

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Mr. Mark Lisle)
Landowner)
8495 Road 11)
Fort Laramie, WY 82212)
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FILED
NOV 30 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

DOCKET NUMBER 4774-10

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Mr. Mark Lisle (Mr. Lisle) is the property owner of the land and residence located at 8495 Road 11 in Goshen County, Fort Laramie, Wyoming.
2. The Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) conducted a site visit of the residence and surrounding land on November 8, 2010 based on an anonymous complaint filed with the DEQ. An observation during the site visit included raw sewage being discharged out of a pipe directly into Deer Creek (Class 2AB) which is a water of the state.
3. The discharge referenced above directly entered a "water of the state" as defined under W.S. 35-11-103 (c)(vi) and was not through a permitted discharge point.
4. Deer Creek is a "water of the state" as defined under W.S. 35-11-103 c(vi).
5. Raw sewage is "pollution" as defined in W.S. 35-11-103 l(i).
6. By discharging pollution into waters of the state, Mr. Lisle is in violation of W.S. 35-11-301 (a)(i) of the Wyoming Environmental Quality Act (Act) 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;

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Mr. Lisle shall immediately contact Mr Mel Eden of the Goshen County Planning Commission (307-532-1672) to discuss the operation and discharge of the current septic and leach field system at this residence. Mr. Lisle shall discuss with Mr. Eden the necessary upgrades needed to be implemented to allow the sewage waste system to meet currant compliance standards.
2. After the discussions with the Planning Commission a written report shall be submitted by Mr. Lisle (or a contractor) to the DEQ regarding the proposed plan of corrective action(s) for review.
2. The necessary work for the upgrades or repairs to the sewage waste system needs to be completed on the Mr. Lisle's property by the end of **August 2011** and written documentation describing the upgrades and operational changes to the system shall be submitted to the DEQ within two weeks after completion.

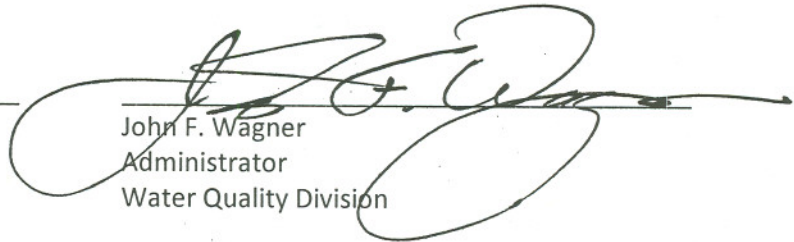
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 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.

Signed this 24 day of Nov., 2010.



John 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/rm/10-1041

cc: David Qwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)
Bill DiRienzo ► Kevin Wells ► Lou Harmon (PDF)
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Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)