

Peter M. Lampert and M. Alison Jameson
15073 S Wandcrest Dr, Pine, CO 80470
StopShirleyDumping@gmail.com

Friends and Neighbors of
Wandcrest & Will-O-Wisp

August 7, 2023

My friends,

I am writing you today to update you on the status of our efforts to stop Shirley's dumping operation on the Reffel ranch and to ask that you join me now in a more assertive and public campaign.

At the beginning of our journey to stop Shirley's dumping operation, I took on the role to make our concerns known in an organized written format. I wanted to accomplish two purposes:

- 1) Permit our county, state, and federal agencies and elected officials an opportunity to reach out and help us; and
- 2) To create a paper trail or file to document and memorialize what these agencies and elected officials did or not did for us.

Conclusions

Let me share three conclusions which are well supported by my paper trail provided in the attachments.

1) Legalistic "Ponzi Scheme"

The authority and responsibility for ensuring that Shirley's operation is permanently dismantled appears to be what in financial and investment circles is known as a fraudulent "Ponzi scheme":

- Colorado and, specifically, the office Solid Waste and Materials Management Program, has responsibility and authority, but relies on Park County for enforcement.
- Likewise, the EPA has responsibility and authority, but through office Solid Waste and Materials Management Program relies on Park County.
- Park County has no regulations supervising illegal dumping and specifically disavows it has any responsibility and authority.
- Furthermore, Park County has declared there is no illegal dumping, a finding with which the Colorado Solid Waste and Materials Management Program office concurs.
- Currently, there are piles and piles of waste at the Shirley operation notwithstanding that the Solid Waste and Materials Management Program is required to be moved to approved landfills. This is a requirement that no agency seemingly can enforce.

2) Bureaucratic "Two Step"

Reading through the attachments, be on the watch for the bureaucratic "two step" deflecting any need to assist us. "Not my job" is the refrain!

3) “Fox Guarding the Hen House!”

We all know that Park County is in the “back pocket” of Shirley. Park County is continually “working with” Shirley to resolve the issues. Initially, Park County issued a cease-and-desist letter which is now found to be issued in error. If zoning on a new property is secured, Shirley could move the operation. More defer, deflect, and spin.

Colorado’s Solid Waste Inspection Report did nothing to independently determine whether illegal dumping occurred. Rather, it merely relied on the assertions of Park County and Mr. Shirley—nothing less than letting the “fox guard the hen house!”

Friends, Foes, And Unresponsive

I personally now conclude that we have friends, foes, and unresponsive/not interested as follows:

FRIEND	FOE	UNRESPONSIVE
United States		
Justin Kurth Field Representative and Outreach Coordinator For: Brittany Pettersen 7th Congressional District Colorado U.S. House of Representatives		Cole Finegan United States Attorney District of Colorado
Richard Archuleta U.S. EPA REGION 8 Enforcement, Policy Team For: KC Becker Environmental Protection Agency Administrator Region 8		

FRIEND	FOE	UNRESPONSIVE
Park County:		
	<p>Tom Eisenman County Manager 856 Castello Ave P.O. Box 1373 Fairplay, CO 80440 teisenman@parkco.us</p>	<p>Dick Elsner Commissioner District 2 856 Castello Ave P.O. Box 1373 Fairplay, CO 80440</p>
	<p>John (Mike) Smith Park County Operations 856 Castello Ave. P.O. Box 1598 Fairplay, CO 80440 jsmith@parkco.us</p>	

FRIEND	FOE	UNRESPONSIVE
State of Colorado:		
	<p>Mr. Edward Smith Unit Leader Environmental Protection Specialist Compliance Assurance Unit Solid Waste and Materials Management Program</p> <p>For: Jill Hunsaker Ryan Executive Director Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246</p>	<p>Tammy Story Representative District 25 Colorado General Assembly 200 E Colfax RM 307 Denver, CO 80203</p>
		<p>Phil Weiser Attorney General Office of the Attorney General Colorado Department of Law Ralph L. Carr Judicial Building 1300 Broadway, 10th Floor Denver, CO 80203</p>

- Friends

<p>Justin Kurth Field Representative and Outreach Coordinator</p> <p>For: Brittany Pettersen 7th Congressional District Colorado U.S. House of Representatives</p>	<p>Mr. Kurth reached out to me on two occasions to discuss our concerns and to report back on his conversations with Park County. See Attachment #1 “Kurth.”</p> <p>Note in the attachment where Tom Eisenman of Park County states that the county has no authority and it is up to the state to take action.</p> <p>This position is the “Ponzi scheme” outlined above.</p>
--	---

<p>Richard Archuleta U.S. EPA REGION 8 Enforcement, Policy Team 303-312-6054 720-253-3590 (Cell) archuleta.richard@epa.gov</p> <p>For: KC Becker Environmental Protection Agency Administrator Region 8 US EPA, Region 8</p>	<p>Mr. Archuleta reached out to me and I enjoyed a very fruitful conversation with him. Under his supervision, our concerns have been referred to the EPA enforcement division.</p> <p>He did warn me that the EPA looks to the state and county to enforce EPA regulations.</p> <p>This result is the “Ponzi scheme” outlined above.</p>
--	---

- Foes

<p>Tom Eisenman County Manager</p> <p>John (Mike) Smith Park County Operations</p> <p>Park County</p>	<p>Park County, in my humble opinion, is in the “back pocket” of Shirley.</p> <p>Read through the attachments and I believe you will see how they are both using the Bureaucratic “Two Step” to defer and deflect.</p> <p>Furthermore, they are hiding behind the legalistic “Ponzi scheme.”</p>
---	--

<p>Mr. Edward Smith Unit Leader Environmental Protection Specialist Compliance Assurance Unit Solid Waste and Materials Management Program</p>	<p>As above, read through the attachments and I believe you will see how Mr. Smith and Mr. Bauer of the Solid Waste and Materials Management Program are using the Bureaucratic “Two Step” to defer and deflect and are hiding behind the legalistic “Ponzi scheme.”</p>
--	--

For: Jill Hunsaker Ryan Executive Director Department of Public Health and Environment	Furthermore, through their reliance on Shirley’s assertions without independent confirmation, they permit the Shirley “fox” to “guard the hen house!”
---	---

- Unresponsive / Not Interested

The following individuals never responded to my written requests for assistance. Their apathy should likely place them as a foe to our cause.

