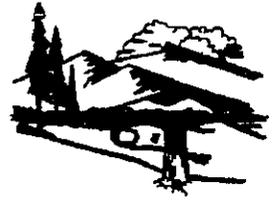




Department of Environmental Quality



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

October 9, 2008

Mr. Phillip Hoy
PO Box 1656
Gillette, WY 82717

RE: Notice of Violation, Docket Number 4346-08

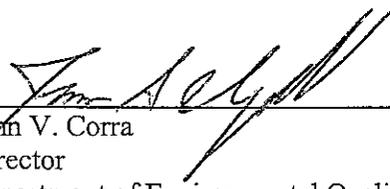
Dear Mr. Hoy:

Attached is a copy of a Notice of Violation, Docket Number 4346-08, for recurring violations of WYPDES permit WY0048488 requirements.

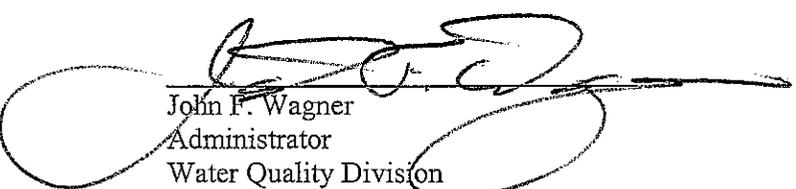
While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. You should maintain compliance with all required conditions established in the WYPDES permits.
2. You 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 be presented to the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) during discussion to settle this Notice of Violation.

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 Hoy. If you wish 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 the date of this letter to set up a meeting to discuss compliance strategies with your permit.**



 John V. Corra
 Director
 Department of Environmental Quality



 John F. Wagner
 Administrator
 Water Quality Division

JVC/JFW/KMW/bb/8-0785

Enclosure: Notice of Violation

- cc: 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 4346-08
 Keith Guille, DEQ Public Information Officer (PDF file only)

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:)

Phillip Hoy)
PO Box 1656)
Gillette, WY 82717)

DOCKET NUMBER 4346-08

NOTICE OF VIOLATION

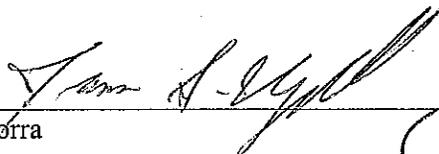
NOTICE IS HEREBY GIVEN THAT:

1. Phillip Hoy (Hoy) operates a commercial wastewater treatment facility located at Hoy Mobile Home Park in the Southwest quarter of section 4, Township 50 North, Range 72 West (SW Sec. 4, T50N, R72W) in Campbell County, Wyoming. This facility is permitted to discharge under Wyoming Pollution Discharge Elimination System (WYPDES) permit WY0048810 renewed by the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) on July 30, 2007. Wastewater from the facility is discharged to Little Rawhide Creek, a class 3B water of the state, tributary to the Little Powder River, a class 2AB water of the state;
2. On October 6, 2005 Hoy was issued Notice of Violation Docket 3801-05 for recurring effluent exceedances of fecal Coliform, total residual Chlorine, and Biochemical Oxygen Demand (BOD) which were all violations of Part I.A.1. of WYPDES permit WY0048488. The NOV was resolved on September 27, 2006 after Hoy made upgrades to their treatment system and submitted drawings to the DEQ for review. Based on the upgrades to the facility the penalty portion of the NOV was removed.
3. As of November 1, 2006 to present, Hoy has had recurring effluent limit exceedances of Biochemical Oxygen Demand (BOD) 34 times, Total Suspended Solids (TSS) twice, and Fecal Coliforms 10 times, which were reported through Discharge Monitoring Reports (DMRs) submitted to the DEQ. These exceedances are in violation of Part I.A of the WYPDES permit.
4. Hoy has not complied with the reporting requirements of noncompliance violations as required in Part II.A.2(c) of the WYPDES permit. *“For any incidence of noncompliance, including noncompliance related to non-toxic pollutants or non-hazardous substances, a written submission shall be provided within five (5) days of the time that the permittee becomes aware of the noncompliance circumstance”*. Hoy continues to report these noncompliance issues in a cover letter submitted with the monthly DMRs which does not meet the five (5) day requirement.
6. 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;
7. 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

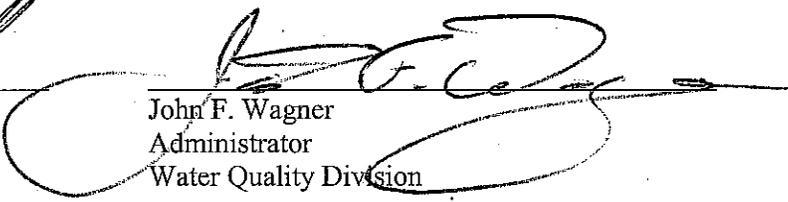
day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the DEQ from negotiating 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 10th day of October, 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/MB/bb/8-0785

cc: 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)
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Keith Guille, DEQ Public Information Officer (PDF file only)
DEQ Director