

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE NOTICE OF )  
VIOLATION AND ORDER ISSUED TO: )  
Avelino Gutierrez )  
A & K Trailer Court )  
PO Box 465 )  
Rock Springs, Wyoming 82901 )

Docket Number 1155-82

NOTICE OF VIOLATION

AND

ORDER

NOTICE

NOTICE IS HEREBY GIVEN THAT:

1. Mr. Avelino Gutierrez is the owner of a trailer court located in Rock Springs, Wyoming which is known as A & K;
2. On October 7, 1981, personnel of the Water Quality Division of the Department of Environmental Quality conducted an on-site inspection of the wastewater facilities serving A & K Trailer Court;
3. At the time of the inspection, seven new trailers were observed. They are apparently served by a septic system;
4. Three additional trailers were discharging raw sewage via a garden hose and pumped into an open ditch;
5. The sewage lagoon serving most of the trailer court appeared to be undersized and prone to overflowing. A pump beside the lagoon looked as if it had been draining sewage from the lagoon into an open ditch;
6. Wyoming Statute 35-11-301 (a) (iii) and (v) and Section 4, Chapter III of Wyoming Water Quality Rules and Regulations require a permit to construct, install, or modify a public water supply or sewerage system, treatment works, disposal system or other facility capable of causing or contributing to pollution;
7. The Department of Environmental Quality has not issued a permit to construct or modify the sewage system at A & K Trailer Court;
8. Under Wyoming Statute 35-11-301 (a) (i), no person shall cause, threaten or allow the discharge of any pollution or wastes into the waters of the State unless authorized to do so by a permit issued by this Department;
9. A facilities plan (hereafter "the 201 plan") has been developed for the greater Rock Springs, Wyoming area pursuant to S 201 of the Federal Clean Water Act, to serve the sewage treatment needs of that area. This plan has been approved by the Department of Environmental Quality and the Environmental Protection Agency.
10. The Department of Environmental Quality, Water Quality Division, is the authority, designated by the Governor of Wyoming, to oversee the administration of the 201 plan and assist the local authorities in assuring that the plan is complied with by Rock Springs area sewer users.

11. The location of the A & K Trailer Court is within the designated service area for sewage treatment by the Rock Springs Sewage Treatment Plant. The 201 Plan calls for this area to be served by the Rock Springs Sewage Treatment Plant.
12. Mr. Avelino Gutierrez shall connect the A & K sewer hook ups to the Rock Springs sewer lines so that the trailer court may be served by the Rock Springs Sewage Treatment Plant. The 201 Plan mandates that this be done.
13. Any person who violates any provision of the Environmental Quality Act, or any rule, standard, permit, license or variance adopted thereunder, is liable to a penalty of ten thousand dollars (\$10,000.00) for each day of violation, which penalty may be recovered in a civil action brought by the Attorney General in the name of the People of the State of Wyoming.
14. This notice is being sent to you pursuant to W.S. 35-11-701 (c) (i) which requires that, in any case of the failure to correct or remedy an alleged violation, the Director of the Department of Environmental Quality shall cause a written notice to be issued and served upon the person alleged to be responsible.

ORDER

WHEREFORE IT IS HEREBY ORDERED THAT:

1. Mr. Avelino Gutierrez shall provide to the Department of Environmental Quality complete "as-built" plans and specifications to the Department of Environmental Quality describing the modifications of the wastewater facilities at A & K Trailer Court. The complete "as-builts" shall be prepared by a Wyoming licensed engineer, and shall be submitted to the Department of Environmental Quality, Water Quality Division, within 30 days of the receipt of this Order.
2. Mr. Avelino Gutierrez shall construct the necessary connecting lines from A & K Trailer Court to the Rock Springs sewage lines nearest to the 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.
3. Mr. Avelino Gutierrez shall submit to the Department of Environmental Quality a permit application for a permit to construct the necessary additional lines from A & K Trailer Court to Rock Springs sewer lines. Such permit application shall be submitted to the Department of Environmental Quality, Water Quality Division, within 30 days of the receipt of this Order.
4. The necessary additional sewer lines must be connected to the Rock Springs sewer lines by July 1, 1983. If all construction is not completed by July 1, 1983, Mr. Gutierrez shall cease further operation of A & K Trailer Court.

THIS ORDER is final and binding unless, not later than ten (10) days after the day of its postmark, it is appealed by filing a written request for a hearing before the Environmental Quality Council. The request should be mailed to Robert E. Sundin, Executive Secretary, Environmental Quality Council, Equality State Bank, 401 West 19th Street, Cheyenne, Wyoming 82002.

NOTHING IN THIS ORDER shall be interpreted to in any way limit or contravene any other orders, available under the Environmental Quality Act, nor shall this order be interpreted as being a condition precedent to any other enforcement action.

ORDERED THIS 14th day of October, 1982.

  
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William L. Garland, Administrator  
Water Quality Division  
Department of Environmental Quality

  
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Robert E. Sundin, Director  
Department of Environmental Quality

PLEASE DIRECT ALL INQUIRIES to Jake Strohman, Engineering Control Supervisor, Department of Environmental Quality, Water Quality Division, 1111 East Lincolnway, Cheyenne, Wyoming 82002. Telephone (307) 777-7781; or Albert J. Berreth, Supervisor, Department of Environmental Quality, Water Quality Division, 210 Lincoln, Lander, Wyoming 82520. Telephone (307) 332-3144.