Cole Finegan United States Attorney District of Colorado 1801 California St Suite 1600 Denver, CO 80202	Dick Elsner Commissioner District 2 856 Castello Ave P.O. Box 1373 Fairplay, CO 80440
Tammy Story Representative District 25 Colorado General Assembly 200 E Colfax RM 307 Denver, CO 80203	Phil Weiser Attorney General Office of the Attorney General Colorado Department of Law Ralph L. Carr Judicial Building 1300 Broadway, 10th Floor Denver, CO 80203

Ongoing Call to Action

- Will-O-Wisp: Beware ... if zoning on a new property is secured, then Shirley will move his operation to your neighborhood and this fight will continue.
- Public Pressure: I feel it’s time to shine a light on our foes. I encourage you to share this packet as you see fit.
- Community Pressure: Would you be willing to publicly visiting elected officials on the foe and unresponsive list? If so, I’d appreciate it if you would keep me informed. You can use this email for that purpose: StopShirleyDumping@gmail.com

Thanks for your support. Remember our mission: Stop Shirley Dumping!

Warmly,

Peter Lampert

Attached:

Attachment #1

Justin Kurth
Field Representative and Outreach Coordinator
Brittany Pettersen
7th Congressional District

Attachment #2

Shirley Septic Report Edward Smith 6 Aug 23 RESPONSE
Includes its Attachments:

- Original Response to the Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023
- Original Lampert Jameson Letter
Letter from Peter M. Lampert and M. Alison Jameson,
Dated June 27, 2023

Attachment #1
Justin Kurth
Field Representative and Outreach Coordinator
Brittany Pettersen
7th Congressional District

Field Representative and Outreach Coordinator
U.S. Representative Brittany Pettersen (CO-7)

Kurth, Justin <Justin.Kurth@mail.house.gov>
Tue, Jul 25, 9:43 AM (13 days ago)
to peter@peterlampert.com

Peter,

Thank you for your time this morning. Appreciate you bringing me into the awareness of this issue. Here is the response I received from your County Manager. Please let me know your thoughts.

Justin

Begin forwarded message:

From: Tom Eisenman <TEisenman@parkco.us>
Subject: RE: Question on Constituent Concern
Date: July 19, 2023 at 5:30:55 PM MDT
To: "justin.kurth@mail.house.gov" <justin.kurth@mail.house.gov>
Cc: Dick Elsner <DElsner@parkco.us>

Justin,

The original cease & desist was inaccurate related to the reported violation.

A new notice of violation was sent approximately 10 days ago. The owner/operator has 30 days to cure this violation.

The owner/operator met with myself & our Operations Manager today to move his operation to a different location.

He didn't volunteer to cease operation at his current location.

He must be off of the current location of his operation by the end of September.

We do not have the authority to shut down his operation . That will take further litigation.

The current path is to move the operation to his other location. Which will take an application to rezone to permit said operation.

If successful that will take less time than further litigation.

The rezoning process is a public hearing process. I would image you will be hearing about that as well.

The "spill " reported is the responsibility of the state. Both the county & the state inspected and did not recognize this as a spill event.

Furthermore the state is responsible for regulating such activity under their Biosolids regulations .

The county's due diligent is related to our zoning authority.

Call or email if you have any further questions.

Tom

THOMAS EISENMAN,COUNTY MANAGER

Attachment #2
Shirley Septic Report Edward Smith 6 Aug 23 RESPONSE

Includes its Attachments:

- Original Response to the Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

- Original Lampert Jameson Letter
Letter from Peter M. Lampert and M. Alison Jameson,
Dated June 27, 2023

Peter M. Lampert and M. Alison Jameson
15073 S Wandcrest Dr, Pine, CO 80470

Mr. Edward Smith
Unit Leader
Environmental Protection Specialist Compliance Assurance Unit
Solid Waste and Materials Management Program
Hazardous Material and Waste Management Division
Department of Public Health and Environment
State of Colorado
4300 Cherry Creek Drive S
Denver, CO 80246

August 6, 2023

VIA EMAIL

Mr. Smith,

I am in receipt of your email to me of July 24, 2023 (Appendix #1 “Smith Email Response”). Thank you for your considered response. I feel that your office and, therefore, the State of Colorado, has abandoned my forty neighbors and me.

Please find attached the following:

Appendix #1 “**Smith Email Response**”

Email Response
Edward Smith, Unit Leader
Solid Waste Compliance Assurance Unit

Appendix #2 “**Unaddressed Questions**”

Unaddressed Questions Outlined In
Letter to Mr. Boer
In Response to
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

Appendix #3 “**Current View**”

Current View of Shirley’s Operations

Appendix #4 “**Report Response**”

Letter to Mr. Boer
In Response to
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

Appendix #4 – “Report Response” Attachments

“Report Response – **Original Response**”

Appendix #1
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

“Report Response – **Original Lampert Jameson Letter**”

Appendix #2
Letter from Peter M. Lampert and M. Alison Jameson
Dated June 27, 2023

Seven Conclusions

Thank you for your response (Appendix #1 “Smith Email Response”) to my letter to Mr. Boer (Appendix #4 – “Report Response”). After careful consideration of your response, I come to the following seven conclusions:

Disposal of Sewage – Authority to Regulate

1. Conclusion: Solid Waste Compliance Assurance Unit IS Responsible

Program only has authority to enforce the Solid Waste Sites and Facilities Act, CRS 30-20-100.5 et seq. (the Act) and the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 (the “Regulations”).

