



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

August 21, 2009

Rush Creek Trailer Park
Mr. Owen Mathews
PO Box 5654
Moorcroft, WY 82721

RE: Notice of Violation, Docket Number 4539-09

Dear Mr. Mathews:

Enclosed is a copy of Notice of Violation, Docket Number 4539-09, for the unpermitted discharge of raw sewage and grey water by Rush Creek Trailer Park (Rush Creek TP). On June 19, 2009 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) received information and photo documentation that Rush Creek TP had a septic system overflowing and raw sewage was entering Rush Creek. This is a violation of the Wyoming Environmental Quality Act (Act) and the Wyoming Water Quality Rules and Regulations (WWQRR).

While neither the attached Notice of Violation nor this letter constitutes an order, it is the recommendation of this office that you take action to eliminate the alleged violation as follows:

1. Rush Creek TP shall cease discharge of raw sewage and grey water to the surface immediately and obtain proper permit authorization through the Water and Waste Water Division and Water Quality Division of the DEQ prior to commencement of discharge or ensure that no raw sewage and grey water will discharge to waters of the state via a properly permitted and operated sewage collection and treatment system.
 2. Rush Creek TP should inform the WQD of the steps taken to prevent this type of unpermitted discharge from occurring in the future. This information should be received by the WQD within 21 days of the date of this letter.
- The WQD has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Rush Creek TP. If Rush Creek TP wishes to pursue resolution of the previously noted violation through such an agreement,

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

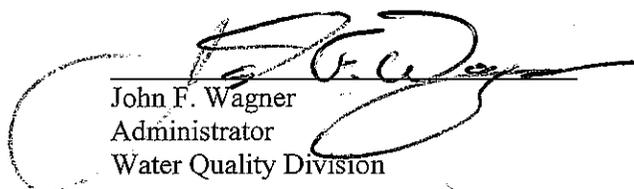


Rush Creek Trailer Park
August 21, 2009
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please contact Mr. Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator at (307) 777-8669, or Mr. Brian K. Lovett, WYPDES Inspection & Compliance Supervisor at (307) 777-5630, within 21 days of the date of this letter to set up a meeting to discuss this matter.



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KMW/bb/9-0737

Enclosure: Notice of Violation

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Lou Harmon ► Kevin Wells (PDF)
IPS (for scanning) ► Docket 4539-09
Keith Guille, DEQ Public Information Officer (PDF File Only)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Rush Creek TP Trailer Park)
Mr. Owen Mathews)
PO Box 5654)
Moorcroft, WY 82721)
)
)
)
)

DOCKET NUMBER 4539-09

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

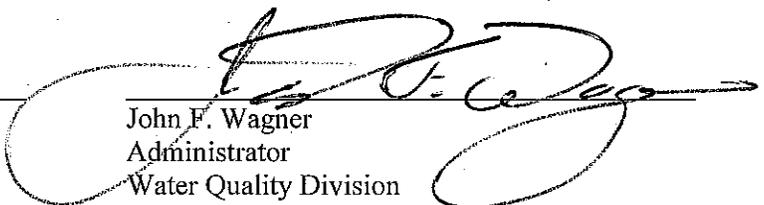
1. Owen Mathews is the owner of the Rush Creek Trailer Park (Rush Creek TP) located in the town of Moorcroft, in Crook County, Wyoming. The trailer park's sewage systems are comprised of a standard septic and leach field.
2. On June 19, 2009 the Crook County Growth & Development (CCGD) office received notice that discharges of raw sewage and grey water were surfacing at the trailer park and flowing into Rush Creek. CCGD personnel responded to the site and took photos of the area where the sewage was surfacing and the flow path to Rush Creek. The town of Moorcroft, Crook County Emergency Management, and the Wyoming Department of Environmental Quality (DEQ) were also contacted.
3. A berm was constructed to prevent any additional sewage from entering Rush Creek (3B class) tributary to the Belle Fourche River (Class 2ABWW). It was also determined that water from a leaking water well line was causing the septic tank to overflow. The water well was turned off, the tank pumped out, and the residents were supplied with potable water and porta johns until the line was repaired.
3. Raw sewage and grey water are considered "pollution" as defined in W.S. 35-11-103 (c)(i).
4. The discharge referenced above has the potential to impact drinking water wells associated with the trailer park and the town of Moorcroft. The discharged sewage did reach Rush Creek (3B class), which is a "water of the state" as defined under W.S. 35-11-103 (c)(vi).
5. The Department of Environmental Quality has no record of authorization to discharge for the observed location.
6. By discharging pollution into waters of the state, Rush Creek TP is in violation of W.S. 35-11-301 (a)(i) and Chapter 2 of the Wyoming Water Quality Rules and Regulations which state that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state.
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.

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 25 day of August, 2009



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 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.

JVC/JFW/KMW/bb/9-0737

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Lou Harmon ► (PDF)
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Keith Guille, DEQ Public Information Officer (PDF File Only)
DEQ Director