

10-3213

BEFORE THE

ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

FILED

APR 19 2010

*Jim Ruby, Executive Secretary
Environmental Quality Council*

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:

Chad Turner, Board President
Turnerville Water and Sewer District
PO Box 4341
Bedford, WY 83112

Docket Number 4664-10

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Turnerville Water and Sewer District (Turnerville WSD) 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. Turner is the Chairman of the Board of Turnerville WSD, a community public water system (PWS), PWS Identification Number WY5601115, located in Bedford, Lincoln County, Wyoming.
3. Mr. Turner has operated Turnerville WSD without the supervision of a certified operator since January 1, 2010.
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. 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:

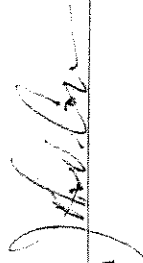
1. No later than 30 days from the receipt of this order, retain an appropriately certified chief operator to comply with Water Quality Division (WQD) Rules and Regulations Chapter 5.
2. No later than 30 days from the receipt of this order, return the enclosed operator designation form for the chief operator 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.

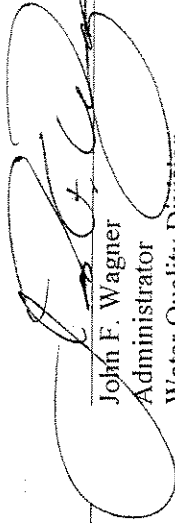
This ORDER is final unless it is appealed in writing within the ten (10) day time limit prescribed by W.S. 35-11-701(c). If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, 122 West 25th Street, Herschler Building, 1st Floor West, 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.

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 13 day of April, 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/10-0296

xc: Chair, Environmental Quality Council
Keith Guille, DEQ Public Information Officer (PDF)
Kimberly Parker, Operator Certification Program (PDF)
Turnerville Water and Sewer District file