



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 16, 2009

Mr. Robert Kudelski, Chief Executive Officer
Copperleaf Subdivision
P.O. Box 236
Wapiti, WY 82450

RE: Notice of Violation and Order, Docket Number 4488-09

Dear Mr. Kudelski:

Enclosed is a copy of a Notice of Violation and Order, Docket Number 4488-09, for failure to submit monitoring reports as required by Underground Injection Control (UIC) Permit 06-227, a Class V, Subclass 5E4, new domestic wastewater treatment plant disposal facility.

ANY APPEAL 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.

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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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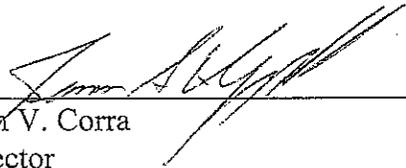


Mr. Robert Kudelski

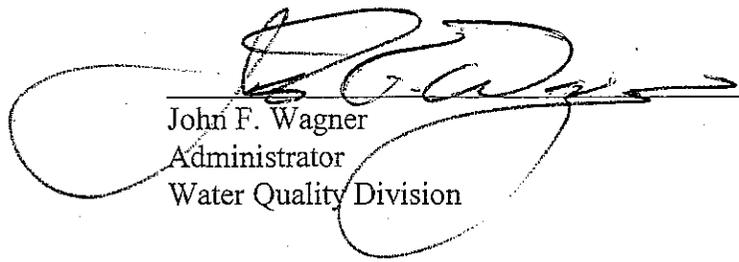
April 16, 2009

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PLEASE DIRECT ALL INQUIRIES TO: Pete Vogel, Geological Supervisor at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8580.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/JP/AN/bb/9-0305

Attachment: Notice of Violation and Order

cc: Mr. Mike Barrash, Senior Assistant Attorney General
Mr. Kevin Frederick, Groundwater Section Manager, WDEQ/Cheyenne
Mr. John Passehl, WQD/Cheyenne
IPS (for scanning) > Docket 4488-09
Mr. Keith Guille, WDEQ Public Information Officer (PDF)

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

Robert Kudelski, Chief Executive Officer)
Copperleaf Subdivision)
P.O. Box 236)
Wapiti, WY 82450)

DOCKET NUMBER 4488-09

NOTICE OF VIOLATION
AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Copperleaf Subdivision, hereafter referred to as the Permittee, was issued an Underground Injection Control (UIC) wastewater disposal permit (#06-227) on March 9, 2007 for a Class V new domestic wastewater treatment plant disposal facility. This permit expires March 9, 2017.
2. UIC PERMIT 06-227 Section D, Condition 4 requires sampling during the first and third quarter of each year and annual reporting of sample results from the monitoring wells. No report has been received for the monitoring wells which are MW-1, MW-2, and MW-3 since the permit was issued. The annual monitoring reports were due February 14, 2009.
3. UIC PERMIT 06-227 Section E requires weekly monitoring of the effluent and annual reporting. No report has been received for the effluent monitoring since the permit was issued. The effluent monitoring reports were due February 14, 2009.
4. UIC PERMIT 06-227 Section G, Condition 5 requires the Permittee to comply with all conditions of the UIC permit, and any permit noncompliance constitutes a violation of the permit and is grounds for enforcement action, permit termination, revocation, or modification.
5. The Permittee is in violation of UIC Permit 06-227, Section D, Condition 4 and Section E.
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 DEQ 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 department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions, in lieu of litigation.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

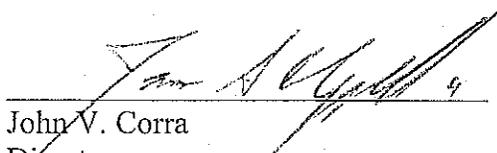
WHEREFORE IT IS HEREBY ORDERED THAT COPPERLEAF SUBDIVISION SHALL:

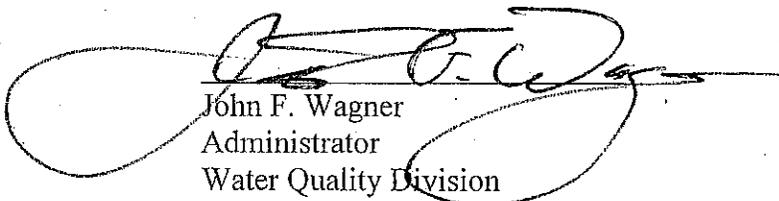
1. Within sixty (60) days of receipt of this Order:
 - a. Submit the required annual monitoring reports with lab reports and related analytical data, and/or provide a complete explanation of why the reports have not been submitted as required by the permit.
 - b. Arrange for an inspection of the facility with Department personnel;

This ORDER is final unless, not later than ten (10) days after the date this notice is received it is appealed by filing two written petitions for a hearing before the Environmental Quality Council. If a hearing is requested, the first petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent via certified mail, return receipt requested.

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

Ordered this 28th day of April, 2009.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Pete Vogel, UIC Program Geological Supervisor, Wyoming DEQ/WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8580.

JVC/JFW/JP/AN/bb/9-0305

cc: NOV Docket 4488-09
Environmental Quality Council
Director, DEQ
Kevin Frederick, WDEQ
Keith Guille, DEQ Public Information Office (PDF)