

FILED

MAR 26 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

STATE OF WYOMING

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

) DOCKET NUMBER 4631-10

James J. Pace
314 Pine Street
Douglas, Wyoming 82633

And)

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

NOTICE OF APPEAL AND REQUEST FOR HEARING

Pursuant to the *Notice of Violation and Order*, dated March 11, 2010, received March 17, 2010, Peter J. Moore and Bonnie A. Smith-Moore, by and through counsel, Harry G. Bondi, Harry G. Bondi Law Offices, P.C., hereby request a hearing before the Environmental Quality Council.

1. The names and address of the persons making this *Notice of Appeal and Request for Hearing* are Peter J. Moore and Bonnie A. Smith-Moore, whose address is set forth above and their attorney is as set forth below.

2. The order appealed from and the request for hearing on is the *Notice of Violation and Order* dated March 11, 2010, received March 17, 2010.

3. The *Notice of Appeal and Request for Hearing* is based on following:


- a. Well Applications have been submitted and Permits have been issued.
- b. The sewer system at the mobile home park was installed in compliance with the law, has been maintain and has been regularly pumped by Jordan Services, LLC of Douglas, Wyoming.
- c. Water at the mobile home park has been tested and found to be acceptable.
- d. Ten (10) days is not a reasonable time within which 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.
- e. Peter J. Moore and Bonnie A. Smith-Moore have always responded to any request for information from state officials, have been looking

for a certified water operator and have contracted with Nickolas M. Koenigs of Douglas, Wyoming to serve as a certified water operator.

- f. Similarly Peter J. Moore and Bonnie A. Smith-Moore have been looking for a civil engineer to provide technical expertise for the mobile home park and have been speaking with Frank Strong of Douglas, Wyoming.
- g. The thirty (30) and sixty (60) day requirements in the *Notice of Violation and Order* are arbitrary, unreasonable, place an undue and unattainable burden on Peter J. Moore and Bonnie A. Smith-Moore and any work that needs to be done on the mobile home park should be done in a reasonable manner and within a reasonable timeframe.
- h. The record title owners are James J. Pace and Martha R. Pace, who reside at 314 Pine Street, Douglas, Wyoming 82635, and Martha R. Pace has been omitted from the *Notice of Violation and Order* dated March 11, 2010.

WHEREFORE, Peter J. Moore and Bonnie A. Smith-Moore request that a hearing be scheduled in the matter, that it be scheduled after conferring not only with staff of the Department of Environmental Quality and the Environmental Quality Council but with their counsel, Harry G. Bondi, in order to prevent a scheduling conflict.

DATED this 25 day of MARCH, 2010.



Harry G. Bondi, No. 5-1354
Harry G. Bondi Law Offices, P.C.
143 South Center Street
Casper, WY 82601
307-266-4425


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 25 day of MARCH, 2010, a true and correct copy of the foregoing was served by placing same in the U.S. Mail, postage prepaid, addressed to the following:

James J. and Martha R. Pace
314 Pine Street
Douglas, WY 82633

Chairman, Wyoming
Environmental Quality Council
122 West 25th Street,
Herschler Building
First Floor West, Room 1714
Cheyenne, WY 82002
Certified Mail Article No.
7002 0460 0000 9190 1311

Director, Wyoming Department of
Environmental Quality
122 West 25th Street,
Herschler Building
Fourth Floor West
Cheyenne, WY 82002
Certified Mail Article No.
7002 0460 0000 9190 1328



Harry G. Bondi

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