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July 2, 1992

FILED

JUL 07 1992

Terri A. Lorenzon, Admin. Aide
Environmental Quality Agency 777-6005

Chairman
Environmental Quality Council
c/o Ms. Terri A. Lorenzon
Administrative Aide
Barrett Building
2301 Central Avenue, Room 407
Cheyenne, Wyoming 82002

CERTIFIED MAIL #P388098547
RETURN RECEIPT REQUESTED

FAX 777-7682 (Admin)

Mr. Dennis Hemmer
Department Director
Department of Environmental Quality
Herschler Building - 4th Floor West
Cheyenne, Wyoming 82002

CERTIFIED MAIL #P388098548
RETURN RECEIPT REQUESTED

Mr. William L. Garland, Administrator
Department of Environmental Quality
Water Quality Division
Herschler Building - 4th Floor West
Cheyenne, Wyoming 82002

FAX 777-5973 (Water)

CERTIFIED MAIL #P388098549
RETURN RECEIPT REQUESTED

Re: Objection and/or Appeal of Issuance of
Permit No. 92-119
Lot 1, Block 1, Knode 1st Addition
Knode Ranch Subdivision, Sheridan County, WY
T. 55 N., R. 84 W., 6th P.M.
Section 34: N $\frac{1}{2}$ NW $\frac{1}{4}$

Dear Ms. Lorenzon and Messrs. Hemmer and Garland:

This firm represents Les Pickrell of 28 Knode Road, Rex Shepperd of 33 Knode Road, and Mike Kunkel of 27 Canvasback Road, all of Sheridan, Wyoming. These people protest and object to the issuance of a permit by the DEQ for a sewage disposal system at Lot 1, Block 1 of Knode Ranch Subdivision, Sheridan County, Wyoming,

which borders their property. If the permit has been issued, then they wish to appeal the issuance of the permit to the EQC. My clients request a hearing before the Department and/or the Council as is appropriate.

The design that was presented to and approved by the DEQ has subsequently been reviewed by an independent licensed professional engineer hired by my clients. The reasons for my clients' objection to the issuance of the permit include the following:

- a. No investigation has been conducted subsequent to March 1992 to define the "seasonally high groundwater table". The spring of 1992 was extremely dry and measurements taken at that time are not indicative of the seasonally high groundwater table as defined by WDEQ/WQD regulations Chapter XI, Section 4. (q). Therefore, the design may be in violation of regulations Chapter XI, Section 36. (c)(ii), which requires the depth to "seasonally high groundwater must be at least four feet from the bottom of the absorption system stone".
- b. The proposed sewage mound is located within the 100-year flood plain. The design drawings do not show the location of the sewage mound in relation to the water surface elevations which result from a 10-year and 25-year flood levels. It is generally advisable not to construct sewage mounds within flood plains, because of the potential for erosion and damage of the sewage mound by flood waters, possible pollution of surface water by a damaged mound system, and sewage disposal problems resulting from the time required to reconstruct a flood-damaged mound.
- c. WDEQ/WQD regulations are intended to assure that the interests of those living near a sewage system and the interest of the State are protected so far as maintenance of water quality are concerned. The following items are not depicted on the design drawings and, therefore, in violation of State regulations:
 1. Sewer line cleanouts at intervals greater than the maximum required by the regulations. (Section 37. (b)(v)).

2. Septic tank capacity of 2500 gallons does not meet the minimum septic tank size required by Chapter XI, Section 39. (a)(ii). (Design shows a minimum 2700-gallon volume at peak flow of 1800 gallons per day for a 36-hour retention.)
 3. No provision shown in design to ensure that pressure transfer pipe can drain as provided by Section 40. (a)(iii). No measure included in design to address potential freezing of water in lines between the dosing pump and the perforated laterals.
 4. Insufficient detail on Sewage Pumping Station component to determine that pump tank volume requirements comply with Section 40. (a)(i).
 5. The slope below the break near the southeast corner of the sewage mound is greater than permissible as provided in Section 36. (e)(ii).
 6. Access/cleanout part of septic tank drawings does not meet regulations contained in Section 39. (a)(iv) requiring a 20-inch diameter manway and access to both inlet and outlet devices in the tank.
 7. There is no location shown for future installation of a replacement absorption system as required by Section 41. (a)(i).
- d. The proposed sewer disposal system serves six separately owned condominium units. No provision is made to indicate ownership or responsibility for maintenance of the system. Plans do not indicate who will monitor and respond to an alarm on a malfunctioning dosing pump; where the spare pump will be located; who will be responsible for installation of the replacement pump; and provisions for maintenance and/or replacement of pump control system.

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My clients request that issuance of the permit be stayed until these matters have been addressed by the Department. In the event the permit has been issued, we appeal its issuance and request a full hearing before the Council.

Very truly yours,

BURGESS, DAVIS, CARMICHAEL & CANNON


Hayden F. Heaphy, Jr.

HFH:kg

cc: Les Pickrell
Rex Shepperd
Mike Kunkel
Sheridan County Planning & Zoning Commission
Eugene Calvert, County Engineer

CERTIFICATE OF SERVICE

I, Hayden F. Heaphy, Jr., attorney for Les Pickrell, Rex Shepperd and Mike Kunkel do hereby certify that on the 2nd day of July, 1992, I caused a true and correct copy of the foregoing Objection and/or Appeal of Issuance of Permit No. 92-119 to be served by placing the same in the United States mail, postage prepaid at Sheridan, Wyoming, to:

Department of Environmental Quality
Water Quality Division
2161 Coffeen Avenue
Sheridan, Wyoming 82801

Ralph and Judith Knode
11 Pintail Road
Sheridan, Wyoming 82801

Knode Homeowner's Association Board
c/o Gilbert L. Clemons, President
34 Harlequin Drive
Sheridan, Wyoming 82801


Hayden F. Heaphy, Jr.