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 4, 2010

James J. Pace
314 Pine Street
Douglas, Wyoming 82633

and

Peter J. Moore and Bonnie A. Smith-Moore
103 Hwy 59
Douglas, Wyoming 82633

RE: Notice of Violation and Order, Docket Number 4631-10
Grassland Mobile Home Park – Construction and Operation of a Public Water Supply System and Sewerage System without permits and discharging wastes without a permit

Lady and Gentlemen:

Enclosed is a Notice of Violation and Order, Docket Number 4631-10, issued to Jim Pace, Peter Moore and Bonnie Smith-Moore for the construction, installation, modifying or operation of any Public Water Supply System and any Sewerage System without permits which is a violation of Wyoming Statutes 35-11-301 (a)(v) and 35-11-301 (a)(iii). In addition, this facility discharged waste without a permit which is a violation of Wyoming Statute 35-11-301 (a)(i). Lastly, Grasslands MHP also operated a distribution system without the supervision of certified personnel, which is a violation of Wyoming Statute 35-11-302 (a)(iv). Jim Pace, Peter Moore and Bonnie Smith-Moore, Owners, are the legal representatives 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 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 Rules of Practice and Procedures as they relate to this action. The Rules of Practice and Procedures may be obtained at http://deq.state.wy.us/wqd/DEQPandP.pdf

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.

If you have any questions or comments concerning this matter, please contact Mr. Rich Cripe, WQD South East District Engineer, at (307) 777-7075.

John F. Wagner
Administrator
Water Quality Division

JFW/RRC/bb/10-0172

Enclosure: Notice of Violation and Order Docket Number 4631-10

cc: Chair, Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)
Rich Cripe, Southeast District Engineer, Cheyenne (PDF)
Adrienne Nunn, Project Engineer, Cheyenne (PDF)
Kim Parker, Operator Certification Program Administrator (PDF)

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION AND ORDER ISSUED TO:	)	
	)	**DOCKET NUMBER 4631-10**
James J. Pace **314 Pine Street** **Douglas, Wyoming 82633**	)	
And	)	
Peter J. Moore and Bonnie A. Smith-Moore **103 Hwy 59** **Douglas, Wyoming 82633**	)	

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Grasslands Mobile Home Park (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 (DEQ) shall cause a written notice to be issued and served upon the person alleged to be responsible.

2. On December 11, 2009, an on-site inspection of the water and sewer systems serving the MHP was conducted by Rich Cripe. The property has 23 occupied trailers and approximately 40 residents. This MHP does not have permits for its sewerage system or water system. The MHP has been in operation since 1976.

3. Mr. Pace and Mr. and Mrs. Moore are the Owners of the MHP, a community public water system (PWS), PWS Identification Number WY5601629, located in Douglas, Converse County, Wyoming.

4. A review of the DEQ records shows that Mr. Pace and Mr. and Mrs. Moore have operated the MHP water supply system without the supervision of a certified operator.

5. Wyoming Statute (W.S.) 35-11-302 (a)(iv) requires that the operation of a community water system shall be under the supervision of certified personnel.

6. During the inspection December 11, 2009, the owners admitted that sewage had been discharged on the surface.

7. Wyoming Statute (W.S.) 35-11-301 (a)(i) states: No person, except when authorized by a permit issued pursuant to the provisions of this act, shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the state.

8. A review of DEQ records and Converse County Delegated Small Wastewater Program records could not locate any permits for the MHP septic tanks and leachfields.

9. Wyoming Statute (W.S.) 35-11-301 (a)(iii) stipulates that a permit is required for the construction, installation, modifying or operation of any sewerage system.

10. A review of DEQ records could not locate any permits for the MHP community public water supply wells or distribution system.

11. Wyoming Statute (W.S.) 35-11-301 (a)(v) stipulates that a permit is required for the construction, installation, modifying or operation of any public water supply system.

12. 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, the MHP shall retain an appropriately certified chief operator to comply with health and safety aspects of the public water supply.

2. No later than 30 days from the receipt of this order, the chief operator will disinfect the water system in accordance with procedures provided by DEQ.

3. No later than 30 days from the receipt of this order, the MHP shall return the enclosed operator designation form for the chief operator to comply with WQD Rules and Regulations Chapter 5.

4. No later than 60 days from the receipt of this order, the MHP shall 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.

5. No later than 60 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.

6. No later than 30 days from the receipt of this order, the operator of this MHP shall hire a sewage hauler. The waste shall be hauled to a publicly owned treatment works and disposed of properly. As proof the sewage hauler has been hired, a signed agreement with the sewage hauler must be submitted to the WQD Southeast District Engineer. The operator of this MHP shall submit a quarterly report to the WQD Southeast District Engineer. This report shall include receipts from the receiving station that accepts the waste as well as the number of people living in the MHP monthly.

7. No later than 60 days from the receipt of this order, the MHP shall retain a licensed Wyoming Engineer to address modifications to the public water system to comply with the standards of Chapter 12 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.

8. No later than 60 days from the receipt of this order, the MHP shall retain a licensed Wyoming Engineer to address modifications to the sewage system and a licensed Wyoming Geologist to address the site geology to comply with the standards of Chapter 16 Rules and Regulations. A letter from the licensed Wyoming Engineer and Geologist addressed to the WQD Underground Injection Control (UIC) program is required as proof that a licensed Wyoming Engineer and Geologist has been retained.

9. No later than 7 months from the receipt of this order, the MHP shall 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 shall address the public water system and how it will be modified to comply with the standards of Chapter 12 Rules and Regulations. Request for additional information must be submitted within 30 days.

10. No later than 9 months from the receipt of this order, the MHP shall submit a signed application for a UIC 5E3 domestic subsurface fluid distribution system permit. Include an engineer stamped and signed design report with plans as well as a geologist stamped and signed geology report, to the UIC program for review. The UIC application shall address the current sewage system and how it will be modified to comply with the standards of Chapter 16 Rules and Regulations. Requests for additional information must be submitted within 30 days.

11. No later than 20 months from the receipt of this order, the MHP shall complete water system 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 for the public water supply system.

12. No later than 20 months from the receipt of this order, the MHP shall complete wastewater system construction as permitted. A notice of construction completion form, signed by the licensed Wyoming Engineer, the licensed Wyoming Geologist, and the owner, and returned to the UIC program is required as proof of completion for the domestic subsurface fluid distribution system.

13. No later than 90 days from the receipt of this order, MHP shall submit a signed application for a permit to construct for a small wastewater system. This process will only occur if the MHP decides to down size their wastewater system to 5 trailers or less. If this condition is met, the MHP will not be required to submit a UIC application as described above. The permit to construct will address the wastewater system and how it will be modified to comply with the standards of Chapter 11 Rules and Regulations.

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 NOV 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 11 day of March, 2010.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Richard R. Cripe, P.E., SE District Engineer, Water & Wastewater Section, Wyoming Department of Environmental Quality, 122 W. 25TH Street 4-W, Cheyenne, WY 82002 Telephone 307-777-7075.

JVC/JFW/RRC/bb/10-0172

Enclosures: Two operator designation forms

xc: Chair, Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)
Rich Cripe, Southeast District Engineer, Cheyenne (PDF)
Adrienne Nunn, Project Engineer, Cheyenne (PDF)
Kim Parker, Operator Certification Program Administrator (PDF)