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 April 26, 2012

Ms. Amber George
Town of Superior
PO Box 40
Superior, WY 82945-0400

RE: Notice of Violation and Order, Docket Number 4990-12

Dear Ms. George:

Attached is a Notice of Violation and Order, Docket Number **4990-12,** for recurring effluent violations of the Wyoming Pollution Discharge Elimination System (WYPDES) permit WY0021806 issued to the town of Superior'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.

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 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/12-0374

Enclosure: Notice of Violation and Order

cc: David Gwisdalla, 8ENF-W-NP, EPA Region 8 (PDF)
Bill DiRienzo ► Kevin M. Wells ► Rich Cripe (PDF)
NOV Docket 4990-12
Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)

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

DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	
Town of Superior	)	
PO Box 40	)	
Superior, WY 82945-0400	)	
	)	**DOCKET NUMBER 4990-12**
	)	
	)	
	)	

NOTICE OF VIOLATION AND ORDER

NOTICE IS HEREBY GIVEN THAT:

1. The Town of Superior (Superior) operates a wastewater treatment facility (WWTF) in Sweetwater County, Wyoming which is permitted to discharge through the Wyoming Pollution Discharge Elimination System (WYPDES), permit number WY0021806. The WWTF has a 3 cell, non-aerated lagoon system. The treated effluent is discharged to Horsethief Canyon Creek (class 3B).

2. The WYPDES database records indicate Superior has submitted quarterly Discharge Monitoring Reports (DMRs) which reported effluent exceedances of E-coli dating back to 2009.

3. The Wyoming Department of Environmental Quality/Water Quality Division (DEQ) has issued multiple Letters of Violation (LOV) for these recurring effluent violations dating back to April, 2009. Since that time there have been regular exceedances of permit limits for E-coli.

4. The Wyoming Department of Environmental Quality/Water Quality Division (DEQ) issued Notice of Violation Docket No. 4678-10 on April 28, 2010 for recurring exceedances of E-coli, numerous missed samples, and reporting errors on discharge monitoring reports (DMRs) which are violations of WYPDES permit conditions.

5. The actions taken by the town in response to the past enforcement actions have not been successful in achieving consistent compliance.

6. 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 Superior shall contact the DEQ and arrange for a meeting to take place in Cheyenne to discuss a comprehensive plan of action to identify the causes and to correct the deficiencies of the Superior WWTF.**

2. **Within 60 days from the receipt of this Notice of Violation (NOV) the Town of Superior shall submit a comprehensive plan of action to identify the causes and to correct the deficiencies of**

the Superior WWTF. This plan must demonstrate the technical capacity to satisfy the parameters of the permit WY0021806. At a minimum, the plan should address:

(A) The installation and maintenance of treatment for the discharge and a timetable for implementation;

(B) The identification of the cause of E-coli exceedances;

(C) 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;

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

3. **The Town of Superior 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 27th day of April, 2012.

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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