Illegal disposal of septage would be an activity governed by the Act and Regulations

2. Conclusion: Regarding the Treatment of Septage – Park County is Lead Agency

[T]he lead agency for activities associated with the treatment of septage at 14803 Wandcrest Drive in Pine, CO is Park County.

3. Conclusion: No Government Agency Can Be Held Responsible for The Treatment of Septage in Park County

Reasoning:

- EPA also has responsibility and authority.
- EPA’s responsibility and authority are delegated to Solid Waste And Materials Management Program.
- Responsibility and authority are then delegated to Park County.
- Park County has no regulations to enforce.

The treatment of septage is also regulated by EPA regulations at 40 CFR Part 503. The Program defers regulation and enforcement for the treatment and land application of septage to the county. Park County has not codified regulations regarding the treatment and land application of treated septage pursuant to 40 CFR Part 503, but can enforce those activities through local code enforcement.

Disposal of Sewage – Findings of Illegal Disposal

4. Conclusion: There is No Disposal of Untreated Septage

Illegal disposal of septage would be an activity governed by the Act and Regulations. However, the inspectors did not observe the disposal of untreated septage on Mr. Shirley's property.

5. Conclusion: Shirley’s Operations Does Not Constitute a Spill Site. Therefore, Park County Needs Assistance Neither from the Solid Waste Compliance Assurance Unit Nor the EPA

Park County representatives have been to Mr. Shirley's property and stated that this is not a spill site. Park County also has not requested assistance from the Program regarding enforcement of the septage treatment operation.

Zoning

6. Conclusion: Local Zoning—Park County

Park County is responsible for ensuring compliance with local zoning requirements.

Clean Water – Responsibility and Authority

7. Conclusion: Solid Waste Compliance Assurance Unit Has No Responsibility for Clean Water

Regarding potential contamination of surface water ponds located on Mr. Shirley's property and neighboring properties, the Program does not regulate surface water runoff or the management of stormwater in surface features. Regulation of these matters lies with the Water Quality Control Division (WQCD) of the Department.... I recommend that you coordinate with the WQCD ...

Analysis

Regarding the first five conclusions outlined above, I feel that your office and, therefore, the State of Colorado, has abandoned my forty neighbors and me.

Disposal of Sewage – Authority to Regulate

1. Conclusion: Solid Waste Compliance Assurance Unit IS Responsible
2. Conclusion: Regarding the Treatment of Septage – Park County Is Lead Agency
3. Conclusion: No Government Agency Can Be Held Responsible for the Treatment of Septage in Park County

Disposal of Sewage – Findings of Illegal Disposal

4. Conclusion: There is No Disposal of Untreated Septage
5. Conclusion: Shirley's Operations Does Not Constitute a Spill Site. Therefore, Park County Needs Assistance Neither from the Solid Waste Compliance Assurance Unit Nor the EPA.

I have and currently work in financial services. In financial services, we describe this outcome as a fraudulent “Ponzi scheme”:

- Your office, the Solid Waste and Materials Management Program, has responsibility and authority, but you rely on Park County.
- Likewise, the EPA has responsibility and authority, but through your office relies on Park County.
- Park County has no regulations supervising illegal dumping.
- Nevertheless, Park County says there is no illegal dumping, a finding with which your office concurs.

Forty of my neighbors and I know that Park County is in the “back pocket” of Shirley. Furthermore, your Solid Waste Inspection Report did nothing to independently determine whether illegal dumping occurred. Your report merely relied on the assertions of Park County and Mr. Shirley—nothing less than letting the “fox guard the hen house!”

Mr. Shirley's waste processing and dumping continues. (See Appendix #3 “**Current View**”) Your report specifically states that “waste collected from the screen is hauled to either Tower or Foothills landfills.” (See Appendix #2 “Unaddressed Questions” question 6) Your report continues to be incorrect, as evidenced by pictures of piles of waste.

Regarding the last two conclusions outlined above, I feel that your office and, therefore, the State of Colorado, is engaging in bureaucratic “two step” deflecting any need to assist my neighbors and me.

Zoning

6. Conclusion: Local Zoning—Park County

Clean Water – Responsibility and Authority

7. Conclusion: Solid Waste Compliance Assurance Unit Has No Responsibility for Clean Water

You are obviously correct that your office has responsibly neither for local zoning nor clean water. However, did you call me to discuss how I should proceed, or did you formally refer my concerns to other state agencies? No.

Did your office seek to address my questions outlined in my response to the Solid Waste Inspection Report? No.

Remaining unanswered are these questions in Appendix #2 “Unaddressed Questions.”

Summary

Mr. Shirley is currently engaged in illegal waste processing and dumping. My home is being violated and neither Park County, nor the State of Colorado, as represented through your office, will assist me. Instead, I’m handed a legalistic “Ponzi scheme” and a bureaucratic “two step” of deflection.

