

FILED

MAR 11 2005

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

Terri A. Lorenzon, Director
Environmental Quality Council

**IN THE MATTER OF THE NOTICE OF
VIOLATION & ORDER ISSUED TO:**

**Thomas DiCicco
Hayes Construction, Inc.
5711 Osage Avenue, Suite A
Cheyenne, WY 82009**


DOCKET NUMBER 3665-05

NOTICE OF COMPLIANCE

The Department of Environmental Quality (DEQ), Water Quality Division (WQD) issued a Notice of Violation and Order, Docket Number 3665-05 to Hayes Construction, Inc. on February 4, 2005. The Notice was issued for failing to pay WYPDES permit fees as required by W.S. 35-11-701(c). Hayes Construction, Inc. did not appeal the Notice of Violation and Order, and the Order became final.

The Notice of Violation and Order required Hayes Construction, Inc. to pay all permit fees within 30 days of receiving the Notice, or provide documentation stating why the fees should not be paid. Hayes Construction, Inc. has complied with the conditions in Docket Number 3665-05 by paying all permit fees and the DEQ finds that all terms of the Order have been satisfied.

Dated this 9th day of March, 2005.



Brian R. Bohlmann, P.E.
WYPDES Compliance Program Principal
Water Quality Division
Wyoming DEQ

cc: NOV Docket 3665-05, through Barb Barns (IPS)



Department of Environmental Quality



To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.

Dave Freudenthal, Governor

John Corra, Director

January 25, 2005

CERTIFIED MAIL

Hayes Construction, Inc.
5711 Osage Avenue, Suite A
Cheyenne, WY 82009

FILED

JUN 14 2005

Terri A. Lorenzon, Director
Environmental Quality Council

RE: Notice of Violation and Order Docket Number 3665-05 for failure to pay WYPDES Permit fees for WYPDES Authorization WYR101549

Enclosed is a copy of a Notice of Violation and Order, Docket Number 3665-05 issued to Hayes Construction, Inc. On September 3, 2004, you were mailed an invoice for the WYPDES Permit fee. On December 1, 2004, you were mailed a second invoice for the WYPDES Permit fee. As of December 31, 2004 you have failed to pay the WYPDES Permit fee in violation of W.S.35-11-312.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(e). Chapter I, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedure sets forth the requirements for the initiation of appeal proceedings. You are urged to review all of the provisions of the attached Rules of Practice and Procedures as they relate to this action.

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 John V. Corra, Director, Wyoming Department of 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.

If you have any questions or comments concerning this matter, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal at (307) 777-8669.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/MB/5-0114.ltr

Enclosure: Notice of Violation and Order, Rules of Practice and Procedure

CC: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Hayes Construction, Inc.)
5711 Osage Avenue, Suite A)
Cheyenne, WY 82009)

DOCKET NUMBER 3665-05

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Hayes Construction, Inc. 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. On September 3, 2004, Hayes Construction, Inc. was mailed an invoice for WYPDES Authorization WYR101549. On December 1, 2004, Hayes Construction, Inc. was mailed a second invoice for WYPDES Permit fees. WYPDES Permit fees totaling \$100.00 have not been paid for fiscal year 2004;
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. By failing to pay all WYPDES Permit fees Hayes Construction, Inc. has violated W.S. 35-11-312;
4. 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 HAYES CONSTRUCTION, INC. SHALL:

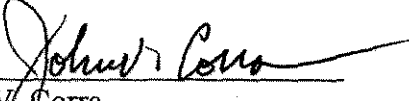
1. Within thirty (30) days of the receipt of this notice, Hayes Construction, Inc. shall pay WYPDES Permit fees totaling \$100.00.
2. Within thirty (30) days of the receipt of this notice, provide documentation that the facility was no longer active as of March 4, 2004. Additionally, fill out and mail in the Notice of Termination (NOT) which can be downloaded at the following DEQ link <http://deq.state.wy.us/wqd/stormwater.asp>.
3. Payment to the DEQ shall be by check made payable to the Wyoming Department of Environmental Quality, Water Quality Division. The payment and/or NOT shall be sent to: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 W 25th St, Cheyenne, Wyoming, 82002. The check or NOT should reference Docket Number 3665-05.

4. If item 1 or 2 is complied with, this will constitute full compliance with this order.

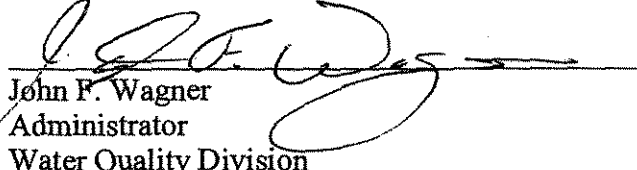
THIS ORDER is final unless, no later than ten (10) days after the date this Notice is received; it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to John V. Corra, Director, Wyoming Department of 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 ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

ORDERED this 3rd day of February 2005.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal at Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, WY 82002, (307) 777-8669.

JVC/JFW/MB/bb/5-0114.ltr

cc: Brian R. Bohlmann, P.E., WYPDES Compliance Program Principal