



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

CERTIFIED MAIL

January 3, 2014

Mr. James Hedstrom
Hedstrom Land and Cattle, LLC
1176 Hightower Road
Wheatland, WY 82201

RE: Notice of Violation, Docket Number 5208-13

Dear Mr. Hedstrom:

Attached is a Notice of Violation, Docket Number 5208-13, for operating a Confined Animal Feeding Operation (CAFO) facility without authorization under a WYPDES permit, including the development and implementation of a Nutrient Management Plan (NMP) as required under Wyoming Water Quality Rules and Regulations (WQRR). The Department of Environmental Quality (DEQ) has completed an assessment of the facility and based on the information collected, a permit for operation as a CAFO is deemed necessary. Current operations at this facility are in violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations.

While neither the attached Notice of Violation nor this letter constitutes an order, this office strongly urges you to take action to immediately eliminate the alleged violations as follows:

1. Hedstrom Land and Cattle, LLC (Hedstrom) should contact Wyoming DEQ to schedule a meeting in Cheyenne to discuss the resolution of these violations within 21 days of the date of this letter.

For questions pertaining to the CAFO application forms please visit the website http://deq.state.wy.us/wqd/WYPDES_Permitting/WYPDES_CAFO/CAFO.htm

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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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Hedstrom Land and Cattle, LLC
January 3, 2014
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The WQD has the authority to resolve violations with an out-of-court settlement agreement through corrective actions, a payment of a penalty, or possibly both by Hedstrom. If Hedstrom wishes to pursue resolution of the previously noted violations through such an agreement, please contact Mr. Kevin M. Wells, WYPDES Natural Resource Program Supervisor, at (307) 777-8669 within 21 days of the date of this letter to set up a meeting to discuss this matter.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

TP/KDF/KMW/bb/13-1238

Enclosure: Notice of Violation

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Jon Deutscher, WYPDES Inspector, Sheridan DEQ Office (PDF)
Bill J. DiRienzo ► Kevin M. Wells (PDF)
IPS (for scanning) ► Docket 5208-13
Keith Guille, DEQ Public Information Officer (PDF File)
DEQ Director

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Mr. James Hedstrom)
Hedstrom Land and Cattle, LLC)
1176 Hightower Road)
Wheatland, WY 82201)
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DOCKET NUMBER 5208-13

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. On August 19, 2013 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) received a complaint indicating the cattle feedlot facility operated by Hedstrom Land and Cattle, LLC (Hedstrom) in Platte County, Wyoming was expanding its current operations and possibly operating without a required permit. Upon review of the DEQ database records it was determined that there was no permit issued to Hedstrom for a Confined Animal Feeding Operation (CAFO) at this location. Additional information obtained from the owner on September 4, 2013 indicated the number of cattle at the facility exceeded the minimum number of confined animals specified for this type of facility and requires a CAFO permit for operation. This is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations (WWQRR).
2. Chapter 2, Appendix G (a) of the WWQRR states *"In accordance with W.S. 35-11-103 (a) (xi) and 35-11-302 (a) (v), CAFOs, as defined in Appendix G (b) of these regulations, are point sources that require WYPDES permits for discharges or potential discharges. Once an operation is defined as a CAFO, the WYPDES requirements for CAFOs apply with respect to all animals in confinement at the operation and all manure, litter and process wastewater generated by those animals or the production of those animals, regardless of the type of animal. All CAFOs have a duty to apply and seek coverage under a WYPDES permit as described in these regulations"*.
3. Chapter 2, Appendix G (b) (v) of the WWQRR states *"Large concentrated animal feeding operation is defined as a CAFO if it stables or confines as many as or more than the numbers of animals specified in any of the following categories";*
 - (D) 1,000 cattle other than mature dairy cows or veal calves. Cattle include but is not limited to heifers, steers, bulls and cow/calf pairs;

Information provided by the facility owner indicates this minimum number of 1,000 was exceeded prior to September 2013.
4. Hedstrom is a "New Source" having no prior permits for the operation.
5. Chapter 2, Appendix G (g) (iv) of the WWQRR states *"New sources. New sources must seek to obtain coverage under a permit at least 180 days prior to the time that the CAFO commences operation, unless otherwise approved by the administrator"*. Hedstrom failed to submit a complete application under the provisions of Chapter 2, Appendix G (d) (iii) which requires the following information:
 - (A) The type and number of animals in open confinement and housed under roof;

(B) The type of containment and storage (anaerobic lagoon, roofed storage shed, storage ponds, underfloor pits, above ground storage tanks, below ground storage tanks, concrete pad, impervious soil pad, other) and total capacity for manure, litter and process wastewater storage (tons/gallons);

(C) The total number of acres under control of the applicant available for land application of manure, litter, or process wastewater;

(D) The number of acres used for confinement feeding;

(E) Estimated amounts of manure litter and process wastewater generated per year (tons/gallons);

(F) Estimated amounts of manure litter and process wastewater transferred to other persons per year (tons/gallons);

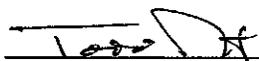
(G) The design basis for the runoff diversion and controls system, if one exists, including the number of acres of contributing drainage, the storage capacity, and the design safety factor to ensure no discharge except under conditions of a 25-year 24-hour, or greater storm event; and

(H) A nutrient management plan, in accordance with Appendix G (i) developed and implemented upon the date of coverage.

5. 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 DEQ from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions.

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 9th day of January, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells WYPDES Natural Resource Program Supervisor, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

TP/KDF/KMW/bb/13-1238

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
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