Peter M. Lampert
Certified Public Accountant (Virginia-Active)
Attorney (Virginia-Inactive)

M. Alison Jameson
Attorney (Colorado-Active)

Appendix #1 “Smith Email Response”

Email Response
Edward Smith, Unit Leader
Solid Waste Compliance Assurance Unit

Smith - CDPHE, Edward
Mon, Jul 24, 1:11 PM (13 days ago)
to me, Derek, David, maryalisonjameson, lgillice, dsowers

Mr. Lampert:

The Solid Waste and Materials Management Program (the Program) has received your email dated July 22, 2023 regarding an inspection conducted at Shirley Septic Pumping on July 14, 2023. While you have expressed numerous concerns, please understand that the Program only has authority to enforce the Solid Waste Sites and Facilities Act, CRS 30-20-100.5 et seq. (the Act) and the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 (the "Regulations"). In this case, Park County is responsible for ensuring compliance with local zoning requirements and has authority to enforce code violations occurring within the county. Issues raised in the Cease and Desist letter, which was issued to James D. Raffel on March 27, 2023, fall within Park County's authority. Concerns related to the enforcement of the Cease and Desist letter should be raised to Park County and the County Commissioners. Based on observations during the July 14, 2023 inspection the Program has very limited authority to address the many concerns raised in your letter dated June 27, 2003 addressed to James Reffel and Adam Shirley. Again, the lead agency for activities associated with the treatment of septage at 14803 Wandcrest Drive in Pine, CO is Park County.

The treatment of septage is also regulated by EPA regulations at 40 CFR Part 503. The Program defers regulation and enforcement for the treatment and land application of septage to the county. Park County has not codified regulations regarding the treatment and land application of treated septage pursuant to 40 CFR Part 503 but can enforce those activities through local code enforcement. Park County representatives have been to Mr. Shirley's property and stated that this is not a spill site. Park County also has not requested assistance from the Program regarding enforcement of the septage treatment operation.

The Program conducted a compliance inspection on July 14, 2023 in response to a complaint alleging illegal disposal of septage by Shirley Septic Pumping on property located at 14803 Wandcrest Drive in Pine, CO. Illegal disposal of septage would be an activity governed by the Act and Regulations. However, the inspectors did not observe the disposal of untreated septage on Mr. Shirley's property.

Regarding potential contamination of surface water ponds located on Mr. Shirley's property and neighboring properties, the Program does not regulate surface water runoff or the management of stormwater in surface features. Regulation of these matters lies with the Water Quality Control Division (WQCD) of the Department. As a result, water from the pond on Mr. Shirley's property was not collected for analysis. You may collect water samples from the ponds on your property and submit those samples for analysis if you have concerns regarding the quality of the water. I recommend that you coordinate with the WQCD to ensure that representative samples are collected and analyzed for appropriate constituents. Environmental consultants are also available to assist in the collection of samples.

Because the Program's authority regarding the treatment of septage and the land application of treated septage is very limited, perhaps a more productive meeting would be one scheduled with Park County as they are the lead regulatory authority in this case.

Edward Smith, Unit Leader

Solid Waste Compliance Assurance Unit

Appendix #2 “Unaddressed Questions”

Unaddressed Questions
Outlined In Letter to Mr. Boer
In Response to
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

	Per the Report	Unaddressed Questions and Inadequate Responses
2	According to Mr. Shirley, domestic septage is treated at this location in closed containers, frac tanks, and a dewatering unit.	<i>According to Mr. Shirley</i> Were Mr. Shirley's operations independently confirmed? Were these assertions accepted without evidence?
3	Mr. Shirley stated that he is operating under 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge.	Were these procedures independently confirmed? Were his assertions accepted without evidence? Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i>
5	Domestic septage is hauled to the facility in approximately 2,500-gallon tanker trucks. Upon arrival, the septage is treated with lime inside the trucks to raise the pH of the septage to above 12 for at least 30 minutes, as required by Part 503. The septage is then screened through a shaker screen to remove any debris from the septage before being pumped into a frac tank.	Were these procedures independently confirmed? Were his assertions accepted without evidence? Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i> See #3 above
6	Waste collected from the screen is hauled to either Tower or Foothills landfills, according to Mr. Shirley.	<i>according to Mr. Shirley ... is hauled to either Tower or Foothills landfills</i> Was his operation of hauling to a landfill independently confirmed? Were his assertions accepted without evidence?
7	From the frac tank, the septage is pumped into a dewatering unit manufactured by "In The Round Dewatering." A flocculent, Praestol K 133 L, is added to separate the solids from the water. The dewatering unit rotates to facilitate the separation of the solids from the water. Water that is removed from the dewatering unit is pumped to another frac tank for storage before land application.	Were these procedures independently confirmed? Were his assertions accepted without evidence? Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i> See #3 and #5 above
8	The solids are removed from the dewatering unit and stored on the ground adjacent to that unit.	<i>solids are removed from the dewatering unit and stored on the ground</i> Why are they stored onsite if they are hauled to landfills? See item #6 above.
9	Water that is generated from dewatering is pumped from the second frac tank to water trucks and is currently applied to two nearby properties owned by Mr. Shirley. Mr. Shirley stated the water is primarily applied to a 185-	<i>Mr. Shirley stated ... the water is primarily applied to a 185-acre parcel</i> Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?

	acre parcel of land northwest of 14803 Wandcrest Drive.	<p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p> <p>See #3, #5, and #7 above</p> <p>This 185-acre parcel is adjacent to the water treatment plant for Will-O-Wisp and is of utmost concern to this community.</p>
10	Mr. Shirley stated that the public infrequently visits this property and no trespassing signs have been posted to keep the public off the land.	<p><i>Mr. Shirley stated that the public infrequently visits this property</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p>
11	Mr. Shirley stated that the wastewater application rate is less than 11,000 gallons per acre per year as calculated using the Part 503 regulations.	<p><i>Mr. Shirley stated that the wastewater application rate is less than 11,000 gallons per acre</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p> <p>See #3, #5, #7, and #9 above</p> <p>Has the Will-O-Wisp community been apprised? See item #9 above.</p>
12	He tracks where the water is applied so as not to reapply on the same area within the year. He further stated that he doesn't allow grazing or any agriculture on that land until 30 days after application.	<p><i>he tracks where the water is applied</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p>
13	Mr. Shirley stated that he keeps records for all operations including incoming waste manifests, volumes of waste applied, dates of application, and yearly application rates.	<p><i>Mr. Shirley stated that he keeps records</i></p> <p>Were Mr. Shirley's operations and these records independently confirmed? Were the records audited? Were his assertions accepted without evidence?</p>
14	The solids removed from the dewatering unit are being held on-site for TENORM analysis. Mr. Shirley plans to land apply the sludge in Weld County.	<p><i>The solids removed ... are ...held on-site</i></p> <p>Why are they stored onsite if they are hauled to landfills? See item #6 above.</p> <p><i>Mr. Shirley plans to land apply the sludge in Weld County</i></p> <p>Why does he "plan" to land apply if he is currently hauling to landfills? See item #6 above.</p>
15	Mr. Shirley estimated that there were three 40-yard rolloffs of this material on site. The material was being stored adjacent to the	<p><i>The material was being stored ... contained by concrete jersey barriers.</i></p>

