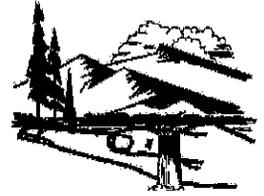




Department of Environmental Quality

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



Matthew H. Mead, Governor

John Corra, Director

CERTIFIED MAIL

June 24, 2011

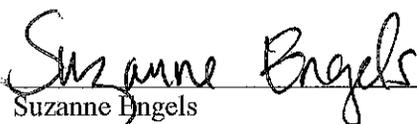
Mr. Harry Washut
Buffalo Valley Resort, Inc.
PO Box 92
Moran, WY 83013

**RE: Notice of Violation, Docket Number 4855-11
Buffalo Valley Resort, Inc., Construction of a Wastewater System without a Permit**

Mr. Washut:

Attached is a Notice of Violation, Docket Number 4855-11, issued to Buffalo Valley Resort, Inc. for violation of Chapter 3, Section 11 of the Wyoming Department of Environmental Quality/Water Quality Rules and Regulations (WDEQ/WWQRR) for completing construction of the Buffalo Valley Resort Sewer System without a permit.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement. If you desire to pursue resolution of the previously noted violation through such an agreement, please contact Mr. Lou Harmon, Water and Wastewater Program Manager, at 307- 777-7088 within thirty (30) days of receipt of this letter to schedule a meeting to discuss this matter.


Suzanne Engels
Water and Wastewater Program
Water Quality Division

SE/bb/11-0598

Enclosure: Notice of Violation Docket Number 4855-11

cc: IPS
James Brough, W/WW, Lander (PDF)
Lou Harmon, W/WW, Cheyenne (PDF)
Adrienne Nunn, UIC Program, Cheyenne (PDF)
Keith Guile, DEQ Public Information Officer (PDF)
Patrick Crank, Nicholas & Crank, P.C., PO Box 1709, Cheyenne, WY 82003

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BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

**Harry Washut)
Buffalo Valley Resort, Inc.)
PO Box 92)
Moran, WY 83013)**

DOCKET NUMBER 4855-11

NOTICE OF VIOLATION

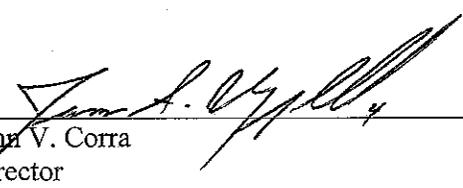
NOTICE IS HEREBY GIVEN THAT:

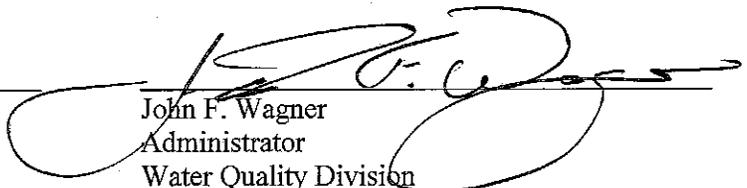
- 1 of 9. Mr. Harry Washut was the applicant on the permit to construct number 05-298 that the Wyoming Department of Environmental Quality/Water Quality Division (DEQ) issued on July 12, 2005, for the Buffalo Valley Resort, Inc. (also known as Grand Teton Park Campground) located within SE ¼ of the SE ¼ of Section 27, Township 45 North and Range 113 West of the Sixth Principal Meridian in Teton County, Wyoming. Mr. Washut is also the owner of the facility. Nelson Engineering was the engineer on record for this application. Permit to construct number 05-298 expired on July 8, 2010.
- 2 of 9. On July 10, 2009 and July 29, 2009, DEQ personnel completed onsite inspections of the wastewater system. Mr. Washut was advised that he needed to complete the construction of the permitted treatment system before his busy season in July 2010, which was also when the permit expired.
- 3 of 9. On February 15, 2011, a renewed Class V Injection Well permit was issued. This permit outlined the permitted flow rates to each septic system. The South Central Septic System (SCSS) was allowed to discharge 9,600 gallons per day (gpd) until the wastewater treatment system was completed in accordance with the permit to construct 05-298. At that time, flows from the SCSS would be reduced to only 1,925gpd.
- 4 of 9. On June 3, 2011, Mr. Washut contacted DEQ personnel in the Lander field office and requested a permit extension for permit to construct number 05-298. This request was granted on June 3, 2011; however, it was revoked on June 6, 2011 because it was issued in error. Section 12 of Chapter 3 of the Wyoming Department of Environmental Quality/Water Quality Rules and Regulations (DEQ/WWQR), states that the duration of a permit shall not exceed five years from the date of issuance. Therefore, the permit duration could not be extended.
- 5 of 9. On June 13, 2011, DEQ issued Mr. Washut a Warning Letter because DEQ understood that the construction of the wastewater treatment plant would not be complete and that the flows to the SCSS would have to be reduced to 1,925gpd or less according to UIC permit number 09-358. Mr. Washut was required to provide DEQ written confirmation of the reduced flows by June 29, 2011.
- 6 of 9. On June 21, 2011, DEQ received a Certificate of Substantial Completion from Nelson Engineering. This letter stated that the Campground sewer system was substantially complete as of June 20, 2011, and included a list of 8 items that need to be completed or corrected. According to the submitted letter the list of items may not be complete.

- 7 of 9. All work performed on the sewerage system after July 8, 2010 is a violation of Wyoming Statute (W.S.) 35-11-301 (a) (iii) which requires a permit for the construction or modification of any sewerage system.
- 8 of 9. This NOV 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(s) alleged to be responsible.
- 9 of 9. 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 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 22nd day of June, 2011


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Lou Harmon, Water & Wastewater Program Manager,
Wyoming Department of Environmental Quality, 122 West 25th Street, Cheyenne, WY 82002
Telephone 307-777-7088

JVC/JFW/LBH/bb/11-0598

xc: IPS
Keith Guille, DEQ Public Information Officer (PDF)
Suzanne Engels, W/WW Program (PDF)
James Brough, W/WW Program (PDF)
Lou Harmon, W/WW Program (PDF)
Adrienne Nunn, UIC Program, Cheyenne (PDF)
Patrick Crank, Nicholas & Crank, P.C., PO Box 1709, Cheyenne, WY 82003