



Matthew H. Mead, Governor

# Department of Environmental Quality

To protect, conserve and enhance the quality of Wyoming's environment for the benefit of current and future generations.



John Corra, Director

**CERTIFIED MAIL**

August 17, 2012

**FILED**

**AUG 20 2012**

Johann Neid  
Town of Dayton  
PO Box 100  
Dayton, WY 82836-0100

Jim Ruby, Executive Secretary  
Environmental Quality Council

**RE: Notice of Violation and Order, Docket Number 5041-12**

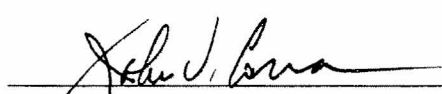
Dear Mr. Neid:

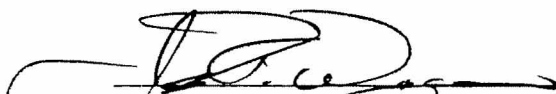
Attached is a Notice of Violation and Order, Docket Number **5041-12**, for recurring effluent violations of the Wyoming Pollution Discharge Elimination System (WYPDES) permit WY00220435 issued to the town of Dayton's Waste Water Treatment Facility (WWTF).

**ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY TIME LIMIT PRESCRIBED BY W.S. 35-11-701(c).** Chapter I, Section 3 of the Department of Environmental Quality Rules of Practice and Procedure (<http://soswy.state.wy.us/RULES/5675.pdf>) sets forth the requirements for the initiation of appeal proceedings.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first petition shall be mailed to the Chairman of the Environmental Quality Council at Room 1714, Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition should be sent to John V. Corra, Director, Wyoming Department of Environmental Quality, Herschler Building, 4th West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

**PLEASE DIRECT ALL INQUIRIES TO:** Kevin M. Wells, WYPDES Natural Resource Program Manager at the 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.

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

  
\_\_\_\_\_  
John F. Wagner  
Administrator  
Water Quality Division

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Herschler Building · 122 West 25th Street · Cheyenne, WY 82002 · <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7758 FAX 777-7682	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-6937	LAND QUALITY (307) 777-7756 FAX 777-5864	SOLID & HAZ. WASTE (307) 777-7752 FAX 777-5973	WATER QUALITY (307) 777-7781 FAX 777-5973
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*Town of Dayton*  
*August 17, 2012*  
*Page L-2*

JVC/JFW/KW/bb/rm/12-0761

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)  
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)  
NOV Docket **5041-12**  
Environmental Quality Council  
Keith Guille, DEQ Public Information Officer (PDF)

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DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
 )  
Town of Dayton )  
PO Box 70 )  
Dayton, WY 83113 )  
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DOCKET NUMBER 5041-12

NOTICE OF VIOLATION AND ORDER

**NOTICE IS HEREBY GIVEN THAT:**

1. The Town of Dayton (Dayton) operates a wastewater treatment facility (WWTF) in Sheridan County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0020435. The WWTF consists of a three cell lagoon system with ultra-violet disinfection, and with aeration in the first cell. The treated effluent is discharged to the Tongue River (class 2AB water).
2. Discharge Monitoring Reports (DMRs) submitted by Dayton have documented numerous exceedances of permit effluent limits for BOD % removal. The current discharge permitted limit is 85%. Dayton has reported 8 excursions of this parameter since June 1, 2010.
3. The Wyoming Department of Environmental Quality/ Water Quality Division (DEQ) has issued two Letters of Violation (LOV) dated June 1, 2010 and August 5, 2010 for these recurring effluent violations.
4. Dayton responded to both LOVs indicating corrective actions to be taken to meet the effluent limit for BOD % removal. 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 Dayton shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of the Dayton WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0020435. At a minimum, the plan should address:
  - (A) The operation and maintenance of the of the BOD % removal process including influent and effluent BOD levels for the next 3 reporting periods
  - (B) The identification of the cause of BOD % removal 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;

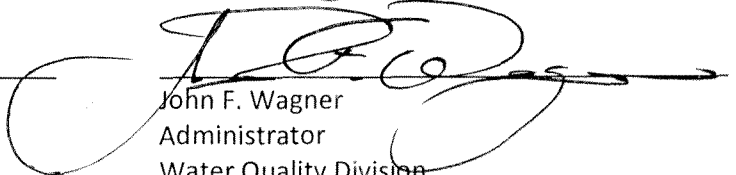
(D) All elements of the corrective action plan must be approved by DEQ.

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. 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.

Signed this 20<sup>th</sup> day of August, 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.

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