



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

May 8, 2008

Mr. Max Chapman
BL Property, LLC
575 Madison Ave. Floor 10
New York, NY 10022

***RE: Notice of Violation, Docket Number 4237-08
WPDES Permit WY0028045***

Dear Mr. Chapman:

Attached is a copy of a Notice of Violation, Docket Number 4237-08, issued to Chapman, Jr., Max C. dba/ BL Property, LLC (Brooks Lake Lodge) for recurring violations of WYPDES permit WY0028045 requirements. Brooks Lake Lodge has received Letters of Violation (LOVs) regarding permit violations from the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD).

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

1. Brooks Lake Lodge should work with a Professional Engineer to assess the design and operation of the lagoon system. Evaluation of the system should include capacity, in flow, evaporation rates, and possible treatment options if warranted.
2. Based upon engineering assessments Brooks Lake Lodge should complete upgrades or design improvements to the facility to achieve compliance with WYPDES permit requirements.
3. Brooks Lake Lodge should maintain compliance with all conditions established in their WYPDES permit.
4. Brooks Lake Lodge should provide the WQD with an inventory of identified violations, actions to be taken to achieve compliance with permit requirements, and a compliance schedule for completion of each identified action. The report should include documentation of maintenance, modifications, or repairs to the treatment systems. The report may be

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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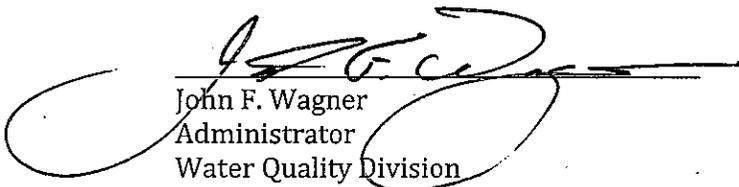


Brooks Lake Lodge
May 8, 2008
Page 2

The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a stipulated penalty and agreement to an enforceable compliance schedule by Brooks Lake Lodge. If Brooks Lake Lodge wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Coordinator at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630 within 21 days of receipt of this notice 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/KMW/bb/8-0348

Enclosure: Notice of Violation

cc: Adam Long, General Manager, 458 Brooks Lake Road, Dubois, WY 82513
Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, Sheridan DEQ Office (PDF)
Bill J. DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)
IPS (for scanning) ► Docket 4237-08
Keith Guille, DEQ Public Information Officer (PDF)

BEFORE THE

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

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

**Chapman, Jr., Max C.)
Dba/ BL Property, LLC)
575 Madison Ave. Floor 10)
New York, NY 10022)**

DOCKET NUMBER 4237-08

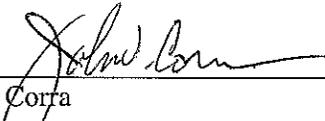
NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

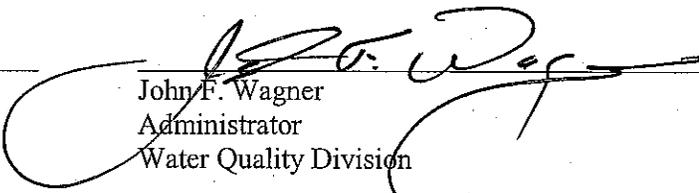
1. Chapman, Jr., Max C. dba BL Property, LLC is the owner and operator of the wastewater treatment facility serving Brooks Lake Lodge in Fremont County. The wastewater treatment facility consists of a two cell aerated lagoon system and a ultra-violet disinfection system. The facility operates seasonally, from approximately January through March and May through September. DEQ personnel estimate that the effluent flows approximately ½ mile before reaching Brooks Lake.
2. As of February 28, 2008 Brooks Lake Lodge has had numerous instances of recurring WYPDES permit violations. Violations were identified through Discharge Monitoring Reports (DMRs). The DEQ has also sent eight Letters of Violation (LOVs) to Brooks Lake Lodge since October 23, 2003.
3. Brooks Lake Lodge has had 51 permit limit exceedances reported on DMRs since September 2003.
4. Brooks Lake Lodge has one WYPDES permit that has recurring violations. The violations occurred under WYPDES permit WY0028045.
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 the Department of Environmental Quality 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 DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules. or other settlement conditions.

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 9 day of May, 2008.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells., 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/KMW/SW/bb/8-0348

cc: Adam Long, General Manager, 458 Brooks Lake Road, Dubois, WY 82513
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DEQ Director