



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

Todd Parfitt, Director

CERTIFIED MAIL

January 24, 2014

Mr. Michael Perry
Emerald Operating Company
4800 Happy Canyon Road, Ste 270
Denver, CO 80237

RE: Notice of Violation, Docket Number 5226-14

Dear Mr. Perry:

Enclosed is a Notice of Violation, Docket Number 5226-14 issued to Emerald Operating Company (Emerald), for failing to submit Discharge Monitoring Reports, as required by WYPDES Permit WY0046728. Review of DEQ data base records indicates missing Discharge Monitoring Reports (DMRs) for this facility since July 2012. Failure to submit the required DMRs is a violation of the Wyoming Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

While neither the attached Notice of Violation nor this letter constitutes an order, it is the recommendation of this office that you take action to eliminate the alleged violations as follows:

1. Submit all the required DMRs for 2nd semester, 4th Quarter, and Annual 2012 and all the required 2013 DMRs within 30 days of the date of this Notice.
2. Inform the Water Quality Division (WQD) in writing of the steps taken to eliminate future violations of DMR non-submittal. This information should be received by the WQD within 30 days from the date of this letter.

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Emerald. If Emerald wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Supervisor at 777-8669, within 21 days of the date of this letter to set up a meeting to discuss this matter.

Todd Parfitt
Director
Department of Environmental Quality

Kevin Frederick
Administrator
Water Quality Division

TP/KDF/KMW/bb/14-0063

Enclosure: Notice of Violation
cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► Docket 5226-14
Keith Guille, DEQ Public Information Officer (PDF File Only)

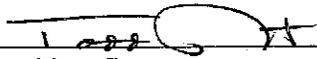
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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 777-5973	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 28th day of January, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resource Program Supervisor, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KDF/KMW/bb/14-0063

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
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