

TO: Public Service Commission  
1701 Prospect Avenue  
P.O. BOX 202601  
Helena, MT 59620-2601

Dec 5, 2005

original

RE: A Petition to Intervene in the matter of the  
Application of Utility Solutions, LLC to implement initial  
Rates and Charges for Water Services in its Elk Grove  
Subdivision, Gallatin County, Montana Service Area.  
Utility Division Docket NO. D 2005.11.163

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2005 DEC -6 AM 10:17  
PUBLIC SERVICE  
COMMISSION

1) I believe U.S.L.L.C. must base initial <sup>original</sup> rates should be either Metered Water Rates or Monthly Flat Water Rates. Will homeowners be refunded the initial \$5,000-dollar that was paid when Land ownership was transfer for the homeowner to be able to look into Water & Sewer Services.

2) Concinnity, LLC which is now owned by U.S.L.L.C. was not meeting Montana Department of Environmental Quality testing requirements and thus M.D.E.Q. was forced to sample Wastewater for Quality.

3) U.S.L.L.C. has not fulfilled all Issues Remarks on D.N.R.C. Water Wells Permits for Monthly Flows metered and Reports submitted after NOV of each year to D.N.R.C.

All homes (Existing) and irrigation water Wells use was to recorded each month and yearly Totals submitted after NOV 30 of each year to D.N.R.C. as stated on Permit requirements.

34) U.S. LLC has offered Wastewater Capacity to other areas as COK Property, Dennis Simpson Property, Four Corner County Water + Sewer District before fulfilling M.T. Law which clearly states no fees or other areas outside Elk Grove sub area can be provided before Rates are accepted + reviewed and passed for approval by P.S.C.

4A) Note: July 7, 2004 Letter Gallatin City-County Health Department to Eric Reegenberger, D.E.Q. Permitting & Compliance Division; Re: Utility Solution Four Corner Facility Plans. signed by Denise Moldoski, M.S.R.S. Environmental Health Specialist; Gallatin City-County Health Department.  
cc: to Marty Gagnon  
Barb Campbell  
Sam Martiney  
Jim Kujawa.

4B) also, June 22, 2005 Letter to Sam Martiney, M.D.E.Q. from Eric Blankenship, M.M.E. Engineer for Utility Solution, LLC.

Respectively Submitted  
Tony Kohnik

Petition to Intervene with the P.S.C. original

Utility Solutions, LLC

Docket NO. D2005.11.163  
Utility Solutions.

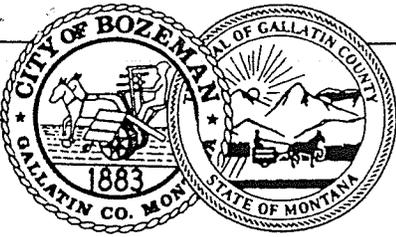
- ✓ 1) original copy + ten copies of the Petition to Intervene with the P.S.C. 1701 Prospect Avenue, P.O. BOX 202601, Helena, Montana 59620-2601.
- 2) one copy served to U.S. LLC at US LLC's office, 224 Zoot Way, Bozeman, MT 59718
- 3) one copy to Montana Consumer Council (MCC) at MCC, 616 Helena Avenue, P.O. BOX 201703, Helena, Montana. 59620-1703.

### Certificate of Service

I hereby certify that a copy of protest or Intervene in D 2005. 11. 163 in the matter of Utility Solutions, LLC - Application to Implement Initial Rates and Charges for Water Services and Wastewater Services in its Elk Grove Subdivision, Gallatin County, Montana on all parties listed above 1-2-3 created 12/5/05, by mailing a copy thereof to each Party by first class mail, postage Prepaid.

Page 4 of 4

Tony Kolnick



## Gallatin City-County Health Department

Human Services  
12 N. 3rd Ave  
Bozeman, MT 59715  
406-582-3100 • FAX 406-582-3112

Environmental Health Services  
311 West Main, Room 108  
Bozeman, MT 59715  
406-582-3120 • FAX 406-582-3128

July 7, 2004 [www.co.gallatin.mt.us/health/index.htm](http://www.co.gallatin.mt.us/health/index.htm)

Eric Regensburger  
DEQ Permitting & Compliance Division  
P.O. Box 200901  
Helena, MT 59620-0901

