

10-3202

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF VIOLATION ISSUED TO:

Ted Fouts, Owner
Horizon Park, LLC
688 Antelope #61-A
Rock Springs, WY 82901

Docket Number 4601-09

FILED
JAN 29 2010
Jim Ruby, Executive Secretary
Environmental Quality Council

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. This NOTICE is being sent to Horizon Park, LLC (Horizon Park) 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. Fouts is the Owner of Horizon Park, a community public water system (PWS), PWS Identification Number WY5600088, located in Rock Springs, Sweetwater County, Wyoming.
3. Mr. Fouts has operated Horizon Park without the supervision of a certified operator since July 1, 2007.
4. 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.


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5. No later than 30 days from the receipt of this order, contact Mark Baron, DEQ Southwest District Engineer, at 307-335-6962 or mbaron@wyo.gov and schedule a Facility Configuration Inspection.

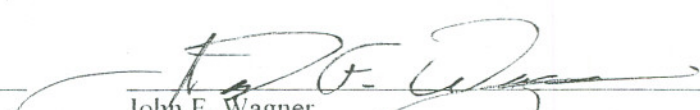
This ORDER is final unless, no later than ten (10) days after the date this Notice is received, it is appealed by filing two written requests for a hearing before the Environmental Quality Council. If a hearing is requested, the first hearing petition shall be mailed to the Chairman, Wyoming Environmental 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 27 day of JAN., 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/rm/10-0065

- xc: Chair, Environmental Quality Council (PDF)
Keith Guille, DEQ Public Information Officer (PDF)
Kimberly Parker, Operator Certification Program (PDF)
Sheri Nolan, Horizon Park Manager; 688 Antelope #61-A; Rock Springs, WY 82901
Mark Baron, DEQ Southwest District Engineer (PDF)
Horizon Park file