



# Department of Environmental Quality

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



Matthew H. Mead, Governor

John Corra, Director

**CERTIFIED MAIL**

August 24, 20121

**FILED**

**Aug 31, 2012**

Mr. Mark Christianson  
MC Family of Companies, LLC  
PO Box 1269  
Gillette, WY 82717

Jim Ruby, Executive Secretary  
Environmental Quality Council

**RE: Notice of Violation and Order, Docket Number 5044-12**

Dear Mr. Christianson:

Attached is a Notice of Violation and Order, Docket Number **5044-12**, for failing to obtain and operate under a general permit to discharge storm water associated with Large Construction Activity under the Wyoming Pollutant Discharge Elimination System (WYPDES). Failure to operate without authorization is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations, the Federal Water Pollution Control Act and the Wyoming Environmental Quality Act.

**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(c).** Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

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 West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator 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.

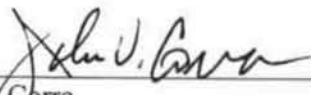
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Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	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 777-5884	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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*MC Family of Companies, LLC*  
*August 24, 2012*  
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\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
John P. Wagner  
Administrator  
Water Quality Division

JVC/JFW/KMW/bb/rm/12-0785

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)  
NOV Docket **5044-12**  
Environmental Quality Council  
Keith Guille, DEQ Public Information Officer (PDF)

BEFORE THE  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Mr. Mark Christianson )  
MC Family of Companies, LLC )  
PO Box 1269 )  
Gillette, WY 82717 )

DOCKET NUMBER 5044-12

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. MC Family of Companies, LLC (MC Family) is the owner of the property associated with the construction site located at Tanner Drive and Legacy Parkway in Campbell County, Wyoming. MC Family is responsible for construction activities occurring at the site.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the construction site on March 6, 2012. Violations from this inspection included: MC Family is currently operating without having received authorization for storm water discharges associated with new and existing "large construction activities through the Wyoming Pollution Discharge Elimination System (WYPDES). Section 2.9 of the Large Construction General Permit (LCGP) defines Large Construction Activity as "any clearing, grading, or excavation project which will disturb five or more (not necessarily contiguous) surface areas."
3. *The Large Construction General Permit (LCGP) states in section 2.10 Operator "is the company, individual or organization that has day to day supervision and control of activities occurring at the construction site and/or the ability to modify project plans and specifications related to the SWPPP. This can be the owner, developer, the general contractor, or in some cases, the agent of one of these parties. The operator is responsible for ensuring compliance with all conditions of the permit. The operator shall be knowledgeable in all areas necessary to comply with this permit."*
4. *The Large Construction General Permit (LCGP) states in section 3.1 Who must apply- "Operators of any large construction activity as defined in Part 2.9. Failure to obtain appropriate coverage may result in enforcement action."*

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

ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING  
Jim Ruby, Executive Secretary

IS HEREBY ORDERED THAT:  
Aug 31, 2012

**FILED**


1. MC Family shall immediately submit to the WQD the Notice of Intent (NOI) application and a Storm Water Pollution Prevention Plan (SWPPP) for review as outlined in Part 4 of the LCGP. This information shall be received by the WQD no later than 30 days from the date of this NOV and Order. Upon approval by DEQ MC Family will receive authorization of a WYPDES Large Construction General Permit (LCGP). **MC Family will be responsible to comply with all permit requirements once the authorization has been approved by DEQ.**
2. Within 30 days of receipt of the LGCP MC Family shall implement effective Best Management Practices (BMPs) at the construction site for sediment control and continue to maintain the BMPs until the construction site has been completed or stabilized. MC Family shall begin compliance inspections and recording keeping on the maintenance of the BMPs and update the SWPPP of changes as required in the permit. MC family shall have all inspection records available for review during future compliance inspections conducted by DEQ.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the 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.

Signed this 31<sup>st</sup> day of August, 2012.

  
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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:** 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/rm/12-0785

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