



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

March 17, 2010

CERTIFIED MAIL

Dan Alexander, Owner
Mountain Village Parks, Inc.
PO Box 1226
Big Piney, WY 83113-1226

RE: Notice of Violation and Order Docket Number 4602-09

Dear Mr. Alexander:

Enclosed is a copy of a Notice of Violation and Order issued to Mountain Village Parks, Inc. 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). Mountain Village Parks has also operated without backflow prevention devices, adequate water supply, an alternate power supply, and without disinfection capability. These are a violations of Chapter 12 Sections 14(i)(i) and 14(i)(i)(A); Chapter 11 Section 59(c) and Chapter 12 Section 9(b)(i); Chapter 12 Section 8 (d)(iii); and Chapter 12 Section 8(c)(ii) and Chapter 12 Section 10(k)(i)(B), respectively.

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 (DEQ) 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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*Dan Alexander, Owner
Mountain Village Parks, Inc.
NOV and Order Docket No. 4602-09
March 16, 2010*

If you have any questions or comments concerning operator certification, please contact Ms. Kimberly Parker, at (307) 777-6128. If you have any questions or comments concerning public water system design criteria, please contact Mr. Mark Baron, at (307) 335-6962.



John F. Wagner
Administrator
Water Quality Division

JFW/KSP/bb/10-0216

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 (PDF)
Mark Baron, DEQ Southwest District Engineer (PDF)
Mountain Village Parks, Inc. file

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

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

**Dan Alexander, Owner
Mountain Village Parks, Inc.
PO Box 1226
Big Piney, WY 83113-1226**

Docket Number 4602-09

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Mountain Village Parks, Inc. (Mountain Village Parks) 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. Alexander is the owner and Secretary of Mountain Village Parks, a community public water system (PWS), PWS Identification Number WY5600221, located in Big Piney, Sublette County, Wyoming.
3. Mr. Alexander has operated the Mountain Village Parks public water supply without the supervision of a certified operator since October 22, 2009.
4. 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.
5. Mr. Alexander has operated Mountain Village Parks without backflow prevention devices.
6. Wyoming Water Quality Rules and Regulations, Chapter 12 Section 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.
7. Mr. Alexander has operated Mountain Village Parks without adequate water supply.
8. Wyoming Water Quality Rules and Regulations, Chapter 11 Section 59(c) requires that there shall be adequate water supplied to mobile home residences.
9. Wyoming Water Quality Rules and Regulations, Chapter 12 Section 9(b)(i) requires that there shall be groundwater sources of adequate number and capacity to supply a public water supply system.
10. Mr. Alexander has operated Mountain Village Parks without an alternate power supply.
11. Wyoming Water Quality Rules and Regulations, Chapter 12 Section 8 (d)(iii) requires that there shall be alternative power supplies to ensure delivery of the maximum daily demand.
12. Mr. Alexander has operated Mountain Village Parks without disinfection capability.
13. Wyoming Water Quality Rules and Regulations, Chapter 12 Section 8(c)(ii) requires that there shall be disinfection equipment and connections present.
14. Wyoming Water Quality Rules and Regulations, Chapter 12 Section 10(k)(i)(B) requires that chlorinator capacity be able to provide disinfection dose of 5mg/l on a maximum water use day.

15. 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 30 days from the receipt of this order, retain a licensed Wyoming Engineer to address design standards required of public water supply systems, including adequate water supply, adequate water pressure, disinfection capability, backflow prevention, alternative power sources, distribution system design, and proper well completion and abandonment standards to comply with the standards of Chapter 12 and Chapter 11 Part F Section 59, WQD Rules and Regulations. A letter from the licensed Wyoming Engineer addressed to the WQD Southwest District Engineer is required as proof that a licensed Wyoming Engineer has been retained.
6. No later than 3 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 Southwest District Engineer for review. The permit to construct will address design standards required of public water supply systems, including adequate water supply, adequate water pressure, disinfection capability, backflow prevention, alternative power sources, distribution system design, and proper well completion and abandonment standards to comply with the standards of Chapter 12 and Chapter 11 Part F Section 59, WQD Rules and Regulations.
7. No later than 18 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 Southwest District Engineer, is required as proof of completion.

This ORDER is final unless it is appealed in writing within the ten (10) day time limit prescribed by W.S. 35-11-701(c). 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.

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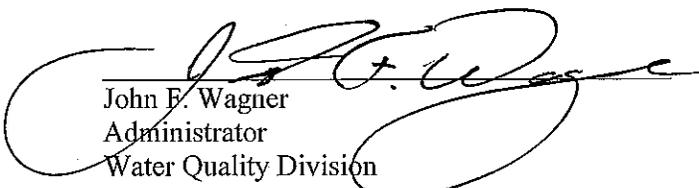
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NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other remedy available under the Environmental Quality Act, nor shall this Order be interpreted as being a condition precedent to any other enforcement action.

Ordered this 18 day of MARCH, 2010.



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, 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/bb/10-216

xc: Keith Guille, DEQ Public Information Officer (PDF)
Kimberly Parker, Operator Certification Program (PDF)
Mark Baron, DEQ Southwest District Engineer (PDF)
Mountain Village Parks MHP file