BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO: Anson Excavating & Pipe, Inc. PO Box 777 Craig, Colorado 81626)))))	JUN 0 6 2012 Jim Ruby, Executive Secretary Environmental Quality Council
)	DOCKET NUMBER 4991-12
)	

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

- 1. Anson Excavating & Pipe, Inc., (Anson) is a construction company hired to construct a new infiltration gallery in Carbon County, Wyoming that will require stream diversion and dewatering during the construction. Anson has received authorization to discharge through the Wyoming Pollution Discharge Elimination System permit WYG740347.
- 2. Part I of the above referenced permit, under the Monitoring and Reporting Requirements requires that effluent monitoring results obtained during the previous month(s) shall be summarized and reported on a Discharge Monitoring Report (DMR). The DMRs are to be submitted to the Department of Environmental Quality (DEQ) and postmarked no later than the 28th day of the month following the completed reporting period. To date the DEQ/Water Quality Division (WQD) has not received any DMRs since the first required submittal in November 2011 through April 2012.
- 3. DEQ has issued two previous Letters of Violation (LOV) to Anson for failure to submit DMR's on time. This continued late submittal of DMR's to the DEQ is a violation of permit requirements.
- 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;

<u>ORDER</u>

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL - STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

- 1. Anson shall ammediately submit the complete and accurate delinquent reports to the WQD. This information shall be received by the WQD no later than 20 days from the date of this NOV and Order.
- 2. Within twenty (20) days of receipt of this Order, Anson shall submit to the WQD a written description of actions taken to insure that future Discharge Monitoring Reports will be submitted on time.

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 _

_, 2012.

ohn 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, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/12-0483

cc:

David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)

Bill DiRienzo ► Kevin M. Wells (PDF)

NOV Docket 4991-12

Environmental Quality Council

Director, DEQ

Keith Guille, DEQ Public Information Office (PDF)