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

November 13, 2014

CERTIFIED MAIL

Mr. Thomas Ream
Petro Con
PO Box 788
Douglas, WY 82633

RE: Notice of Violation and Order, Docket Number 5492-14

Dear Mr. Ream:

Attached is a Notice of Violation and Order, Docket Number **5492-14,** for failing to comply with the Small Construction General Storm Water Permit requirements at the Petro Con facility and failure to respond to Letters of Violation issued to your company.

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.

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

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.

Todd Parfitt
Director
Department of Environmental Quality

Kevin Frederick
Administrator
Water Quality Division

TP/KF/KW/bb/rm/14-1036

Enclosure: Notice of Violation and Order

cc: Kacy Sable 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ▶ Kevin M. Wells ▶ Barb Sahl (PDF)
NOV Docket **5492-14**
EQC: Tyffanne Mobley
Landon Brown, DEQ Public Information Officer (PDF)
Connie Osborne, (hard copy only)

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	
Mr. Thomas Ream	)	
Petro Con	)	
670 North 4th Street	)	
Lander, WY 82520	)	
	)	**DOCKET NUMBER 5492-14**
	)	
	)	

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the Petro Con facility (Petro Con) on June 25, 2014. Violations from this inspection included: non-compliance of the Small Construction General Storm Water (SCGP) requirements to include: No Stormwater Pollution Prevention Plan, no inspections conducted or recorded, and no effective Best Management Practices (BMPs) to control transport of pollutants (sediment) to waters of the state.

2. Section 8.1 of the SCGP states: "A Storm Water Pollution Prevention Plan (SWPPP) shall be developed for all construction activities covered under this permit. For construction projects where construction of planned, future phases is speculative, those areas may be added to the SWPPP when construction becomes certain – but prior to any earth disturbance. The SWPPP shall be prepared in accordance with good engineering, hydrologic and pollution control practices. (It is not required that the SWPPP be prepared by a registered engineer.)"

3. Section 9 of the SCGP requires self-monitoring and inspections must be conducted during any construction phases at the site.

4. Erosion and sediment controls are required under the SCGP. Requirements include the design, installation and maintenance of effective erosion and sediment controls to minimize the discharge of pollutants.

5. Any discharge of pollutants to a water of the state is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations and W.S. 35-11-301 (a)(i) which states 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;

6. The DEQ issued a copy of the inspection report to Petro Con and a Letter of Violation (LOV) dated July 10, 2014, requiring Petro Con to comply with the SCGP and meet the requirements of the authorization. Petro Con was required to respond to the LOV and submit requested material within 32 days of the date of the LOV. Petro Con has failed to meet this requirement.

7. The DEQ issued a 2nd LOV dated August 22, 2014, requiring Petro Con to comply with the SCGP and meet the requirements of the authorization. Petro Con was required to respond to the LOV and submit requested material within 14 days of the date of the letter. Petro Con has failed to meet this requirement.

8. 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. Within 30 days of receipt of this NOV and Order Petro Con shall submit the required information to comply with the Small Construction General Storm Water Permit requirements, including a copy of your Storm Water Pollution Prevention Plan (SWPPP).

2. Within 60 days of receipt of this NOV and Order Petro Con shall complete the corrective actions identified in the inspection report to include; implement a SWPPP, conduct and document the required self-monitoring inspections as specified in the SWPPP, maintain records of the inspections, and implement Best Management Practices (BMPs) to contain and manage any processed water with the potential to impact surface or groundwater. All records should be maintained on site and made available for review by DEQ upon request.

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 25th 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.

TP/KF/KMW/bb/rm/14-1036

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