# Department of Environmental Quality

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

Matthew H. Mead, Governor

John Corra, Director


**CERTIFIED MAIL**

March 23, 2011

**Mr. Lex Madden**
**Torrington Livestock, LLC**
**626 West Valley Road**
**Torrington, WY 82240**

***RE: Notice of Violation and Order, Docket Number 4817-11***

Dear Mr. Madden:

Attached is a Notice of Violation and Order, Docket Number **4817-11,** for operating Torrington Livestock sale barn and facilities without authorization under a WYPDES Confined Animal Feeding Operation (CAFO) permit including the development and implementation of a Nutrient Management Plan (NMP) as required under Wyoming Water Quality Rules and Regulations (WQRR). The Department of Environmental Quality has completed an inspection of the facility and, based on the information collected, a permit for operation is deemed necessary for future operations at this facility.

**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) 777-7758 | (307) 777-6145 | (307) 777-7391 | (307) 777-7369 | (307) 777-7756 | (307) 777-7752 | (307) 777-7781 |
| FAX 777-7682 | FAX 777-6462 | FAX 777-5616 | FAX 777-6937 | FAX 777-5864 | FAX 777-5973 | FAX 777-5973 |

**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, 4th 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/KMW/bb/11-0265

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 (PDF)
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)

**BEFORE THE**

**ENVIRONMENTAL QUALITY COUNCIL**

**STATE OF WYOMING**

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| **IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:** | ) | |
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| | ) | |
| **Torrington Livestock, LLC** | ) | **DOCKET NUMBER 4817-11** |
| **626 West Valley Road** | ) | |
| **Torrington, WY 82240** | ) | |
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**NOTICE OF VIOLATION AND ORDER**

**NOTICE IS HEREBY GIVEN THAT:**

1. Mr. Lex Madden and Mr. Shawn Madden are the owners/operators of a livestock sale barn facility located in Torrington, Goshen County, Wyoming. Ongoing operations at the facility include the sale of livestock, video auctions, and holding pens for livestock.

2. Currently this facility has not operated as a designated Confined Animal Feeding Operation (CAFO). However, based on information obtained during past inspections and wet weather discharges that directly impact Torrington's waste water treatment facility, the Department of Environmental Quality requires the facility to apply for and receive a WYPDES discharge permit. This designation requires the submission of a WYPDES CAFO permit application and the development and implementation of a Nutrient Management Plan (NMP) as required under Wyoming Water Quality Rules and Regulations (WWQRR).

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. The owner/operator shall immediately submit the enclosed application for a WYPDES CAFO permit in compliance with WQRR. This completed application shall be received by the DEQ, Water Quality Division (WQD), no later than 60 days after the date of this NOV.

2. The owner/operator shall upon completion of the application request a meeting date with WQD to discuss a plan and schedule for full implementation of the CAFO permit. This meeting shall be held no later than 30 days after submittal of the permit application.

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 31 day of MARCH, 2011.

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.

JVC/JFW/KMW/bb/11-0265

Enclosure: CAFO Application Form

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Jim Eisenhauer, WYPDES Inspection Program Coordinator (PDF)
Bill DiRienzo ▶ Brian K. Lovett ▶ Kevin M. Wells (PDF)
Environmental Quality Council (PDF)
Director, DEQ
Keith Guille, DEQ Public Information Office (PDF)