FILED

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

AUG 17 2009

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO: Robert Senitte, President Painter Estates Homeowners Association P.O. Box 2967 Cody, Wyoming 82414	))))))	Docket No. 09-3212A

JOINT STIPULATION FOR DISPOSITION AND DISMISSAL OF APPEAL

Petitioner Painter Estates Homeowners Association (Painter Estates) filed an Appeal and Request for Hearing before the Wyoming Environmental Quality Council (EQC) on April 27, 2009 in the above-captioned matter to contest Notice of Violation (NOV) & Order No. 4437-09 issued by the Wyoming Department of Environmental Quality (DEQ). Respondent DEQ filed a Response on May 28, 2009. Petitioner Painter Estates and Respondent DEQ are the only parties in this contested case. Chapter I, Section 11 of the DEQ Rules of Practice & Procedure provides for disposition of contested cases by stipulation of the parties upon approval of the EQC. In order to resolve this matter prior to hearing, Painter Estates and DEQ now jointly stipulate to disposition and dismissal of this appeal as follows:

1. Painter Estates' compliance with all of the terms specified below will constitute compliance with and satisfy contested Order No. 4437-09:

a) By December 31, 2009, Painter Estates shall properly plug and abandon monitor wells #1 and #2.

b) By September 1, 2009, Painter Estates shall provide to DEQ for review and approval prior to installation detailed construction plans and specifications (including proposed well locations and well design) and a Chapter 3 permit application form for replacement and relocation of monitor well #1 and monitor well #2. Painter Estates will coordinate with DEQ to ensure that all permitting requirements are fulfilled prior to construction.

c) Painter Estates shall complete installation of replacement monitor wells #1 and #2 in accordance with the approved plans within ninety (90) days after DEQ approves the plans.

d) Within 7 days after installation of replacement monitor wells #1 and #2 is completed, Painter Estates shall monitor and collect samples from each well and have them sampled and analyzed in accordance with the existing permit and provide documentation of the sampling and analytical results to DEQ within thirty (30) days of receipt of those results.

e) Thereafter, Painter Estates shall continue to monitor and sample replacement wells #1 and #2 in accordance with the existing permit. Painter Estates shall provide monitor reports to DEQ on schedule, whether or not the well(s) contain fluid.

f) Painter Estates shall continue to take measures necessary to assure that all monitor wells and other access points to the septic system (i.e. cleanouts, infiltrator inspection ports, manholes, etc.) remain secured and locked to prevent unauthorized access.

g) By October 1, 2009, Painter Estates shall install gaskets between the manhole covers and manholes at the two manholes above system #2 to prevent runoff from entering the system.

h) By December 31, 2009, Painter Estates shall enclose the two Painter Estates' water supply wells within well houses, and keep them locked to prevent unauthorized access.

i) By October 1, 2009, Painter Estates shall provide to DEQ an 'as-built', or 'red line' construction detail and narrative that illustrates and describes actual changes and deviations from the permitted septic system plan and design.

j) By September 1, 2009, Painter Estates shall have the septic tanks pumped out. Septic tanks shall be visually inspected and the scum depth measured annually using a steel tape or bar. Tanks shall be pumped out at least once every five years or when the scum depth reaches 1/6 of the tank height (approximately 1 foot 3 inches thick), whichever occurs sooner.

2. The parties jointly stipulate and agree that the EQC should enter an Order approving, incorporating and binding them, their successors and assigns to this joint stipulation and dismissing Painter Estates' appeal in Docket No. 09-3212A.

3. Each party shall bear its own costs and attorney fees through the filing of this joint stipulation.

WHEREFORE, Painter Estates and DEQ request that the EQC enter an Order approving, incorporating and binding them to this joint stipulation and dismissing Painter Estates' appeal in Docket No. 09-3212A.

DATED this 11 day of August, 2009.

FOR PAINTER ESTATES
HOMEOWNERS ASSOCIATION

Doc Asay, President
Painter Estates Homeowners Association

FOR WYOMING DEPARTMENT
OF ENVIRONMENTAL QUALITY

John Wagner, Administrator
DEQ Water Quality Division

APPROVED AS TO FORM:

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