

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

FILED

MAY 2, 2013

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
)
Town of Basin)
209 4th Street)
Basin, WY 82410)
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)
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)

DOCKET NUMBER 5152-13

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Basin (Basin) operates a wastewater treatment facility (WWTF) in Big Horn County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0020028. The WWTF consists of a single cell, non-aerated lagoon system. The treated effluent is discharged to the Big Horn River (class 2AB water).
2. Discharge Monitoring Reports (DMRs) submitted by Basin over the past several years have documented numerous exceedances of permit effluent limits for BOD % removal, Fecal coliform, and flow which are all violations of the WYPDES discharge 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 March 2009. Since that time there have been regular exceedances of permit limits for the above defined 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 Basin shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of the Basin WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0020028. At a minimum, the plan should address:**

(A) The identification of the cause of BOD % removal and fecal permit exceedances;

(B) 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;

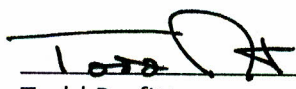
(C) All elements of the corrective action plan must be approved by DEQ.

2. The Town of Basin 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.

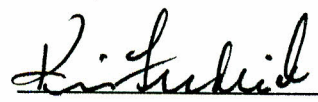
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 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 23rd day of May, 2013.



Todd Parfitt
Director
Department of Environmental Quality



Kevin Frederick
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.

TP/KF/KMW/bb/13-0409

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)
NOV Docket 5152-13
Environmental Quality Council
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)