

12-3204

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Town of Moorcroft)
PO Box 70)
Moorcroft, WY 83113)
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DOCKET NUMBER 4996-12

FILED

JUN 06 2012

*Jim Ruby, Executive Secretary
Environmental Quality Council*

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Moorcroft (Moorcroft) operates a wastewater treatment facility (WWTF) in Crook County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0021741. The WWTF consists of a three cell, aerated lagoon system. The treated effluent is discharged to Rush Creek (class 3B water) tributary to the Belle Fourche River (class 2AB warm water).
2. Discharge Monitoring Reports (DMRs) submitted by Moorcroft have documented numerous exceedances of permit effluent limits for E. coli, BOD, total residual Chlorine, and several other effluent parameters dating back to January 2009.
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 total residual Chlorine, E. coli, and other parameters.
4. The actions taken by the town in response to the past LOVs have not been successful in achieving consistent compliance.
5. 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 Moorcroft shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of the Moorcroft WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0021741. At a minimum, the plan should address:**
 - (A) **The operation and maintenance of the gas chlorination system located between the second and third cells 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.

2. Within 30 days from the approval of the plan of action, Moorcroft shall begin to monitor effluent E. Coli on a weekly basis until this monitoring schedule is revised by DEQ. Each quarter all E. coli values shall be recorded and submitted to DEQ by the 5th day of the following month. These reports are in addition to the normal quarterly discharge monitoring reports (DMRs) required by WYPDES Permit No. WY0021741.

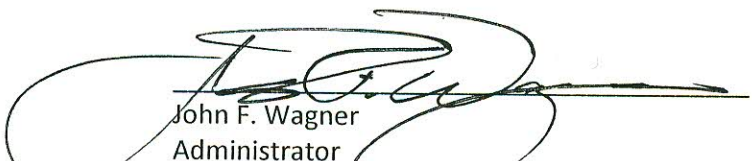
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th St., Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of the Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th 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 4th day of June, 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, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

JVC/JFW/KMW/bb/12-0484

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)
NOV Docket 4996-12
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)