10-3228

Dr.

#### BEFORE THE

# ENVIRONMENTAL QUALITY COUNCIL

### STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)		UCTO	ED 5 2010
Saratoga Wastewater Lagoons PO Box 486	)		Environmental Qua	ality Council
Saratoga, WY 82331-0486	)			
	)	DOCKET	NUMBER 4736-10	* *
	)			
	)			

## NOTICE OF VIOLATION AND ORDER

#### NOTICE IS HEREBY GIVEN THAT:

- 1. Saratoga Wastewater Lagoons (Saratoga) is a wastewater treatment facility in Carbon County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System permit WY0021491.
- 2. Part I of the above referenced permit, under the Effluent Limitation Requirements requires that effluent discharged by the permittee shall, at a minimum, meet the limitations set forth in the permit. Saratoga has exceeded multiple effluent limits numerous times (see attached spreadsheet) as reported in the required quarterly Discharge Monitoring Reports (DMRs) since October 2009.
- 3. DEQ has issued 2 previous Letters of Violation (LOV) to Saratoga for violations of permit conditions, which both required a written response. To date DEQ has received no response for the LOVs issued June 2, 2010 and July 13, 2010.
- 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;

## <u>ORDER</u>

# BEFORE THE ENVIRONMENTAL QUALITY COUNCIL - STATE OF WYOMING

## WHEREFORE IT IS HEREBY ORDERED THAT:

1. Saratoga shall immediately submit the required delinquent report to the WQD indicating the corrective action to be implemented at the treatment facility to eliminate the effluent exceedances. This information shall be received by the WQD no later than 20 days from the 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, 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 thisZ	day of	Sept.	, 2010.
John V. Corra Director Department of Environmental Qu	ality	John F. Wagner Administrator Water Quality Di	Harmon

**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/10-0828

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

Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)

Bill DiRienzo ► Kevin M. Wells ► Lou Harmon (PDF)

NOV Docket 4736-10

**Environmental Quality Council** 

Director, DEQ

Keith Guille, DEQ Public Information Office (PDF)