	dewatering unit and was contained by concrete jersey barriers.	Why are they stored onsite if they hauled to landfills? See item #6 above.
17	After inspecting the operations area, the group walked to a livestock pen located uphill from a small pond located on the property. There the inspectors observed a watering tank for livestock. Complaints received by the Division alleged that water from the treatment operation was being land applied onsite. However, Mr. Shirley asserted that a hose from a recirculating water system that supplies water for the livestock has been knocked lose by the livestock and water has trickled down the pen into the pond. The water used in the recirculating system is pumped from the pond itself, according to Mr. Shirley.	<p><i>Mr. Shirley asserted that a hose ... knocked lose by the livestock and water has trickled down the pen into the pond.</i></p> <p>REALLY??!!</p> <p>Water has been streaming from Mr. Shirley's operations. See Letter June 27 RE: Appendix #1 – Photos, Photo #1</p> <p>Did you test this water?</p>
18	Mr. Shirley stated that he does not have a permit from the EPA for operation under Part 503, and he further stated that it appears the EPA does not issue permits for this activity. Mr. Shirley stated that Park County doesn't have a land application program for Part 503 applications.	<p>Are there no other county and federal laws and regulations controlling Mr. Shirley's operations?</p> <p>I assume that there likely are additional county, state, and federal laws that govern his operations with the purpose of safeguarding the immediate water supply and environment.</p> <p>See Letter June 27 Appendix #1 Photos</p> <p>See item #3 above</p>
19	He further stated that Mr. Eisenman and Mr. Smith from the County have inspected the site and have given him verbal approval to conduct the operations and land application.	<p><i>He further stated that Mr. Eisenman and Mr. Smith from the County ... given him verbal approval</i></p> <p>What authority do Mr. Eisenman and Mr. Smith to countermand other applicable county, state, and federal laws that govern his operations with the purpose of safeguarding the immediate water supply and environment?</p>

Appendix #3 “Current View”

Current View of Shirley’s Operations







Appendix #4 “Report Response”

Letter to Mr. Boer
In Response to
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

With Attachments

“Report Response – Original Response”

Appendix #1
Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

“Report Response – Original Lampert Jameson Letter”

Appendix #2
Letter from Peter M. Lampert and M. Alison Jameson,
Dated June 27, 2023

Peter M. Lampert and M. Alison Jameson
15073 S Wandcrest Dr, Pine, CO 80470

Mr. Derek Boer
Environmental Protection Specialist Compliance Assurance Unit
Solid Waste and Materials Management Program
Hazardous Material and Waste Management Division
Department of Public Health & Environment
State of Colorado
4300 Cherry Creek Drive S.
Denver, CO 80246

(303-692-3355 derek.boer@state.co.us)

July 22, 2023

VIA USPS CERTIFIED MAIL AND EMAIL

Mr. Boer,

I am in receipt of your Solid Waste Inspection Report dated July 14, 2023. I find it internally unsupported and inconsistent. Additionally, it fails to address the concerns outlined in my letter of June 27, 2023 that Mr. Shirley's operations are likely compromising my water supply and environment.

This letter discusses your findings and conclusions. In support of this discussion, please find attached the following:

At Appendix #1

Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023

At Appendix #2

Letter from Peter M. Lampert and M. Alison Jameson,
Dated June 27, 2023

Unconfirmed Assertions and Promises

The Solid Waste Inspection Report dated July 14, 2023 (at Appendix #1 and, hereafter, referred to as the Report) is entirely founded on Mr. Shirley's unconfirmed assertions and promises. Per the Report:

According to ... Mr. Shirley

He explained

Mr. Shirley stated

Mr. Shirley plans

Mr. Shirley asserted

These assertions and promises appear to have been accepted at face value without evidence or verification.

In contrast to Mr. Shirley's unconfirmed assertions and promises, my letter dated June 27, 2023 (at Appendix #2 and, hereafter, referred to as the Letter) provides observations supported by photographic evidence.

Safe Water

Forty of my neighbors (see Letter Appendix #3) and I are concerned that our water supply and environment are being compromised by Mr. Shirley's operations.

I'm not vested with authority to investigate environmental violations. The Department of Public Health & Environment and, specifically, the Environmental Protection Specialist Compliance Assurance Unit (referred to as the Assurance Unit) has this authority.

I assume, therefore, that the Assurance Unit is the "watchdog" state entity that has the authority and responsibility to verify actual activities, ensure that environment regulations and laws are not violated, and that water supply and environment are not compromised.

The Report concludes that:

Based on observations made at the time of the inspection and conversations with Mr. Shirley, the Division has not identified any apparent violations of the Solid Waste Act or Regulations.

The Report does not conclude that the that water supply and environment are not compromised.

