

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF NOTICE  
OF VIOLATION ISSUED TO:

KOMART, INC.  
C/O LYLE R. KING  
217 SOUTH 2ND STREET  
LARAMIE, WYOMING 82070

Docket No.: 590-79

NOTICE OF VIOLATION  
AND  
CEASE AND DESIST ORDER

NOTICE IS HEREBY GIVEN:

1. On or about May 29, 30 and 31, and June 1 and 4, 1979, personnel of the Water Quality Division of the Department of Environmental Quality conducted an on-site inspection of the sewer and water facilities which were constructed in the Komart Industrial Park 1st Addition, located in Section 5, T15N, R73W, Laramie, Wyoming;

2. W.S. 35-11-301(a)(iii) provides that no person, except when authorized by a permit issued pursuant to the Act, shall construct, install, modify or operate any sewerage system, treatment works, disposal system or other facility capable of causing or contributing to pollution;

3. W.S. 35-11-301(a)(v) provides that no person, except when authorized by a permit issued pursuant to provisions of the Act, shall construct, install, modify or operate any public water supply;

4. Chapter III, Wyoming Water Quality Rules and Regulations, Section 4, requires any person or persons wishing to obtain a new, modified or renewal permit from the Division to construct or modify a sewerage system, treatment works, disposal system or other facility capable of causing or contributing to pollution, or to construct, install or modify any public water supply, to submit a written application on a form provided by the Division along with a specified number of construction plans, specifications, design data or other pertinent information covering a project;

5. The Water Quality Division did not receive any written applications or construction plans, specifications or design information prior to initiation of subdivision construction;

6. The Department of Environmental Quality has not issued any Permit to Construct for any of the above referenced construction;

7. Construction of the sewer and water facilities without a Permit to Construct constitutes a violation of W.S. 35-11-301(a)(iii) and (a)(v) and Chapter III, Wyoming Water Quality Rules and Regulations;

8. 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



9. This notice is being sent to you pursuant to W.S. 5-11-701(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. The above referenced parties shall immediately cease and desist from constructing any further water and/or wastewater facilities at the described location;
2. Furnish this Division with two copies of the construction plans, specifications, design data or other pertinent information covering the above referenced construction within thirty (30) days after receipt of this Notice;
3. Provide results of water supply line pressurization and disinfection tests;
4. Provide results of sewer line infiltration or ex-filtration leakage test;
5. Apply for a construction permit pursuant to Chapter III, Wyoming Water Quality Rules and Regulations, for the above referenced construction.

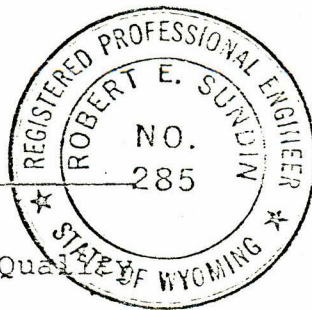
THIS ORDER is final and binding unless, not later than ten (10) days after the day of its postmark, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Robert E. Sundin, Executive Secretary, Environmental Quality Council,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

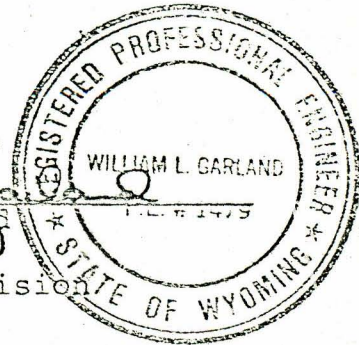
*Robert E. Sundin*

Robert E. Sundin  
Director  
Dept. of Environmental Quality



*William L. Garland*

William L. Garland  
Administrator  
Water Quality Division



Please direct all inquiries to Jake Strohman, Engineering Central Supervisor, Department of Environmental Quality, Water Quality Division, Hathaway Building, Cheyenne, Wyoming 82002 (Telephone: 307 / 777-7781).