

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF	)	
VIOLATION AND ORDER ISSUED TO:	)	
Pennant Well Service	)	
2140 N. Seven Mile Road	)	
P.O. Drawer 969	)	
Mills, WY 82644	)	Docket No. 2369-92
and	)	
C. Richard Stevenson	)	
1710 Security Life Building	)	
1616 Glenarm Place	)	
Denver, Colorado 80202	)	

ORDER

THIS MATTER came before the Environmental Quality Council on the filing of an appeal by C. Richard Stevenson and Pennant Well Service, contesting Notice of Violation and Order No. 2369-92, issued by the Department of Environmental Quality. A hearing was held and evidence was taken on April 21, 1993. The hearing examiner provided opportunity for the parties to submit post-hearing briefs by September 1, 1993. The Department of Environmental Quality submitted a brief on the matter, the protestants did not. Based upon the evidence adduced at the hearing and the brief submitted by the Department of Environmental Quality, the Environmental Quality Council finds as follows:

1. The evidence offered by the Department of Environmental Quality demonstrates that discharges from the industrial drainfield at the Pennant Well Service site referenced in the Notice of Violation pose a threat to groundwater of the state.
2. The protestants offered no evidence to suggest that groundwater has not been threatened by operation of the industrial drainfield at the pennant site.
3. The actions that the protestants are required to take under the Notice of Violation and Order are narrowly tailored and reasonably necessary to determine whether the operation of the referenced industrial drainfield has violated state groundwater standards.
4. The monitoring and reporting ordered by the Department of Environmental Quality in the Notice of Violation and Order is directly within the agency's statutory authority, pursuant to W.S. 35-11-109(a)(iv) and W.S. 35-11-110(a)(vii)(C) and (D).

IT IS THEREFORE ORDERED THAT:

- A. The Notice of Violation and Order, Docket No. 2369-92 is hereby affirmed in its

entirety and incorporated herein by reference, subject to the following:

1. The timetables and compliance schedules for completion of all tasks required by the Notice of Violation and Order shall be the same as those timetables and schedules set forth in the Notice of Violation and Order, except that the commencement date for all activities shall be the date of the filing of this Order instead of the date of the receipt of the Notice of Violation and Order.

2. In the event that C. Richard Stevenson and Pennant Well Service are unable to comply with any provision of this order, due to bad weather or other technical circumstances beyond their control they shall, within 5 days of such inability to comply, notify the Department of Environmental Quality in writing. Such notification shall set forth in specific terms the nature of the problem, the reason for the problem and the estimated length of delay expected. Failure to so notify the Department of Environmental Quality in the event of such an occurrence shall constitute a violation of this Order, and the protestants shall not subsequently use bad weather or technical problems as a defense to any claim of non-compliance with this Order made by the Department of Environmental Quality, unless such written notification is made.

DONE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1993.

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Kim Cannon,  
Hearing Examiner