



Department of Environmental Quality



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

Dave Freudenthal, Governor

John Corra, Director

CERTIFIED MAIL

March 25, 2009

High Plains Ranch Homeowners Association
7911 Archies Road
Cheyenne, WY 82001-9211
Attn: Joe Harmon, President

RE: Notice of Violation and Order Docket Number 4464-09

Dear Mr. Harmon:

Enclosed is a copy of Notice of Violation and Order issued to the High Plains Ranch Homeowners Association (High Plains Ranch) for the operation of a public drinking water distribution system without the supervision of certified personnel, which is a violation Wyoming Statute 35-11-302 (a)(iv). You, as President of the High Plains Ranch, are considered to be the legal representative of the High Plains Ranch.

ANY APPEALS TO THE ENVIRONMENTAL QUALITY COUNCIL FROM THE ATTACHED ORDER MUST BE MADE IN WRITING WITHIN THE TEN (10) DAY LIMIT PRESCRIBED BY WYOMING STATUTE 35-11-701(c). Chapter 1, Section 3 of the enclosed Department of Environmental Quality Rules of Practice and Procedures set forth the requirements for the initiation of appeal proceedings. You are urged to review all of the provisions of the attached Rules of Practice and Procedures as they relate to this action.

To appeal this Order and request a hearing, you must file two (2) copies of your written petition. The first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council; 122 West 25th Street; Herschler Building, 1st Floor West, Room 1714; Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality; 122 West 25th Street; Herschler Building, 4th Floor West; Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail return receipt requested.

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Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

ADMIN/OUTREACH (307) 777-7937 FAX 777-3610	ABANDONED MINES (307) 777-6145 FAX 777-6462	AIR QUALITY (307) 777-7391 FAX 777-5616	INDUSTRIAL SITING (307) 777-7369 FAX 777-5973	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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Joe Harmon
High Plains Homeowners Association
NOV and Order Docket No. 4464-09
March 25, 2009

If you have any questions or comments concerning this matter, please contact Ms. Kimberly Parker, Operator Certification Program Administrator, at (307) 777-6128.



John F. Wagner
Administrator
Water Quality Division

JFW/KSP/rm/9-0243

Enclosure: Notice of Violation and Order
Operator Designation Form Instructions
Rules of Practice and Procedure

cc: Chair, Environmental Quality Council
Keith Guille, DEQ Public Information Officer
Kimberly Parker, Operator Certification Program Administrator
Rich Cripe, DEQ/WQD Southeast District Engineer

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

Joe Harmon, President)
High Plains Ranch Homeowners Association)
7911 Archies Road)
Cheyenne, WY 82001-9211)

DOCKET NUMBER 4464-09

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to the High Plains Ranch Homeowners Association (High Plains Ranch), pursuant to Wyoming Statute 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.
2. Mr. Joe Harmon is the President of High Plains Ranch, a community public water system (PWS), PWS Identification Number WY5600260, located at 7911 Archies Road, Cheyenne, Laramie County, Wyoming.
3. Mr. Harmon has operated High Plains Ranch without the supervision of a certified operator since April 1978.
4. Mr. Harmon has failed to provide facility configuration information to the DEQ as is required by Wyoming Water Quality Division (WQD) Rules and Regulations, Chapter 5.
5. Pursuant to Wyoming Statute 35-11-901(a), any person who violates any provision of the Environmental Quality Act (Act), or any order, rule, standard, permit license, or variance adopted there under, 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. 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.

ORDER

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL – STATE OF WYOMING

WHEREFORE IT IS HEREBY ORDERED THAT:

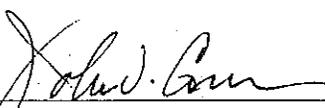
1. Within 30 days of the receipt of this order, contact Rich Cripe, DEQ Southeast District Engineer, at 307-777-7075 or rcripe@wyo.gov and schedule and conduct a facility classification of the High Plains Ranch.
2. No later than 30 days from the receipt of this order, retain an appropriately certified chief operator to comply with the standards of Chapter 5, WQD Rules and Regulations (Chapter 5).
3. No later than 30 days from the receipt of this order, submit an operator designation form for the chief operator to comply with the standards of Chapter 5, WQD Rules and Regulations (Chapter 5).

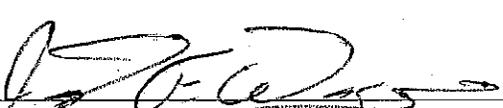
4. No later than 30 days from the receipt of this order, retain a backup operator that either has appropriate certification or that will achieve appropriate certification within six months to comply with the standards of Chapter 5, WQD Rules and Regulations (Chapter 5).
5. No later than 30 days from the receipt of this order, submit an operator designation form for the backup operator to comply with the standards of Chapter 5, WQD Rules and Regulations (Chapter 5).

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; 122 West 25th Street; Herschler Building, 1st Floor West; Room 1714; Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality; 122 West 25th Street; Herschler Building, 4th Floor West; Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail return receipt requested.

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

Ordered this 30 day of MARCH, 2009.


John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

JVC/JFW/KSP/rm/9-0243

PLEASE DIRECT ALL INQUIRIES TO: Kimberly Parker, Operator Certification Program Administrator, Water & Wastewater Section, Wyoming Department of Environmental Quality; 122 West 25th Street; Herschler Building, 4th Floor West; Cheyenne, Wyoming 82002 Telephone 307-777-6128.

cc: Chair, Environmental Quality Council
Keith Guille, WQD Public Information Officer
Kimberly Parker, Operator Certification Program Administrator
Rich Cripe, DEQ/WQD Southeast District Engineer