

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

MAR 04 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Ted Fouts, Owner) Docket No. 10-3202A
Horizon Park, LLC)
688 Antelope #61-A)
Rock Springs, Wyoming 82901)

DEQ'S RESPONSE TO PETITIONER HORIZON PARK'S
WITHDRAWAL OF REQUEST FOR HEARING AND
REQUEST FOR EXTENSION OF TIME FOR RESPONSIVE PLEADING

Petitioner Horizon Park, LLC (Horizon Park) filed a Request for Hearing before the Wyoming Environmental Quality Council (EQC) on February 16, 2010, to contest Notice of Violation (NOV) & Order No. 4601-09 issued by the Wyoming Department of Environmental Quality (DEQ). The contested Order, among other things, required Horizon Park to retain certified operators for its public water system. Horizon Park's Request for Hearing expressed "no objection" to the operator certification requirement except for "the time frame of thirty days" to accomplish it, and stated that Horizon Park "is willing to forego a right to a hearing . . . upon receiving a letter from the DEQ . . . [g]ranting an extension of six months to secure a Level 1 License for the Chief and Backup operator."

As explained in DEQ's February [22], 2010 letter to Sheri Nolan (Horizon Park), which is referenced in and attached to Sheri Nolan's February 25, 2010 letter to the EQC withdrawing Horizon Park's Request for Hearing in this matter, Ms. Nolan, the designated chief operator, has now obtained Level 1 certification and the contested Order already provides six months (until August 5, 2010) for the designated backup operator to obtain Level 1 certification. Since it appears that there are no issues in this matter that need to be resolved through a contested case hearing before the EQC, Respondent DEQ does not object to Petitioner Horizon Park's withdrawal of Request for Hearing.

By "Response Order" dated February 17, 2010, the EQC directed Respondent DEQ to file a responsive pleading to Horizon Park's appeal on or before March 18, 2010.



Based on Petitioner's February 25, 2010 withdrawal of Request for Hearing referenced above, Respondent DEQ requests an extension of time to file its responsive pleading (if still necessary) until ten (10) days after the EQC acts on Petitioner's withdrawal of Request for Hearing.

DATED this 4 day of March, 2010.



Mike Barrash (WY Bar #5-2310)
Sr. Assistant Attorney General
123 State Capitol Building
Cheyenne, Wyoming 82002
307-777-6946

CERTIFICATE OF SERVICE

This certifies that a true and correct copy of the foregoing DEQ'S RESPONSE TO PETITIONER HORIZON PARK'S WITHDRAWAL OF REQUEST FOR HEARING AND REQUEST FOR EXTENSION OF TIME FOR RESPONSIVE PLEADING was served this 4 day of March, 2010 by United States mail, first class postage prepaid, and also by facsimile transmission, addressed as follows:

Ms. Sheri Nolan
Horizon Park, LLC Manager
688 Antelope Dr. Lot #61-A
Rock Springs, WY 82901
FAX: 307-382-5833

