

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE)
OF VIOLATION ISSUED TO:)
Mr. Joe Kysar)
Route 1, Box 34) Docket No. 606-79
Powell, Wyoming 82435)

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On June 26, 1979, and July 5, 1979, personnel of the Water Quality Division of the Wyoming Department of Environmental Quality observed and photographed the feedlot owned and operated by Joe Kysar which is located on the north bank of Bitter Creek directly north of the City of Powell's sewage lagoons;
2. Those observations and photographs confirm that there are sheep present in the feedlot and that no actions have been taken to either restrict their access to the creek or to control runoff to the creek;
3. On March 7, 1975, this Department issued Joe Kysar discharge permit Wy-0023264 which required immediate cessation of the use of this feedlot due to its high potential for causing pollution of Bitter Creek;
4. On July 28, 1977, Mr. John F. Wagner of the Department observed that this feedlot continued to be in use;
5. On August 9, 1977, Mr. Wagner informed Mr. Kysar that formal enforcement action would be taken if the feedlot was found to be in use after November 1, 1977;
6. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license or variance adopted thereunder is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming; and
7. This notice is being sent to you pursuant to W.S. 35-11-701(b), 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.

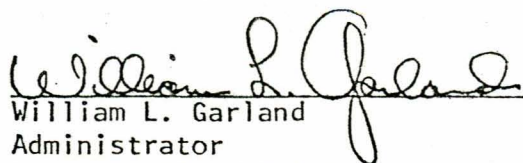
ORDER

1. Within ten(10) days of receipt of this letter provide this Department with information which indicate(s) what action(s) will be taken to either:
 - a. Eliminate use of the feedlot and thus attain compliance with discharge permit Wy-0023264; or
 - b. Install runoff controls and animal access controls which will eliminate the water pollution potential of the operation.

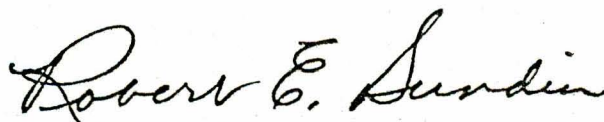
THIS ORDER is final and binding unless, not later than ten(10) days after the day of its postmark, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Robert E. Sundin, Executive Secretary, Environmental Quality Council, Hathaway Building, Cheyenne, Wyoming 82002.

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 20th day of August, 1979.



William L. Garland
Administrator
Water Quality Division



Robert E. Sundin
Director
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRES to Mr. John F. Wagner, Technical Support Supervisor, Water Quality Division, Department of Environmental Quality, Hathaway Building, Cheyenne, Wyoming 82002. Telephone number: (307) - 777-7781.

cc: Paul Cleary, State Planning Coordinator's Office, Cheyenne, Wyoming
Permits Branch, Enforcement Division, EPA, Denver, Colorado