

**FILED**

AUG 16 2005

Terri A. Lorenzon, Director  
Environmental Quality Council

**BEFORE THE**  
**ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

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

Paul Reed Construction & Supply, Inc. )  
880 East Country Club Road )  
Gering, NE 69341 )

DOCKET NUMBER 3737-05

**NOTICE OF VIOLATION**

**NOTICE IS HEREBY GIVEN THAT:**

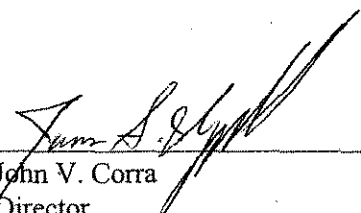
1. Paul Reed Construction & Supply, Inc. (Paul Reed) is the owner of a WYPDES Authorization under a general permit allowing them to discharge water to the surface waters of the State of Wyoming;
2. W.S. 35-11-312 states: *"On July 1 of each year, the department shall assess an annual permit fee of one hundred dollars (\$100.00) for each national pollutant discharge elimination system permit and for each permit authorization held by any person under W.S. 35-11-301 during any portion of the preceding twelve (12) month period..."*;
3. On September 3, 2004, Paul Reed was mailed an invoice for WYPDES Authorization WYR101613. On December 1, 2004, Paul Reed was mailed a second invoice for WYPDES Permit fees. On February 4, 2005, Paul Reed was mailed a Notice of Violation and Order, Docket 3683-05 requiring them to pay all WYPDES Permit fees. WYPDES Permit fees totaling \$100.00 have not been paid for fiscal year 2004;
4. By failing to pay all WYPDES Permit fees Paul Reed has violated W.S. 35-11-312;
5. 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;
6. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.

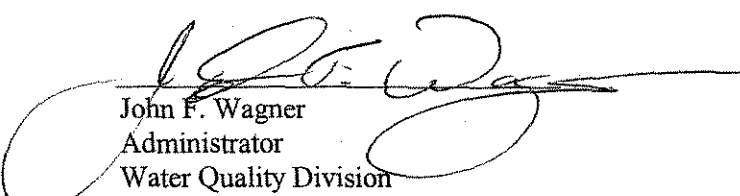
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03119  
Docket No. 3737-05  
Page 2

**NOTHING IN THIS NOTICE OF VIOLATION (NOV)** shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 4th day of April 2005.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal at the 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.

JVC/JFW/BRB/MB/bb/5-0412.LTR

cc: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal  
Docket 3737-05  
Docket 3683-05