

12-3103

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Town of Big Piney )  
PO Box 70 )  
Big Piney, WY 83113 )  
 )  
 )  
 )

**FILED**  
**APR 20 2012**  
Jim Ruby, Executive Secretary  
Environmental Quality Council

DOCKET NUMBER 4988-12

NOTICE OF VIOLATION AND ORDER

**NOTICE IS HEREBY GIVEN THAT:**

1. The Town of Big Piney (Big Piney) operates a wastewater treatment facility (WWTF) in Sublette County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0020133. The WWTF consists of a four cell, aerated lagoon system. The treated effluent is discharged to North Piney Creek (class 2AB water).
2. Discharge Monitoring Reports (DMRs) submitted by Big Piney have documented numerous exceedances of permit effluent limits for pH, BOD % removal, total dissolved solids (TDS) and several instances of failure to meet permit reporting requirements.
3. The Wyoming Department of Environmental Quality/ Water Quality Division (DEQ) has issued multiple Letters of Violation (LOV) for these recurring effluent violations since August 2009. Since that time there have been regular exceedances of permit limits for BOD and pH and an exceedance of the annual TDS limit in 2011.
4. There also have been multiple violations of permit reporting requirements including failure to submit reports on time and errors in report calculations.
5. The actions taken by the town in response to the past LOVs have not been successful in achieving consistent compliance.
6. 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. Within 30 days from the receipt of this Notice of Violation (NOV) the Town of Big Piney shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of the Big Piney WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0020133. At a minimum, the plan should address:  
  
(A) The installation and maintenance of accurate flow measuring devices for both inflow and discharge and a timetable for implementation;  
  
(B) The identification of the cause of BOD and pH permit exceedances;

(C) Any necessary modifications to plant design or operations that are needed to bring the plant into consistent compliance with permit limits and a timetable for implementation;

(D) All elements of the corrective action plan must be approved by DEQ.

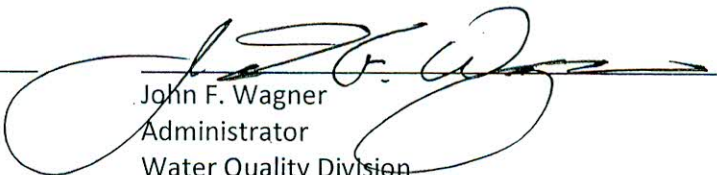
2. Within 30 days from the approval of the plan of action, Big Piney shall begin to monitor influent and effluent flow on a daily basis until this monitoring schedule is revised by DEQ. Each month all daily maximum and monthly average flow values shall be recorded and submitted to DEQ by the 5<sup>th</sup> day of the following month. These reports are in addition to the normal quarterly discharge monitoring reports (DMRs) required by WYPDES Permit No. WY0020133. DEQ may revise the permit flow limits based on this information.
3. The Town of Big Piney shall provide necessary operator training to ensure the facility is operating at compliance levels. In addition to the certification requirements provided in Chapter 5 of the Wyoming Water Quality Rules and Regulations, the town shall ensure that the plant operator(s) are properly trained to collect all required water samples, gain an understanding of sampling techniques, holding times, etc., and correctly apply the correct calculations of the analytical results in order to comply with the Discharge Monitoring Reporting (DMRs) requirements within the permit.

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 20th day of April, 2012.

  
\_\_\_\_\_  
John V. Corra  
Director  
Department of Environmental Quality

  
\_\_\_\_\_  
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/12-0344

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)  
NOV Docket 4988-12  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)