



# 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 4, 2009

Ms. Debbie Young  
Chinook Winds Mountain Lodge  
640 South 1<sup>st</sup> Street  
Dubois, WY 82513

RE: Notice of Violation and Order, Docket Number 4576-09

Dear Ms. Young:

Attached is a Notice of Violation and Order, Docket Number 4576-09, for an unauthorized discharge of raw sewage from the Chinook Winds Mountain Lodge to the surface of Wyoming.

**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.

**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/KW/bb/9-1005

Enclosure: Notice of Violation and Order

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Lou Harmon (PDF)  
NOV Docket 4576-09 ► Environmental Quality Council ► Keith Guille, DEQ Public Information Officer (PDF)

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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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BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

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

Chinook Winds Mountain Lodge  
640 South 1<sup>st</sup> Street  
Dubois, WY 82513

DOCKET NUMBER 4576-09

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Debbie Young is the owner of the Chinook Winds Mountain Lodge (Chinook) located at 640 South 1<sup>st</sup> Street, Fremont county, Dubois, Wyoming 82513. This facility is connected to the City of Dubois' sewage system for disposal and treatment of waste from the facility.
2. On June 18, 2009 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) received a complaint from a concerned citizen who reported surface discharges of raw sewage that had potential to reach a water of the state at the Chinook facility. A site visit by DEQ personnel was conducted and photographs taken of the impacted area. A discussion with the owner was conducted and she was asked to make some modifications to the sewer system and provide documentation to the DEQ when this was completed. To date no documentation of the completed project has been received.
3. On August 25, 2009 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) received another complaint from a concerned citizen who reported surface discharges of raw sewage that had potential to reach a water of the state at the Chinook facility. A site visit concluded that a plug for a cleanout had been removed and raw sewage was clearly spilling onto the surrounding ground. A trench was observed that had been "hand dug" to allow the sewage to flow onto the neighbor's property and into a small drainage ditch. The ditch was heavily vegetated and concealed the discharge from the property owner.
4. Raw sewage is considered "pollution" as defined in W.S. 35-11-103 (c)(i).
5. The discharge referenced above has the potential to impact drinking water wells associated with surrounding facilities and the potential to reach the Wind River (class 2 water), which is a "water of the state" as defined under W.S. 35-11-103 (c)(vi).
6. The Department of Environmental Quality has no record of authorization to discharge for the observed location.
7. By discharging pollution into waters of the state, Chinook 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.
8. 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. Immediately upon receipt of this Notice of Violation, Chinook will submit a comprehensive plan of action to DEQ (Northwest District Engineers Office, Mr. Hannes Stueckler, Lander DEQ Field

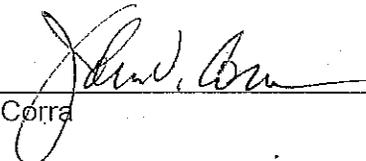
Office, 510 Meadowview Drive, Lander, Wyoming 82520) for review and approval to correct the deficiencies of the Chinook sewage disposal system. This plan must describe the sewer system and the sewer's compliance with Dubois' plumbing codes.

2. The sewer system is to be repaired or reconstructed to prevent future backup and surface discharge.
3. All cleanouts on the sewer pipe in question are to be installed above the level of the conveyance pipe utilizing sweep elbows or manholes, as appropriate.
4. The old concrete box and cleanout must be removed.
5. During repairs, any open trenches must be inspected by a DEQ engineer prior to being filled.
6. All Structures utilizing the sewer system in question are to be unoccupied until all terms of the Order have been met.
7. If Chinook fails to complete the repairs and corrective action by May 1, 2010, then elevated enforcement including a penalty may be warranted.

This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first 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.

Ordered this 12 day of Nov., 2009.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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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.

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