

Wyoming Department of Environmental Quality
Water Quality Division
PERMIT TO CONSTRUCT

PERMIT NO. 20-160

Ref Permit NO. 16-176

RE: Presby Environmental – Advanced Enviro-Septic® Application Package, Statewide Permit

This permit hereby authorizes applicants to use Advanced Enviro-Septic® Application Package submitted under Wyoming Professional Engineer; Mitchell T. Hardert, CBC Engineers & Associates, Ltd., 125 Westpark Road, Centerville, Ohio 45459; for the installation of domestic wastewater systems that serve a flow of 750 gallons per day or less according to the procedures and conditions of this permit. The Advanced Enviro-Septic system meets or exceeds the NSF Standard 40 Class I effluent requirements. The Advanced Enviro-Septic® Application Package is approved for use in all counties within the State of Wyoming. This permit shall be effective for a period of five (5) years from the date of issuance of this permit.

The issuance of this permit confirms that the Wyoming Department of Environmental Quality (DEQ) Water Quality Division (WQD) has evaluated the application submitted by the permittee and determined that it meets minimum applicable construction and design standards. The compliance with construction standards and the operation and maintenance of the facility to meet the engineer's design are the responsibility of the permittee, owner, and operator.

Granting this permit does not imply that WQD guarantees or ensures that the permitted facility, when constructed, will meet applicable discharge permit conditions or other effluent or operational requirements. Compliance with discharge standards remains the responsibility of the permittee.

Nothing in this permit constitutes an endorsement by WQD of the construction or the design of the facility described herein. This permit verifies only that the submitted application meets the design and construction standards imposed by Wyoming statutes, rules and regulations. The DEQ assumes no liability for, and does not in any way guarantee or warrant the performance or operation of the permitted facility. The permittee, owner and operator are solely responsible for any liability arising from the construction or operation of the permitted facility. By issuing this permit, the State of Wyoming does not waive its sovereign immunity.

The permittee shall allow DEQ personnel and their invitees to enter the premises where the facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law or regulation. The permittee shall secure and maintain such access for the duration of the permit.

If the facility is located on property not owned by the permittee, the permittee shall also secure and maintain from the landowner upon whose property the facility is located permission for DEQ personnel and their invitees to enter the premises where a regulated facility is located, or where records are kept under the conditions of this permit, and collect resource data as defined by Wyoming Statute § 6-3-414, inspect and photograph the facility, collect samples for analysis, review records, and perform any other function authorized by law. The permittee shall secure and maintain such access for the duration of the permit.

If the facility cannot be directly accessed using public roads, the permittee shall also secure and maintain permission for DEQ personnel and their invitees to enter and cross all properties necessary to access the facility. The permittee shall secure and maintain such access for the duration of the permit.

The permittee shall maintain in its records documentation that demonstrates that the permittee has secured permission for DEQ personnel and their invitees to access the permitted facility, including (i) permission to access the land where the facility is located, (ii) permission to collect resource data as defined by Wyoming Statute § 6-3-414, and (iii) permission to enter and cross all properties necessary to access the facility if the facility cannot be directly accessed from a public road. The permittee shall also maintain in its records a current map of the access route(s) to the facility and contact information for the owners or agents of all properties that must be crossed to access the facility. The permittee shall ensure that the documentation, map, and contact information are current at all times. The permittee shall provide the documentation, map, and contact information to DEQ personnel upon request. On closure of a facility, the permittee shall maintain such records for a period of five (5) years.

Nothing in this permit precludes the institution of any legal action or other proceeding to enforce any applicable provision of law or rules and regulations. It is the duty of the permittee, owner and operator to comply with all applicable federal, state and local laws or regulations in the exercise of its activities authorized by this permit.

The issuance of this permit does not convey any property rights in either real or personal property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

The permittee shall construct and operate the permitted facility in accordance with the statements, representations, procedures, terms and conditions of the permit application, supporting documents and permit. This permit does not relieve the permittee from any duty to obtain any other permit or authorization that may be required by any provision of federal, state or local laws.

In carrying out its activities authorized by this permit, the permittee, owner and operator shall comply with all of the following permit conditions:

- 1 of 3. The permittee will immediately notify WQD of any changes or modifications, which are not consistent with the terms and conditions of this permit. Submit oral or written notice to the James Brough, Northwest District Engineer, james.brough@wyo.gov, 510 Meadowview Drive, Lander, WY 82520; 307-332-3144, in accordance with the provisions of Section 11, Chapter 3, Wyoming Water Quality Rules and Regulations.
- 2 of 3. The permittee will submit a Certificate of Completion signed by the engineer of record or the owner to the engineer listed above within sixty (60) days of completing the construction of the authorized facility. A form titled "Certificate of Completion" is available on the WQD Construction Permitting website.
- 3 of 3. DEQ bases the review and approval of this permit upon the items identified in the attached "Statement of Basis".

AUTHORIZED BY:



Kevin Frederick, Administrator
Water Quality Division



Todd Parfitt, Director
Department of Environmental Quality

August 20, 2020

Date of Issuance

TP/KF/RRC/JSB/CF

STATEMENT OF BASIS

1. Permit Number: **20-160**
2. Application reviewed for compliance with the following regulations:
Chapters 3 and 25 of the Wyoming Water Quality Rules and Regulations.
3. Does the permit comply with all the applicable regulations identified above?

No, a deviation from Chapter 25 is requested. Section 6 of Chapter 25 encourages new technology and allows the permitting of products that have demonstrated that the product satisfies the intent of the regulations. Presby Environmental has done this through NSF/ANSI/NSF Standard 40 certification of Simple Septic SS-SPD-450.

The Presby application allows both a higher soil application rate and a reduction in the vertical separation distance. This is based upon the Presby systems ability to produce a cleaner effluent quality (i.e., 95% reduction in BOD, TSS and fecal coliforms) that percolates through the native soils.

The minimum vertical separation from seasonally high ground water for the Presby system must be at least 2.5 feet measured from the bottom of the Presby pipe.

4. If a Chapter 3, Section 17 review is required, indicate how WQD will determine that the permittee will protect groundwater quality.

Small wastewater systems are exempted from review by Chapter 3, Section 17. DEQ has reviewed extensive testing results for this technology and found it to be protective of groundwater quality.

5. Documentation of Statement of Basis: The archive file for this permit includes adequate documentation of all sections of this Statement of Basis.

CERTIFICATION

DEQ issued this permit based upon a review of the application package submitted in accordance with the requirements of Chapter 3, Section 6, Wyoming Water Quality Rules and Regulations. James Brough, Northwest District, District Engineer, completed this review on July 28, 2020. DEQ recommends issuing this permit based upon the statements, representations and procedures presented in the permit application and supporting documents, permit conditions, and the items identified in this "Statement of Basis."

XC: Jeanne Allen, Presby Environmental, Inc., 143 Airport Road, Whitefield, NH 03598