

**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)

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 were 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, and have remained in contact since that time to continue working on those technical solutions.
8. The parties filed a Joint Status Report on November 17, 2014, indicating that they would provide another status report to the Council by January 12, 2015, and could appear at the Council's scheduled hearing on January 14, 2015 to answer questions regarding the status of this matter. The parties also indicated that by March 31, 2015, they would file 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. The parties remain on target to provide such notice to the Council by March 31.
9. The undersigned counsel for the Wyoming Department of Environmental Quality will be available to answer questions regarding the status of this matter during the Council's January 14 hearing, should the Council have such questions.

Respectfully submitted, this 12th day of January, 2015.

For the Department:

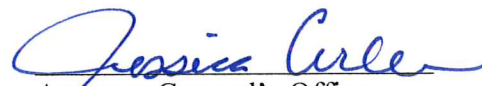


Dave Ross
Counsel for the Wyoming Department of
Environmental Quality

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of January, 2015, a true copy of the foregoing *Status Report* was emailed, to the following:

Patrick J. Crank
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Attorney General's Office