June 14, 2010

CERTIFIED MAIL

Doris Bunn-Manfull, Owner
Sunny Meadows Village
1521 Pintail Bay
Windsor, CO 80550

RE: Notice of Violation and Order Docket Number 4677-10

Dear Ms. Bunn-Manfull:

Enclosed is a copy of Notice of Violation and Order issued to Sunny Meadows Village for the failure to meet construction standards required by Wyoming Statutes Section 35-11-301(a)(v). Ms. Bunn-Manfull, Owner, is a 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 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 DEQ Rules of Practice and Procedures as they relate to this action. A copy of this document can be obtained from the website: 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.

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

John F. Wagner
Administrator
Water Quality Division

JFW/RRC/bb/10-0506

Enclosure: Notice of Violation and Order

cc: Chair, Environmental Quality Council (PDF)
Keith Guille, DEQ Public Information Officer (PDF)
Rich Cripe, DEQ Southeast District Engineer (PDF).
Cal Van Zee, Utilities Manager, City of Laramie, PO Box C, Laramie WY 82073
4677-10 NOV file

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:

Doris Bunn-Manfull, Owner
Sunny Meadows Village
1521 Pintail Bay
Windsor, CO 80550

Docket Number 4677-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Sunny Meadows Village (Sunny Meadows) 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. Ms. Bunn-Manfull is the Owner of Sunny Meadows, a community public water system (PWS), PWS Identification Number WY5601289, located in Laramie, Albany County, Wyoming.

3. Ms. Bunn-Manfull has operated Sunny Meadows without adequate backflow prevention devices.

4. Wyoming Water Quality Rules and Regulations (WWQRR), 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.

5. Pursuant to WWQRR, 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.

6. 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 60 days from the receipt of this order, Sunny Meadows Village shall retain a licensed Wyoming Engineer to address the issues of backflow prevention devices in the distribution system to comply with the standards of Chapter 12, Chapter 11 Part F Section 59, and Chapter 3, Department of Environmental Quality/Water Quality Division (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.

2. No later than 6 months from the receipt of this order, Sunny Meadows Village shall have a professioanl engineer 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 in the distribution system that will comply with the standards of Chapter 12, Chapter 11 Part F Section 59, and Chapter 3, WQD Rules and Regulations.

3. No later than 9 months from the receipt of this order, Sunny Meadows Village Professional Engineer will have completed the permitting process for a Permit to Construct and a Permit to Construct will have been issued to Sunny Meadows Village by DEQ.

4. No later than 20 months from the receipt of this order, Sunny Meadows Village shall 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 14 day of JUNE, 2010.

John V. Corra
Director
Department of Environmental Quality

John F. Wagner
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRIES TO: Rich Cripe, Southeast District Engineer, Water & Wastewater Section, Wyoming Department of Environmental Quality; 122 West 25th Street; Herschler Building, 4th Floor West; Cheyenne, Wyoming 82002 Telephone 307-777-7075.

JVC/JFW/RRC/bb/10-0506

xc: Chair, Environmental Quality Council (PDF)
Keith Guille, DEQ Public Information Officer (PDF)
Rich Cripe, WQD Southeast District Engineer (PDF)
Cal Van Zee, Utilities Manager, City of Laramie, PO Box C, Laramie WY 82073
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