

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

City of Lander)
240 Lincoln Street)
Lander, WY 82520-2848)

DOCKET NUMBER 4402-08

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. City of Lander (Lander) operates a wastewater treatment facility (WWTF) in Fremont County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0020389. Because the WWTF treats more than 1.0 million gallons per day (MGD) of wastewater, it is classified as a "major discharger" by the U.S. Environmental Protection Agency (US EPA).
2. Lander is required to participate in the annual US EPA Discharge Monitoring Report – Quality Assurance (DMR-QA) Study 28 while in operation and submit annual reports to the Wyoming Department of Environmental Quality/Water Quality Division (WQD). To date the WQD has not received the required annual report that was to be submitted by November 14, 2008. Failure to adhere to this requirement is a violation of W.S. 35-11-109 (a)(iv) "*Conduct, encourage, request and participate in, studies, surveys, investigations, research, experiments, training, and demonstrations by contract, grant or otherwise; prepare and require permittees to prepare reports and install, use, and maintain any monitoring equipment or methods reasonably necessary for compliance with the provisions of this act; and collect information and disseminate to the public such information as is deemed reasonable and necessary for the proper enforcement of the act.*"
3. 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 the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Lander shall immediately submit the complete and accurate delinquent report to the WQD. This information shall be received by the WQD no later than 30 days from the receipt date of this NOV and Order.


This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality

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

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

Signed this 12 day of Dec, 2008.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

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

JVC/JFW/KMW/bb/8-0987

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)
Bill DiRienzo ► Brian K. Lovett ► Leah J. Krafft (PDF)
NOV Docket 4402-08
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)