

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT  
IN AND FOR SWEETWATER COUNTY, STATE OF WYOMING

**FILED**

DOCKET No. \_\_\_\_\_

DEC 07 1983

IN RE: AVELINO GUTIERREZ; )  
WYOMING ENVIRONMENTAL QUALITY )  
COUNCIL DOCKET NO. 1155-82 )

APPLICATION

Terri A. Lorenzon, Adm. Aide  
Environmental Quality Council

APPLICATION FOR A COURT ORDER TO THE WYOMING DISTRICT COURT  
THIRD JUDICIAL DISTRICT, IN AND FOR SWEETWATER COUNTY

COMES NOW the Environmental Quality Council, by and through its Chairman, Richard Gray, and hereby makes application to the District Court, Third Judicial District, for its order against Avelino Gutierrez, dba A & K Trailer Court, and for its application hereby presents the following:

1. Mr. Avelino Gutierrez is the owner and operator of a trailer court in Rock Springs known as A & K Trailer Court. The sewage service for the trailer court consists of a sewage lagoon, on-site, which serves the mobile homes in the trailer court via connecting sewer lines.

2. On October 14, 1982, the Department of Environmental Quality issued its Order in the above-entitled matter, (attached as Exhibit A).

3. On October 26, 1982, Mr. Avelino Gutierrez received a copy of the Defendant's Order of October 14, 1982, by certified mail. (A copy of the return receipt is attached as Exhibit B).

4. Mr. Avelino Gutierrez was ordered, as part of the said Order to:

a. Submit to the Department of Environmental Quality, within 30 days, complete "as-built" plans and specifications describing modifications (already

constructed) of its wastewater facilities at A & K Trailer Court.

b. Construct the necessary connecting lines from A & K Trailer Court to the Rock Springs sewage lines nearest to the trailer court, and obtain the necessary permits from the City of Rock Springs to allow the A & K Trailer Court to be served by the Rock Springs Sewage Treatment Plant.

c. Submit, within 30 days, to the Department of Environmental Quality a permit application for a permit to construct the necessary additional lines from A & K Trailer Court to the Rock Springs sewer lines.

d. Connect the said additional sewer lines to the Rock Springs sewer lines by July 1, 1983.

5. The said Order further provided that if all construction was not completed by July 1, 1983, Mr. Gutierrez was to cease further operation of his A & K Trailer Court.

6. As of the date of this Application for a Court Order, Mr. Gutierrez has not complied with any provision of the above-referenced Order of October 14, 1982, as listed in Paragraphs 4 and 5, above.

7. The said Order of the Department of Environmental Quality, dated October 14, 1982, was a duly issued Order of the Department, issued pursuant to the provisions of W. S. 35-11-701. It was not appealed by Mr. Gutierrez, and became

final and binding upon Mr. Gutierrez 10 days after his receipt of the Order, pursuant to the provisions of W. S. 35-11-701(c)(ii).

8. W. S. 35-11-112(c)(i) provides that the Environmental Quality Council may "approve, disapprove, repeal, modify, or suspend any . . . order of the director or any division administrator." On November 17, 1982, the Environmental Quality Council approved the issuance of the above-referenced Order, at its regular meeting, held in Torrington, Wyoming. (The relevant portion of the Council's minutes for that date is attached as Exhibit C).

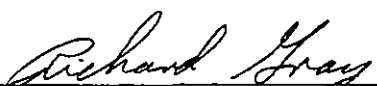
9. W. S. 35-11-112(c)(iii) provides that the Environmental Quality Council may apply to the district court where an act or practice is taking place that is contrary to an issued and approved cease and desist order, and the district court "shall issue its order to comply with the cease and desist order," and violation of the said court order may be punished as a contempt.

WHEREFORE, the Environmental Quality Council respectfully applies to this Court:

1. For its order requiring Mr. Avelino Gutierrez to comply with the above-referenced Order of the Department of Environmental Quality dated October 14, 1982.

2. For such other and further relief as this Court may deem just and equitable.

DATED this 30<sup>th</sup> day of November, 1983.

  
RICHARD GRAY, CHAIRMAN  
ENVIRONMENTAL QUALITY COUNCIL  
304 Emerson Building  
Cheyenne, Wyoming 82002