



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

CERTIFIED MAIL

September 11, 2006

Mr. Dave Sharpski
Owner
Big Horn Mountain KOA
63 Decker Road
Sheridan, Wyoming 82801

RE: Notice of Violation, Docket Number 3919-06

Dear Mr. Sharpski:

Attached is a copy of a Notice of Violation, Docket Number 3919-06, issued to Big Horn Mountain KOA (KOA) for repeatedly exceeding permitted effluent limits associated with WYPDES permit WY0026441. Since January of 2004, the KOA has exceeded the permitted effluent limits for fecal coliform (fecal), total suspended solids (TSS), biochemical oxygen demand (BOD), and total residual chlorine (TRC) several times.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. The KOA should maintain compliance with all conditions established in WYPDES permit WY0026441.
2. The KOA should provide the WQD with a written report indicating the steps taken to prevent these violations from occurring in the future. The information should be received by the WQD on or before October 11, 2006.

THIS SECTION INTENTIONALLY LEFT BLANK

Page L-1

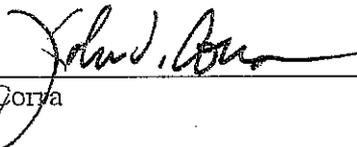
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
--	---	---	---	--	--	---

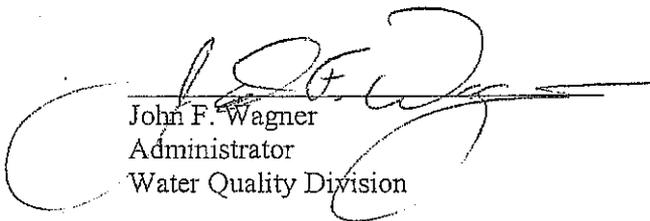


Mr. Dave Sharpki
September 11, 2006
Page L- 2

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by the KOA. If the KOA desires to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, at (307) 777-8669 on or before September 25, 2006 to set up a meeting to discuss this matter.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/BRB/bb/6-0825.LTR

Enclosure: Notice of Violation

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
James B. Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan
Don McKenzie, Water and Wastewater Program Manager
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Bill J. DiRienzo ▶ Brian K. Lovett ▶ Leah J. Krafft
IPS (for scanning) ▶ NOV Docket 3919-06
Keith Guile, DEQ Public Information Officer (PDF file only)
DEQ Director

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:)

Big Horn Mountain KOA)
63 Decker Road)
Sheridan, Wyoming 82801)

DOCKET NUMBER 3919-06

NOTICE OF VIOLATION

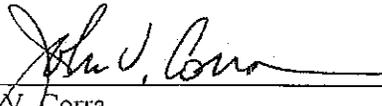
NOTICE IS HEREBY GIVEN THAT:

1. Big Horn Mountain KOA (KOA) is the owner of a wastewater treatment facility located in Section 10, Township 56 North, Range 84 West (S 10, T 56N, R 84W), Sheridan County, Wyoming. WYPDES renewal permit WY0026441 was issued by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD), to the KOA on May 1, 2003. The permit will expire on May 31, 2008. Wastewater from the facility is discharged to Goose Creek, a class 2AB water, tributary to the Tongue River, a class 2AB water;
2. Effective January 9, 2004, the KOA was sold to its current owners. Since January of 2004, the KOA has exceeded the permitted effluent limits for fecal coliform (fecal), total suspended solids (TSS), biochemical oxygen demand (BOD), and total residual chlorine (TRC). As a result of the exceedances, the KOA has received one (1) letter of violation and informed the WQD in letters or during inspections of the steps to be taken maintain compliance with permitted effluent limits;
3. The permitted effluent limits for fecal are 200 colonies per 100 milliliters (colonies/100 ml) for the monthly average, and 400 colonies/100 ml for the daily maximum. Since January 9, 2004, the monthly average fecal limit was exceeded four (4) times. The daily average fecal limit was exceeded six (6) times with values ranging up to 34,200 colonies/100 ml, including a June 14, 2006 sample with a concentration of 24,000 colonies/100 ml. These are violations of Part I.A. of WYPDES permit WY0026441;
4. The permitted effluent limits for TSS are 30 milligrams per liter (mg/l) for the monthly average, 45 mg/l for the weekly average, and 90 mg/l for the daily maximum. Since January 9, 2004, the monthly average limit for TSS has been exceeded three (3) times with values up to 100 mg/l. The weekly average and daily maximum TSS limits have been exceeded once each. These are violations of Part I.A. of WYPDES permit WY0026441;
5. The permitted effluent limits for BOD are 30 mg/l for the monthly average, 45 mg/l for the weekly average, and 90 mg/l for the daily maximum. Since January 9, 2004, the BOD monthly and weekly average limits have each been exceeded five (5) and four (4) times, respectively, with values ranging up to 78 mg/l. The daily average BOD limit was exceeded once, which was a June 14, 2006 sample with a concentration of 305 mg/l. These are violations of Part I.A. of WYPDES permit WY0026441;
6. The permitted effluent limit for TRC is 1.0 mg/l. Since January 9, 2004, the daily maximum TRC limit has been exceeded once (1) with values ranging up to 1.6 mg/l. This is a violation of Part I.A. of WYPDES permit WY0026441;

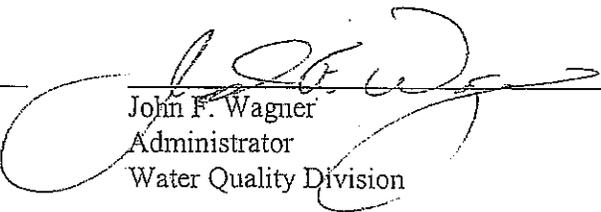
7. This Notice is being sent to you pursuant to W.S. 35-11-701(c)(i), which requires that in any case of the failure to correct or remedy an alleged violation, the director of the Department of Environmental Quality shall cause a written notice to be issued and served on the person alleged to be responsible;
8. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license, or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules, or other settlement conditions, in lieu of litigation.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) 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.

Signed this 11 day of Sept., 2006.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/BRB/bb/6-0825.NOV

cc: Colleen Gillespie, 8ENF-W-NP, EPA Region 8
James B. Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan
Don McKenzie, Water and Wastewater Program Manager
Brian R. Bohlmann, P.E., WYPDES Compliance & Enforcement Coordinator
Bill J. DiRienzo ► Brian K. Lovett ► Leah J. Krafft
IPS (for scanning) ► NOV Docket 3919-06
Keith Guile, DEQ Public Information Officer (PDF file only)
DEQ Director