

11-3801

THE DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE STATE OF WYOMING.
WATER QUALITY DIVISION

FILED

JUL 05 2011

Jim Ruby, Executive Secretary
Environmental Quality Council

IN THE MATTER OF THE PROTEST)
TO THE ISSUANCE OF THE PERMIT)
TO CONSTRUCT NO. 11-008)
)

Docket No.

NOTICE OF PROTEST

COME NOW, Michael and Heidi Romsa, by and through Alexander K. Davison of Patton and Davison, and file their Protest to the above referenced Permit and in support thereof state as follows:

A. The Protestants are Michael and Heidi Romsa whose address is 5260 State Highway 216, Albin, WY 82050.

B. The permit to which protest is made is Permit No. 11-008 issued by the Water Quality Division of the Department of Environmental Quality of the State of Wyoming to New Fashion Pork (NFP).

C. Statement of facts.

1. Protestants are residents of Laramie County whose farm ground is adjacent to the proposed construction and whose residence is the nearest residence to the sow confinement facility being approximately one-half of a mile away.
2. Protestants are familiar with farming and irrigation practices in the immediate vicinity of the NFP facility.
3. Protestants are intimately familiar with the management style engaged in by NFP having been the supplier of water for the facility for the past twelve years.

4. Protestants have reviewed the permit and have identified potential and immediate discrepancies in the permit conditions as more fully set forth herein.
5. The permit fails to provide sufficient specificity for both the number and location of monitoring wells to preserved water quality. In particular, no monitoring wells are indicated for the wetlands site or the secondary lagoon.
6. The report provided by Hydro-Engineering LLC entitled Supply/Monitoring Well Installation and Ground-Water Flow Evaluation for the New Fashion Pork Sow Site at Section 3, page 2 notes that there are indications of hydraulic communication between the two existing monitoring wells, NFP-MW1 and NFP-MW2 and the Romsa #7 Irrigation Well. There has been insufficient study on the nature and extent of this hydraulic communication and the impacts of the project on supply and water quality of the Romsa #7 well.
7. Moreover, if additional monitoring or supply wells are required the effects on Romsa #7 are likely to be more significant.
8. The frequency of sampling and the reporting requirements for wastewater are inadequate.
9. There is no requirement for regular taking and/or reporting scentometry measurements.
10. There is no requirement for regular taking and/or reporting olfactometry samples.
11. The permit at Paragraph 4 establishes a maximum allowable volatile solid loading rate (VSLR) of 4.25 pounds/1000 cubic feet of primary lagoon water. This provides an insufficient margin of error for safe operation. VSLR should

be no greater than 3.50 pounds/1000 cu. ft. of primary lagoon water. In addition, there is no requirement for regular testing to accurately determine the actual, rather than calculated, capacity of the primary lagoon without which the computation of the VSLR would be flawed.

12. The permit contains no condition requiring any bond for reclamation by NFP or any successor in interest should the project be sold or should NFP reorganize.

13. The permit contains no condition requiring any bond for remediation of an environmental event by NFP or any successor in interest should the project be sold or should NFP reorganize.

14. In general, Protestants assert that the standards are too generous and fail to provide a sufficiently conservative approach to the management of the facility. Failure to proscribe the necessary parameters, failure to require regular testing and reporting, failure to require sufficient bonding all have the potential to harm the Protestants' farming activities, water quality and quality of life.

D. Protestants hereby request that this matter be set for hearing before the Environmental Quality Council of the State of Wyoming.

DATED this 1st day of July, 2011.

By: MICHAEL and HEIDI ROMSA



Alexander K. Davison - WY #5-2492
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing was delivered via the United States Mail, return receipt requested and postage pre-paid to the following on the 1st day of July, 2011.

New Fashion Park
c/o Jay D. Moore
164 Industrial Way
Jackson, MN 56143

John Corra
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Alissa Chandler