

12-3202

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF  
VIOLATION AND ORDER ISSUED TO:

Town of Superior  
PO Box 40  
Superior, WY 82945-0400

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**FILED**

**MAY 02 2012**

Jim Ruby, Executive Secretary  
Environmental Quality Council

DOCKET NUMBER 4990-12

NOTICE OF VIOLATION AND ORDER

**NOTICE IS HEREBY GIVEN THAT:**

1. The Town of Superior (Superior) operates a wastewater treatment facility (WWTF) in Sweetwater County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0021806. The WWTF has a 3 cell, non-aerated lagoon system. The treated effluent is discharged to Horsethief Canyon Creek (class 3B).
2. The WYPDES database records indicate Superior has submitted quarterly Discharge Monitoring Reports (DMRs) which reported effluent exceedances of E-coli dating back to 2009.
3. The Wyoming Department of Environmental Quality/Water Quality Division (DEQ) has issued multiple Letters of Violation (LOV) for these recurring effluent violations dating back to April, 2009. Since that time there have been regular exceedances of permit limits for E-coli.
4. The Wyoming Department of Environmental Quality/Water Quality Division (DEQ) issued Notice of Violation Docket No. 4678-10 on April 28, 2010 for recurring exceedances of E-coli, numerous missed samples, and reporting errors on discharge monitoring reports (DMRs) which are violations of WYPDES permit conditions.
5. The actions taken by the town in response to the past enforcement actions 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 Superior shall contact the DEQ and arrange for a meeting to take place in Cheyenne to discuss a comprehensive plan of action to identify the causes and to correct the deficiencies of the Superior WWTF.
2. Within 60 days from the receipt of this Notice of Violation (NOV) the Town of Superior shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of

the Superior WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0021806. At a minimum, the plan should address:

- (A) The installation and maintenance of treatment for the discharge and a timetable for implementation;
  - (B) The identification of the cause of E-coli 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.
3. The Town of Superior 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 27<sup>th</sup> 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/12-0374

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)  
NOV Docket 4990-12  
Environmental Quality Council  
Director, DEQ  
Keith Guille, DEQ Public Information Office (PDF)