

10-3219

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED
JUN 18 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

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

Mr. David Wadman)
Trapper Trails Council)
Boy Scouts of America)
Camp New Fork)
1200 East 5400 South)
Ogden, Utah 84403-4599)

DOCKET NUMBER 4659-10

Carole Hamilton)
National Forest Service)
Bridger Teton National Forest)
P.O. Box 1888)
Jackson, WY 83001)

NOTICE OF VIOLATION
AND
ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Trapper Trails Council, Boy Scouts of America and the National Forest Service, Bridger Teton National Forest pursuant to Wyoming Statute 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 (DEQ) shall cause a written notice to be issued and served upon the person alleged to be responsible.
2. Trapper Trails Council, Boy Scouts of America is the owner of the Camp New Fork public water system, located in Sections 22 and 23 of Township 36 North, Range 110 West in Sublette County, Wyoming. This location is on the southern shore of New Fork Lake, 10 miles northeast of Cora, WY.
3. The National Forest Service is the owner of the property on which the Trapper Trails Council, Boy Scouts of America, Camp New Fork public water system is located in Sections 22 and 23 of Township 36 North, Range 110 West in Sublette County, Wyoming.
4. Wyoming Statute (W.S.) 35-11-301(a)(v) requires a permit from the Department of Environmental Quality (DEQ) prior to the construction of any public water supply.
5. In 1982 under W.S. 35-11-103(c)(viii) a public water supply was defined as 20 or more service connections.
6. The current definition of a public water supply was changed in 1998 under W.S. 35-11-106 (c)(viii) to at least 15 service connections or a system that serves at least 25 individuals.
7. The United States Environmental Protection Agency's October 9, 2009 sanitary survey indicates that BSA Water Well #1 was constructed May 28, 1982.

8. The United States Environmental Protection Agency's October 9, 2009 sanitary survey indicates that the Trapper Trails Council, Boy Scouts of America Camp New Fork public water system has 30 service connections and serves 300 to 450 individuals.
9. A search of the Wyoming Department of Environmental Quality Water Quality Division records indicates no permits have been issued to the Trapper Trails Council, Boy Scouts of America for the construction of the Camp New Fork public water system.
10. Construction of a public water supply without a permit to construct from the Wyoming Department of Environmental Quality is a violation of Chapter 3, Section 1 of the Wyoming Water Quality Rules and Regulations and is also a violation of W.S. 35-11-301(a)(v).
11. 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 DEQ shall cause a written notice to be issued and served on the person alleged to be responsible.
12. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction.

The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions, in lieu of litigation.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL - STATE OF WYOMING

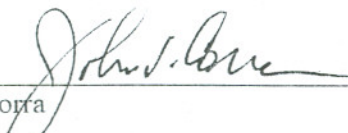
WHEREFORE IT IS HERBY ORDERED THAT:

1. No later than November 30, 2010 Trapper Trails Council shall hire a Professional Engineer licensed in the State of Wyoming to prepare a permit application along with plans and specifications in compliance with Chapters 3, 11 and 12 of the Wyoming Water Quality Rule and Regulations for the construction of the Trapper Trails Council, Boy Scouts of America, Camp New Fork Public Water System.
2. No later than August 31, 2011 Trapper Trails Council shall have a Professional Engineer submit a permit application along with plans and specifications for the construction of the Trapper Trails Council, Boy Scouts of America, Camp New Fork Public Water System to the Wyoming Department of Environmental Quality, Southwest District Engineer.
3. No later than October 31, 2011 the Trapper Trails Council, Boy Scouts of America, Camp New Fork Professional Engineer will have completed the permitting process for a Permit to Construct and a Permit to Construct will have been issued to the Trapper Trails Council, Boy Scouts of America, for the Camp New Fork Public Water System by the Wyoming Department of Environmental Quality, Water Quality Division.
4. No later than December 31, 2011 the Trapper Trails Council, Boy Scouts of America, Camp New Fork Professional Engineer will have submitted a construction schedule for the construction of the Trapper Trails Council, Boy Scouts of America, for the Camp New Fork Public Water System.
5. No later than August 31, 2012 the Trapper Trails Council, Boy Scouts of America, will have completed the construction of a public water system to serve Camp New Fork in compliance with Chapters 3, 11 and 12 of the Wyoming Water Quality Rule and Regulations.
6. No later than October 31, 2012 the Trapper Trails Council, Boy Scouts of America, Camp New Fork Professional Engineer will have completed and submitted the Certification of Completion Form to the Wyoming Department of Environmental Quality, Water Quality Division, Southwest District Engineer.

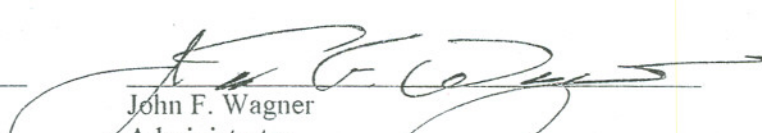
This ORDER is final unless, no later than ten (10) days after the date this Notice is received, it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, 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 14 day of June, 2010.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Mark Baron, P.E., Southwest District Engineer, 510 Meadowview Drive, Lander, Wyoming 82520. Telephone 307-332-3144, 307-335-6962

JVC/JFW/MDB/bb/10-0507

xc: Environmental Quality Council
Mark Baron, P.E., W&WW Section, Lander (PDF)
Keith Guile, DEQ Public Information Officer (PDF)
Lou Harmon, P.E., W&WW Section, Cheyenne (PDF)
Keith Raney, Environmental Health, Sublette County, P.O. Box 722, Pinedale, WY 82941
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