Unaddressed Questions and Inadequate Responses

The following table addresses 21 items from the Report:

	Per the Report	Unaddressed Questions and Inadequate Responses
1	According to Mr. Eisenman and Mr. Shirley, Mr. Shirley is seeking to move operations located at the site to another location and is awaiting county zoning approval.	<p><i>According to ... Mr. Shirley ... seeking to move operations ... awaiting County zoning approval.</i></p> <p>Mr. Shirley should have stopped and removed all operations 10 days from March 27, 2023.</p> <p><i>See Letter June 27 RE: Park County Cease and Desist Letter of March 27, 2023.</i></p>
2	According to Mr. Shirley, domestic septage is treated at this location in closed containers, frac tanks, and a dewatering unit.	<p><i>According to Mr. Shirley</i></p> <p>Were Mr. Shirley’s operations independently confirmed? Were these assertions accepted without evidence?</p>
3	Mr. Shirley stated that he is operating under 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge.	<p>Are these the only county, state, and federal laws and regulations controlling Mr. Shirley’s operations?</p> <p>Were these procedures independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p>
4	He explained that he treats only domestic septage from residential systems as described below and does not treat any waste from portable restrooms.	<p><i>He explained</i></p> <p>Were Mr. Shirley’s operations independently confirmed? Were these assertions accepted without evidence?</p>
5	Domestic septage is hauled to the facility in approximately 2,500-gallon tanker trucks. Upon arrival, the septage is treated with lime inside the trucks to raise the pH of the septage to above 12 for at least 30 minutes, as required by Part 503. The septage is then screened through a shaker screen to remove any	<p>Are these the only county, state, and federal laws and regulations controlling Mr. Shirley’s operations?</p> <p>Did an unannounced inspection verify Mr. Shirley’s assertions? Were his assertions accepted without evidence?</p>

	debris from the septage before being pumped into a frac tank.	<p>Were these procedures independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p> <p>See #3 above</p>
6	Waste collected from the screen is hauled to either Tower or Foothills landfills, according to Mr. Shirley.	<p><i>according to Mr. Shirley ... is hauled to either Tower or Foothills landfills</i></p> <p>Was his operation of hauling to a landfill independently confirmed? Were his assertions accepted without evidence?</p>
7	From the frac tank, the septage is pumped into a dewatering unit manufactured by “In The Round Dewatering.” A flocculent, Praestol K 133 L, is added to separate the solids from the water. The dewatering unit rotates to facilitate the separation of the solids from the water. Water that is removed from the dewatering unit is pumped to another frac tank for storage before land application.	<p>Were these procedures independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p> <p>See #3 and #5 above</p>
8	The solids are removed from the dewatering unit and stored on the ground adjacent to that unit.	<p><i>solids are removed from the dewatering unit and stored on the ground</i></p> <p>Why are they stored onsite if they are hauled to landfills? See item #6 above.</p>
9	Water that is generated from dewatering is pumped from the second frac tank to water trucks and is currently applied to two nearby properties owned by Mr. Shirley. Mr. Shirley stated the water is primarily applied to a 185-acre parcel of land northwest of 14803 Wandcrest Drive.	<p><i>Mr. Shirley stated ... the water is primarily applied to a 185-acre parcel</i></p> <p>Were Mr. Shirley’s operations independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p>

		<p>See #3, #5, and #7 above</p> <p>This 185-acre parcel is adjacent to the water treatment plant for Will-O-Wisp and is of utmost concern to this community.</p>
10	<p>Mr. Shirley stated that the public infrequently visits this property and no trespassing signs have been posted to keep the public off the land.</p>	<p><i>Mr. Shirley stated that the public infrequently visits this property</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p>
11	<p>Mr. Shirley stated that the wastewater application rate is less than 11,000 gallons per acre per year as calculated using the Part 503 regulations.</p>	<p><i>Mr. Shirley stated that the wastewater application rate is less than 11,000 gallons per acre</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p> <p>Most importantly, are these procedures safeguarding the immediate water supply and environment? I believe not and provided evidence to the contrary. <i>See Letter June 27 Appendix #1 Photos</i></p> <p>See #3, #5, #7, and #9 above</p> <p>Has the Will-O-Wisp community been apprised? See item #9 above.</p>
12	<p>He tracks where the water is applied so as not to reapply on the same area within the year. He further stated that he doesn't allow grazing or any agriculture on that land until 30 days after application.</p>	<p><i>he tracks where the water is applied</i></p> <p>Were Mr. Shirley's operations independently confirmed? Were his assertions accepted without evidence?</p>
13	<p>Mr. Shirley stated that he keeps records for all operations including incoming waste manifests, volumes of waste applied, dates of application, and yearly application rates.</p>	<p><i>Mr. Shirley stated that he keeps records</i></p> <p>Were Mr. Shirley's operations and these records independently confirmed? Were the records audited? Were his assertions accepted without evidence?</p>
14	<p>The solids removed from the dewatering unit are being held on-site for TENORM analysis. Mr. Shirley plans to land apply the sludge in Weld County.</p>	<p><i>The solids removed ... are ...held on-site</i></p> <p>Why are they stored onsite if they are hauled to landfills? See item #6 above.</p>

