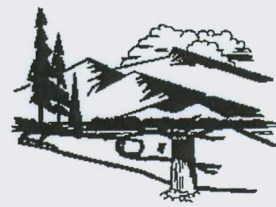


# Department of Environmental Quality

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



Matthew H. Mead, Governor



Todd Parfitt, Director

**CERTIFIED MAIL**

May 10, 2016

**Big Valley Crossed Arrows Improvement District**  
**Attn: Mr. Auggie McBroom**  
**P.O. Box 33**  
**Meeteetse, WY 82433**

**RE: Notice of Violation and Order, Docket Number 5430-14**

Dear Mr. McBroom:

Attached is a Notice of Violation and Order, Docket Number **5430-14**, for operating the septic system associated with the Big Valley Crossed Arrows Improvement District without an Underground Injection Control permit, and for discharges to the surface which threaten to enter surface waters of the State, which are violations of Wyoming Water Quality Rules and Regulations, and the Wyoming Environmental Quality Act. This Big Valley Crossed Arrows septic system is located in Park County, just north of the town of Meeteetse, on Lots 3 and 4 of the Big Valley Subdivision.

**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/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 shall be mailed to Todd Parfitt, Director, Wyoming Department of Environmental Quality, 200 West 17<sup>th</sup> Street, 4<sup>th</sup> Floor, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

**PLEASE DIRECT ALL INQUIRIES TO:** Ms. Kathy Shreve, Environmental Program Principal, Department of Environmental Quality, Water Quality Division, 200 West 17<sup>th</sup> Street, 4<sup>th</sup> Floor, Cheyenne, Wyoming 82002. Telephone (307) 777-6682, e-mail [kathy.shreve@wyo.gov](mailto:kathy.shreve@wyo.gov).



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Todd Parfitt  
Director  
Department of Environmental Quality



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Kevin Frederick  
Administrator  
Water Quality Division

Attachment: Notice of Violation

c: Wendy Cheung, EPA Region 8  
Kimberly Pardue-Welch, EPA Region 8  
Lily Barkau, WDEQ  
Rich Cripe, WDEQ  
John Passehl, WDEQ  
Kathy Shreve, WDEQ (PDF copy only)  
Connie Osborne, WDEQ (Paper copy only)  
Landon Brown, WDEQ (PDF copy only)  
IPS (for scanning) **NOV Docket 5430-14**  
Keith Guille, DEQ Public Information Office (PDF)  
Chairman, Park County Commissioners, Park County Courthouse, 1002 Sheridan Ave., Cody, WY 82414

**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**STATE OF WYOMING**

IN THE MATTER OF THE NOTICE OF )  
 VIOLATION AND ORDER ISSUED TO: )  
 ) **DOCKET NUMBER 5430-14**  
**Big Valley Crossed Arrows Improvement District)**  
**Attn: Mr. Auggie McBroom )**  
**P.O. Box 33 )**  
**Meeteetse, WY 82433 )**

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. **Big Valley Crossed Arrows Improvement District (BVCA)** 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 in the Underground Injection Control (UIC) GEM database for tracking purposes.

<b>Permit Number</b>	<b>Facility Number</b>	<b>Injection Wells</b>
Unpermitted	WYS-029-00219	Class V Septic System

2. The **BVCA** septic system is located on Lots 3 and 4 of the Big Valley Subdivision, near the intersection of Saddle Hill Road and Arrowhead Drive north of the town of Meeteetse. Originally, the subdivision was developed by Vision Quest Estates, and included the community septic system (leachfield) located on Lots 3 and 4. The subdivision was sold, and on October 28, 2003, Vision Quest Estates filed a quitclaim deed that assigned all “water and sewer lines serving those lots in the Big Valley and Crossed Arrows Improvement District” and “all improvements thereon and appurtenances thereto and all other rights to the property relative to water, sewer, roadways or other improvements” to the Big Valley and Crossed Arrows Improvement District.

Lots 3 and 4 of the Big Valley Subdivision are private property owned by Glen and Terry Moore. The Moores purchased the property on July 1, 2008, and their mortgage for the property includes an easement “Lender or its assigns (specifically Big Valley Crossed Arrows Improvement District) reserves an easement to access and work on any utilities (i.e. water or sewer) on both Big Valley Lots 3 and 4 in their entirety.”

