10-3225

### BEFORE THE

## ENVIRONMENTAL QUALITY COUNCIL

### STATE OF WYOMING

FILED

IN THE MATTER OF THE NOTICE OF	)	SEP 0 1 2010
VIOLATION AND ORDER ISSUED TO:	)	Jim Ruby, Executive Secretary Environmental Quality Council
Buffalo Valley Resort, Inc	)	Quality Council
PO box 92	)	
Moran, Wyoming 83013	)	
	)	
	)	DOCKET NUMBER 4725-10
	) .	
	)	
	)	

## NOTICE OF VIOLATION AND ORDER

#### NOTICE IS HEREBY GIVEN THAT:

- 1. Buffalo Valley Resorts, Inc. (Buffalo Valley) operates a wastewater treatment facility located at the Grand Teton KOA Campground near Moran, Wyoming in Teton County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System permit WY0053546.
- 2. Part I of the above referenced permit, under the Monitoring and Reporting Requirements requires that effluent monitoring results obtained during the previous three month(s) shall be summarized and reported on a Discharge Monitoring Report (DMR). The DMRs are to be submitted to the Department of Environmental Quality (DEQ) and postmarked no later than the 28<sup>th</sup> day of the month following the completed reporting period. To date the DEQ/Water Quality Division (WQD) has not received the Second Quarter 2010 DMRs.
- 3. DEQ has issued 3 previous Letters of Violation (LOV) to Buffalo Valley for late submittal of DMR's. This continued late submittal of DMR's to the DEQ is a violation of permit requirements.
- 4.. 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. Buffalo Valley shall immediately submit the complete and accurate delinquent report to the WQD. This information shall be received by the WQD no later than 20 days from the date of this NOV and Order.
- Within thirty (30) days of receipt of this Order, Buffalo Valley shall submit to the WQD a written description of actions taken to insure that future Discharge Monitoring Reports will be submitted on time.

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This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the 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.

**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/rm/10-0738

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)

Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)

Bill DiRienzo ► Kevin M. Wells (PDF)

NOV Docket 4725-10

Environmental Quality Council

Director, DEQ

Keith Guille, DEQ Public Information Office (PDF)