		<p><i>Mr. Shirley plans to land apply the sludge in Weld County</i></p> <p>Why does he “plan” to land apply if he is currently hauling to landfills? See item #6 above.</p>
15	<p>Mr. Shirley estimated that there were three 40-yard rolloffs of this material on site. The material was being stored adjacent to the dewatering unit and was contained by concrete jersey barriers.</p>	<p><i>The material was being stored ... contained by concrete jersey barriers.</i></p> <p>Why are they stored onsite if they hauled to landfills? See item #6 above.</p>
16	<p>Mr. Shirley stated that four to five septage trucks of approximately 2,500 gallons each are received each day and the contents are treated on-site</p>	<p>Mr. Shirley stated that four to five septage trucks ... each day</p> <p>Was Mr. Shirley’s operations independently confirmed especially with regards to daily traffic?</p> <p>Per personal observations, there are at least 10+ trips a day. See Letter June 27 RE: “at least 10+ trips a day.”</p>
17	<p>After inspecting the operations area, the group walked to a livestock pen located uphill from a small pond located on the property. There the inspectors observed a watering tank for livestock. Complaints received by the Division alleged that water from the treatment operation was being land applied onsite. However, Mr. Shirley asserted that a hose from a recirculating water system that supplies water for the livestock has been knocked lose by the livestock and water has trickled down the pen into the pond. The water used in the recirculating system is pumped from the pond itself, according to Mr. Shirley.</p>	<p><i>Mr. Shirley asserted that a hose ... knocked lose by the livestock and water has trickled down the pen into the pond.</i></p> <p>REALLY??!!</p> <p>Water has been streaming from Mr. Shirley’s operations. See Letter June 27 RE: Appendix #1 – Photos, Photo #1</p> <p>Did you test this water?</p>
18	<p>Mr. Shirley stated that he does not have a permit from the EPA for operation under Part 503, and he further stated that it appears the EPA does not issue permits for this activity. Mr. Shirley stated that Park County doesn’t have a land</p>	<p>Are there no other county and federal laws federal laws and regulations controlling Mr. Shirley’s operations?</p> <p>I assume that there likely are additional county, state, and federal laws that govern his operations with the purpose of safeguarding the immediate water supply and environment.</p>

	application program for Part 503 applications.	<p><i>See Letter June 27 Appendix #1 Photos</i></p> <p>See item #3 above</p>
19	He further stated that Mr. Eisenman and Mr. Smith from the County have inspected the site and have given him verbal approval to conduct the operations and land application.	<p><i>He further stated that Mr. Eisenman and Mr. Smith from the County ... given him verbal approval</i></p> <p>What authority do Mr. Eisenman and Mr. Smith have to countermand the Cease-and-Desist Letter for violating Land Use Regulations?</p> <p><i>See Letter June 27 RE: Park County Cease and Desist Letter of March 27, 2023.</i></p> <p>What authority do Mr. Eisenman and Mr. Smith to countermand other applicable county, state, and federal laws that govern his operations with the purpose of safeguarding the immediate water supply and environment?</p>
20	Mr. Shirley stated that he is working with Park County to relocate this operation to a location that is appropriately zoned for this activity.	<p><i>working with Park County to relocate ... appropriately zoned.</i></p> <p>Working with Park County should not countermand the Cease-and-Desist Letter for violating Land Use Regulations.</p> <p><i>See items #1, #19, above.</i></p>
21	Mr. Shirley indicated that he hopes to relocate these operations by the end of August pending County Zoning approval.	<p><i>hopes to relocate these operations by the end of August pending County Zoning approval.</i></p> <p>Relocating and working with Park County should not countermand the Cease-and-Desist Letter for violating Land Use Regulations. There is no “hope” to ceasing operations and removing equipment 10 days after the March 27, 2023 Cease-and-Desist letter.</p> <p><i>See items #1, #19, #20, above.</i></p>

Conclusion

As outlined above:

- The Report on its face is inconsistent and internally contradictory.
- The Report is entirely based on Mr. Shirley's unconfirmed assertions and promises which appear to have been accepted at face value without evidence or verification.
- My neighbors and I expect the state government to safeguard our water supply and environment. The State of Colorado and the Assurance Unit through the Report have failed to uphold their responsibility to safeguard our water supply and environment.

Personally, I will not rest until Mr. Shirley ceases all operations! Accordingly, I respectfully request a meeting with you and Edward Smith, your Unit leader, at your earliest availability.

I will also seek a meeting with Representative Tammy Story to discuss my Letter and the Report.

Feel free to contact me via email: Peter@PeterLampert.com . I am also available for a phone call: 703-732-7079. However, I ask that you email me first to set a phone appointment.

Sincerely,

Peter M. Lampert
Certified Public Accountant (Virginia-Active)
Attorney (Virginia-Inactive)

M. Alison Jameson
Attorney (Colorado-Active)

CC:

Jill Hunsaker Ryan
Executive Director
Department of Public Health
and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

Edward Smith
Unit leader
Environmental Protection Specialist Compliance Assurance Unit
Solid Waste and Materials Management Program
303-692-3386
edwardh.smith@state.co.us

Tammy Story
Representative
District 25
Colorado General Assembly
200 E Colfax
RM 307
Denver, CO 80203

Appendix #1

Solid Waste Inspection Report
Prepared by Derek Boer
Dated July 14, 2023



SOLID WASTE INSPECTION REPORT

Agency: Colorado Department of Public Health and Environment,
 Hazardous Materials and Waste Management Division (HMWMD)

Date and Time: July 13, 2023 Time: 8:00 AM - 9:30 AM

Site: Shirley Septic Pumping facility located at Reffel Ranch
 14803 Wandcrest Drive
 Pine, CO 80470
 Park County

Owner: Reffel James D
 122 S Gowan St
 Coolidge, AZ 85128

Inspection: Complaint, announced

Site Representatives: Adam Shirley, owner, Shirley Septic Pumping

Inspectors: Derek Boer and Ed Smith, HMWMD

Weather Conditions: Sunny, dry

Introduction

On July 13, 2023, inspectors Derek Boer and Ed Smith from the Colorado Department of Public Health and Environment, Hazardous Materials and Waste Management Division (the “Division”) conducted an announced inspection of the Shirley Septic Pumping facility at Reffel Ranch (the “Facility”) located at 14803 Wandcrest Drive in Park County, Colorado. The purpose of the inspection was to evaluate compliance of the Facility with the requirements set forth in the Solid Wastes Disposal Sites and Facilities Act (the “Act”), CRS 30-20-100.5 et seq. and the Regulations Pertaining to Solid Waste Sites and Facilities, 6 CCR 1007-2 (the “Regulations”).