RECEIVED

JUL 09 2004

RE: Utility Solutions Four Corners Facility Plan  
Utility Solutions MGWPCS Application  
NE¼ Section 14 T2S R4E  
Gallatin County, Montana

MT DEQ PUBLIC WATER  
& SUBDIVISIONS BUREAU

Dear DEQ Reviewers,

Gallatin City-County Health Department staff have reviewed the **Utility Solutions Four Corners Wastewater Treatment Facility Plan** and also the corresponding **Groundwater Discharge Permit Application** (MGWPCS) submittal provided by Morrison-Maierle, Inc. of Bozeman, MT. The proposal is to utilize the existing wastewater treatment system at Elk Grove Subdivision with modifications to increase treatment capacity and to reduce effluent nutrient and pathogen concentrations, all to serve the existing Elk Grove Subdivision, the proposed Northstar Subdivision, the proposed Galactic Park Subdivision, the Zoot Office Building, existing Bozeman KOA, existing but expanded Bozeman Hot Springs development, the McHenry Property, the existing Korner Court trailer court, Simpson Property, proposed Gallatin River Hideaway, the Cok Property plus additional properties up to a **total average daily wastewater flow of 600,000 gpd**. Although the average design flow of 600,000 is proposed for the Facility Plan, Utility Solutions is actually seeking approval of 737,573 gpd wastewater effluent flow under the MGWPCS application to allow for possible future expansion. The system will continue to utilize the existing Elk Grove IP cells/drainfield and approved spray irrigation area, the approved Bozeman Hot Springs drainfield/replacement and a new Rapid Infiltration Basin. The approved Bozeman Hot Springs replacement area is proposed to be moved farther west along the old abandoned railroad right-of-way. Some questions have arisen regarding this proposal, and we ask that these items be addressed during your review.

1. The facility plan lists the Cok Property - 20,000 gpd in *Table 9 - Facility Flow Predictions by Year*, although this property was not broken out anywhere else that I noted. I don't know where this property is located on the ground, but I assume you intend that it be serviced and that roughly 162,929 gpd would actually be available for future use rather than the 182,981 gpd noted earlier in the facility plan. (I also understand that you are requesting a MGWPCS discharge permit approval of a total of 737,573 gpd to allow for other future expansions). I assume this extra capacity would be available on a first come, first served basis for existing or proposed developments in the vicinity. As you are probably aware, there are a number of properties in the area that have very old septic systems (some with ongoing problems), potential water supply deficiencies and compromised water supply well-wastewater treatment system setbacks with limited options for relief due to very small lot sizes. The

Gallatin City-County Health Department certainly hopes that this new facility will provide an opportunity to solve some of the existing problems in its vicinity and that the available capacity will not all be promised to new development.

2. The facility plan assumes typical domestic strength wastewater and notes that "Pretreatment" will be required for commercial sources of concern without going into specifics. I understand that it is difficult to be specific when you aren't sure just what commercial uses will be proposed, but we have experienced problems recently with inadequate pretreatment of FOG generated from restaurants utilizing grease trap tanks and would like you to be aware of this. Part of the problem seems to be from poor flow characterization, improper sizing of tanks, unexpected effluent chemistry from low temperature dishwasher waste flows and lack of actual monitoring data for FOG once the system was in operation. If there is a way to be pro-active regarding operation guideline development in how pretreatment options are evaluated and approved by the wastewater system management, you may be able to avoid some of these problems.
3. Although the NRCS soils information for the RI Basin area indicates groundwater levels between 4 and 8 feet in April-June, groundwater found in monitoring wells within the RI Basin did not exceed 86-inches BGS on 7/1/2004. Groundwater monitoring well # 6196 in the western most part of the RI Basin is closer to the Beck-Border Ditch and appears to have higher groundwater than the other wells. I understand that there is other monitoring data available for these wells and would like to request a copy of it for review. The facility plan proposes a 3-foot trench depth for the RI Basin but the GW Discharge Permit Application proposes 2-foot trench depth. Please confirm which proposed trench depth is the correct one. Also, if you intend to utilize the area in the vicinity of monitoring well # 6196, you may need to modify your nondegradation estimates of vertical separation.
4. In the Groundwater Discharge Permit application, the engineer proposes effluent limits of 10 mg/L Total Inorganic Nitrogen (TIN) and 2 mg/L Total Phosphorus (TP) based on proposed changes in operation and upgrades to the existing Elk Grove WWT System. Currently the existing discharge permit for Elk Grove IP Cells requires an effluent limit of 30 mg/L TIN. Monitoring of the Elk Grove effluent for the last year found quite a bit of variability possibly due to start up and low flows, but in any case less than the 30 mg/L TIN limit. I would like to know what will happen if you propose tighter effluent limits but do not achieve them as expected. Is there a contingency plan for this?
5. It is my understanding that the existing well located within the north part of the proposed RI Basin will be properly abandoned according to well driller rules so that it does not provide a short-circuit conduit to groundwater. I also assume you will be abandoning the existing septic system according to local wastewater regulations. Please provide more information on how you intend to abandon this well and the existing septic system.
- \* 6. I am concerned about the proximity of the RI Basin to existing water supply wells in the area. The report states that a 3-point triangulation of shallow wells north of the proposed RI Basin was used to estimate the groundwater gradient direction, but as I understand it, groundwater gradient can change direction slightly throughout the year. The closeness of the RI Basin & mixing zone to the existing wells and their isolation zones gives little room

