

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL

FILED

STATE OF WYOMING

MAR 11 2003

Terri A. Lorenzon, Director
Environmental Quality Council

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

Mr. Mani Grewal)
Sandy Crossing Ent.)
Box 239)
Farson, WY 82932)

DOCKET NUMBER 3452-03

NOTICE OF VIOLATION

AND

ORDER

NOTICE IS HEREBY GIVEN THAT:

1. Sandy Crossing Ent. has been out of compliance for a Chief and Backup Operator since it was sold in 2001. Sandy Crossing was notified of the operator certification requirements in December 2001. Curtis Martin was fired as the Chief operator in January 2002. Mark Huffstettler was terminated as the Backup operator in July 2002 leaving Sandy Crossing without certified operators. Conversations have taken place between Louise Cordova, Mani Grewal and his daughter several times about these requirements. A letter was sent to Mr. Grewal in October 2002 reminding him of the certification requirements and a request was made for the completion of operator designation forms by November 15, 2002. Several attempts have been made to return a telephone call to Mr. Grewal, with no success. Through all of these negotiations, conversations and timelines to meet the rules and regulations, they are still without certified operators.
2. The State of Wyoming Water Quality Division Chapter 5, Section 2(e) states: "The chief operator is the individual who is designated by the owner to have the primary hands-on responsibility for the operation of each plant or system." Section 2(d) "The Backup operator is an individual who is designated by the owner to function in the role of the chief operator when the chief operator is absent. Section 2(t) "Public water distribution system" means any systems of pipes, pumps, wells, storage tanks, or other facilities for the purpose of conveying potable water to a system requiring standards for operators.....shall not include any treatment methods.....except disinfection and fluoridation. The Chief operator shall hold at a minimum, certification at the same level as the classification of the plant or system for which he is responsible..." Section 3(b) "The backup operator must hold, at a minimum, certification at one level below the classification of the plant or system for which he may be held responsible..." Section 5(c) "It shall be the responsibility of the owner to ensure compliance with the requirements of these regulations."
3. Sandy Crossing Ent. is in violation of The State of Wyoming Environmental Quality Act W.S. 35-11-101 through 1207, specifically 302 (a)(iv), Wyoming Water Quality Rules and Regulations Chapter 5.
4. 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

BEFORE THE ENVIRONMENTAL QUALITY COUNCIL-STATE OF WYOMING

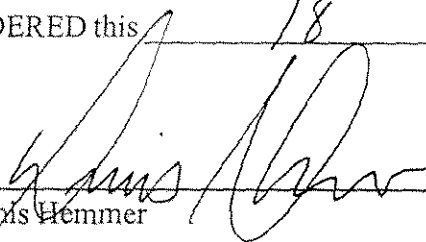
WHEREFORE IT IS HEREBY ORDERED THAT:

1. Sandy Crossing Ent. will acquire a certified Chief and Backup operator by March 20, 2003.
2. In the event Sandy Crossing Ent. changes or terminates operators, they will notify DEQ Water Quality in accordance with Chapter 5 Section 4 (b)(c).
3. Contract operators hired to be operators for Sandy Crossing Ent. will be adequately certified. The owner shall retain verification that the contract operators have made the necessary inspections of repairs, provided maintenance and performed sampling in accordance with Chapter 5 Section 3(e).

THIS ORDER is final unless, not later than ten (10) days after the date this notice is received, it is appealed by filing a written request for a hearing before the Environmental Quality Council. If a hearing is requested, the hearing petition shall be mailed to the Chairman, Wyoming Environmental Quality Council, Room 1714 Herschler Building, 1st Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. The second petition shall be mailed to the Director, Wyoming Department of Environmental Quality, Herschler Building, 4th Floor West, 122 West 25th Street, Cheyenne, Wyoming 82002. Both petitions must be sent by certified mail, return receipt requested.

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

ORDERED this 18 day of February, 2003.


Dennis Hemmer
Director
Department of Environmental Quality


Gary Beach
Administrator
Water Quality Division

PLEASE DIRECT ALL INQUIRES TO: Louise Cordova, Certification Officer, 122 West 25th St., 4W, Cheyenne, WY 82002. Phone: (307-777-7781).

Louise Cordova
Certification Officer
Water Quality Division

LC/bv/3-0143.ltr

Encs: WY Environmental Quality Act
DEQ/WQD Chapter 5

cc: Maggie Allely, Assistant Attorney General
Brian Mark, DEQ/WQD