

THE WYOMING DEPARTMENT
OF
ENVIRONMENTAL QUALITY

FILED

APR 09 2002

Terri A. Lorenzon, Director
Environmental Quality Council

IN THE MATER OF THE NOTICE OF)
VIOLATION AND ORDER ISSUED TO:)
Golden Nuggett RV Park) DOCKET NO. 3356-02
Don Williams Estate)
C/O Donald White)
White, White & Kucera, PC)
420 E Washington Ave.)
Riverton, WY 82501)

NOTICE OF APPEAL
OF
NOTICE OF VIOLATION
AND
ORDER
AND REQUEST FOR HEARING

COMES NOW the Atlantic City Federal Credit Union, by and through the undersigned Counsel, and hereby files its notice of appeal of the Notice of Violation and Order entered herein on March 20, 2002. This appeal is filed pursuant to W.S. Section 35-11-701 (c)(ii) and all other pertinent provisions of law and regulations. In support of this appeal, the following is stated:

1. The subject matter property is owned by the Don L. Williams Trust dated December 11, 1992 and the original permit to construct the sewer disposal system, Permit Number 81-341R, was issued to the Trusts predecessor in interest, Donald Presgrove on June 19, 1981.
2. That the Don L. Williams Trust did on February 23, 2001 execute and deliver to the Atlantic City Federal Credit Union a mortgage on the subject matter property.
3. Pursuant to the terms of the mortgage the Atlantic City Federal Credit Union is allowed to take all necessary actions to preserve and protect the value of the property, and the present notice and order would substantially devalue the property, and thus the Atlantic City Federal Credit Union is a proper party to file this appeal.
4. That the Don L. Willaims Trust is in default in the mortgage and thus the Atlantic City Federal Credit Union is the real party in interest.
5. That the deviations noted in the order are disputed by the Credit Union as follows:
 - a. The first violation noted is that the water supply well is only 66 feet from the leach field and the permit provided for 84 feet of separation. Upon information and belief the original owner, Donald Presgrove, filed an amended application with the State Engineers Office to vary the location slightly to the South, which was approved. Mr. Presgrove also recalls that the new well location was staked when the Department of Environmental Quality inspected the

leach field and no objection was issued to him. That he reasonably relied upon the lack of an objection by the Department of Environmental Quality to the new location of the well, and it would now be inequitable and unjust to revoke the permit on the basis of the fact that the well is in a different location and not substantially closer to the leach field.

b. The second violation noted is that the application was for 7 vehicle spaces and 1 wash house and there are now 8 vehicle spaces and no wash house. According to Mr. Presgrove this was discussed with the DEQ 8 to 10 years after the permit was issued, they were informed that this would be the situation and they approved of it. It is presumed that they approved of it as the net effect was that there would be 48 less gallons of waste per day by eliminating the wash house and using it as a vehicle space, and thus decrease the load on the leach field.

c. The third violation is that the septic tank is in a different location than as shown on the permit. This is denied. Mr. Presgrove indicates that it was put at the location shown on the permit.

d. The final violation is that the sewer collection system is not in the location shown on the permit map. While this is correct, the collection system is enclosed and was moved slightly to the east on lots 4, 6 and 7. However, this did not increase the waste nor provide any additional potential contamination and in fact was moved further away from the well located on this property. As such it is denied that this is a material violation and is only technical in nature.

Wherefore, the Atlantic City Federal Credit Union hereby appeals the Notice of Violation and Order issued on March 20, 2002, requests a hearing on the same, and after hearing respectfully requests that the same be rescinded.

DATED this 3rd day of April, 2002.

Atlantic City Federal Credit Union

By: 

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