

**BEFORE THE**  
**ENVIRONMENTAL QUALITY COUNCIL**  
**STATE OF WYOMING**

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

James Hodder )  
PO Box 46 )  
Farson, WY 82932 )

DOCKET NUMBER 4390-08

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. James Hodder is the owner and operator of a Confined Animal Feeding Operation (CAFO) in Sweetwater County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System permit WY0051152.
2. Part I of the above referenced permit, under the Annual Reporting Requirements for CAFOs section, requires submittal of an annual report to the administrator by January 28 of each year. The Water Quality Division (WQD) sent a Letter of Violation (LOV) to Mr. Hodder on April 23, 2008 instructing him to send in the delinquent report to the WQD. The WQD did not receive a response to the LOV and did not receive the delinquent report.
3. 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:**

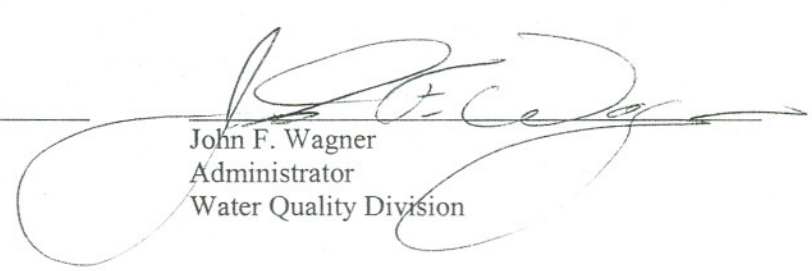
1. Mr. Hodder shall immediately submit the complete and accurate delinquent report to the WQD. This information shall be received by the WQD no later than 30 days from the receipt date of this NOV and Order.
2. Within 30 days of the receipt date of this NOV and Order Mr. Hodder shall submit to the WQD a plan of action to ensure future reports are submitted in a timely manner in the future.

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 24 day of NOV, 2008.

  
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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 Compliance & Enforcement Program Coordinator, 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/8-0908

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)  
Bill DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
NOV Docket 4390-08  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)