BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

Mr. Larry Dunn Chet's Service Inc. 1203 Ridge Road Cheyenne, WY 82001 FILED

11-32010

MAY 1 0 2011

Jim Ruby, Executive Secretary Environmental Quality Council

DOCKET NUMBER 4836-11

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

- 1. Chet's Service Inc. (Chet's Service) is a facility located in Laramie County, Cheyenne, Wyoming and is authorized to provide auto servicing and repairs. The facility is located at 1203 Ridge Road, Cheyenne, Wyoming, 82001 and the owner is Mr. Larry Dunn.
- 2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted a site visit of the facility on April 28, 2011 based on information received from a citizen complaint. Violations from this visit included: numerous steel barrels containing substances of petroleum based liquid that appeared to be leaking an undetermined amount of substance that had flowed across the property. Evidence of the flow path indicated the release had reached the city's storm sewer system. There was no secondary containment around any of the barrels or Best Management Practices (BMPs) in place to protect the storm sewer systems or eliminate the substance from leaving the property.
- 3. Petroleum based products are considered "pollution" as defined in §35-11-103 (c)(i).
- 4. The discharge referenced above entered Dry Creek via the City of Cheyenne's storm sewer system and was not through a permitted discharge point.
- 5. The discharges referenced above entered or threatened to enter Dry Creek which is a "water of the state" as defined under W.S. 35-11-103 (c)(vi).
- 6. The Department of Environmental Quality has no record of permits authorizing the discharge of pollution to the storm sewer system from the location referenced in the cases described above.
- 7. By discharging pollution into waters of the state, Chet's Service is in violation of §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 Department of Environmental Quality, shall cause, threaten, or allow the discharge of any pollution or wastes into the waters of the state;

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.

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ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

- 1. Chet's Service shall immediately cease any actions allowing for unpermitted discharges and clean up the released petroleum on the property. Upon completion of clean up Chet's Service shall provide documentation to the DEQ that the unpermitted release has been cleaned up and what corrective actions have been implemented at the facility to ensure no future releases will occur.
- 2. Within 30 days of receipt of this NOV and Order, Chet's Service shall develop and implement Best Management Practices (BMPs) to control any unforeseen releases in the future. These BMPs shall eliminate the potential for any pollution to leave the property or reach the storm sewer system. Any potential to contaminate surface water from a discharge should also be addressed with BMPs. Written documentation of the corrective actions shall be submitted to the DEQ once the BMPs are in place.

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, 1st Floor West, 122 West 25th St., 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 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, 2011.	
John V. Corra Director Department of Environmental Quality	John F. Wägner 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, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/11-0447

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)
Bill DiRienzo ► Kevin Wells ► Barb Sahl (PDF)
NOV Docket 4836-11
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)