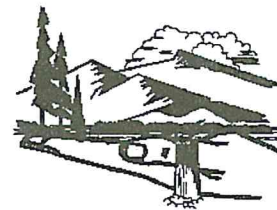


Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

March 20, 2019

Mr. Harry Washut
Riverside RV Park, LLC
920 Smylie Road
Douglas, WY 82633

Via Certified Mail – 7016 2070 0000 4427 8314

Re: Notice of Violation and Order, Docket #5908-19

Dear Mr. Washut,

Enclosed you will find a Notice of Violation and Order (NOVO) issued to Riverside RV Park, LLC for unlawfully threatening to discharge waste to waters of the state, for constructing a Public Water Supply system without a permit, and for modifying a sewerage system without a permit at your facility located in Section 17, Township 32 North, Range 71 West, in Converse County, Wyoming.

The Wyoming Department of Environmental Quality considers failure to comply with regulatory requirements a serious matter, and I am considering referring this violation to the Attorney General's Office for legal enforcement if not resolved. If you would like to discuss resolution of these violations, please contact Mr. Rich Cripe, Water and Wastewater Program Manager, Wyoming Department of Environmental Quality, Water Quality Division, 200 West 17th Street, 2nd Floor, Cheyenne, Wyoming 82002 (307-777-7075), within ten (10) days of receiving this letter and notice of violation.

Sincerely,

Kevin Frederick
Administrator
Water Quality Division

KF/RRC/BF/SG

Enc: Notice of Violation and Order #5908-19

cc: IPS (Cheyenne)
Paul Lohman, SE District Engineer, W/WW (PDF)
Brianna Forrest, Project Engineer, W/WW (PDF)
Lily Barkau, Groundwater Section Manager, Groundwater (PDF)
Chris Brown, Project Geologist, Groundwater (PDF)
Kelly Shaw, Assistant Attorney General (PDF)

6. Surfacing sewage was observed in two (2) separate locations near the septic system leach field beginning approximately sixty-six (66) feet south of the seven (7) bedroom apartment (the original house on the property) and running one-hundred two (102) feet southward. Surfacing sewage, exhibiting a distinct sewage odor, was observed approximately one-hundred fifty (150) feet south of the seven (7) bedroom house beneath a parked RV trailer. A second area of surfacing sewage, exhibiting a distinct sewage odor, was observed in the grass area south of the seven (7) bedroom house and southwest of the septic tank, approximately due west of the mid-point of the leach field.

7. Additionally, greywater generated from the eight (8) bedroom dormitory was reportedly directed to a French-drain comprised of a perforated pipe run along the west side of the building and reportedly installed in the fall of 2018. Surfacing greywater was observed along the reported location of the pipe run with drainage and damp ground observed to the northwest draining towards the North Platte River which flows adjacent to the western property boundary.

8. Riverside RV Park, LLC violated the act by:

- a. Threatening to discharge pollution into waters of the state;
- b. Failure to lawfully permit the modifications made to the septic system and greywater system; and
- c. Failure to lawfully permit the installation of a Public Water System.

9. Riverside RV Park, LLC owned and operated the facility at all times relevant to the allegations contained in this Notice of Violation.

10. The Act prohibits causing, threatening, or allowing the discharge of any pollution or wastes into the waters of the state except when authorized by a permit. *W.S. § 35-11-301(a)(i)*.

11. The North Platte River and the adjacent alluvial aquifer beneath the site are waters of the state. *W.S. § 35-11-103(c)(vi); WWQRR, Chapter 1, Section 2(a)(xi)*.

12. Sewage discharge is a source of pollution or waste. *W.S. § 35-11-103(c)(i)-(ii); WWQRR, Chapter 1, Section 2(a)(ix)-(x)*.

13. The Act prohibits constructing, installing, modifying, or operating any sewerage system, treatment works, disposal system, or other facility capable of causing or contributing to pollution except when authorized by a permit. *W.S. § 35-11-301(a)(iii); WWQRR, Chapter 3, Section 4(a)*.

14. The Act prohibits constructing, installing, modifying, or operating any public water supply except when authorized by a permit. *W.S. § 35-11-301(a)(v); WWQRR, Chapter 3, Section 4(a)*.

