

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**  
AUG 11 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
)  
Mr. Bob Juve )  
City Engineer )  
Town of Torrington )  
P.O. Box 250 )  
Torrington, WY 82240 )  
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DOCKET NUMBER 4709-10

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Torrington recently received new authorization with an Industrial storm water permit for the town's landfill facility (Torrington LF) located in Goshen County, Wyoming. The landfill site received authorization through the Wyoming Pollution Discharge Elimination System (WYPDES), authorization WYR001265 May 21, 2010. Prior to this authorization the original WYPDES authorization WYR001120 expired August 31, 2007.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the facility on April 29, 2010. Violations from this inspection included the following: (1) operating under an expired WYPDES permit and no current Storm Water Pollution Prevention Plan (SWPPP); (2) comingling of storm water runoff with leachate or waste water from exposed garbage bails with the potential to discharge off of the site which is not covered under the general Industrial storm water permit; and (3) inadequate Best Management Practices (BMPs) to control erosion and transport of pollutants.
3. The Industrial General Permit-Storm water states in **Section 2.17.5:** "*Landfills, land application sites, and open dumps that receive or have received any industrial wastes*" are required to obtain authorization. Failure to meet this requirement is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations.
4. The Industrial General Permit-Storm water states in **Section 10.2: Prohibition on non-storm water discharges** "*All discharges covered by this permit shall be composed entirely of storm water or related effluents.*" Discharges which include material other than storm water or related effluents must obtain and comply with a WYPDES effluent permit issued for that discharge.
5. The Industrial General Permit-Storm water states in **Section 10.4: Best management practice selection, installation and maintenance**: "*All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control.*"

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**

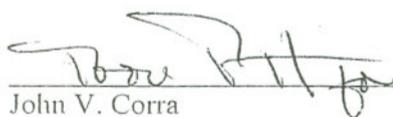
**WHEREFORE IT IS HEREBY ORDERED THAT:**

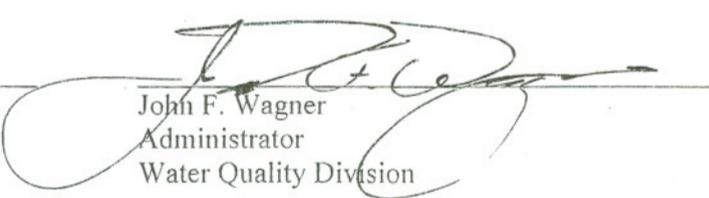
1. Torrington LF shall immediately submit to the WQD a Notice of Intent (NOI), and obtain coverage under the general industrial storm water permit. This information shall be received by the WQD no later than 30 days from the date of this NOV and Order.
2. Within 30 days of receipt of this NOV and Order Torrington LF shall address site stabilization with implementation and/or upgrading BMPs (Best Management Practices) as required in the WYPDES storm water permit until the landfill site has been stabilized and the potential for a discharge of comingled storm water and other processed water has been eliminated.
3. Within 30 days of receipt of this NOV and Order Torrington LF shall develop and implement a signed and certified SWPPP, conduct and document the required self monitoring inspections as specified in the SWPPP, maintain records of the inspections, and maintain a copy of the general industrial storm water permit and the authorization letter. These records should be maintained on site and made available for review by DEQ upon request.

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, 1<sup>st</sup> Floor West, 122 West 25<sup>th</sup> St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4<sup>th</sup> Floor West, 122 West 25<sup>th</sup> 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.

Ordered this 16th day of July, 2010.

  
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John V. Corra  
Director  
Department of Environmental Quality

  
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John F. Wagner  
Administrator  
Water Quality Division

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

JVC/JFW/KMW/bb/10-0598

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)  
Bill DiRienzo ► Kevin Wells ► Barb Sahl (PDF)  
NOV Docket 4709-10  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)