

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

OCT 11 2013

Jim Ruby, Executive Secretary
 Environmental Quality Council

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

Mr. Glen Moore and Ms. Terry Moore)
 Crossed Arrows Subdivision)
 P. O. Box 254)
 Meeteetse, WY)

DOCKET NUMBER 5058-12

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. **Crossed Arrows Subdivision (CAS)** residences discharge more than 2,000 gallons per day of domestic wastes into an unpermitted septic system. This facility has been assigned a facility number and temporary permit application number in the Underground Injection Control (UIC) GEM database for tracking purposes, but this facility has no Underground Injection Control permit.

Permit	Facility Number	Injection Wells
Temp 1681727706	WYS-029-00219	Class V Septic System

2. **CAS**, according to information available from the Park County Assessor's Office, is located on property owned by Glen Moore and Terry Moore. No homeowner's association exists for **CAS**. The septic system for **CAS** is the responsibility of the landowners upon whose property the septic system is located.
3. **CAS** is in violation of Wyoming Water Quality Rules and Regulations, Chapter 16, Section 5, for discharging via a Class V facility without a permit. No permit application for this facility has been submitted to the Underground Injection Control Program.
4. **CAS** is in violation of Wyoming Water Quality Rules and Regulations, Chapter 16, Section 9(j), which prohibits the operation of any Class V septic system with liquid waste visible on the ground surface. This facility was inspected by Hannes Stueckler of the Water Quality Division on June 6, 2012. During this inspection, untreated sewage was observed surfacing and flowing out of the leach field area. This facility has had several documented instances of sewage surfacing and flowing on the surface in the past, on June 10, 1991, September 10, 1992, December 7, 1995, May 15, 1996, September 17, 2004, and May 23, 2012. Anecdotal information from long-time inhabitants of the **CAS** indicates that surface sewage flows from the **CAS** Septic System have been an ongoing issue at this facility since at least 1990.
5. The Department of Environmental Quality has no record of authorization allowing discharge of raw sewage at the ground surface for this facility.
6. Raw sewage contains "pollution" as defined in W.S. 35-11-103(c)(i).
7. The discharges referenced above threatened to enter "Waters of the State" as defined under W.S. 35-11-103(c)(vi). This discharge has the potential to enter the Greybull River.
8. By threatening to discharge pollution into Waters of the State, **CAS** is in violation of W.S. 35-11-301(a)(i) which states 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.

9. 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. **Within sixty (60) days of receipt of this Notice of Violation and Order, CAS shall retain the services of a consultant licensed and experienced in the design and installation of large-scale septic and/or domestic waste water treatment systems. CAS shall provide the UIC Program with documentation describing the qualifications, credentials, and name of the consultant(s) retained.**
2. **Within ninety (90) days of receipt of this Notice of Violation, CAS shall provide to the UIC Program for their approval a plan and schedule to either repair the existing septic system and eliminate surface sewage flows, or to replace the existing septic system. This plan shall include, at a minimum, the following:**
 - **An engineering design report as specified in Wyoming Water Quality Rules and Regulations, Chapter 11, Sections 6 and 7.**
 - **Application for a Class V UIC permit as specified in Wyoming Water Quality Rules and Regulations Chapter 16, Section 6.**
 - **A construction schedule for repairing or replacing septic system.**
 - **An estimate of the degree of difficulty and man-hours needed to maintain the septic system, and a discussion regarding whether or not a dedicated system operator is needed for this facility.**
 - **A routine sampling and analysis plan, and an operations and maintenance plan. At a minimum, the sampling and analysis plan shall include:**
 - **A description of ground water sample collection methods to be utilized at this facility.**
 - **Identification of personnel responsible for implementing ground water sample collection.**
 - **A plan for training all personnel having routine ground water sample collection responsibilities at this facility.**
 - **At a minimum, the operations and maintenance plan shall include:**
 - **A description of routine septic system inspection protocols to be utilized at this facility upon modification or replacement of the system.**
 - **Identification of personnel responsible for implementing routine septic system inspections.**
 - **Procedures for personnel to follow in the event of septic system failure or identified system issues that might lead to septic system failure.**

- Procedures for routine maintenance of the septic system, including a schedule for all routine maintenance activities and identification of personnel responsible for all routine maintenance activities.
 - A plan for training all personnel having routine maintenance or inspection responsibilities at this facility.
4. Within thirty (30) days of completion of the approved septic system modifications or replacement, CAS shall arrange for an inspection of the permitted system by UIC Program personnel.


This ORDER is final unless, not later than ten (10) days after the date this notice is received; it is appealed by filing two (2) 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, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent via certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this ORDER be interpreted as being a condition precedent to any other enforcement action.

Ordered this 10th day of October, 2013.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kathy Shreve, Environmental Program Principal, Wyoming DEQ WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-6682.

TP/KDF/KES/bb/13-0154

cc: Wendy Cheung, EPA, Region
John Passehl, WDEQ
Kathy Shreve, WDEQ
Richard Cripe, WDEQ
NOV Docket **5058-12**
Environmental Quality Council
Keith Guille, DEQ Public Information Office (PDF)
Chairman, Park County Commissioners, Park County Courthouse, 1002 Sheridan Ave.,
Cody, WY 82414