15. Any person who violates any provision of the Act, or any rule, regulation, standard, or permit adopted under the Act is subject to a penalty of up to ten thousand dollars (\$10,000) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. *W.S. § 35-11-901(a)*.

16. This notice is being sent to you pursuant to section 701(c) of the Act, which requires that, in any case of failure to correct or remedy an alleged violation of the Act, 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. *W.S. § 35-11-701(c)(i)*.

ORDER**WHEREFORE IT IS HEREBY ORDERED THAT:**

1. Cease all unpermitted wastewater discharges, including wastewater disposal to the on-site septic tank originating from the RVs. Riverside RV Park, LLC shall cut and cap the following wastewater connections to the septic system within ten (10) days of the date of this order: the septic tank outlet to the leach field, the seven (7) bedroom apartment building, the eight (8) bedroom dormitory, and the three (3) outhouses.

2. Cease all unpermitted greywater discharges. Riverside RV Park, LLC shall eliminate all greywater discharges to ground and subsurface by prohibiting greywater discharges at the site, including greywater originating from the RVs, and cutting and capping the dormitory greywater system within ten (10) days of the date of this order.

3. Cease unpermitted distribution of drinking water. Riverside RV Park, LLC shall cut and cap water distribution piping from the two (2) unpermitted water storage tanks, and remove all water service lines above ground surface, so that service is provided to fewer than 15 service connections or 25 individuals within ten (10) days of the date of this order.

4. Within five (5) days after completion of Sections 1, 2, and 3 of this Order, Riverside RV Park, LLC shall notify DEQ/WQD that all requirements have been completed and schedule a time for the DEQ/WQD to inspect the site for compliance with this Order. Notification shall be submitted in writing to: DEQ/WQD, Attn: Brianna Forrest, 200 West 17th Street, Cheyenne, WY 82002.

5. Within ten (10) days of the date of this Order, Riverside RV Park, LLC shall dispose of any wastewater (both blackwater and greywater) generated at the site at a facility that has been permitted to receive such wastes. Riverside RV Park, LLC shall provide DEQ/WQD a letter of acceptance from the selected facility for the disposal of all generated wastewater from the site.

6. Riverside RV Park, LLC shall excavate saturated soils in areas where raw wastewater or greywater has surfaced or ponded, until the exposed, native soil surface is clean and dry within ten (10) days of the date of this order. Riverside RV Park, LLC shall dispose of all contaminated soils off-site and replace excavated soils with clean back-fill. Photographic documentation of activities prior to, during, and after excavation shall be provided to the DEQ/WQD. All disposal shall be lawful and documented.

7. Upon completion of site clean-up activities and no later than fifteen (15) days from the date of this order, Riverside RV Park shall submit documentation to the DEQ/WQD of the quantities of waste material removed and receipt(s) of disposal. In addition, Riverside RV Park shall provide a map indicating areas where clean-up occurred.

8. Riverside RV Park, LLC shall not resume illegal wastewater collection and disposal until the appropriate small wastewater system permit and/or Underground Injection Control permit is approved and issued.

9. Riverside RV Park, LLC shall not allow illegal greywater discharges at the site until such discharges are permitted by rule through compliance with the Act.

10. Riverside RV Park, LLC shall not operate a public water system until the appropriate permit to construct has been approved and issued by the DEQ/WQD.

This order is final unless, not later than ten (10) days after this notice is received, it is appealed by filing a written request for a hearing before the Environmental Quality Council in accordance with W.S. § 35-11-701(c)(ii) and Practice and Procedure Rules, Chapter 2. If a hearing is requested, the request 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, 200 West 17th Street, 4th Floor, Cheyenne, Wyoming 82002. Both requests must be sent via registered mail, return receipt requested.

Signed this 20th day of March, 2019.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

TP/KF/RRC/BF/SG

PLEASE DIRECT ALL INQUIRES TO: Mr. Rich Cripe, Water & Wastewater Section Manager, Wyoming Department of Environmental Quality, Water Quality Division, 200 West 17th Street, 2nd Floor, Cheyenne, Wyoming 82002. Telephone 307-777-7075.