

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUN 20 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE OF)
VIOLATIONS AND ORDER ISSUED TO:)

) Docket No. 10-3207A

James J. Pace)
314 Pine Street)
Douglas, Wyoming 82633)

And)

Peter J. Moore and Bonnie A. Smith-Moore)
130 Highway 59)
Douglas, Wyoming 82633)

***MOORES' OBJECTION TO THE DEPARTMENT OF
ENVIRONMENTAL EQUALITY'S PROPOSED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER***

COME NOW Petitioners, Peter J. Moore and Bonnie A. Smith-Moore, and object to the Department of Environmental Equality's (DEQ) Proposed Findings of Fact, Conclusions of Law & Order filed June 6, 2011, as follows:

1. There is no ruling on whether the Petitioner or the Respondent has the burden of proof on establishing whether water and sewer systems were in existence at Grasslands Mobile Home Park prior to enactment of the DEQ's rules and regulations regarding public water and sewer systems, nor were the Petitioners given an opportunity to present an argument on the issue of which party bears that burden of proof of prior existing water and sewer systems.

2. Proposed Finding No. 13 regarding when water wells were drilled is not supported by any evidence; the application for a well frequently follows the drilling of

the well as was demonstrated in the evidence presented before the Wyoming Environmental Quality Council (EQC).

3. Proposed Finding No. 16 does not state when McClure Well No. 2 was enlarged.

4. Proposed Finding No. 17 does not state when McClure Well No. 3 was installed.

5. Proposed Finding No. 24 is not supported by competent evidence and evidence which has been established and supported by laying a proper foundation. Proposed finding No. 24 is not established by competent or admissible evidence.

6. Proposed Finding No. 31 is incorrect in stating that waste water was pumped and applied to horse corrals. The waste water, prior to changing methods in December 2009, was pumped onto the Moores' acreage which is adjacent to horse corrals.

7. Proposed Finding No. 32 should recite that the Moores have contracted with Jordan Services, LLC since December 2009 for hauling and disposal of sewage from Grasslands Mobile Home Park.

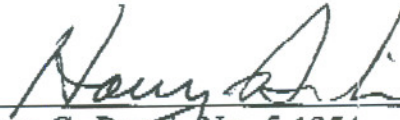
8. The Moores object to Proposed Findings of Fact Nos. 16 & 17 as no specific rules or regulations are recited to which the Moores have failed to comply.

9. The DEQ has not established the promulgation of rules or regulations for the regulation or permitting of public water and sewer systems, or that such rules and regulations were in place and required the Petitioners to follow them relative to the systems in place at Grasslands Mobile Home Park.

10. Propose Conclusion of Law No. 4 states, "WYO STAT. ANN. 35-11-302(a) authorizes the DEQ to recommend rules, regulations, standards and permit systems to promote the purposes of the Wyoming Environmental Quality Act," however, no rules or regulations were referenced at the hearing held May 12, 2011, nor have the dates of any promulgation been shown to pre-date the water and sewer systems in place at Grasslands Mobile Home Park.

11. The DEQ Order No. 4631-10 should not be affirmed.

RESPECTFULLY SUBMITTED this 20 day of JUNE, 2011.



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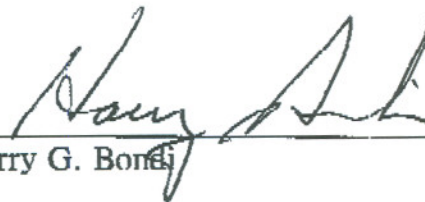
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of JUNE, 2011, a true and correct copy of the foregoing was served by placing same in the U.S. Mail, postage prepaid, addressed to the following:

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