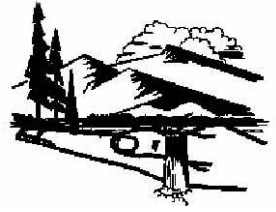




Department of Environmental Quality

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



Mark Gordon, Governor



Todd Parfitt, Director

July 1, 2020

Crowley Capital, LLC
Attn: Mr. Justin Martin
PO Box 2344
Jackson, WY 83001

*Via Certified Mail: 7017 1070 0000 5306 2272
Return Receipt Requested*

RE: Notice of Violation, Docket Number 6016-20

Dear Mr. Martin,

Enclosed is Notice of Violation, Docket Number 6016-20 issued to Crowley Capital, LLC for a violation of the Wyoming Environmental Quality Act.

The Wyoming Department of Environmental Quality (WDEQ) considers failure to comply with regulatory requirements a serious matter, and I am considering referring this violation to the Attorney General's Office for legal enforcement if not resolved.

If you would like to discuss resolution of the violation, please contact Chris Brown, Program Manager for the Underground Injection Control Program at christopher.brown@wyo.gov or 307-777-2960, within ten (10) days of receiving this letter and notice of violation.

Sincerely,

Kevin Frederick
Administrator
Water Quality Division

Enc: Notice of Violation, Docket Number #6016-20

cc: Wendy Cheung, EPA Region 8 (PDF)
Tiffany Cantor, EPA Region 8 (PDF)
Jody Paessler for Director, WDEQ (PDF)
Lily Barkau, WDEQ – WQD (PDF)
Chris Brown, WDEQ – WQD (PDF)
File Copy

200 West 17th Street, Cheyenne, WY 82002 · <http://deq.wyoming.gov> · Fax (307)635-1784

ADMIN/OUTREACH (307) 777-7937	ABANDONED MINES (307) 777-6145	AIR QUALITY (307) 777-7391	INDUSTRIAL SITING (307) 777-7369	LAND QUALITY (307) 777-7756	SOLID & HAZ. WASTE (307) 777-7752	WATER QUALITY (307) 777-7781
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**BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING**

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

**Crowley Capital, LLC)
Attn: Justin Martin)
PO Box 2344)
Jackson, WY 83001)**

DOCKET NUMBER 6016-20

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:


1. The Department of Environmental Quality, Water Quality Division (DEQ/WQD) has found Crowley Capital, LLC to be in violation of Article 3 of the Wyoming Environmental Quality Act (the Act) and Chapter 27 of the Wyoming Water Quality Rules and Regulations (WWQRR) for:
 - a. Discharging domestic wastewater into a septic system at a rate greater than 2,000 gallons per day (gpd) without a Class V Underground Injection Control (UIC) permit;
 - b. Operating the septic system with liquid waste visible on the ground surface;
 - c. Operating a water treatment system that was constructed without a WWQRR Chapter 3 and 12 permit; and
 - d. Discharging water treatment brine into the subsurface without a Class V UIC permit.
2. Crowley Capital, LLC operates a small wastewater system (septic system) at the Hoback RV Park located at 10755 South US Highway 89, Jackson, WY 83001. The septic system was permitted to receive 1,950 gallons per day (gpd) of domestic wastewater under Teton County #SWF1999-0114 in 1999.
3. Chris Brown and James Brough of the DEQ/WQD inspected the Hoback RV Park on March 10, 2020. Metered flow readings of water usage for the facility reported during the inspection indicated that the septic system received 2,021 and 2,090 gallons of domestic wastewater on March 8 and 9, 2020, respectively.
4. Liquid wastewater exhibiting a sewage odor was observed on the ground in the northern portion of the septic system leachfield during the March 10, 2020 inspection.
5. The facility operates an ion exchange water treatment system as part of its public water supply system (WY5600347). Water treatment brine generated from this ion exchange water treatment system is discharged to a UIC Class 5C2 subsurface disposal system.
6. The DEQ/WQD Water and Wastewater Program does not have record of a permit being issued to construct the ion exchange water treatment system, and the DEQ/WQD UIC Program does not have record of a permit being issued for the subsurface discharge of water treatment brine to the UIC Class 5C2 facility.
7. Crowley Capital, LLC was operating both the ion exchange water treatment system and discharging water treatment brine to the UIC Class 5C2 facility during the March 10, 2020 inspection.

8. Crowley Capital, LLC operated the septic system, ion exchange water treatment system, and UIC Class 5C2 facility at all times relevant to the allegations contained in this Notice of Violation.
9. The Act prohibits constructing, installing, modifying, or operating any sewerage system, treatment works, disposal system, or other facility capable of causing or contributing to pollution except when authorized by a permit. *W.S. § 35-11-301(a)(iii)*.
10. The Act prohibits constructing, installing, modifying, or operating any public water supply by any person except when authorized by a permit. *W.S. § 35-11-301(a)(v)*.
11. The Act prohibits causing, threatening, or allowing the discharge of any pollution or wastes into the waters of the state except when authorized by a permit. *W.S. § 35-11-301(a)(i)*.
12. Groundwater is a water of the state. *W.S. § 35-11-103(c)(vi)*.
13. The domestic wastewater and sewage generated at the facility are pollution or waste. *W.S. § 35-11-103(c)(i)-(ii)*.
14. Water treatment brine contains elevated concentrations of total dissolved solids, chloride, and nitrate, among other constituents, and is pollution or waste that adversely affects the environment and pollutes waters of the state. *W.S. § 35-11-103(c)(i)-(ii)*.
15. WWQRR, Chapter 3, Section 3(a)(iv): a public water supply includes the source, treatment system, waste disposal system, distribution system, service connections, and finished water storage and pumping stations.
16. WWQRR, Chapter 27, Section 6(g)(i-iii): For Class V facilities the following are applicable:
 - a. A permit is required.
 - b. Construction, installation, modification or operation of Class V facilities shall be allowed only in accordance with the regulation in Chapter 27.
 - c. Discharges into, or construction of, any Class V facility are prohibited unless permitted pursuant to Chapter 27.
17. WWQRR, Chapter 27, Appendix C defines a 5C2 subclass Class V injection well as a facility receiving brine from water softening or other water treatment.
18. WWQRR, Chapter 27, Appendix C, Subclasses of Class V Facilities defines a 5E3 subclass Class V injection well as a facility that receives more than 2,000 gpd of domestic sewage with only primary treatment such as effluent from a septic tank.
19. WWQRR, Chapter 27, Section 20(d)(x): the operation of any Class V septic system with liquid waste visible on the ground surface shall be considered a failure of the system and a violation of these regulations.
20. Crowley Capital, LLC violated the Act and WWQRR, Chapter 27 by:
 - a. Discharging domestic wastewater into a septic system at a rate greater than 2,000 gallons per day (gpd) without a Class V UIC permit;
 - b. Operating the septic system with liquid waste visible on the ground surface;


- c. Operating a water treatment system that was constructed without a WWQRR Chapter 3 and 12 permit; and
 - d. Discharging water treatment brine into the subsurface without a Class V UIC permit.
21. Any person who violates any provision of the Act, or any rule, regulation, standard, or permit adopted under the Act is subject to a penalty of up to ten thousand dollars (\$10,000) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. *W.S. § 35-11-901(a)*. 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.
22. This notice is being sent to you pursuant to section 701(c) of the Act, which requires that, in any case of failure to correct or remedy an alleged violation of the Act, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible. *W.S. § 35-11-701(c)(i)*.

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 2nd day of July, 2020.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
Administrator
Water Quality Division