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

August 15, 2014

Mr. Steve Palmer
Gannet Group, Inc.
PO Box 589
Lander, WY 82520-0589

RE: Notice of Violation, Docket Number 5453-14

Dear Mr. Palmer:

Attached is a Notice of Violation, Docket Number **5453-14**, issued to Gannett Group, Inc. (Gannett) for violations noted by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) at the Gannett Peak Estates construction site. Violations at the site include the failure to obtain coverage under the general permit for large construction activities prior to the start of construction, failure to submit a storm water pollution prevention plan (SWPPP) and site map, failure to install effective 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. Gannett should submit a current SWPPP and updated site map to WQD for review. This information should be received by the WQD on or before August 31, 2014.

2. Gannett should install storm water preventative measures throughout the life of the project to ensure no sedimentation enters a water of the state.

3. Since the inspection Gannett has obtained coverage under a Large Construction General Permit. Gannett should maintain compliance with all conditions established in the WYPDES storm water general permit for large construction activities until the site has reached stabilization.

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

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

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7758	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-7682	FAX 777-6462	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Gannett. If Gannett 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 (307) 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/KF/KMW/bb/14-0669

Enclosure: Notice of Violation

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 (PDF)
IPS (for scanning) ▶ Docket **5453-14**
Landon Brown, DEQ Public Outreach (PDF File)
DEQ Director

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:	))	
Mr. Steve Palmer **Gannet Group, Inc.** **PO Box 589** **Lander, WY 82520-0589**	))))))))	**DOCKET NUMBER 5453-14**

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On June 24, 2014 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) inspected the Gannett Group, Inc. (Gannett) Residential Development/Gannett Peak Estates construction site in Fremont County Wyoming. Concerns noted during the inspection included the failure to obtain storm water coverage under the Large Construction General Permit (LCGP), failure to install effective best management practices (BMPs) to prevent sediment from entering the drainages, and failure to stabilize disturbed slopes to prevent sediment from being transported onto vegetated areas or to surface waters of the state.

2. Sediment runoff from disturbed construction sites is pollution as defined in W.S. 35-11-103 (i). Gannett's failure to control sediment from the site without authorization is a violation of W.S. 35-11-301 (a) which prohibits the discharge of any pollution into waters of the state without a permit.

3. 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.

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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 9th day of September, 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/KF/KMW/bb/14-0669

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