for error. I have these same concerns regarding the previously approved Bozeman Hot Springs drainfield & replacement areas and their proximity to existing wells. ✓

7. I assume that a number of properties previously given Certificates of Subdivision Approval (such as Bozeman Hot Springs EQ# 99-2259) will need to be rewritten in the near future to change from onsite water and wastewater systems to new connections to the Utility Solutions Facilities.

If you have any questions regarding this letter, please call me at the Gallatin City-County Environmental Health Office at 582-3120.

Sincerely,



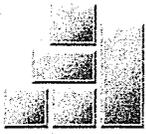
Denise Moldroski, MS RS  
Environmental Health Specialist  
Gallatin City-County Health Department

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JUL 09 2004

MT DEQ PUBLIC WATER  
& SUBDIVISIONS BUREAU

Cc: *Marty Gagnon PE, Morrison Maierle Inc., PO Box 1113, Bozeman, MT 59771*  
*Barb Campbell, Utility Solutions OOC, PO Box 10098, Bozeman, MT 59719*  
*Sam Martinez, DEQ Permitting & Compliance, PO Box 200901, Helena, MT 59620-0901*  
*Jim Kujawa, DEQ Permitting & Compliance, PO Box 200901, Helena, MT 59620-0901*



**MORRISON  
MAIERLE, INC.**

*An Employee-Owned Company*

901 TECHNOLOGY BLVD • P.O. BOX 1113 • BOZEMAN, MT 59771 • 406-587-0721 • FAX: 406-587-1176

ENGINEERS  
SCIENTISTS  
SURVEYORS  
PLANNERS

June 22, 2005

Sam Martinez  
Montana Department of Environmental Quality  
P.O. Box 200901  
Helena, MT 59620-0901

RE: Utility Solutions, LLC Sewer & Water Extensions  
MMI: 3709.001.020.0310

Dear Sam:

Utility Solutions, LLC is planning to extend sewer and water mains to provide service to properties adjacent to the sewer and water systems they are constructing. The sewer main extensions will occur on 9 different alignments and the water main extensions will occur on 5 different alignments. The new mains connect to either a Utility Solutions main or to a Northstar Subdivision main which will be owned by Utility Solutions upon completion. MDEQ approval numbers that apply to the Utility Solutions sewer and water systems are EQ 04-2595 and EQ 04-2805 respectively, and EQ 04-2560 for the Northstar Subdivision.

I am sending you the sewer and water extensions materials as you are most familiar with the Utility Solutions, LLC wastewater and water systems. James Kujawa was the reviewer for the Northstar Subdivision infrastructure. If you are not able to review the materials yourself, I am hoping that you will be a resource for another reviewer.

Please find enclosed with this letter engineering reports, review fees, plans, and specifications for the Utility Solutions, LLC sewer and water system extensions. If you have any comments or questions, please contact me at (406) 587-0721. Thank you.

Sincerely,  
Morrison-Maierle, Inc.

Eric Blanksma, P.E.  
Design Engineer

Enclosures

Cc: Gallatin Co. Health Dept.  
Utility Solutions, LLC  
MMI File

CK# 545 \$600<sup>00</sup>  
6-24-05

**RECEIVED**

**JUN 24 2005**

MT DEQ PUBLIC WATER  
& SUBDIVISIONS BUREAU