

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

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Mountain Construction Company )  
PO Box 518 )  
Lovell, WY 82431 )  
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DOCKET NUMBER 5609-15

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. Mountain Construction Company (Mountain) has received authorization under the WYPDES Large Construction General Permit (LCGP) WYR105125 for construction to occur along Wyoming Highway 130 from Walcott Junction to Saratoga, Wyoming.
2. On June 17, 2015 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted an inspection of the above referenced project. During the inspection it was noted there was a discharge of concrete processed waste water, milky in color with a chemical smell, discharging from the bridge crossing the North Platte River (Class I water) directly into the river via drain pipes from the bridge deck.
3. Wastewater produced from concrete production or concrete washout is considered "pollution" as defined in W.S. 35-11-103 (c)(i). The discharges referenced above entered "waters of the state" as defined under W.S. 35-11-103 (c)(vi) through authorized discharge points.
4. By discharging pollution into waters of the state, Mountain is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations 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:**

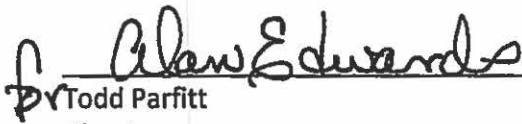
1. To minimize the potential for this type of discharge to occur again DEQ requires Mountain to implement an inspection process to verify future construction activities will not allow for any


discharge to reach a surface water of the state. This information and process shall be documented and kept on file for review during future WYPDES compliance inspections.

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, 200 West 17<sup>th</sup> Street, 4<sup>th</sup> Floor, 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 25<sup>th</sup> day of November, 2015.

  
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Todd Parfitt  
Director  
Department of Environmental Quality

  
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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, 200 West 17th Street, 4<sup>th</sup> Floor, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KF/KMW/bb/15-1077

cc: Laurel Dygowski, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin Wells (PDF)  
NOV Docket 5609-15  
Environmental Quality Council  
Landon Brown, DEQ Public Information Office (PDF)  
Connie Osborne, DEQ ADMIN (PDF of signed hard copies)