



# 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

Todd Parfitt, Director

February 14, 2013

**CERTIFIED MAIL**

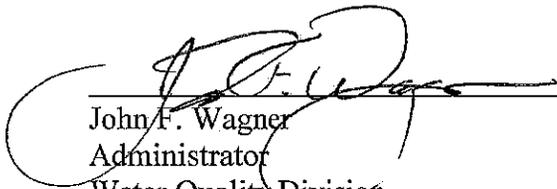
Bear Lodge Resort  
Attn: Mr. Ricky Young  
P.O. Box 159  
Dayton, WY 82836

**RE: Notice of Violation, Docket Number 5054-12**

Dear Mr. Young:

Attached is a Notice of Violation, Docket Number **5054-12**, for operating a facility without an Underground Injection Control Permit (and for discharges to the surface which threaten to enter surface waters of the state,) which are violations of Wyoming Water Quality Rules and Regulations, and the Wyoming Environmental Quality Act.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Bear Lodge Resort. If Bear Lodge Resort wishes to pursue resolution of the noted violations through such an agreement, please contact Ms. Kathy Shreve, Environmental Program Principal at (307) 777-6682 within twenty-one (21) days of the date of receipt of this letter to discuss resolution of this matter.

  
John F. Wagner  
Administrator  
Water Quality Division

  
Todd Parfitt  
Director  
Department of Environmental Quality

TP/JFW/JAP/KS/rm/13-0094

Enclosure: Notice of Violation

cc: Steve Pratt, EPA Region 8

Kevin Frederick, DEQ

John Passehl, DEQ (PDF only)

IPS (for scanning) Docket **5054-12**

Keith Guille, DEQ Public Information Officer (PDF File Only)

Travis Fack, USFS, Bighorn National Forest, 2013 Eastside 2<sup>nd</sup> Street, Sheridan, WY 82801

Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	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  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
STATE OF WYOMING

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

Mr. Ricky Young )  
 Bear Lodge Resort )  
 P. O. Box 159 )  
 Dayton, WY 82836 )

DOCKET NUMBER 5054-12

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. **Bear Lodge Resort** is a hotel, restaurant, bar, and campground located in the SWSW, Section 1, Township 55 North, Range 89 West, Sheridan County, hereafter referred to as **BLR**. This facility was last permitted as a wastewater facility under construction permit (02-273), on September 16, 2002. The facility now has a subsurface discharge of approximately 11,200 gallons per day of domestic wastes. This facility meets the definition of a 5E3 domestic subsurface fluid distribution system as defined in Wyoming Water Quality Rules and Regulations, Chapter 16, Appendix A.

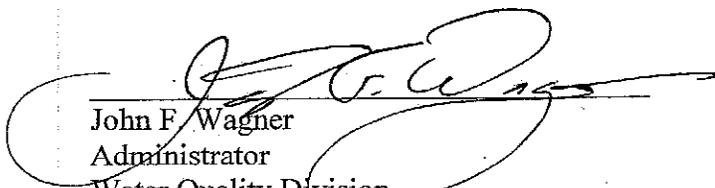
Permit	Facility Number	Injection Well
02-273 (permit to construct)	WYS-033-023	Septic System

