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

July 7, 2008

Shannon Hageman
303 24th Street
Wheatland, Wyoming 82201

RE: Notice of Violation and Order, Docket Number 4297-08

Dear Ms. Hageman:

Attached is a Notice of Violation and Order, Docket Number **4297-08,** for failing to submit the required application for a WYPDES Confined Animal Feeding Operation (CAFO) permit and the development and implementation of a Nutrient Management Plan (NMP) as required under Wyoming Water Quality Rules and Regulations (WQRR). These actions were to be completed by November 30, 2007. To date an NMP has not been received and required controls have not been implemented.

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 sets forth the requirements for the initiation of appeal proceedings. You are urged to review all of the provisions of the attached Rules of Practice and Procedures as they relate to this action.

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 should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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

ADMIN/OUTREACH	ABANDONED MINES	AIR QUALITY	INDUSTRIAL SITING	LAND QUALITY	SOLID & HAZ. WASTE	WATER QUALITY
(307) 777-7937	(307) 777-6145	(307) 777-7391	(307) 777-7369	(307) 777-7756	(307) 777-7752	(307) 777-7781
FAX 777-3610	FAX 777-6462	FAX 777-5616	FAX 777-5973	FAX 777-5864	FAX 777-5973	FAX 777-5973

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/8-0488

Enclosure: Notice of Violation and Order

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
James B. Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan (PDF)
Bill DiRienzo ▶ Brian K. Lovett ▶ Leah J. Krafft (PDF)
NOV Docket 4297-08
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)

Harriet Hageman, Hageman & Brighton, P.C.
222 East 21st Street
Cheyenne, Wyoming 82001

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	
Shannon Hageman	)	
303 24th Street	)	
Wheatland, Wyoming 82201	)	**DOCKET NUMBER 4297-08**
	)	
	)	
	)	
	)	
	)	

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Shannon Hageman is the owner/operator of a Confined Animal Feeding Operation (CAFO) located in Section 10, Township 24 North, Range 68 West (Sec. 10, T24N, R68W) in Platte County, Wyoming.

2. This facility was designated a CAFO on June 19, 2007. This designation required the submission of a WYPDES CAFO permit application and the development and implementation of a Nutrient Management Plan (NMP) as required under Wyoming Water Quality Rules and Regulations (WQRR). These actions were to be completed by November 30, 2007. To date an NMP has not been received and required controls have not been implemented.

3. 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 (DEQ) shall cause a written notice to be issued and served upon the person alleged to be responsible;

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. The owner/operator shall immediately submit an NMP in compliance with WQRR. This information shall be received by the DEQ, Water Quality Division (WQD), no later than 60 days after the receipt of the NOV.

2. The owner/operator shall submit to the WQD a plan and schedule for full implementation of the NMP. This information shall be received by the WQD no later than 60 days after the receipt of the NOV.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the

NOTHING IN THIS NOTICE OF VIOLATION (NOV) AND ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV AND ORDER be interpreted as being a condition precedent to any other enforcement action.

Signed this 9th day of July, 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 Program 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/bb/8-0488

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Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)
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Director, DEQ
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