

BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING

FILED

JUL 20 2010

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE NOTICE)
)
OF VIOLATION ISSUED TO SALL, LLC) DEQ No. 4626-10
) EQC No. 10-3212A

TOWN OF ALPINE'S OBJECTION TO ISSUANCE OF DEQ PERMIT AND REJECTION OF
SETTLEMENT AGREEMENT

The Town of Alpine, through counsel, submits the following facts, arguments, and authorities in opposition to the issuance of the DEQ Permit and the Proposed Settlement Agreement:

Inadequate and selective water demand data:

SALL, LLC submitted inadequate and incomplete water demand data and the DEQ appears to have relied on that inadequate and incomplete water demand data in approving DEQ Permit 10-254R. In addition, the DEQ seems to have ignored water demand data previously submitted by the Town of Alpine showing metered water demands, and as a result, domestic sewage flows, in excess of an average of 2,000 gallons per day for certain months.

Water/Sewage Flows Exceed 2,000 gpd:

The supporting documentation attached to the DEQ permit, prepared by Robert T. Ablondi relies on water demand data from December, 2009 to May, 2010, but, ignores months showing higher water demands than 2,000 gpd and therefore probable higher sewer flows than the design capacity of the as built system recently permitted by DEQ. Water demand data for the subject property is attached as Exhibit A and incorporated herein by reference.¹ A review of this water demand data shows that the subject property had average daily demands in excess of 2,000 gallons per day on three separate months and had average daily demand in excess of 3,000 gallons per day during the month of September 2009. Assuming that all metered Town water is utilized domestically (and therefore discharged to the sewer system) and that irrigation water is provided from the onsite well as has been purported by SALL, and because documented daily

¹ It should be noted that May 31 readings are for the seven months from November in the prior year through and including May in the current year as the Town of Alpine does not read meters during the winter months.

demands are in excess of 2000 gpd, a permit under Chapter 16 of the WQD Rules and Regulations is required and a permit under Chapter 3 cannot be issued.

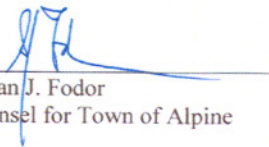
Water/Sewage Flows exceed design capacity of Permitted System

In addition, According to Mr. Ablondi's June 9, 2010, memo, the apparent designed capacity of the sole leachfield on the subject property has a capacity of "about 920 gpd". Mr. Ablondi's memo indicates that waste from both the tank installed in 2007 and from the other tank on the property flows into the leachfield referenced above. Water demand indicates that the discharge of sewage was in excess of this 920 gpd capacity in five out of the last eleven months, assuming again that all metered Town water is utilized domestically (and therefore discharged to the sewer system) and that irrigation water is provided from the onsite well as has been purported. In no way can the DEQ permit, under any Chapter, an installation for which flow data so grossly exceeds self-admitted design capability.

Objection to Issuance of Permit and Request for Hearing

Accordingly, the Town of Alpine objects to the issuance of the DEQ permit No 10-254R since it was issued on faulty/ incomplete data and ignored the data submitted previously by the Town of Alpine. In addition, the attached water data shows flows in excess of 2,000 gpd and that the capacity of the present septic tank and leachfield at the subject property is inadequate to handle the sewage output of the subject property. As a result, the Town of Alpine also objects to the draft settlement agreement and requests a hearing on these matters.

Respectfully submitted this 19th day of July, 2010


Stefan J. Fodor
Counsel for Town of Alpine

CERTIFICATE OF SERVICE

I, Stefan J. Fodor, certify that on the 19th day of July, 2010, I served a copy of the foregoing Objection to Issuance of Permit and Rejection of Settlement Agreement by electronic mail to the following:

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