3. On July 12, 2013, the **BVCA** septic system was inspected by Wyoming Department of Environmental Quality (WDEQ) Staff (Kathy Shreve and James O’Connor). Raw

sewage was observed surfacing and flowing out of the leachfield area down a nearby drainage. This facility has had several (June 10, 1991, September 10, 1992, December 7, 1995, May 15, 1996, September 17, 2004, and May 23, 2012) past reported instances of raw sewage surfacing and flowing out of the leachfield area. The drainage area flows into the Greybull River. The raw sewage from **BVCA** therefore has the potential to enter the Greybull River.

4. The Department of Environmental Quality (DEQ) has no record of authorization allowing discharge of raw sewage at the ground surface or of issuing a permit for this facility.
5. Raw sewage contains “pollution” as defined in W.S. 35-11-103(c)(i).
6. The discharges referenced above threaten to enter “Waters of the State” as defined under W.S. 35-11-103(c)(vi).
7. By threatening to discharge pollution into Waters of the State, **BVCA** is in violation of W.S. 35-11-301(a)(i) which states that no person, except when authorized by a permit, shall cause, threaten, or allow the discharge of any pollution or wastes into the Waters of the State.
8. **BVCA** is also in violation of W.S. 35-11-301(a)(iii) which states that no person, except when authorized by a permit issued by the DEQ, shall construct, install, modify or operate any sewerage system, treatment works, disposal system or other facility, excluding uranium mill tailing facilities, capable of causing or contributing to pollution, except that no permit to operate shall be required for any publicly owned or controlled sewerage system, treatment works or disposal system.
9. **BVCA** operates an unpermitted Class V 5E3 UIC facility, which is in violation of Wyoming Water Quality Rules and Regulations, Chapter 27, Section 6(g)(i).
10. The UIC Program has communicated their concerns related to the failed **BVCA** septic system with the Big Valley Crossed Arrows Improvement District via letter dated July 25, 2012, and via several telephone calls. Letters (dated July 23, 2012) were also sent to all **BVCA** residents informing them of the failed septic system. In addition, a public meeting was held in Meeteetse on June 4, 2015 regarding DEQ concerns with the failed **BVCA** septic system; two (2) **BVCA** inhabitants attended.
11. 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 DEPARTMENT OF ENVIRONMENTAL QUALITY – STATE OF WYOMING**

**WHEREFORE IT IS HEREBY ORDERED THAT:**

Upon receipt of this Order, BVCA shall:

1. Within ten (10) days the date of this Notice of Violation and Order, BVCA shall post signage in the area of the failed BVCA leachfield warning the general public to avoid contact with sewage present in the area at the BVCA leachfield.
2. Within twenty (20) days of the date of this Notice of Violation and Order, BVCA shall fence off the area surrounding the failed BVCA leachfield. Fencing shall be designed to prevent the general public or livestock from entering the leachfield area.
3. Within ninety (90) days of the date of this Notice of Violation and Order, BVCA shall provide to the UIC Program for their approval a plan and schedule to either repair the existing septic system, replace the existing septic system, or to properly close the existing system and use alternate means of sewage disposal. If BVCA chooses to repair or replace the existing septic system then the plan shall include, at a minimum, the following:
  - a. An engineering design report as specified in Wyoming Water Quality Rules and Regulations, Chapter 11, Sections 6 and 7.
  - b. Application for a Class V UIC permit as specified in Wyoming Water Quality Rules and Regulations Chapter 27, Section 6.
  - c. A construction schedule for repairing or replacing the septic system.
4. BVCA shall also arrange for an inspection of the permitted system by UIC Program personnel within fifteen (15) days of project completion.

If BVCA fails to comply with this Order, this matter shall be referred to the Wyoming Attorney General for further legal action.

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, 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, 200 West 17<sup>th</sup> Street, 4<sup>th</sup> Floor, 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 26<sup>th</sup> day of May, 2016.



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, 200 West 17<sup>th</sup> Street, 4<sup>th</sup> Floor, Cheyenne, Wyoming 82002. Telephone (307)-777-6682. E-mail [kathy.shreve@wyo.gov](mailto:kathy.shreve@wyo.gov).

- c: Wendy Cheung, EPA Region 8  
Kimberly Pardue-Welch, EPA Region 8  
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