

## Cynthia Wiley

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**From:** Rich Bloom [rich.bloom@bresnan.net]  
**Sent:** Tuesday, June 14, 2011 9:19 AM  
**To:** 'Dave Larson'; 'David Quinn'; 'Thomas Kirsten'; 'Reed Armijo'; james.brough@wyo.gov  
**Cc:** 'Bob Hammond'; Brett.M.Kroger@wellsfargo.com; 'David Kaufman'; 'Dave Dufault'; 'Paul D'Amours'; 'Cynthia Wiley'; 'Tina Korpi'; 'Larry Pardee'  
**Subject:** Melody Ranch - Public Water Supply Well Setback Encroachment

Melody Ranch Development Company, its engineers Jorgenson Associates and the Wyoming DEQ,

On behalf of the homeowners association of Melody Ranch (HOA) I want to document our concerns for the set back distance encroachment of our culinary wells that provides water to 367 households. In the fall of 2009 we engaged an independent engineer's (Nelson Engineering) analysis of all subdivision infrastructure in anticipation of a turnover of it from the developer to the association. Nelson issued their report and a copy was delivered to the developer on March 1, 2010. In the executive summary of that report we asked our consulting engineer to prioritize its recommendations. We asked that the highest priority for any deficiencies be first public safety followed by fiscal size. The highest priority recommendation was as follows:

*Recommendations for issues involving the Developer (in order of priority)*

- 1. Request the Developer confirm the actual location of the sanitary sewer service to Lot 87 of RU2\_3rd filing. If the service is within 50 feet of the Domestic Well, the Developer should be required to move the service so it complies with WDEQ rules.*

In early fall of 2010 the HOA board was informed by the developer's representative David Quinn (who also serves on the HOA board as an appointed member by the developer) that the developer's engineers (Jorgenson Engineering) had verified the encroachment of the sewer service line on Lot 87 into the culinary well set back. We asked at this recorded board meeting, and were promised both by David Quinn and the developer's attorney David Larson (at a later date), that the association's independent engineers (Nelson) would be allowed adequate time to do a courtesy peer review of any solution the developer's engineers and the Wyoming Department of Environmental Quality (DEQ) agreed upon.

Over the next eight months this item was brought up in no less than four emails and in multiple recorded board meetings to the developer's representative and their attorney. Less than three weeks ago David Quinn called me about the paving schedule for some newly completed mailbox pullouts as "*they may conflict with the sewer line fix*". I asked again – as had previously been agreed to - that a copy of the design and any DEQ correspondence be turned over to Nelson Engineering well before any construction was contemplated.

Last Friday afternoon I noted while on Melody Ranch Drive that water line materials has been staged and called both Thomas Kirsten of Jorgenson Engineering and David Quinn to inquire whether this was in conjunction with relocating the sewer line service. Dave Quinn called back and said "*yes, that Evans Construction would be starting excavation on Monday and hadn't Mr. Kirsten turned over the promised documents*". Later in the afternoon engineering plans did arrive from Thomas Kirsten by email per Dave Quinn's request. No correspondence with the DEQ accompanied the documents. I asked Dave Dufault of Nelson Engineering to do a rushed review given that Evans was scheduled to start excavation on Monday. Dave had an engineer from his office contact James Brough in the Wyoming DEQ office to opine on the drawings that had just been delivered to us. That has taken us to the present situation with conflicting direction from the DEQ on this issue.

I won't dwell on this situation that we find ourselves in today - although I will point out it could have been avoided if the requested and promised materials had been shared with us, and our consulting engineers, at least back in November of 2010. My concern for the 367 homes serviced by our public water system is solely for the protection of their health and safety. Mr. James Brough last Friday told Nelson Engineering that his department was emphatic that setbacks from wells must be maintained - especially in the case of Public Water Supply wells. According to Nelson Engineering - Mr. Brough

did say that in cases where absolutely no other alternative exists, variances to the well setbacks have been granted. Yesterday an email was sent to me from Thomas Kirsten with correspondence to the DEQ and their granting of a variance for the current plan in November 2010. As has been explained to us by Nelson Engineering – *“essentially the plan, the specifications and details show that the existing sewer service pipe would be replaced to water main standards (C900 PVC). Although this type of construction can be used where sewers are required to exceed WDEQ regulatory setbacks to water pipes, the regulations do not state that this construction allows for encroachment into setbacks for wells.”* It is unclear if the Wyoming DEQ evaluated any alternatives for this solution with Jorgensen Engineering before granting the variance last November.

In summary based on the recommendation of Nelson Engineering and in the interest of seeking the best available protection to the public water supply for the 367 homes it services - I request the developer study all alternative routes for the sewer service. By studying all potential routing scenarios, it is likely that a code compliant service, which meets or exceeds the Wyoming DEQ regulatory minimums, can be designed and constructed in order to provide the highest available level of protection for the wells.

Although we are appreciative that the developer has accepted reasonability to correct the sewer service line encroachment that currently exists within the set back of these public water supply wells – it needs to be done in a manner that provides the highest level of protection possible. Since this sewer line current remains as an active potential risk of contamination to our culinary wells – we hope a solution can be agreed upon between the DEQ and the developer - and the relocation be completed as soon as possible.

Richard Bloom  
President, Melody Ranch HOA