CERTIFIED MAIL

November 27, 2009

**Mr. Larry Zoller**
**Town of Pavillion**
**PO Box 278**
**Pavillion, WY 82523-0278**

**RE: Notice of Violation and Order, Docket Number 4589-09**

Dear Mr. Zoller:

Attached is a Notice of Violation and Order, Docket Number **4589-09,** for recurring effluent violations of the Wyoming Pollution Discharge Elimination System (WYPDES) permit WY0020222 issued to the Pavillion'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.



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

| ADMIN/OUTREACH | ABANDONED MINES | AIR QUALITY | INDUSTRIAL SITING | LAND QUALITY | SOLID & HAZ. WASTE | WATER QUALITY |
|---|---|---|---|---|---|---|
| (307) 777-7937 | (307) 777-6145 | (307) 777-7391 | (307) 777-7369 | (307) 777-7756 | (307) 777-7752 | (307) 777-7781 |
| FAX 777-3610 | FAX 777-6462 | FAX 777-5616 | FAX 777-5973 | FAX 777-5864 | FAX 777-5973 | FAX 777-5973 |

**PLEASE DIRECT ALL INQUIRIES TO**: Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KW/bb/rm/9-1058

Enclosure: Notice of Violation and Order

cc: Lee Hanley, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Lou Harmon (PDF)
NOV Docket 4589-09
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)
James Brough, Lander DEQ Field Office (PDF)

**BEFORE THE**

**ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

| | | |
|---|---|---|
| **IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:** | ) | |
| **Town of Pavillion** | ) | |
| **PO Box 278** | ) | |
| **Pavillion, WY 82523-0278** | ) | |
| | ) | **DOCKET NUMBER 4589-09** |

**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. The Town of Pavillion (Pavillion) operates a wastewater treatment facility (WWTF) in Fremont County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0020222. The WWTF consists of a 3 cell, non-aerated lagoon system. The treated effluent is discharged to Pavillion-Ocean Lake #6 Drain (class 3B) via Ocean Lake (class 2ABWW) via Fivemile Creek (class 2AB) via Boysen Reservoir (class 2AB) of the Wind River Basin

2. Pavillion has documented numerous exceedances of fecal Coliform and pH permit effluent limits in submitted Discharge Monitoring Reports (DMRs) for 2009.

3. 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 (DEQ) 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 the Town of Pavillion will submit a comprehensive plan of action to correct the deficiencies of the WWTF for DEQ review and approval.**

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, 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.

Signed this 4 day of DEC, 2009.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

**PLEASE DIRECT ALL INQUIRIES TO**: Kevin M. Wells, WYPDES Compliance & Enforcement Program Coordinator, Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-8669.

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