

BEFORE THE ENVIRONMENTAL  
QUALITY COUNCIL STATE OF  
WYOMING

FILED

MAR 02 2006

Terri A. Lorenzon, Director  
Environmental Quality Council

IN THE MATTER OF THE APPEAL                    ))  
OF THE COPPERLEAF CHAPTER 23                )  
SUBDIVISION APPLICATION, #05-S-052

Docket No. 05-3805

DEQ'S SUPPLEMENT TO RESPONSE TO NORTHFORK GROUP'S PETITION

Respondent, Wyoming Department of Environmental Quality (DEQ), Water Quality Division (WQD) hereby supplements as follows its March 1, 2006 Response to Petitioners' (Northfork Group or Petitioners) Petition for Review / Request for Hearing (Petition) in the above-captioned matter before the Wyoming Environmental Quality Council (Council):

The Petition, ~2. (pp.1-2) identifies the "Action Upon Which Hearing is Requested" as the final decision by the Administrator of the Water Quality Division of the Wyoming Department of Environmental Quality ("DEQ") to Copperleaf's Chapter 23 Subdivision Application. A copy of the decision letter is marked as "Exhibit A."<sup>1</sup>

As explained in the DEQ's Response, the DEQ's October 28, 2005 letter ("Exhibit [B]") to the Park County Board of County Commissioners regarding the Copperleaf Subdivision Application is a non-binding "no 'adverse' recommendation," not a "final decision" or "approval" by the DEQ, as it is characterized in the Petition.

The Petition, ~3.h. (p.3) alleges that

On June 21, 2005 the Park County Board of County Commissioners ("Board") approved the Developers Special Use Permit with conditions. A copy of the

<sup>1</sup> Although the Petition, ~2. refers to a two page letter from the Water Quality Division Administrator to the Chairman of the Park County Board of County Commissioners, dated October 28, 2005, as "Exhibit A," that attachment to the Petition is actually marked "Exhibit B," and is referred to in the DEQ's Response and Supplement to Response as "Exhibit [B]."

Board's Resolution # 2005-40 is marked as "Exhibit B,,2, Specifically, the Board conditioned approval of the permit upon the DEQ's review and approval of the Developer's proposed sewage system and water supply system. See Exhibit B pp. 2-5.

To supplement its March 1, 2006 Response addressing the allegations in ,-r3.h. of the Petition, the DEQ adds the following:

In deciding to approve "the special use permit," the Board could not have considered DEQ "recommendations" based on review of certain portions of the subdivision application, because the County Board's Resolution #2005-40 approving the special use permit was "Adopted by the Board of County Commissioners this 21 day of June, 2005" (Exhibit [A], p.6) and was based on an earlier application proposing "enhanced septic systems" (Exhibit [A], pp. 2&4). Subsequently, the applicant submitted a revised application proposing a central wastewater treatment system instead of septic systems. The DEQ "recommendation" letter to the Board (Exhibit [B]) was dated October 28, 2005 (*four months after* Board Resolution # 2005 40) and was based on review of the central "private wastewater treatment plant serving all lots in the subdivision" (Exhibit [B], p. 1), which was proposed in a subsequent, revised application.

DATED this 2nd day of March, 2006.

*11/tkb~*

Mike Barrash  
Attorney General's Office  
123 State Capitol Building  
Cheyenne, Wyoming 82002  
307-777-6946

<sup>2</sup> Although the Petition, ,-r3.h. refers to the Park County Board of County Commissioners' Resolution #2005-40, dated June 21, 2005, as "Exhibit B," that attachment to the Petition is actually marked "Exhibit A," and is referred to in the DEQ's Response and Supplement to Response as "Exhibit [A]."

CERTIFICATE OF SERVICE

True and correct copies of the foregoing DEQ'S SUPPLEMENT TO RESPONSE TO NORTHFORK GROUP'S PETITION, were served by United States mail, first class postage prepaid, this 2nd day of March, 2006, addressed as follows:

Debra J. Wendtland  
Wendtland & Wendtland  
2161 Coffeen Ave., Suite 301  
Sheridan, Wyoming 82801

Bryan A. Skoric  
Park County Attorney  
Park County Courthouse  
1002 Sheridan Ave.  
Cody, Wyoming 82414

Laurence W. Stinson  
Bonner Stinson, P.C.  
128 East Second  
P.O. Box 799  
Powell, Wyoming 82435

*/IMu D?Uw1*