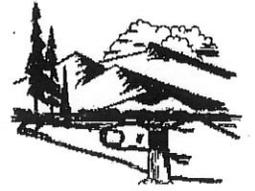




Department of Environmental Quality

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

February 8, 2012

Teton Village Water & Sewer District
Attn: Mr. Leslie Gibson
P.O. Box 586
Teton Village, WY 83025

RE: Notice of Violation, Docket Number 4958-12

Dear Mr. Gibson:

Attached is a Notice of Violation, Docket Number 4958-12, for violation of permit limits and conditions, violation of reporting standards, violation of sampling requirements, and modification of a permitted facility without Department approval, all in violation of Underground Injection Control Permit 03-279.

The Water Quality Division has the authority to resolve violations with an out-of-court settlement agreement through the payment of a penalty by Teton Village Water and Sewer District. If Teton Village Water and Sewer District wishes to pursue resolution of the noted violations through such an agreement, please contact Mr. John Passehl, UIC Geology Supervisor at (307) 777-5623 within twenty-one (21) days of the date of this letter to discuss resolution to this matter.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

JVC/JFW/JAP/bb/12-0076

Enclosure: Notice of Violation
cc: Steve Pratt, EPA Region 8
Kevin Frederick, DEQ
John Passehl, DEQ (PDF only)
IPS (for scanning)
Docket 4958-12
Keith Guille, DEQ Public Information Officer (PDF File Only)

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) 777-6146 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5816	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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BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
STATE OF WYOMING

**IN THE MATTER OF THE NOTICE OF)
VIOLATION ISSUED TO:**)

)
Teton Village Water & Sewer District)
Attn: Mr. Leslie Gibson)
P.O. Box 586)
Teton Village, WY 83025)
)

DOCKET NUMBER 4958-12

NOTICE OF VIOLATION

NOTICE IS HEREBY GIVEN THAT:

1. **Teton Village Water & Sewer District** is the owner and operator of a municipal wastewater treatment facility located in Section 24, Township 42 North, Range 117 West in Teton County, Wyoming. The owner obtained permit coverage for injection of 700,000 gallons per day (maximum) of treated effluent into the Snake River alluvium on September 18, 2003 for the following wells:

Permit	Facility Number	Injection Wells
03-279	WYS-039-042	RC-1, RC-2, RC-3

2. Teton Village Water & Sewer District is in violation of Underground Injection Control Permit 03-279, Section D (ENVIRONMENTAL MONITORING PROGRAM FOR GROUND WATERS OF THE STATE) Condition #4, Section F (RECORDS AND REPORTS) Condition #2, and Wyoming Water Quality Rules and Regulations, Chapter 16, Section 5(b)iv for modifying a permit without approval of the Administrator. Modification of the permit occurred when Monitor Well OH-19 was covered with road pavement without informing the Department until December 16, 2011 (five (5) days prior to a site inspection). Additionally, water quality results for Monitor Well OH-19 were submitted by averaging results from two (2) nearby monitor wells (OH-18; OH-20) without informing the Department until December 16, 2011. The Department did not authorize averaging results from two (2) nearby monitor wells for well OH-19 that is inaccessible beneath the pavement.
3. On January 10, 2012 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) was notified that lab bench sheet #1 was shredded and lab bench sheet #2 was modified for the month of November 2011. Teton Village Water & Sewer District is in violation of Underground Injection Control Permit 03-279, Section F (RECORDS AND REPORTS) Conditions #1 and #7.
4. Teton Village Water & Sewer District is in violation of Underground Injection Control Permit 03-279, Section C (AUTHORIZED OPERATIONS) and Section E (REQUIREMENTS FOR MONITORING THE DISCHARGE) for November 2011 (bench sheet #3) for violating permit limits of the injectate for nitrate (as N).
5. Teton Village Water & Sewer District is in violation of Underground Injection Control Permit 03-279, Section F (RECORDS AND REPORTS) Condition #4, for November 2011 (bench sheet #3) for not reporting any noncompliance within 24 hours (orally) and not submitting the required written submission within five (5) days of the date of noncompliance.
6. Teton Village Water & Sewer District is in violation of Underground Injection Control Permit 03-279, Section D (ENVIRONMENTAL MONITORING PROGRAM FOR GROUND WATERS OF THE STATE) Condition #1, for not purging monitor wells to obtain representative samples.

Clean up
Efforts
Did occur

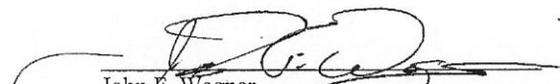
7. On January 9, 2012, January 31, 2012, and February 2, 2012 the Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) was notified that the plant had approximately a 6,000 gallon raw sewage spill that overflowed a manhole on to the Teton Village "Tram Tower" parking lot and into a storm drain on December 31, 2011.
8. The Department of Environmental Quality has no record of authorization allowing discharge of raw sewage at the ground surface for this facility.
9. Raw sewage contains "pollution" as defined in W.S. 35-11-103(c)(i).
10. The discharge referenced above threatened to enter "Waters of the State" as defined under W.S. 35-11-103(c)(vi).
11. By threatening to discharge pollution into waters of the State, Teton Village Water & Sewer District is in violation of W.S. 35-11-301(a)(i) which states that no person, except when authorized by a permit issued by the Department of Environmental Quality, shall cause, threaten, or allow the discharge of any pollution or wastes into the waters of the state.
12. Pursuant to Wyoming Statute 35-11-901(a), any person who violates, or any director, officer or agent of a corporate permittee who willingly and knowingly authorizes, orders or carries out the violation of any provision of the Environmental Quality Act (Act), or any rule, regulation, standard or permit adopted hereunder or who violates any determination or order of the council pursuant to this act or any rule, regulation, standard, permit, license or variance is subject to a penalty not to exceed ten thousand dollars and no cents (\$10,000.00) for each violation for each day during which the violation continues, a temporary or permanent injunction, or both a penalty and an injunction. The penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming. Nothing herein shall preclude the department from negotiating stipulated settlements involving the payment of a penalty, implementation of compliance schedules or other settlement conditions, in lieu of litigation.

NOTHING IN THIS NOTICE OF VIOLATION (NOV) shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this NOV be interpreted as being a condition precedent to any other enforcement action.

Signed this 9th day of February, 2012



John V. Corra
Director
Department of Environmental Quality



John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: John Passehl, UIC Geology Supervisor at the Wyoming Department of Environmental Quality, Water Quality Division, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Telephone 307-777-5623.

JVC/JFW/JAP/bb/12-0076

- cc: Steve Pratt, EPA Region 8
Kevin Frederick, WDEQ
John Passehl, WDEQ (PDF file only)
IPS (for scanning) NOV Docket 4958-12
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John Corra, DEQ Director