm water preventative measures throughout the life of the projects to ensure no sedimentation enters a water of the state.
3. Mobile Concrete should maintain compliance with all conditions established in the WYPDES storm water general permit for industrial activities.
4. Mobile Concrete shall comply with permit requirements to eliminate all non-storm water discharges from the site.

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

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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

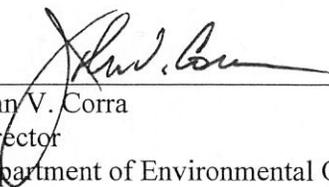
SOLID & HAZ. WASTE
(307) 777-7752
FAX 777-5973

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

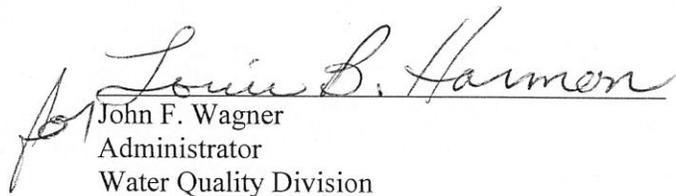


Mobile Concrete, Inc.
September 8, 2010
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Mobile Concrete. If Mobile Concrete wishes to pursue resolution of the previously 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/10-0776

cc: David Gwisdalla, 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 4729-10
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:)

Mobile Concrete, Inc.)
PO Box 1129)
Casper, WY 82602)
)
)
)
)
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)

DOCKET NUMBER 4729-10

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. Mobile Concrete, Inc (Mobile Concrete) is the owner of a concrete batch plant located in Carbon County, Rawlins, Wyoming. The industrial site is located along East Murray Street and discharges to an unnamed drainage tributary to Sweet Creek. Mobile Concrete received WYPDES storm water authorization WYR000137 under the Industrial General Permit on December 3, 2007.
2. On August 8 2010 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection at the Rawlins Batch Plant site. During the inspection numerous violations of permit conditions (unauthorized release of production water from concrete washout, no inspection or maintenance records, no updated Storm Water Pollution Prevention Plan (SWPPP) or site map, ineffective 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 Mobile Concrete, dated August 23, 2010, and indicated within the cover letter that elevated enforcement may be considered based on the conditions of the construction site and the nature of the violations.
3. During the site inspection DEQ noted that concrete/concrete washout had been discharged into the adjacent draw and entered an unnamed drainage, tributary to Sweet Creek (class 4B) which is tributary to the North Platte River (class 2AB), which are "waters of the state" as defined under W.S. 35-11-103 (c)(vi). Concrete washout is "pollution" as defined in W.S. 35-11-103(c)(i);
4. By discharging pollution into waters of the state, Mobile Concrete is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which state that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state;
5. Mobile Concrete's failure to install and/or maintain erosion and sediment control measures resulted in areas of excessive erosion and sediment being deposited onto the adjacent property. This is a violation of the following permit conditions:

Part 7.2.4 Measures and Controls, associated with an Industrial activity: *Each facility covered under this permit shall develop a description of storm water management practices and controls appropriate for the facility.*

Part 7.2.4.1 Good Housekeeping. *"The SWPPP shall require the maintenance of areas, which may contribute pollutants to storm water discharges, in a clean, orderly manner."*

Part 7.2.4.4 Sediment and Erosion Control. "Identify measures that will be implemented to limit erosion and sedimentation from areas with a high potential for significant erosion or contribution of sediment to runoff."

Part 8 Inspection Requirements. "Qualified personnel provided by the permittee shall conduct periodic, comprehensive site inspections."

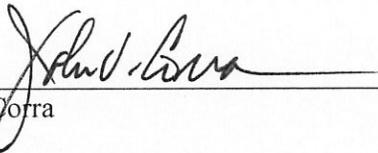
Part 10.4 Best Management Practice Selection, Installation and Maintenance. "All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control."

Part 11.1 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 industrial 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."

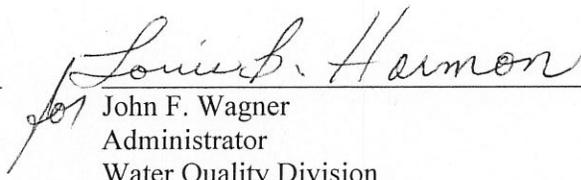
6. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit 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 15 day of Sept., 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/10-0776

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan DEQ Office (PDF)
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DEQ Director