2. On October 27, 2008, UIC staff informed Mr. Young that he should apply for coverage under an individual Underground Injection Control (UIC) permit. **BLR** has not applied for coverage under any type of UIC permit.
3. **BLR** is in violation of Wyoming Water Quality Rules and Regulations, Chapter 16, Section 5, and W. S. 35-11-301(a)(i) for operating a UIC facility without a valid Class V UIC permit.
4. **BLR** was inspected by UIC Program staff Kathy Shreve and John Passehl on August 8, 2012. Samples were collected at monitoring wells #2 and #3 (downgradient wells). Monitoring well #1 (upgradient well) was observed to be dry at the time of the inspection, and was not sampled. This facility has a trickling sand filter, consisting of a rectangular diked area that contains a porous medium (in this case, sand covered by a thin coating of large gravel to hold the sand in place), and a distribution network (pipes) that evenly distribute sewage over each half of the sand filter at any given time. During the inspection, it was noticed that the base of the diked area was seeping, as evidenced by trickling water and noticeably greener and lusher vegetation. While investigating the exact source of the seep, the pump controlling the distribution of sewage to the sand filter cycled, causing sewage to be redistributed from the east side to the west side of the sand filter. Very shortly after the pump cycled to the west side of the sand filter (within a minute or two), a considerable stream of sewage began overtopping the sand filter dike and flowing down the side of the dike into an adjacent field. Inspection of the field revealed that the sand filter dike had apparently been overtopped on a regular basis, due to ripples in the soil surface of the field and the presence of a long swath of green, lush foliage. The foliage in the rest of the field (other than immediately over the leachfield laterals) was brown and dry due to drought conditions during the time of the inspection. Inspection of the manhole (cleanout) immediately adjacent to the sand filter revealed that while the sewage flowing into the sand filter had been screened to remove larger floating

- debris, the sewage flowing into the sand filter had a large fine sludge component, and a thick layer of oily, foamy scum.
5. The Department of Environmental Quality has no record of authorization allowing discharge of raw sewage at the ground surface for this facility.
  6. Raw sewage contains "pollution" as defined in W.S. 35-11-103(c)(i).
  7. The discharge referenced above threatened to enter "Waters of the State" as defined under W.S. 35-11-103(c)(vi). This discharge has the potential to enter Willow Creek, which is a tributary of the North Tongue River.
  8. By threatening to discharge pollution into waters of the State, **BLR** is in violation of W.S. 35-11-301(a)(i) which states 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.
  9. This facility was inspected by UIC personnel Kathy Shreve and John Passehl on August 8, 2012. During this inspection, groundwater samples were collected at a monitoring well associated with this facility, monitor well #2. Analysis of these samples revealed a concentration of 3.8 mg/L for ammonia at monitor well #2. **BLR** is in violation of the Class I (Domestic Use) Groundwater Standard for ammonia of 0.5 mg/L established in Wyoming Water Quality Rules and Regulations, Chapter 8, Section 4(c and d) and Section 5, Table 1.
  10. This facility was inspected by UIC personnel Kathy Shreve and John Passehl on August 8, 2012. During this inspection, groundwater samples were collected at an existing monitoring well associated with this facility, monitor well #2. Analysis of these samples revealed an e. coli concentration of one colony per 100 milliliters at monitor well #2. **BLR** is in violation of Wyoming Water Quality Rules and Regulations, Chapter 8, Section 4d(vi), which states that "A discharge into an aquifer containing Class I, II, III or Special (A) Groundwater of the State shall not result in variations in the range of any parameter, or concentrations of constituents in excess of the standards of these regulations at any place or places of withdrawal or natural flow to the surface." The e. coli standard for class I, II, III or Special (A) groundwater is zero colonies per 100 milliliters.
  11. 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.
  12. 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 19th day of February, 2013.

  
John F. Wagner  
Administrator  
Water Quality Division

  
Todd Parfitt  
Director  
Department of Environmental Quality

**PLEASE DIRECT ALL INQUIRIES TO:** Kathy Shreve, Environmental Program Principal, Wyoming DEQ WQD, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> Street, Cheyenne, Wyoming 82002. Telephone 307-777-6682.

TP/JFW/JAP/KS/rm/13-0094

cc: Steve Pratt, EPA Region 8  
Kevin Frederick, WDEQ  
John Passehl, WDEQ (.pdf file only)  
Kathy Shreve, WDEQ  
IPS (for scanning) NOV Docket **5054-12**  
Jim Ruby, Environmental Quality Council  
Keith Guille, DEQ Public Information Office (PDF)  
Travis Fack, USFS, Bighorn National Forest, 2013 Eastside 2<sup>nd</sup> Street, Sheridan, WY 82801