



# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



Matt Mead, Governor

John Corra, Director

January 25, 2011

## CERTIFIED MAIL

Mr. Burke Thomas  
Thomas, Floyd E ET AL  
PO Box 1  
Cheyenne, Wyoming 82003

Mr. Hollis Hunt  
Missile Mobile Court  
2800 McCann Avenue  
Cheyenne, Wyoming 82001

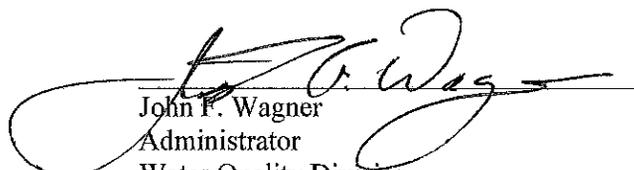
*RE: Notice of Violation, Docket Number 4793-11*

Dear Mr. Thomas and Mr. Hunt:

Enclosed is a Notice of Violation, Docket Number 4793-11, issued to Thomas, Floyd E ET AL (R&R Hunt Trust) for an unpermitted release of raw sewage into a water of the state. The Wyoming Department of Environmental Quality (DEQ) visited the release site on January 11, 2011 to assess the environmental impact. It was apparent that sewage had entered onto the dirt road adjacent to the mobile court and into Henderson Ditch just west of the road.

The DEQ has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by R&R Hunt Trust. If R&R Hunt Trust wishes to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Manager, at (307) 777-8669 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/11-0093

Enclosure: Notice of Violation

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill DiRienzo ► Kevin Wells ► Lou Harmon (PDF)  
IPS (for scanning) ► NOV Docket 4793-11  
Keith Guille, DEQ Public Information Officer (PDF)  
Mr. Roy Kroeger, Wyoming Department of Health (PDF)

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

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

**Mr. Burke Thomas )**  
**Thomas, Floyd E ET AL )**  
**PO Box 1 )**  
**Cheyenne, Wyoming 82003 )**

**DOCKET NUMBER 4793-11**

**Mr. Hollis Hunt )**  
**Missile Mobile Court )**  
**2800 McCann Avenue )**  
**Cheyenne, Wyoming 82001 )**

**NOTICE OF VIOLATION**

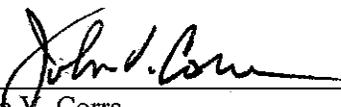
**NOTICE IS HEREBY GIVEN THAT:**

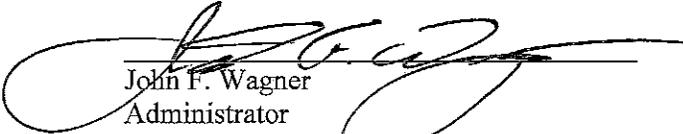
1. Mr. Hollis Hunt is part owner/manager of Missile Mobile Court a mobile home park located at 2800 McCann Avenue, Laramie County, Cheyenne, Wyoming 82001. Mr. Burke Thomas of Thomas, Floyd E ET AL (R&R Hunt Trust) is also part owner of Missile Mobile Court (MMC).
2. On January 10, 2011 DEQ received a phone call from the Cheyenne Board of Public Utilities (BOPU) to report that raw sewage was being discharged from a mobile home located in space E-13 of the Missile Mobile Court. DEQ personnel visited the site on this same day and confirmed the report. Photos were taken of raw sewage discharging from a plastic corrugated pipe on to the road just west of the mobile home. Information obtained from Mr. Hollis Hunt while on site indicated the sewer line from the mobile home had been temporarily cleared on January 1, 2011 but began to back up into the residence again a few days later. The temporary plastic discharge line was installed on January 6, 2011 by the tenant (Mr. Steve King) to drain the raw sewage from his yard which had accumulated from the plugged line.
3. Photos taken at the site included the plastic corrugated discharge pipe, flow path of the discharge, and where the discharge entered Henderson Ditch, a tributary to Crow Creek (class 2C). DEQ informed Mr. Hollis Hunt on January 10, 2011 the discharge had to cease immediately. Mr. Hunt informed DEQ that Centennial Septic Service (CSS) was in route to divert the plugged line to an existing sewer clean out where the discharge could continue until the plugged sewer line in the mobile home could be cleared. The Wyoming Department of Health (Mr. Roy Kroeger) verified (via e-mail) the re-routed discharge line to the clean out had been installed on January 11, 2011 and indicated the discharge to the road and Henderson ditch had ceased at this time.
4. CSS installed a temporary discharge set up the evening of January 10, 2011. The main sewer line from upgradient mobile homes located on the "E-row" was disconnected and allowed to empty into a plastic tub. The tub contained a sump pump intended to transfer the liquid waste to an adjacent clean out and then to the city sewer line. However, when the tub was overwhelmed with discharge during peak use periods, the pump could not keep up with the demand and the sewage flowed onto the ground around the mobile home and into the road.
5. On January 11, 2011 DEQ received a phone call from Mr. Steve King, tenant of the mobile home located in space E-13, to report raw sewage was being discharged from a pipe under his mobile home. DEQ personnel visited the site and confirmed the discharge. A photo of the temporary sump system was taken and discharge of sewage was observed coming from the detached pipe. The temporary fix created worse conditions for the tenant including no sewer services and frozen water pipes.
6. On January 12, 2011 State and City personnel met on site to discuss resolution to the sewer leak. Mr. Hollis was informed by the Chief Building Official for the City of Cheyenne that he would need to hire a licensed contractor to dig up and repair the line the next day. It was suggested by

- DEQ that the frozen waste in the road would need to be removed, the gravel on the road be replaced, and the area be disinfected with a bleach solution when the weather permitted.
7. Information obtained from the Chief Plumbing Inspector for the City of Cheyenne indicated the repairs had been completed by Goldstar Plumbing on January 13, 2011 and the discharged had ceased
  8. DEQ visited the site on January 19, 2011 and observed new gravel had been placed on the road and the area around the mobile home had been cleaned up and all repairs to the property had been completed.
  9. The discharge of raw sewage and waste to waters of the state is not permitted under any Department of Environmental Quality permits held by MMC from the locations referenced above.
  10. The Henderson ditch and Crow Creek are "waters of the state" as defined under W.S. 35-11-103 (c)(vi).
  11. Raw sewage and waste is "pollution" as defined in W.S. 35-11-103 (c)(i).
  12. By discharging pollution into waters of the state, MMC is in violation of W.S. 35-11-301 (a)(i) of the Wyoming Environmental Quality Act (Act) and Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR) 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.
  13. 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, as appropriate, 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 28 day of JAN, 2011.

  
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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 Natural Resource Program Manager, 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/11-0093

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, Inspection Program Coordinator, Sheridan DEQ Office (PDF)  
Bill DiRienzo ► Kevin Wells ► Lou Harmon (PDF)  
IPS (for scanning) ► NOV Docket 4737-10  
Keith Guille, DEQ Public Information Officer (PDF)  
Mr. Roy Kroeger, Wyoming Department of Health, Cheyenne Wyoming (PDF)  
DEQ Director