

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED

JUL 07 2014

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION & ORDER ISSUED TO:)
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Mr. Richard Nelson)
601 Highway 24)
Devil's Tower, WY 82714)
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DOCKET NUMBER 5409-14

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Richard Nelson resides at 601 Highway 24, Devil's Tower, Crook County, Wyoming and is the owner of the Ft. Devils Tower store/restaurant.
2. Lee Grubbs sold the Ft. Devils Tower property via a "Quitclaim Deed" to Richard Nelson August 30, 1999.
3. A permit to construct (00-321) a small wastewater system was issued to Lee Grubbs in October of 2000.
4. Wyoming Water Quality Rules and Regulations (WWQRR) Chapter 3, Section 12 (c) states that permits shall be transferred to the new owner by completion and submittal of an ownership transfer form to the Administrator by the new owner.
5. Richard Nelson never completed or submitted an ownership transfer form, therefore the permit issued to Lee Grubbs never transferred to him.
6. Mr. Richard Nelson constructed a small wastewater system in 2001 at the Ft. Devil's Tower property. As-built drawings stamped, sealed and submitted by the engineering firm Bearlodge Limited in 2010 confirmed the construction.
7. Richard Nelson never obtained a permit to construct the small wastewater system; nor completed or submitted an ownership transfer form for permit 00-321.
8. Richard Nelson violated Wyoming Statute 35-11-301(a)(iii) which requires a permit to construct, modify, or operate a sewerage system.
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.

Order

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT Richard Nelson:

1. Shall submit an 'as-built' application for the construction of a small wastewater system within sixty (60) days after the date of receipt of this NOV and Order.

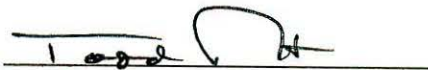
2. Shall abandon all septic tanks and small wastewater systems at the Ft. Devils Tower property except for the small wastewater system constructed per the drawing(s) by Bearlodge Limited Inc. within thirty (30) days after the date of receipt of this NOV and Order. Abandonment of the septic tank(s) includes filling the tanks with sand or native soil.

3. Shall plug and abandon the failed water well at the Ft. Devils Tower property per Chapter 26, Section 11 of the WWQRR within ninety (90) days after the date of receipt of this NOV and Order.

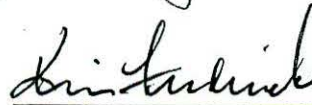
This ORDER is final unless, not later than ten (10) days after the date of this notice is received it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 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 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 7th day of July, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
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, Wyoming 82601. Telephone 307-473-3478.

TP/KF/KLF/bb/14-0555

cc: IPS
Northeast District Engineer
Keith Guille, DEQ Public Information Officer
EQC
Dean Finkenbinder, Wyoming Department of Agriculture