Park Co. group fights sewage ruling

By The Associated Press
Friday, May 29, 2009 2:00 AM MDT

CODY -- A homeowners association in a remote and scenic part of Park County is appealing a state order mandating that it fix a community sewage system.

The Department of Environmental Quality last month issued a notice of violation to the Painter Estates Homeowners Association in Crandall, giving the group 60 days to submit plans for a redesigned septic system.

The DEQ noted problems with the system in 2003, when monitor well tests showed nitrate levels seven times higher than the allowed concentration in groundwater. Elevated nitrate levels in drinking water can cause anemia in adults and mental retardation in children.

In 2007, the U.S. Environmental Protection Agency instructed homeowners to take necessary steps to correct the problem.

The subdivision consists of about five acres, divided into 20 quarter-acre lots. Most of the lots are occupied by weekend and vacation homes. It relies on a community well for drinking water.

The only full-time resident in the subdivision said that he and others suffered from intestinal illnesses at the time of that contamination, and he is pushing the association's board to correct the problems.

The board's president, Darwin Asay, said the matter was being appealed to the state Environmental Quality Council, and that the full-time resident's complaints about the septic system are motivated by a long-running legal feud with the board.

"Of course, they're blaming me for the whole situation," said Richard "Zig" Zickefoose, who has been embroiled since 2004 in a lawsuit filed against him by the board, adding that the suit arose out of personal disputes among neighbors.

Asay said that Zickefoose contacted the DEQ as part of his ongoing legal dispute with the board.

"We've been in a lawsuit with this guy several times already. He's caused a lot of problems," Asay said.

Zickefoose criticized what he said were a series of bad board decisions, including to build a system without a permit, to stray from the permitted design and to use do-it-yourself homeowner labor rather than hiring a professional contractor.

Asay said that he expects to have an answer on the association's appeal within about two weeks.

Asay declined to discuss details of the board's appeal or its plans for the septic system.

DEQ has released several documents on the matter, with the most recent notice of violation available on its Web site.

"Since this matter is a contested case before the EQC, it would be inappropriate for our

department to comment further until after the hearing," said Keith M. Guille, a spokesman for the DEQ.