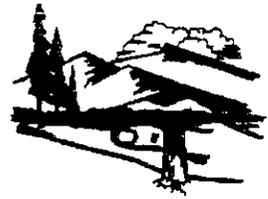




# Department of Environmental Quality



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

November 18, 2008

James Hodder  
PO Box 46  
Farson, WY 82932

*RE: Notice of Violation and Order, Docket Number 4390-08*

Dear Mr. Hodder:

Attached is a Notice of Violation and Order, Docket Number 4390-08, for failing to submit an Annual Report as required by WYPDES Permit WY0051152.

**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 (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

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.

THIS SPACE INTENTIONALLY LEFT BLANK

Page L-1

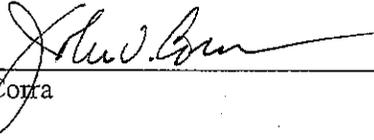
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

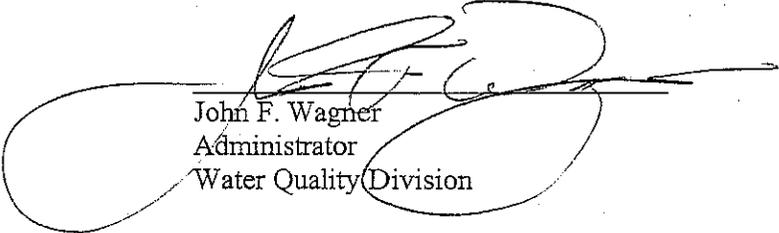
ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973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



*James Hodder*  
November 18, 2008  
Page L-2

**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, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> 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/SW/bb/8-0908

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 4390-08  
Environmental Quality Council  
Keith Guille, DEQ Public Information Officer (PDF)

**BEFORE THE**  
**ENVIRONMENTAL QUALITY COUNCIL**  
**STATE OF WYOMING**

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

James Hodder )  
PO Box 46 )  
Farson, WY 82932 )

DOCKET NUMBER 4390-08

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. James Hodder is the owner and operator of a Confined Animal Feeding Operation (CAFO) in Sweetwater County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System permit WY0051152.
2. Part I of the above referenced permit, under the Annual Reporting Requirements for CAFOs section, requires submittal of an annual report to the administrator by January 28 of each year. The Water Quality Division (WQD) sent a Letter of Violation (LOV) to Mr. Hodder on April 23, 2008 instructing him to send in the delinquent report to the WQD. The WQD did not receive a response to the LOV and did not receive the delinquent report.
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 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**

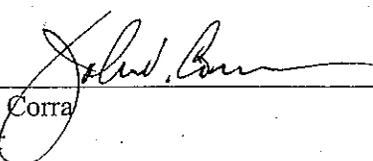
**WHEREFORE IT IS HEREBY ORDERED THAT:**

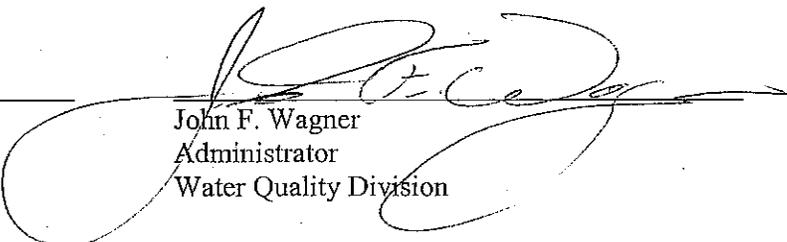
1. Mr. Hodder shall immediately submit the complete and accurate delinquent report to the WQD. This information shall be received by the WQD no later than 30 days from the receipt date of this NOV and Order.
2. Within 30 days of the receipt date of this NOV and Order Mr. Hodder shall submit to the WQD a plan of action to ensure future reports are submitted in a timely manner in the future.

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, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

**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 24 day of Nov, 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, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/8-0908

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)  
Bill DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)  
NOV Docket 4390-08  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)