



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

CERTIFIED MAIL

July 14, 2010

Mr. Bob Juve
City Engineer
Town of Torrington -Landfill
P.O. Box 250
Torrington, WY 82240

***RE: Notice of Violation and Order, Docket Number 4709-10
WYPDES Permit Authorization Number WYR001265***

Dear Mr. Juve:

Attached is a Notice of Violation and Order, Docket Number 4709-10, for failing to abide by WYPDES Authorization WYR001265 as required by the WYPDES Storm Water Permit.

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.

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

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| ADMIN/OUTREACH (307) 777-7937 FAX 777-3610 | ABANDONED MINES (307) 777-6145 FAX 777-6462 | AIR QUALITY (307) 777-7391 FAX 777-5616 | INDUSTRIAL SITING (307) 777-7369 FAX 777-5973 | 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 Torrington -Landfill

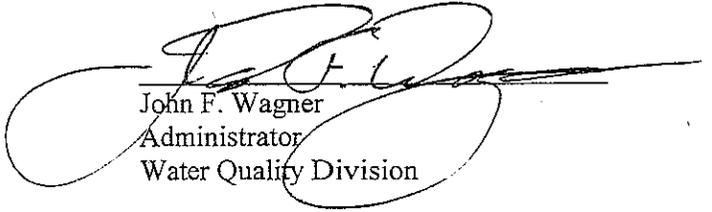
July 14, 2010

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PLEASE DIRECT ALL INQUIRIES TO: Kevin M. Wells, WYPDES Natural Resources Program Manager 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/SLW/bb/10-0598

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
James B. Eisenhauer, WYPDES Inspection Program Coordinator, Sheridan (PDF)
Bill DiRienzo ► Kevin M. Wells ► Barb Sahl (PDF)
NOV Docket 4709-10
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

Mr. Bob Juve)
City Engineer)
Town of Torrington)
P.O. Box 250)
Torrington, WY 82240)

DOCKET NUMBER 4709-10

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Torrington recently received new authorization with an Industrial storm water permit for the town's landfill facility (Torrington LF) located in Goshen County, Wyoming. The landfill site received authorization through the Wyoming Pollution Discharge Elimination System (WYPDES), authorization WYR001265 May 21, 2010. Prior to this authorization the original WYPDES authorization WYR001120 expired August 31, 2007.
2. The Wyoming Department of Environmental Quality, Water Quality Division (WQD) conducted an inspection of the facility on April 29, 2010. Violations from this inspection included the following: (1) operating under an expired WYPDES permit and no current Storm Water Pollution Prevention Plan (SWPPP); (2) comingling of storm water runoff with leachate or waste water from exposed garbage bails with the potential to discharge off of the site which is not covered under the general Industrial storm water permit; and (3) inadequate Best Management Practices (BMPs) to control erosion and transport of pollutants.
3. The Industrial General Permit-Storm water states in **Section 2.17.5: "Landfills, land application sites, and open dumps that receive or have received any industrial wastes"** are required to obtain authorization. Failure to meet this requirement is a violation of Chapter 2 of the Wyoming Water Quality Rules and Regulations.
4. The Industrial General Permit-Storm water states in **Section 10.2: Prohibition on non-storm water discharges** "All discharges covered by this permit shall be composed entirely of storm water or related effluents." Discharges which include material other than storm water or related effluents must obtain and comply with a WYPDES effluent permit issued for that discharge.
5. The Industrial General Permit-Storm water 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."

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. Torrington LF shall immediately submit to the WQD a Notice of Intent (NOI), and obtain coverage under the general industrial storm water permit. This information shall be received by the WQD no later than 30 days from the date of this NOV and Order.
2. Within 30 days of receipt of this NOV and Order Torrington 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 comingled storm water and other processed water has been eliminated.
3. Within 30 days of receipt of this NOV and Order Torrington LF shall develop and implement a signed and certified SWPPP, conduct and document the required self monitoring inspections as specified in the SWPPP, maintain records of the inspections, and maintain a copy of the general industrial storm water permit and the authorization letter. These records should be maintained on site and made available for review by DEQ upon request.

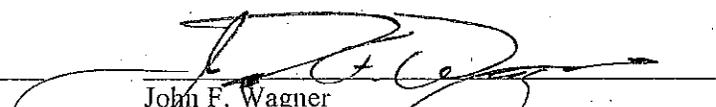
This ORDER is final unless, no later than ten (10) days after the date this notice is received; it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental 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 16th day of July, 2010.



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.

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