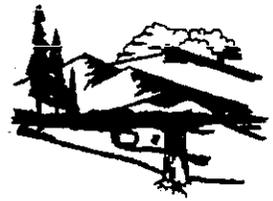




# Department of Environmental Quality



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**

April 18, 2008

David Delach  
11693 San Vicente Suite 712  
Los Angeles, CA 90049

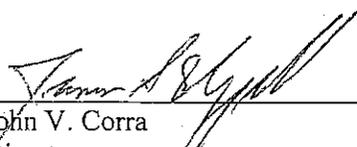
John S. Esser  
STS Consultants, Ltd.  
750 Corporate Woods Parkway  
Vernon Hills, IL 60061

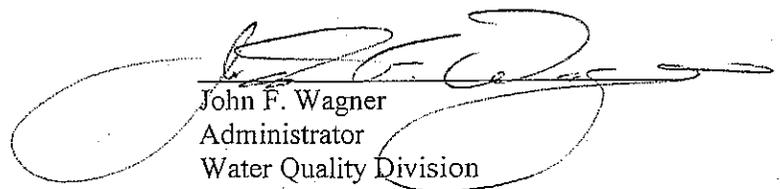
RE: Notice of Violation, Docket Number 4253-08

Dear Sirs:

Attached is a copy of a Notice of Violation, Docket Number 4253-08, issued to David Delach as the owner and John S. Esser of STS Consultants, Ltd. as the engineer of record for the construction of public water supply and sewer main extensions without a permit.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement. If David Delach as the owner and/or John S. Esser of STS Consultants, Ltd. desires to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Perry Roberson, Consulting Engineer, in writing by May 9, 2008 to set up a meeting to discuss this matter. He can be contacted (307-332-3144 or 307-335-6978) at Wyoming DEQ/WQD, 510 Meadowview Drive, Wyoming 82520.

  
John V. Corra  
Director  
Department of Environmental Quality

  
John F. Wagner  
Administrator  
Water Quality Division

JVC/JFW/PDR/bb/rm/8-0294

Enclosure: Notice of Violation

cc: IPS  
Mark Baron, P.E., W&WW, Lander  
Keith Guile, DEQ Public Information Officer

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

ADMIN/OUTREACH (307) 777-7937 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 777-5973	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
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**BEFORE THE**  
**DEPARTMENT OF ENVIRONMENTAL QUALITY**  
**STATE OF WYOMING**

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

**David Delach  
11693 San Vicente Suite 712  
Los Angeles, CA 90049**

**John S. Esser, P.E.  
STS Consultants Ltd.  
750 Corporate Woods Parkway  
Vernon Hills, IL 60061**

**DOCKET NUMBER 4253-08**

**NOTICE OF VIOLATION**

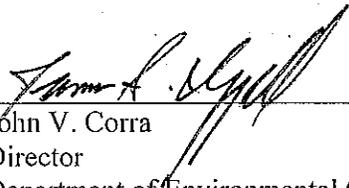
**NOTICE IS HEREBY GIVEN THAT:**

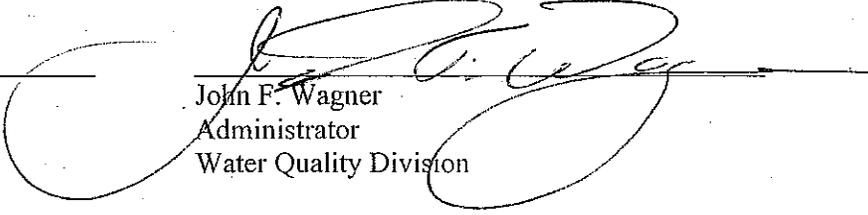
1. David Delach is the owner of Green River Hampton Inn development located in the SW¼, NE1/4 Section 15 of Township 18 N, Range 107W in Sweetwater County, Wyoming.
2. During a phone conversation on February 27, 2008 with John S. Esser of STS Consultants, Ltd., John indicated that a project to construct public water system and sewerage system main extensions to serve the Hampton Inn adjacent to Green River along the Wild Horse Canyon Road was underway without a permit from the Department of Environmental Quality (DEQ).
3. Wyoming Statute (W.S.) 35-11-301(a)(iii) and (v) require a permit from the Department of Environmental Quality (DEQ) prior to the construction or modification of any public water system and/or sewerage system.
4. The construction of water and sewer mains without a permit is a violation, of W.S. 35-11-301(a)(iii) and W.S. 35-11-301(a)(v).
5. 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;

6. 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 24<sup>th</sup> day of April, 2008.

  
John V. Corra  
Director  
Department of Environmental Quality

  
John F. Wagner  
Administrator  
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO:** Perry Roberson, Consulting Engineer, Water & Wastewater Section, 510 Meadowview Drive, Lander, Wyoming 82520 Phone 307-332-3144

JVC/JFW/PDR/bb/rm/8-0294

xc: IPS  
Mark Baron, P.E., W&WW Section, Lander  
Keith Guile, DEQ Public Information Officer