# BEFORE THE ENVIRONMENTAL QUALITY COUNCIL STATE OF WYOMING EQC DOCKET NO. 13-3204

# FILED

JUN 0 3 20:3

Jim Ruby, Executive Secretary Environmental Quality Council

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO: Shawna Jackson 111 Bomber Mountain Road Gillette, WY 82717 DEQ DOCKET NO. 5127-13

ORDER APPROVING NOV ORDER

The above-referenced matter having been considered by the Environmental Quality Council pursuant to the provisions of W.S. 35-11-112(a)(ii), and it appearing to the Council that the time has expired for the filing of an appeal before this body from this order of the Department of Environmental Quality entered herein, and the Council being fully advised in the premises;

IT IS HEREBY ORDERED THAT the order of the Department of Environmental Quality entered herein be and the same hereby is approved.

DATED this <u>31</u> day of <u>Man</u>, 2013.

Thomas Coverdale, Chairman Environmental Quality Council Room 1714, Herschler Building, 1<sup>st</sup> Floor West 122 W. 25<sup>th</sup> Street Cheyenne, WY 82002 Phone: 307-777-7170 Fax: 307-777-6134

# **CERTIFICATE OF SERVICE**

I, Jessica Brown, certify that at Cheyenne, Wyoming, on the 3<sup>rd</sup> day of June, 2013, I served a copy of the foregoing **ORDER APPROVING NOTICE OF VIOLATION AND ORDER** by electronic mail to the following:

Todd Parfitt Director, DEQ Todd.Parfitt@wyo.gov

Mike Barrash Asst. Attorney General Mike.Barrash@wyo.gov

Kevin Frederick, Administrator Water Quality Division Kevin.Frederick@wyo.gov

and also by United States Mail, postage pre-paid, addressed as follows:

Ms. Shawna Jackson 111 Bomber Mountain Road Gillette, WY 82717

Loopica Brown

Jessica Brown, Office Assistant Environmental Quality Council 122 W. 25<sup>th</sup>, Rm. 1714 Herschler Bldg. Cheyenne, WY 82002 Phone: 307-777-7170 FAX: 307-777-6134



# **Department of Environmental Quality**

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



Todd Parfitt, Director

## **CERTIFIED MAIL**

March 13, 2013

Ms. Shawna Jackson 111 Bomber Mountain Road Gillette, WY 82717

# FILED

MAR 1 8 2013

Jim Ruby, Executive Secretary Environmental Quality Council

## RE: Notice of Violation, Docket Number 5127-13 Discharge of Pollution Threatening Waters of the State

Dear Ms. Jackson:

Attached is a Notice of Violation and Order, Docket Number 5127-13, issued to you for the discharging of pollution that threaten the surface and groundwater of the state in violation of Wyoming Statute 35-11-301(a)(i).

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 Todd Parfitt, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming be sent by certified mail, return receipt requested.

Todd Parfitt Director Department of Environmental Quality

John F. Wagner Administrator Water Quality Division

TP/JFW/KLF/bb/13-0234 Enclosure: Notice of Violation Docket Number 5127-13 xc: Karen Farley, WWW, Casper IPS Keith Guile, DEQ Public Information Officer EQC

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Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · http://deq.state.wy.us admin/outreach abandoned mines air quality industrial siting land quality solid & haz. waste water quality

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 INDUSTRIAL SITI

 (307) 777-7391
 (307) 777-7369

 FAX 777-5616
 FAX 777-5973

(307) 777-7756 FAX 777-5864

(307) 777-7752 FAX 777-5973 ATER QUALITY (307) 777-7781 FAX 777-5973



# 13-3204

## **BEFORE THE**

#### DEPARTMENT OF ENVIRONMENTAL QUALITY

#### **STATE OF WYOMING**

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FILED

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Jim Ruby, Executive Secretary Environmental Quality Council

# Ms. Shawna Jackson 111 Bomber Mountain Road Gillette, WY 82717

IN THE MATTER OF THE NOTICE OF

**VIOLATION & ORDER ISSUED TO:** 

## DOCKET NUMBER 5127-13

#### **NOTICE OF VIOLATION AND ORDER**

# NOTICE IS HEREBY GIVEN THAT:

1. Shawna Jackson resides at 111 Bomber Mountain Road located in NE ¼ of Section 8, Township 50 North, Range 73 West in Campbell County, Wyoming.

2. On October 29, 2012 Karen Farley (Karen), the Northeast District engineer, received a call from Keith Bowar of the Campbell County Building Department asking for assistance to resolve an apparent illegal discharge from a camper/RV located at 111 Bomber Mountain Road.

3. A neighbor to the residence at 111 Bomber Mountain Road called Karen expressing concern over the discharge because of wells in the area and possible groundwater contamination.

4. On November 8, 2012 a letter of violation (LOV) was issued to the residence at 111 Bomber Mountain for discharging pollution without a permit. The LOV was returned unsigned.

5. On January 17, 2013 the Campbell County Building Department verified that the RV and discharge pipe were still there.

6. Allowing the discharge of pollution or waste that threatens the surface and groundwater of the state is a violation of Wyoming Statute § 35-11-301(a)(i).

7. 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.

#### <u>Order</u>

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

#### WHEREFORE IT IS HEREBY ORDERED THAT Shawna Jackson:

1. Shall cease the discharge from the RV parked at her residence within fifteen (15) days after the date of receipt of this NOV and Order.

2. Shall submit an application to Campbell County for the construction of a small wastewater system.

3. The discharge from the RV shall be treated by the small wastewater system prior to any subsurface discharge.

This ORDER is final unless, not later than ten (10) days after the date of this notice is received it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming, 82002. Both petitions must be sent via 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 be interpreted as being a condition precedent to any other enforcement action.

Ordered this 14th day of , 2013. 1000 Todd Parfitt John F. Wagner

Director Department of Environmental Quality John F. Wagner Administrator Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Karen Farley, Northeast District Engineer, Water & Wastewater Section, Wyoming DEQ/WQD, 152 North Durbin Street, Suite 100, Casper, WY 82601. Telephone 307-473-3478.

TP/JFW/KLF/bb/13-0234 cc: IPS Northeast District Engineer Keith Guille, DEQ Public Information Officer EQC