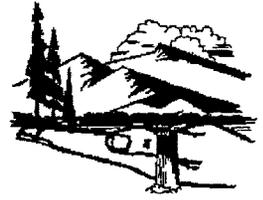




Department of Environmental Quality

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

October 27, 2014

Ms. Vicki Baumgartner
Mullinax Concrete Service Company
PO Box 2044
Sheridan, WY 82801

**RE: Notice of Violation and Order, Docket Number 5473-14
WYPDES Permit Authorization Number WY0094366**

Dear Ms. Baumgartner:

Attached is a Notice of Violation and Order, Docket Number **5473-14**, for an unauthorized discharge of processed water from broken piping at the facility. The processed water entered into Goose Creek which is a violation of the permit.

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 shall be mailed to Todd Parfitt, 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.

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

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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 777-5973	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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Mullinax Concrete Service Company
October 27, 2014
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Todd Parfitt
Director
Department of Environmental Quality


Kevin Frederick
Administrator
Water Quality Division

TP/KF/KW/bb/rm/14-0991

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells (PDF)
NOV Docket **5473-14**
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
 VIOLATION AND ORDER ISSUED TO:)
)
 Ms. Vicki Baumgartner)
 Mullinax Concrete Service Company)
 PO Box 2044)
 Sheridan, WY 82801)
)
)
)
)
)

DOCKET NUMBER 5473-14

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Mullinax Concrete Service Company (Mullinax) is authorized to discharge produced sediment laden wash water, under WYPDES permit WY0094366, into settling ponds, then treat the water and release the water into Goose Creek, a 2AB water of the state.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the facility on September 16, 2014. During the inspection a pipe that carries the produced wash water to the settling ponds was found to be damaged and the processed wash water was discharging into Goose Creek prior to any treatment. This discharge was not authorized and therefore is a violation of the permit conditions.
3. Mullinax was advised to cease operations until the pipe could be repaired. According to information submitted by Mullinax the operations were shut down and the repairs were completed the next day. Mullinax also completed a spill report.

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. To minimize the potential for this type of discharge to occur again DEQ requires Mullinax to implement an inspection process of the discharge pipe across Goose Creek to verify the pipeline is operating correctly with no discharge occurring out of the pipe except into the settling ponds. The pipeline should be inspected every day the plant intends to send processed water to the

settling ponds. This inspection shall be documented and kept on file for review during future WYPDES compliance inspections.

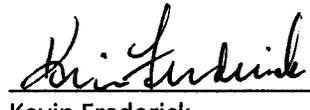
2. If the pipeline is found to be damaged the transport of produced wash water to the settling ponds shall cease until the proper repairs have been made. Any repairs to the pipeline shall be documented and include the date and what repairs were completed.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th 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.

Signed this 4th day of November, 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.

JVC/JFW/KMW/bb/rm/14-0991

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