

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

In the Matter of the Notice of Violation)
and Order Issued to:)
Torrington Livestock Markets, LLC) Docket No. 11-3204A
626 West Valley Road)
Torrington, WY 82240)

FILED

NOV 19 2014

Jim Ruby, Executive Secretary
Environmental Quality Council

JOINT STATUS REPORT

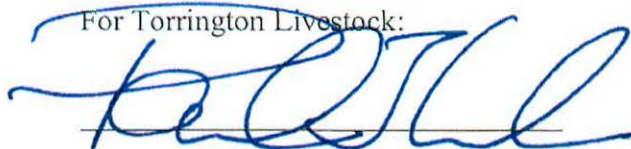
1. By letter dated April 13, 2011 (filed April 14, 2011), Petitioner Torrington Livestock Markets, LLC (Torrington Livestock) requested a hearing before the Wyoming Environmental Quality Council (Council) in the above-captioned matter to appeal Notice of Violation and Order No. 4817-11, issued by Respondent Wyoming Department of Environmental Quality (Department) to Torrington Livestock on March 31, 2011. The Notice of Violation and Order focused on alleged violations of Wyoming's Water Quality Rules and Regulations at Torrington Livestock's auction facility in Torrington, Wyoming. The allegations related to the management of storm water run-off from the facility.
2. On September 22, 2011, the parties filed a *Joint Stipulation and Request for Stay* requesting that the Council stay proceedings in the case while the parties participated in good faith negotiations to resolve this matter. The Council stayed further proceedings until July 31, 2012, pursuant to its October 5, 2011 *Order Approving Joint Stipulation and Request for Stay*.
3. On April 12, 2012, the U.S. Environmental Protection Agency (EPA) notified Torrington Livestock that it may be subject to certain federal wastewater pretreatment regulations (in 40 C.F.R. Part 403) for discharges from the auction facility to the City of Torrington's wastewater treatment facility, and requested information from Torrington Livestock regarding its livestock operations.
4. On October 23, 2012, the parties filed a *Joint Stipulation and Request to Extend Stay* requesting that the Council stay further proceedings in the case pending resolution of EPA's investigation, as the outcome of EPA's investigation and potential regulatory action had the potential to significantly influence the resolution of this matter. The Council stayed further proceedings pursuant to its October 23, 2012 *Order Approving Joint Stipulation and Request to Extend Stay*.
5. The October 23, 2012 *Order* and underlying *Joint Stipulation* required the parties to file a statement with the Council within ninety (90) days after receiving notice from EPA or the

City of Torrington regarding whether and to what extent Torrington Livestock must comply with EPA's wastewater pretreatment regulations. In that statement, the parties are to propose a process and schedule for moving forward with or resolving this matter.

6. On August 18, 2014, EPA notified Torrington Livestock by letter that the facility was not subject to the federal pretreatment standards at this time. EPA's decision allows the parties to move forward with constructive settlement negotiations focused on the alleged storm water management violations at the auction facility. The parties received EPA's letter on or about August 21, 2014.
7. Since receiving EPA's letter, the parties have engaged in good faith settlement negotiations. The parties met at the Torrington Livestock facility on October 28, 2014 to discuss a process for resolving this matter. The parties toured the facility and inspected the existing storm water management system. Engineers for both parties were present during the site visit to discuss technical solutions. The engineers are scheduled to meet again on November 25, 2014 to review technical proposals for resolving this matter.
8. The parties are in agreement that further time is needed for the engineers to identify and refine technical solutions for resolving this matter. The parties therefore propose to provide another status report to the Council by January 12, 2015, and can appear at the Council's scheduled hearing in January (which is currently scheduled for January 14 and 15) to answer questions regarding the status of this matter.
9. By March 31, 2015, the parties will file with the Council a notice of settlement, a proposed contested case management order, or other similar notice informing the Council how the parties intend to proceed with or dispose of this case.

Respectfully submitted, this 17th day of November, 2014.

For Torrington Livestock:



Pat Crank
Counsel for Torrington Livestock
Markets, LLC

For the Department:

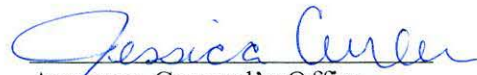


Jeremy Gross
Counsel for the Wyoming Department of
Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of November, 2014, a true copy of the foregoing *Joint Status Report* was emailed, to the following:

Patrick J. Crank
pat@cranklegalgroup.com


Attorney General's Office