



# Department of Environmental Quality

*To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.*



Matthew H. Mead, Governor

John Corra, Director

**CERTIFIED MAIL**

May 10, 2011

Mr. Larry Dunn  
Chet's Service Inc.  
1203 Ridge Road  
Cheyenne, WY 82001

***RE: Notice of Violation and Order, Docket Number 4836-11***

Dear Mr. Dunn:

Attached is a Notice of Violation and Order, Docket Number **4836-11**, for an unpermitted discharge of petroleum products into the City of Cheyenne's storm sewer system. The Department of Environmental Quality (DEQ) responded to a citizen complaint on April 28, 2011 and discovered numerous barrels and containers with petroleum based products stored at the facility. Photographs were taken of the substance leaking from barrels and flowing across the property into the storm sewer. This unpermitted discharge is a violation of the Wyoming Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

**ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c).** Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first petition shall be mailed to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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

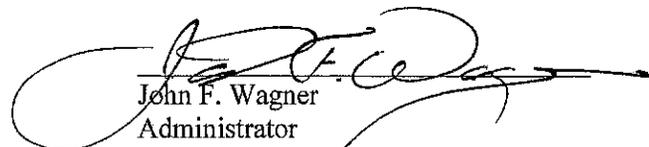
ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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Chet's Service Inc.  
May 10, 2011  
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**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells, WYPDES Natural Resources Program Manager at the 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.

  
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John V. Corra  
Director  
Department of Environmental Quality

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

JVC/JFW/KMW/bb/11-0447

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
James B. Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)  
NOV Docket 4836-11  
Environmental Quality Council  
Keith Guille, DEQ Public Information Officer (PDF)

**BEFORE THE**  
**ENVIRONMENTAL QUALITY COUNCIL**  
**STATE OF WYOMING**

**IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )**

**Mr. Larry Dunn )  
Chet's Service Inc. )  
1203 Ridge Road )  
Cheyenne, WY 82001 )**

**DOCKET NUMBER 4836-11**

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. Chet's Service Inc. (Chet's Service) is a facility located in Laramie County, Cheyenne, Wyoming and is authorized to provide auto servicing and repairs. The facility is located at 1203 Ridge Road, Cheyenne, Wyoming, 82001 and the owner is Mr. Larry Dunn.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted a site visit of the facility on April 28, 2011 based on information received from a citizen complaint. Violations from this visit included: numerous steel barrels containing substances of petroleum based liquid that appeared to be leaking an undetermined amount of substance that had flowed across the property. Evidence of the flow path indicated the release had reached the city's storm sewer system. There was no secondary containment around any of the barrels or Best Management Practices (BMPs) in place to protect the storm sewer systems or eliminate the substance from leaving the property.
3. Petroleum based products are considered "pollution" as defined in §35-11-103 (c)(i).
4. The discharge referenced above entered Dry Creek via the City of Cheyenne's storm sewer system and was not through a permitted discharge point.
5. The discharges referenced above entered or threatened to enter Dry Creek which is a "water of the state" as defined under W.S. 35-11-103 (c)(vi).
6. The Department of Environmental Quality has no record of permits authorizing the discharge of pollution to the storm sewer system from the location referenced in the cases described above.
7. By discharging pollution into waters of the state, Chet's Service is in violation of §35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) 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;

This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

**ORDER**

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING**

**WHEREFORE IT IS HEREBY ORDERED THAT:**

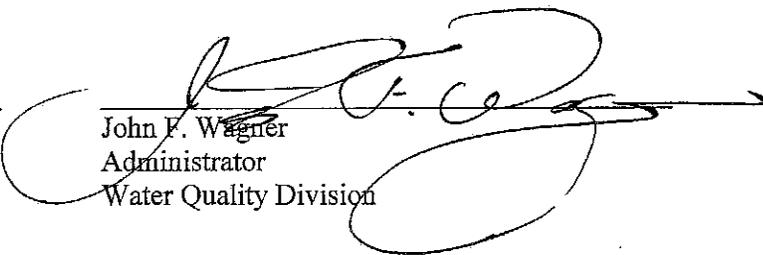
1. Chet's Service shall immediately cease any actions allowing for unpermitted discharges and clean up the released petroleum on the property. Upon completion of clean up Chet's Service shall provide documentation to the DEQ that the unpermitted release has been cleaned up and what corrective actions have been implemented at the facility to ensure no future releases will occur.
2. Within 30 days of receipt of this NOV and Order, Chet's Service shall develop and implement Best Management Practices (BMPs) to control any unforeseen releases in the future. These BMPs shall eliminate the potential for any pollution to leave the property or reach the storm sewer system. Any potential to contaminate surface water from a discharge should also be addressed with BMPs. Written documentation of the corrective actions shall be submitted to the DEQ once the BMPs are in place.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

**NOTHING IN THIS NOTICE OF VIOLATION (NOV) AND ORDER** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV AND ORDER be interpreted as being a condition precedent to any other enforcement action.

Ordered this 10 day of May, 2011.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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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/11-0447

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