

12-3205

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

FILED
JUN 26 2012
Jim Ruby, Executive Secretary
Environmental Quality Council

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

Mr. Dennis Pino
City of Cheyenne
2101 O'Neil Avenue
Cheyenne, WY 82001

DOCKET NUMBER 5010-12

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The City of Cheyenne's Sanitary Landfill (Cheyenne), located in Laramie County, Wyoming, is authorized to discharge storm water under an Industrial storm water permit. The landfill site received authorization through the Wyoming Pollution Discharge Elimination System (WYPDES), authorization WYR001160, September 27, 2007.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the facility on May 9, 2012. Violations from this inspection included: the following: (1) operating under an incomplete Storm Water Pollution Prevention Plan (SWPPP); (2) incomplete records and retention of inspections; and (3) inadequate Best Management Practices (BMPs) to control erosion and transport of pollutants.
3. The Industrial General Storm Water Permit states in **Section 7.2.4.2: Preventative Maintenance:** *"The SWPPP shall specify a preventative maintenance program that involves inspection and maintenance of storm water management devices as well as inspecting and testing facility equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters, and ensuring appropriate maintenance of such equipment and systems."*
4. The Industrial General Storm Water Permit states in **Section 7.7: Certification and signature requirements:** *"All SWPPPs, inspection reports, and non-storm water certifications must be certified and signed in accordance with Part 11.7."*
5. The Industrial General Storm Water Permit states in **Section 8.1.1: Minimum Inspection Frequency:** *8.1.1.1 "Comprehensive inspections of the facility's storm water controls shall be made at least once between January and June of each year and at least once more between July and December of each year. Where possible, at least one inspection each year should be made within 48 hours of a rain or snowmelt event resulting in a storm water discharge". 8.1.1.2 "Alternative inspection schedule. Where semi-annual site inspections are shown in the SWPPP to be impractical, inspections as required in this part shall be conducted at appropriate intervals specified in the plan, but never less than once per year."*
6. The Industrial General Storm Water Permit states in **Section 8.1.6.: Record keeping and internal reporting procedures:** *8.1.6.2 "Inspections and maintenance activities shall be documented and records of such activities shall be incorporated into the SWPPP."*
7. The Industrial General Storm Water Permit states in **Section 10.4: Best management practice selection, installation and maintenance:** *"All BMPs must be properly selected, installed and maintained in accordance with the manufacturer's specifications and good engineering practices. If periodic inspections or other information indicates a practice has been used inappropriately or incorrectly the permittee must modify or replace the control."*
8. The Industrial General Storm Water Permit states in **Section 11.1: Duty to comply:** *"The permittee must comply with all conditions of this permit, and is responsible for ensuring any subcontractors, employees, or other persons associated with the industrial activity comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and Wyoming Environmental Quality Act and is grounds for enforcement action, permit termination, revocation, or modification, or for denial of a permit renewal application."*

9. The Water Quality Division completed an inspection of the facility on May 7, 2008 and multiple violations of permit conditions were noted. A Letter of Violation (LOV) was issued May 10, 2008 requiring Cheyenne to comply with requirements regarding the permit. The current inspection indicates Cheyenne failed to fully comply with the requirements in the previous LOV and to date there are still requirements that have not been completed.

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:

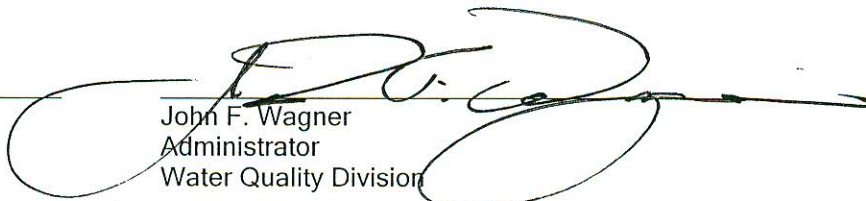
1. Within 30 days of receipt of this NOV and Order Cheyenne LF shall address site stabilization with implementation and/or upgrading BMPs (Best Management Practices) as required in the WYPDES storm water permit until the landfill site has been stabilized and the potential for a discharge of storm water and other processed water has been eliminated.
2. Within 30 days of receipt of this NOV and Order Cheyenne LF shall complete the corrective actions identified on the inspection report to include; implement a signed and certified SWPPP, conduct and document the required self-monitoring inspections as specified in the SWPPP, and maintain records of the inspections. All records should be maintained on site and made available for review by DEQ upon request.

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 25th day of June, 2012.


John Y. 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/5-0990.ltr

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin Wells ► Barb Sahl (PDF)
NOV Docket 5010-12
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)
Becky Dietrich, SHWD, (PDF)