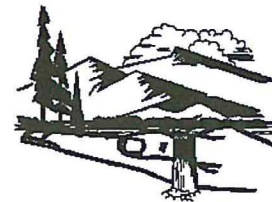




Department of Environmental Quality

Filed: 7/13/2016 4:40:06 PM WEOC

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

June 22, 2016

Mr. Dave Long
President, Dave's Asphalt Company
501 North Smith Road
Riverton, WY 82501

RE: Notice of Violation and Order, Docket Number 5529-15

Dear Mr. Long:

Attached is a Notice of Violation and Order, Docket Number 5529-15, for operating Dave's Asphalt Company without a Wyoming Pollution Discharge Elimination System (WYPDES), Industrial Storm water permit, as required under Wyoming Water Quality Rules and Regulations (WQRR). The Department of Environmental Quality has completed a facility review and, based on the information collected including the property location, a permit for operation is deemed necessary for future operations at this facility. The facility was previously permitted under permit WYR320362 which expired on March 31, 2012.

ANY APPEALS TO 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 should be sent to Todd Parfitt, Director, Wyoming Department of Environmental Quality, 200 West 17th Street, 4th Floor, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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200 West 17th Street · Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307)635-1784

ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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Dave's Asphalt Company

March 21 2016

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PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resource Program Supervisor at the Wyoming Department of Environmental Quality, Water Quality Division, 200 West 17th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

TP/KF/KMW/bb/16-0227

Enclosure: Notice of Violation and Order

cc: Laurel Dygowski, 8ENF-W-NP, EPA Region 8 (PDF)
James B. Eisenhauer, WYPDES Inspection Program Supervisor, Sheridan (PDF)
Bill DiRienzo ► Kevin M. Wells (PDF)
Landon Brown, DEQ Admin (PDF)
Connie Osborne, DEQ Admin (hard copies of signed documents)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF
VIOLATION AND ORDER ISSUED TO:

Dave's Asphalt Company
501 North Smith Road
Riverton, WY 82501

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DOCKET NUMBER 5529-15

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Mr. Dave Long is the owner/operator of an asphalt manufacturing facility located in Fremont County, Riverton, Wyoming. Ongoing operations at the facility include crushing and milling of sand and gravel and manufacturing of asphalt paving mixtures. Determination of the actual location of the facility indicates it is not located on the Wind River Indian Reservation. Therefore, the Department of Environmental Quality requires the facility to apply for and receive a WYPDES discharge permit.
2. Currently this facility is operating without an Industrial Storm water permit which is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the federal Water Pollution Control Act, and the Wyoming Environmental Quality Act. Facilities located within the State of Wyoming which are or may discharge storm water and related effluent associated with industrial activities, are not authorized to discharge to the surface waters of the State without the proper authorization. The previous permit issued to the company, WYR320362, expired on March 31, 2012.
3. 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 (DEQ) shall cause a written notice to be issued and served upon the person alleged to be responsible.

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. The owner/operator shall complete and submit the Notice of Intent (NOI) application and required fees for a WYPDES Industrial Storm water permit in compliance with WQRR. This completed application shall be received by the DEQ, Water Quality Division (WQD), no later than 60 days after the date of this NOV. The following link can provide information to complete this action.
<http://sgirt.webfactional.com/wqd/storm-water-permitting/resources/general-industrial-storm-water/>

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, 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, 200 West 17th Street, 4th 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 23rd day of June, 2016.



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, 200 West 17th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KF/KMW/bb/16-0227

cc: Laurel Dygowski, 8ENF-W-NP, EPA Region 8 (PDF)
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