10-3214

#### BEFORE THE

### ENVIRONMENTAL QUALITY COUNCIL

<u>ST</u>	ATE OF WYOMING	FILED
IN THE MATTER OF THE NOTICE	OF )	
VIOLATION ISSUED TO:	)	MAY 1 8 2010
City of Green River Public Services		Jim Ruby, Executive Secretary Environmental Quality Council
50 East 2 <sup>nd</sup> North Green River, WY 82935	)	Sundi
	)	
		DOCKET NUMBER 4672-10
	)	

### NOTICE OF VIOLATION AND ORDER

#### NOTICE IS HEREBY GIVEN THAT:

- 1. The City of Green River (Green River) owns and maintains a storm water sewer system located in a residential area along California Drive in the city of Green River, Wyoming. The storm water sewer system empties from an outfall located on a steep embankment below California Drive. This outfall is located in Section 35, Township 18N, Range 107W, Sweetwater County, Wyoming.
- 2. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) received a complaint of excessive erosion from the storm water outfall described above from a concerned citizen on March 19, 2010. DEQ visited the eroded area below California Drive on this same date. During this site visit DEQ observed a storm water discharge outfall that connects to the storm sewer system located along California Drive. This outfall discharges to a steep embankment which has caused severe erosion and transport of sediment to an unnamed tributary which flows directly into the Green River. Enough sediment has been transported off this embankment from erosion to form a delta of greater than 50 feet in the Green River, which is a water of the State.
- 3. Lack of the erosion control practices has resulted in large amounts of sediment being deposited into the Green River. This is also a violation of Water Quality Rules and Regulations Chapter 1, Section 15. Settleable Solids:" In all Wyoming surface waters, substances attributable to or influenced by the activities of man that will settle to form sludge, bank or bottom deposits shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife."
- 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:

1. The City of Green River shall submit a written plan of action to the WQD to include the corrective actions to be taken to stabilize the erosion on the site and stabilization of the eroded gully to minimize sediment being deposited into the Green River. This plan of action must be submitted within 30 days of the date of this Order.

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2. Green River shall immediately address site stabilization with implementation of BMPs (Best Management Practices) until the impacted site has been stabilized. This work must be completed and documentation provided to the WQD within 45 days of the date of 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 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.

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 day of ARCL , 2010.

John V. Corra

Director

Department of Environmental Quality

John F. Wagner Administrator

Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resource Program Manager, 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/KMW/bb/10-0308

cc: Natasha Davis, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)
NOV Docket 4672-10
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)