



April 13, 2016

**CERTIFIED MAIL 7012 3460 0000 7575 2043**  
**Return Receipt Requested**

Mike DuCuennois  
Yellowstone Mountain Club LLC  
Yellowstone Development LLC  
PO Box 161097  
Big Sky, MT 59716

**Re: Water Quality Act Violations (CVID # 19027)**

Dear Mr. DuCuennois,

The purpose of this letter is to notify Yellowstone Mountain Club LLC and Yellowstone Development LLC (YMC/YD) that, as owner and operator of the wastewater pond at the Yellowstone Mountain Club that failed on March 3, 2016, you are in violation of the Montana Water Quality Act (WQA) by discharging without a permit and by causing pollution. Section 75-5-605(1)(a), Montana Code Annotated (MCA), states that it is unlawful to cause pollution of any state water or to place or cause to be placed any wastes where they will cause pollution of any state waters. Section 75-5-605(2)(c), MCA, states that, except for the permit exclusions set forth in 75-5-401(5), MCA, it is unlawful to discharge sewage, industrial waste, or other wastes into any state waters without a permit from the Montana Department of Environmental Quality ("the Department"). Sediment is considered "other waste" pursuant to Section 75-5-103(24), MCA.

Samples collected from Second Yellow Mule Creek, South Fork Gallatin River, and West Fork Gallatin River from March 5-12, 2016, document an increase of more than 5 Nephelometric turbidity units after the Yellowstone Club wastewater pond failure, exceeding the Montana water quality standard for turbidity. The Gallatin River continued to exhibit turbidity exceedances above the Montana water quality standard from March 5-9, 2016. Additionally, on March 5, 2016, a sample was collected at Second Yellow Mule Creek that was above the Montana water quality standard for ammonia; and on March 10, 2016, five dead westslope cutthroat trout were found in the South Fork West Fork Gallatin River downstream from the Second Yellow Mule Creek confluence.

The Department acknowledges YMC/YD's cooperation in responding to this unfortunate event. To further respond to the wastewater pond discharge, please submit to me no later than May 31, 2016, YMC/YD's initial plan for mitigation of the erosion troughs and sediment deposits resulting from the failure of the wastewater treatment pond. If you have any questions, concerns, or believe any of the information above is inaccurate or incomplete, please contact me at the phone number or email address listed below.

Sincerely,

Shasta Steinweden, Environmental Enforcement Specialist  
Enforcement Division  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901  
(406) 444-3109; ssteinweden@mt.gov

cc: Tom Livers, DEQ Director  
Ron Edwards, Big Sky Water and Sewer District  
Madison Disaster and Emergency Services and County Sanitarian