



Practices (BMPs) to control erosion resulting in large areas of deposited sediment and developing headcuts along the banks of the retention basins and other parts of the drainage system. WDEQ recommended that corrective action take place to mitigate adverse impacts to water quality that were occurring due to lack of BMP maintenance and promote long-term stability of the system. These deficiencies were in direct correlation to lack of site stabilization and BMP maintenance which are LCGP requirements. A copy of this report was provided to Cheyenne with the recommendations outlined on page 8.

8. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the facility on April 11, 2014. Violations from this inspection included the following: (1) operating without a renewed permit, (2) failure to maintain Best Management Practices (BMPs) to control erosion and transport of pollutants, and (3) failure to meet the 70% coverage requirement to allow for termination of the permit. ***Currently the site is not stabilized and the storm water discharge authorization from the previous permit has expired. Therefore, any storm water discharging from the site is unauthorized and in violation of the Wyoming Environmental Quality Act and is grounds for enforcement action.***

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 45 days of the mailing of this NOV and Order Cheyenne shall address site stabilization with implementation and/or upgrading BMPs (Best Management Practices) as required in the corrective actions outlined in Part III of DEQ's inspection report and maintain the site to achieve stabilization with 70% vegetation coverage and the potential for a discharge of storm water and other pollutants has been eliminated.
2. Within 14 days of receipt of this NOV and Order Cheyenne shall complete and submit the required Notice of Intent (NOI) and fees for a new LCGP permit.

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, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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**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 9th day of June, 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, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KDF/KMW/bb/14-0485

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin Wells ► Barb Sahl (PDF)  
NOV Docket 5415-14  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)  
Jennifer Zygmunt, Nonpoint Source Program Coordinator (PDF)

Mayor Richard Kaysen  
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