

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

**FILED**

APR 26 2010

Jim Ruby, Executive Secretary  
Environmental Quality Council

IN THE MATTER OF: )  
James Pace )  
P.O. Box 575 )  
Douglas, WY 82633 )  
And )  
Peter J. Moore & Bonnie Smith-Moore )  
103 Hwy. 59 )  
Douglas, WY 82633 )

Docket No. 10-3207A

DEQ'S RESPONSE TO THE MOORES' PETITION

Respondent Wyoming Department of Environmental Quality (DEQ), pursuant to the Wyoming Environmental Quality Council's (EQC) March 26, 2010 Response Order, responds as follows to the stated bases for Peter J. Moore's and Bonnie Smith-Moore's (the Moores) Notice of Appeal and Request for Hearing (Moores' Petition) contesting Notice of Violation (NOV) & Order No. 4631-10, dated March 11, 2010. Numbers in Response correspond to numbers in Petition:

3.a. DEQ denies that application(s) have been submitted to DEQ for the requisite water system permit(s) under WYO. STAT. ANN. §§ 35-11-301(a)(v) & 302(a)(iii) for the Grasslands Mobile Home Park (MHP) community public water system in Douglas, Converse County, Wyoming. DEQ denies that it has issued the water system permit(s) required under WYO. STAT. ANN. §§ 35-11-301(a)(v) & 302(a)(iii) for the Grasslands MHP community public water system. DEQ is without knowledge or information sufficient to form a belief as to the truth of the averment in ¶3.a. of the Moores' Petition that any other unspecified well applications have been submitted and unspecified permits have been issued.

3.b. DEQ denies that the sewerage system for the Grasslands MHP was installed in compliance with WYO. STAT. ANN. §§ 35-11-301(a)(iii) & 302(a)(iii). DEQ denies that the sewerage system for the Grasslands MHP has been properly maintained and pumped with sufficient frequency to prevent the unauthorized discharge of sewage. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶3.b. of the Moores' Petition.

3.c. DEQ denies that water from the Grasslands MHP community public water system has been found to be acceptable. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶3.c. of the Moores' Petition.

3.d. DEQ denies that either WYO. STAT. ANN. § 35-11-701(c)(ii) or Chapter I, Section 3(c) of the DEQ Rules of Practice & Procedure requires the Moores "to review all material that maybe relevant to and provide a basis for requesting a hearing and filing an appeal of the Notice of Violation and Order" within ten (10) days. DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶3.d. of the Moores' Petition.

3.e. DEQ admits that the Moores have now submitted a form designating Nick Koenig as the certified chief operator for the Grasslands MHP community public water system. DEQ admits that the Moores have responded to some DEQ requests for information. DEQ is without knowledge or information sufficient to form a belief as to the truth of some of the information the Moores have provided. DEQ denies any other averment(s) in ¶3.e. of the Moores' Petition.

3.f. DEQ admits that the Moores have now contacted Frank Strong, but DEQ is without knowledge or information sufficient to form a belief as to the truth of any other averment(s) in ¶3.f. of the Moores' Petition.

3.g. DEQ denies that the requirements in the contested Order are unreasonable, and denies any other averment(s) in ¶3.g. of the Moores' Petition.

3.h. DEQ admits the averments in ¶3.h. of the Moores' Petition.

DATED this 26th day of April, 2010.



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

CERTIFICATE OF SERVICE

This certifies that true and correct copies of the foregoing DEQ's RESPONSE TO THE MOORES' PETITION were served this 26th day of April, 2010 by United States mail and/or by facsimile transmission or email addressed as follows:

Harry G. Bondi  
Attorney for Petitioners Moore & Smith-Moore  
143 South Center Street  
Casper, WY 82601  
FAX: 307-266-4426  
bondilaw@msn.com

James & Martha Pace  
P.O. Box 575  
Douglas, WY 82633

