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BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**  
DEC 22 2010  
Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF )  
VIOLATION ISSUED TO: )  
 )  
Willwood Irrigation District )  
1306 Road 9 )  
Powell, WY 82435 )  
 )  
 )

DOCKET NUMBER 4781-10

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Willwood Irrigation District is the operator of the Willwood Diversion Dam on the Shoshone River (class 2AB) located in Section 9, Township 54 North, Range 100 West, Big Horn County, Wyoming. The Willwood Dam provides water to the Willwood Canal for purposes of the delivery of water to irrigators in Park and Big Horn Counties.
2. On December 5, 2010 at approximately 13:00 PM a citizen noted high turbidity on the Shoshone River below Willwood Dam. On December 7, 2010 at approximately 10:30 AM, the Wyoming Game and Fish Department (WGF) relayed the complaint to the Wyoming Department of Environmental Quality (WDEQ) in Sheridan. WGF agreed to do an inspection of the site and collect turbidity measurements and photographs above and below Willwood Dam.
3. WGF staff inspection of Willwood Dam documented water flowing from the one operational sluice gate located on the north side of the dam. Turbidity readings of the Shoshone River collected below Willwood Dam at approximately 11:15 AM on 12/7/2010 were 443 Nephelometric turbidity units (NTUs). Turbidity readings of the Shoshone River collected near the mouth of Buck Creek, 2 river miles above Willwood Dam, at approximately 11:40 AM on 12/7/2010 were 6.64 NTUs.
4. Turbidity measurements, photographs and details of the incident were obtained by WDEQ from WGF at 14:38 PM on 12/7/2010.
5. At approximately 11:30 AM on 12/8/2010, WDEQ contacted Tom Walker with the Willwood Irrigation District to describe the complaint. Mr. Walker explained that the reason for the increased turbidity was an unexpected reduction in flow from Buffalo Bill Dam. Mr. Walker said he was made aware of the issue around 9:30 AM on 12/7/2010 and adjusted the sluice gate to mitigate the problem.
6. On 12/13/10 WDEQ received documentation from the Bureau of Reclamation via WGF that flows from Buffalo Bill Dam were not altered during the period December 5-7, 2010. Releases from Buffalo Bill Reservoir are set at the winter release of 350 cubic feet per second (cfs). River flow reported by the river gauge below the dam during the December 5-7, 2010 period in question was approximately 410 cfs as a result of gains from the DeMaris Hot Springs, estimated at 60 cfs.
7. The cause of increased turbidity in the Shoshone River was a direct result of the operation of the Willwood Dam.
8. The events that occurred at Willwood Dam on 12/7/2010 are a violation of Water Quality Rules and Regulations Chapter 1, Section 16, Floating and Suspended Solids: In all Wyoming surface waters, floating and suspended solids attributable to or influenced by the activities of man shall not be present in quantities which could result in significant aesthetic degradation, significant degradation of habitat for aquatic life, or adversely affect public water supplies, agricultural or industrial water use, plant life or wildlife. The events that occurred at Willwood Dam on 12/7/2010 are also a violation of Water Quality Rules and Regulations Chapter 1, Section 23, Turbidity: In all cold water fisheries and drinking water supplies (classes 1, 2AB, 2A, and 2B), the discharges of substances attributable to or influenced by the activities of man shall not be present in quantities which would result in a turbidity increase of more than ten (10) nephelometric turbidity units (NTUs).



**ORDER**

**BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING**

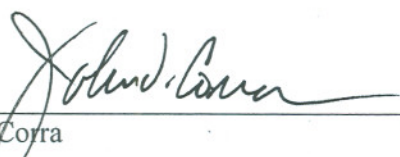
**WHEREFORE IT IS HEREBY ORDERED THAT:**

1. Willwood Irrigation District shall submit to the WDEQ a detailed written explanation of the events that led up to turbidity standard violation that occurred on 12/7/2010 and steps taken to mitigate the violation. This information shall be received by the WDEQ no later than 60 days after receipt of the NOV by the District.
2. Willwood Irrigation District shall meet with stakeholders interested in improving sediment management at the Willwood Dam facility. Stakeholders include, but are not limited to WDEQ, WGF, and the Wyoming Water Development Commission. This meeting shall occur no later than 60 days after receipt of the NOV by the District.
3. Willwood Irrigation District shall work with Bureau of Reclamation and WDEQ to develop new operating criteria for Willwood Dam. The operating criteria will include a plan of action to address sediment management at Willwood Dam. The operating criteria will also include steps to reduce the chance of this type of event occurring in the future. The operating criteria shall be received by the WDEQ no later than 60 days following the meeting of stakeholders, or 120 days after receipt of the NOV by the District.

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. A copy of the 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 22<sup>nd</sup> day of DEC., 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:** Jeremy ZumBerge, Watershed Program Monitoring Supervisor, Wyoming Department of Environmental Quality, Water Quality Division, 2100 West 5<sup>th</sup> Street, Sheridan, Wyoming 82810. Telephone 307-675-5638.

JVC/JFW/JRZ/bb/10-1081

cc: David Waterstreet, DEQ/WQD, Cheyenne  
Mike Stone, Chief of Fisheries, Wyoming Game and Fish Department, Cheyenne  
Jeremy ZumBerge, DEQ/WQD Sheridan  
Steve Yekel, Regional Fisheries Supervisor, Wyoming Game and Fish Department, Cody  
Jason Burckhardt, Fisheries Biologist, Wyoming Game and Fish Department, Cody  
Dale Anderson, Wyoming Water Development Commission, Cheyenne  
NOV Docket 4781-10  
Environmental Quality Council, Cheyenne  
Director, Department of Environmental Quality