

**FILED**

OCT 16 2006

Terri A. Lorenzon, Director  
Environmental Quality Council

BEFORE THE  
ENVIRONMENTAL QUALITY COUNCIL  
STATE OF WYOMING

IN THE MATTER OF THE TOWN OF )  
WHEATLAND WASTEWATER STORAGE )  
AND LAND APPLICATION )

Docket No. 05-3801

**ORDER ON HEARING**

This matter came before a quorum of the Environmental Quality Council (EQC or Council) for hearing pursuant to W.S. 35-11-112(a)(iv) on June 19, 2006 at the public library in Wheatland, Wyoming. Appearing at the hearing were Petitioner Joe Geringer representing himself, Respondent Town of Wheatland, represented by Cindy Kahler, and Douglas Weaver, Wheatland Town Attorney, and Respondent Wyoming Department of Environmental Quality (DEQ), represented by Louis Harmon of the DEQ and Mike Barrash, Senior Assistant Attorney General.

Petitioners Lorraine Allbright, Eugene Birkle and Mary Birkle and Respondents Town of Wheatland and the DEQ had previously jointly stipulated to specified modifications of contested Permit No. 04-316 and dismissal with prejudice of Petitioners Lorraine Allbright's, Eugene Birkle's and Mary Birkle's appeal of contested Permit No. 04-316. Petitioner Joe Geringer, although not a party to that Joint Stipulation, has signed the Joint Stipulation to state that he did not object to the stipulated modification of Permit No. 04-316, although he retained his right under his pending appeal in this matter to object to or seek modification of other terms of Permit No. 04-316. A quorum of the Council approved that Joint Stipulation pursuant to W.S. 16-3-107(n) and Chapter 1, Section 11 of the DEQ Rules of Practice & Procedure at a public meeting on June 7, 2006.

Based on the statements and testimony presented and the exhibits introduced into evidence by the parties relating to the specific issues identified by Petitioner Joe Geringer, pursuant to the Council's Order dated March 10, 2006 and raised at the hearing, the Council finds, concludes, and orders as follows:

**THE COUNCIL FINDS:**

1. Permit No. 04-316, dated June 9, 2005, authorizes the Town of Wheatland to construct wastewater reuse pipelines and two storage reservoirs, and to land apply the treated

wastewater to irrigate certain lands in accordance with the terms and conditions specified in the permit and the approved permit application.

2. Permit No. 04-316 also incorporates the requirements of Chapter 21 of the Wyoming Water Quality Rules & Regulations.

3. W.S. 35-11-112(c)(ii) authorizes the Council to order that a permit be modified.

4. Permit No. 04-316, as previously modified by the Joint Stipulation approved by the Council on June 7, 2006, should be further modified by adding the following condition:

A. Paragraph (d) of the Additional Conditions for Application of Wastewater on Shepard Farm shall read as follows:

Soil testing shall be accomplished before any manure or fertilizer application or planting each growing season. The soil sampling shall be supervised by a certified crop advisor (CCA) and the soil analyzed and tested by a recognized commercial laboratory that performs agricultural soil testing;

B. Paragraph (e) of the Additional Conditions for Application of Wastewater on Shepard Farm shall read as follows:

The soil testing may be done anytime after the crop for the previous season is harvested. Composite soil tests shall be taken for each quadrant of each sprinkler for the top 12 inches, and the 12-24 inch depth. In addition, composite soil tests shall be taken for each quadrant of each sprinkler for the 24-48 inch depth and tested for nitrates only. Composite soil samples shall consist of four samples taken from each quadrant.

**THE COUNCIL CONCLUDES:**

1. Permit No. 04-316, as previously modified by the Joint Stipulation approved by the Council on June 7, 2006, and as further modified by adding the above condition, complies with the Wyoming Environmental Quality Act and applicable Wyoming Water Quality Rules & Regulations.

**THE COUNCIL ORDERS:**

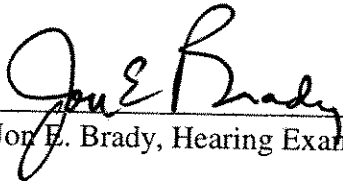
1. Permit No. 04-316, as previously modified by the Joint Stipulation approved by

the Council on June 7, 2006, and is hereby further modified by adding the above condition.

2. Permit No. 04-316, as previously modified by the Joint Stipulation approved by the Council on June 7, 2006, and as further modified by this Order, is hereby approved and final.

3. All proceedings before the Council in any pending appeals of Permit No. 04-316 are concluded and disposed of by this Order.

DATED this 16<sup>th</sup> day of October, 2006.



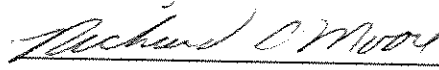
Jon E. Brady, Hearing Examiner



Mark Gordon



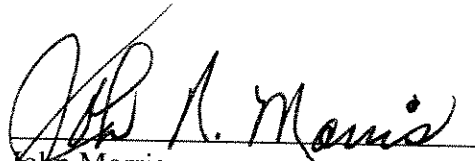
Dennis M. Boal



Richard C. Moore P.E.



Wendy Hutchinson



John Morris

CERTIFICATE OF SERVICE

I, Joe F. Girardin, certify that at Cheyenne, Wyoming, on the 16<sup>th</sup> day of October, 2006, I served a copy of the foregoing ORDER ON HEARING by depositing copies of the same in the United States mail, postage prepaid, duly enveloped and addressed to:

Joe Geringer  
380 East Fairview Rd.  
Wheatland, WY 82201

Douglas Weaver  
P.O. Box 219  
Wheatland, WY 82201-0219

also to the following persons via interoffice mail:

Mike Barrash  
Office of Attorney General  
123 State Capitol  
Cheyenne, WY 82002

John Wagner  
Administrator  
Water Quality Division  
122 West 25<sup>th</sup> Street  
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