



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

October 5, 2009

CERTIFIED MAIL

Derek Wilson, Wyoming District Facilities Manager
American Residential Communities
Breazeale's Mobile Home Park
8201 Spinnaker Drive, Suite B-2
Windsor, CO 80528

RE: Notice of Violation and Order Docket Number 4572-09

Dear Mr. Wilson:

Enclosed is a copy of Notice of Violation and Order issued to the American Residential Communities (ARC) Breazeale's Mobile Home Park for the operation of a distribution system without the supervision of certified personnel, which is a violation of Wyoming Statute 35-11-302 (a)(iv) and failure to meet construction standards required by 35-11-301(a)(v). Mr. Wilson, Wyoming District Facilities Manager for ARC, is considered the legal representative of the entity in question.

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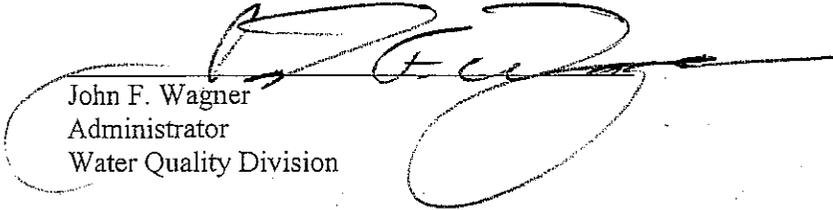
Herschler Building • 122 West 25th Street • Cheyenne, WY 82002 • <http://deq.state.wy.us>

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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*Derek Wilson
American Residential Communities
Breazeale's Mobile Home Park
NOV and Order Docket No. 4572-09
October 5, 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/9-0880

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

cc: Keith Guille, DEQ Public Information Officer (PDF)
Kimberly Parker, Operator Certification Program Administrator (PDF)
Rich Cripe, WQD Southeast District Engineer (PDF)
Tanya Bowen, Breazeale's Mobile Home Park Community Manager
Breazeale's Mobile Home Park file

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

**Mr. Derek Wilson, Wyoming Dist. Facilities Manager
American Residential Communities
Breazeale's Mobile Home Park
8201 Spinnaker Drive, Suite B-2
Windsor, CO 80528**

Docket Number 4572-09

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to American Residential Communities (ARC)--Breazeale's Mobile Home Park (Breazeale's MHP) 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 shall cause a written notice to be issued and served upon the person alleged to be responsible.
2. Mr. Wilson is the Wyoming District Facilities Manager of ARC--Breazeale's MHP, a community public water system (PWS), PWS Identification Number WY5601279, located in Laramie, Albany County, Wyoming.
3. ARC has operated Breazeale's MHP without the supervision of a certified operator since May 6, 2009.
4. ARC has operated Breazeale's MHP with working pressures less than 35 psi.
5. ARC has operated Breazeale's MHP without backflow prevention devices.
6. Wyoming Water Quality Rules and Regulations, Chapter 5, Sections 3(a) and (b), Section 4(a) and Section 5(a) require that a certified chief and backup operator be designated for each regulated facility.
7. Wyoming Water Quality Rules and Regulations, Chapter 12, Sections 14(b)(i); Chapter 11 Part F, Section 59(b) and Section 59(c), requires that the normal working pressure in the distribution system shall be not less than 35 psi.
8. Wyoming Water Quality Rules and Regulations, Chapter 12, Sections 14(i)(i) requires that there shall be no water service connection installed or maintained between a public water supply and any water user whereby unsafe water or contamination may backflow into the public water supply.
9. Pursuant to Wyoming Water Quality Rules and Regulations, Chapter 12, Sections 14(i)(i)(A), to protect all public water supplies from the possibility of the introduction of contamination due to cross connections, the water supplier shall require backflow prevention devices for each water service connection. The water supplier shall take appropriate actions which may include immediate disconnection for any water user that fails to maintain a properly installed backflow prevention device or comply with other measures as identified in Section 14 (i) of these regulations.
10. 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:

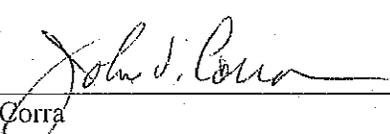
1. No later than 30 days from the receipt of this order, retain an appropriately certified chief operator to comply with Water Quality Division (WQD) Rules and Regulations Chapter 5.
2. No later than 30 days from the receipt of this order, return the enclosed operator designation form for the chief operator to comply with WQD Rules and Regulations Chapter 5.
3. No later than 30 days from the receipt of this order, retain a backup operator that either has appropriate certification or will achieve appropriate certification within six months to comply with WQD Rules and Regulations Chapter 5.
4. No later than 30 days from the receipt of this order, return the enclosed operator designation form for the backup operator to comply with WQD Rules and Regulations Chapter 5.
5. No later than 60 days from the receipt of this order, retain a licensed Wyoming Engineer to address the issues of backflow prevention devices and the normal working pressure in the distribution system to comply with the standards of Chapter 12, Chapter 11 Part F Section 59, and Chapter 3, WQD Rules and Regulations. A letter from the licensed Wyoming Engineer addressed to the WQD Southeast District Engineer is required as proof that a licensed Wyoming Engineer has been retained.
6. No later than 6 months from the receipt of this order, submit a signed application for a permit to construct, to include a stamped and signed design report with plans, to the WQD Southeast District Engineer for review. The permit to construct will address backflow prevention devices and normal working pressure in the distribution system that will maintain a minimum pressure of 35 psi to comply with the standards of Chapter 12, Chapter 11 Part F Section 59, and Chapter 3, WQD Rules and Regulations. The application for a permit to construct must also be reviewed and approved within this time frame.
7. No later than 20 months from the receipt of this order, complete construction as permitted. A certificate of completion, signed by both the licensed Wyoming Engineer and the owner and returned to the WQD Southeast District Engineer, is required as proof of completion.

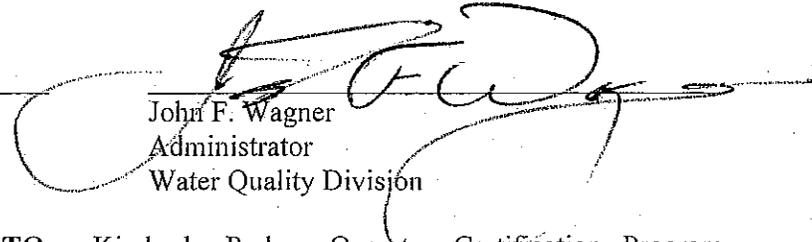
This ORDER is final unless, no later than ten (10) days after the date this Notice is received, it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental 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 _____ day of _____, 2009.

Derek Wilson
American Residential Communities
Breazeale's Mobile Home Park
NOV and Order Docket No. 4572-09
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John V. Corra
Director
Department of Environmental Quality


John F. Wagner
Administrator
Water Quality Division

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.

JVC/JFW/KSP/rm/9-0880

xc: Keith Guille, WQD Public Information Officer (PDF)
Kimberly Parker, Operator Certification Program Administrator (PDF)
Rich Cripe, WQD Southeast District Engineer (PDF)
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