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JUL 06 2005

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY Ari A. Lorenzon, Director
Environmental Quality Council

STATE OF WYOMING

**IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)**

Tilton Ready Mix)
312 E. 15th St)
Cheyenne, WY 82001)
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DOCKET NUMBER 3765-05

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Tilton Ready Mix (Tilton) is the owner/operator of concrete ready-mixed facility located in Township 14 North, Range 66 West (T14N, R66W), Laramie County, Wyoming;
2. On April 8, 2005, Department of Environmental Quality, Water Quality Division (DEQ/WQD) inspectors Mr. Matthew Buchholz and Mr. Brian Lovett noted process wastewater discharges from the production area reaching the storm sewer inlet. During the inspection it was determined that no storm water best management practices (BMPs) were in place at the facility. The facility has significant sediment accumulations on site, including dirt and cement powder, which is not contained to prevent it from entering the storm sewer drain. The storm sewer discharges to Crow Creek (class 2AB water);
3. On April 13, 2005, Mr. Buchholz, Mr. Lovett, Mr. Robert Alexander, and Ms. Barb Sahl of the WQD inspected the facility a second time. During the inspection process wastewater discharges from the production area and from the washout area were observed. Both discharges were reaching the storm sewer inlet;
4. During the April 13, 2005 inspection it was also noted that Tilton stores hydraulic fluid, chemical additives for producing concrete and other materials in fifty-five (55) gallon drums and other large containers near the loading and batching area. Many of the drums are recycled and not properly labeled with their current contents. Additionally, the drums and containers are stored in an area without a secondary containment structure;
5. Concrete ready-mix facilities (SIC 32) are regulated under the WYPDES industrial storm water general permit. The DEQ has no record of coverage under an industrial storm water permit for Tilton. Discharge of any pollutant from a point source into waters of the state is regulated under the WYPDES program and such discharge must receive coverage under a WYPDES permit. Tilton does not have a WYPDES permit for discharge of process wastewater;
6. Crow Creek is a "water of the state" as defined under W.S.35-11-103(c)(vi);
7. Contaminated storm water and storm water that is commingled with process wastewater is considered to be a process wastewater. Process water contains "pollution" as defined under W.S.35-11-103(c)(vi);
8. By discharging pollution into waters of the state and operating a regulated facility without a WYPDES industrial storm water authorization, Tilton is in violation of W.S.35-11-301(a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) which state that no person, except when authorized by a permit issued by the DEQ, shall cause, threaten or allow the discharge of any pollution or wastes into waters of the state;

- 9. 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. Tilton Ready Mix (Tilton) shall immediately cease all process wastewater discharges to the storm sewer drain. Tilton shall prevent all process wastewater, sediment and storm water commingled with process wastewater from entering the storm drain and contain it on site, or Tilton must obtain an individual WYPDES permit for process water discharges.
- 2. On or before July 8, 2005 Tilton shall submit a notice of intent (NOI) to obtain a WYPDES storm water authorization for industrial activities. No discharges of storm water should occur to the storm sewer drain, until Tilton has obtained the necessary authorization, and has a Storm Water Pollution Prevention Plan (SWPPP), and BMPs in place.
- 3. Tilton shall label all of their bulk containment containers (chemical additives for producing concrete, oil, hydraulic fluid, etc.) with the actual contents and shall store materials in a manner that will ensure any leaks and/or spills will not enter the storm sewer drain.
- 4. Tilton shall submit to the Division its SWPPP along with a schedule for implementation of the BMPs on or before July 31, 2005.


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 Street, 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 Street, 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 30TH day of June, 2005.



 John V. Coira
 Director
 Department of Environmental Quality



 John F. Wagner
 Administrator
 Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, 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/BRB/MB/bb/5-0706.LTR

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
 Todd T. Parfitt ► Brian K. Lovett ► Barb Sahl ► Brian R. Bohlmann
 NOV Docket 3765-05
 Environmental Quality Council
 Director, DEQ