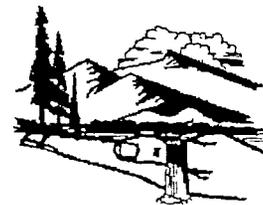




Department of Environmental Quality

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

November 7, 2014

CERTIFIED

Mr. Willie Kolkman
Deike Estates Sewer Improvement District
3350 East I-80 Service Road
Cheyenne, WY 82009

RE: Notice of Violation and Order, Docket Number 5187-13

Dear Mr. Kolkman:

Attached is a Notice of Violation and Order, Docket Number **5187-13**, for failure to monitor and report an exceedance of the upper control limit for nitrate in groundwater (10 mg/L), in violation of the Underground Injection Control permit for the facility identified below in Laramie County, Wyoming:

Permit	Facility Number	Injection Well
11-039	WYS-021-017	Septic System

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/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 shall be mailed to Todd Parfitt, 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: Ms. Kathy Shreve, Environmental Program Principal, Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone (307) 777-6682, e-mail kathy.shreve@wyo.gov.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

TP/KF/KS/rm/14-0996

Attachment: Notice of Violation and Order

cc: Douglas Minter, EPA Region 8
John Passehl, WDEQ
Kathy Shreve, WDEQ
NOV Docket **5187-13**
Keith Guille, DEQ Public Information Officer (PDF File Only)

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

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

Willie Kolkman)
Deike Estates Sewer Improvement District)
3350 East I-80 Service Road)
Cheyenne, WY 82009)

DOCKET NUMBER 5187-13

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

- Deike Estates Sewer Improvement District**, hereafter referred to as **Deike SID**, is the owner and operator of a Class V 5E3 domestic waste disposal facility (large septic system) located in the NE¼ of the NE¼ of Section 28, Township 14 North, Range 65 West, of the 6th Principal Meridian, Laramie County. **Deike SID** obtained permit coverage for the injection of 24,000 gallons per day (maximum) of domestic wastes into the Ogallala aquifer on June 6, 2011 for the following facility:

Permit	Facility Number	Injection Well
11-039	WYS-021-017	Septic System

- On July 1, 2013 Department staff collected water samples from **Deike SID** Monitor Well MW-1A. On August 19, 2013 the UIC Program received laboratory results for Monitor Well 1A that indicated a nitrate concentration of 22.0 mg/L.
- Deike SID** is in violation of Underground Injection Control Permit 11-039, Section H (ENVIRONMENTAL MONITORING PROGRAM FOR GROUNDWATERS OF THE STATE) Condition #11 and Section I (REQUIREMENTS FOR MONITORING THE DISCHARGE) for failure to monitor and report as required in the permit.
- Deike SID** is in violation of Underground Injection Control Permit 11-039, SECTION I: REQUIREMENTS FOR MONITORING THE DISCHARGE, TABLE 2. According to the permit the upper control limit for nitrate in groundwater is 10 mg/L and the value reported on August 19, 2013 was 22.0 mg/L which is a permit violation.
- Pursuant to Underground Injection Control Permit 11-039, Section P (NONCOMPLIANCE), failure to comply with all conditions of the permit is a violation of Wyoming Water Quality Rules and Regulations, Chapter 16 and is grounds for enforcement action, permit termination, revocation, or modification.
- 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. **Within thirty (30) days of receipt of this Order, Deike SID shall:**
 - a. **Obtain the services of a consultant capable of a complete investigation into the causes of the groundwater nitrate contamination found at Monitor Well #1A and capable of evaluating the existing septic system for permit compliance.**
 - b. **Provide a sampling and analysis plan for future collection of measurements and groundwater quality samples and provide a plan for submission of monitor reports in accordance with the requirements of the permit.**

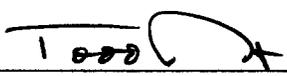
2. **Within sixty (60) days of receipt of this Order, Deike SID shall submit a Wyoming Water Quality Rules and Regulations, Chapter 11, Section 6 engineering design report that describes existing conditions, problems, and proposed solutions to correct deficiencies of the permit. At a minimum, the report must include:**
 - a. **All requirements identified in Wyoming Water Quality Rules and Regulations, Chapter 11, Section 6 (Engineering Design Report).**
 - b. **Identification of all potential sources of nitrate groundwater contamination occurring at the Deike SID facility.**
 - c. **Identification of any necessary modifications needed at the Deike SID septic system to bring the septic system into compliance with all permit limits and requirements.**
 - d. **A timetable for implementation of all items identified in (b. and c.) above.**
 - e. **The UIC program must approve all elements of the engineering design report.**
 - f. **If the engineering design report indicates the need for modifications of the Deike SID septic system, then Deike SID will be required to provide a Wyoming Water Quality Rules and Regulations, Chapter 16 application, including all supporting data required to either construct a new septic system or modify the existing septic system in order to protect groundwater quality.**
 - g. **If the engineering design report identifies septic system modification or replacement as a primary solution needed to achieve permit compliance, then construction of the new septic system, or modification of the existing septic system shall be completed within six (6) months of Department issuance of the Class V 5E3 UIC permit.**

This ORDER is final unless, not later than ten (10) days after the date of this notice is received it is appealed by filing a written petition for a hearing before the Environmental Quality Council.

a hearing is requested, the petition shall be mailed to: Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming, 82002. The second petition shall be mailed to: Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent via certified mail, return receipt requested.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this ORDER be interpreted as being a condition precedent to any other enforcement action.

Signed this 12th day of November, 2014.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Kathy Shreve, UIC Program Principal, Wyoming DEQ/WQD, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-6682, E-mail kathy.shreve@wyo.gov.

cc: Douglas Minter, EPA Region 8
John Passehl, WDEQ
Kathy Shreve, WDEQ
NOV Docket 5187-13
Keith Guille, DEQ Public Information Office (PDF)