The inspectors had previously attempted to conduct an unannounced inspection of the Facility on June 29th but Mr. Shirley was not available. The Division received multiple complaints alleging illegal dumping of septage waste on the ground and/or waste transfer at the Facility. Complaints were also filed with the Park County Manager and Director of Operations and numerous other state and local officials.

Site Background

Park County Environmental & Code Compliance issued a cease and desist letter to Mr. Shirley on March 27, 2023. The letter required him to cease operations and to remove all associated equipment from the site



within 10-days. The cease and desist letter stated that Mr. Shirley was in violation of operating a waste transfer station on residential zoned property.

In an email to the WQCD dated May 31, 2023, Mike Smith, Director of Park County Operations, stated that he and Tom Eisenman, Park County manager, had visited the site and were working with Mr. Shirley to meet Park County Land Use Regulations. According to Mr. Eisenman and Mr. Shirley, Mr. Shirley is seeking to move operations located at the site to another location and is awaiting County zoning approval.

Mr. Shirley and/or James Reffel appear to jointly own several properties in the immediate area. Treatment of domestic septage as described below was taking place on 40-acres at 14803 Wandcrest Drive on the day of the inspection.

Shirley Septic Pumping is a septic waste cleaner and/or hauler and is licensed by Park County for that activity, according to the Park County web site.

Site Inspection

The inspectors met Mr. Shirley at 1403 Wandcrest Drive at approximately 8:00 am. The inspectors provided Mr. Shirley their business cards and reiterated that the inspection was being conducted to investigate complaints regarding the illegal land disposal of septage waste.

According to Mr. Shirley, domestic septage is treated at this location in closed containers, frac tanks, and a dewatering unit. Mr. Shirley stated that he is operating under 40 CFR Part 503, Standards for the Use or Disposal of Sewage Sludge. He explained that he treats only domestic septage from residential systems as described below and does not treat any waste from portable restrooms. The operation is seasonal due to winter weather, and therefore, most of the operations onsite cease during the winter months, according to Mr. Shirley.

Domestic septage is hauled to the facility in approximately 2,500-gallon tanker trucks. Upon arrival, the septage is treated with lime inside the trucks to raise the pH of the septage to above 12 for at least 30 minutes, as required by Part 503. The septage is then screened through a shaker screen to remove any debris from the septage before being pumped into a frac tank. Waste collected from the screen is hauled to either Tower or Foothills landfills, according to Mr. Shirley. *See Photos 1-3*

From the frac tank, the septage is pumped into a dewatering unit manufactured by “In The Round Dewatering.” A flocculent, Praestol K 133 L, is added to separate the solids from the water. The dewatering unit rotates to facilitate the separation of the solids from the water. Water that is removed from the dewatering unit is pumped to another frac tank for storage before land application. The solids are removed from the dewatering unit and stored on the ground adjacent to that unit. *See Photos 4-6*

Water that is generated from dewatering is pumped from the second frac tank to water trucks and is currently applied to two nearby properties owned by Mr. Shirley. Mr. Shirley stated the water is primarily applied to a 185-acre parcel of land northwest of 14803 Wandcrest Drive. Mr. Shirley stated that the public infrequently visits this property and no trespassing signs have been posted to keep the public off the land.

Mr. Shirley stated that he grazes cattle on this property, bringing cows to the property from April through June. Mr. Shirley stated that the wastewater application rate is less than 11,000 gallons per acre per year as calculated using the Part 503 regulations. Mr. Shirley explained that he typically land applies water from approximately April through mid-August, and he tracks where the water is applied so as not to reapply on the same area within the year. He further stated that he doesn’t allow grazing or any agriculture on that land until 30 days after application.



Mr. Shirley stated that he keeps records for all operations including incoming waste manifests, volumes of waste applied, dates of application, and yearly application rates.

The solids removed from the dewatering unit are being held on-site for TENORM analysis. Mr. Shirley plans to land apply the sludge in Weld County. Mr. Shirley estimated that there were three 40-yard rollofs of this material on site. The material was being stored adjacent to the dewatering unit and was contained by concrete jersey barriers.

Mr. Shirley stated that four to five septage trucks of approximately 2,500 gallons each are received each day and the contents are treated on-site.

After inspecting the operations area, the group walked to a livestock pen located uphill from a small pond located on the property. There the inspectors observed a watering tank for livestock. Complaints received by the Division alleged that water from the treatment operation was being land applied onsite. However, Mr. Shirley asserted that a hose from a recirculating water system that supplies water for the livestock has been knocked lose by the livestock and water has trickled down the pen into the pond. The water used in the recirculating system is pumped from the pond itself, according to Mr. Shirley.

Mr. Shirley stated that he does not have a permit from the EPA for operation under Part 503, and he further stated that it appears the EPA does not issue permits for this activity. Mr. Shirley stated that Park County doesn't have a land application program for Part 503 applications. He further stated that Mr. Eisenman and Mr. Smith from the County have inspected the site and have given him verbal approval to conduct the operations and land application.

Mr. Shirley stated that he is working with Park County to relocate this operation to a location that is appropriately zoned for this activity. Mr. Shirley indicated that he hopes to relocate these operations by the end of August pending County Zoning approval.

Findings

Based on observations made at the time of the inspection and conversations with Mr. Shirley, the Division has not identified any apparent violations of the Solid Waste Act or Regulations.

Prepared by: Derek Boer

Date: 7/14/2023

Derek Boer
Environmental Protection Specialist
Compliance Assurance Unit
Solid Waste and Materials Management Program
Colorado Department of Public Health and Environment

Attachments

Attachment A
Attachment B

Inspection Photos taken on July 7, 2023
Notice of Inspection



Appendix #2

Letter from Peter M. Lampert and M. Alison Jameson,
Dated June 27, 2023

Peter M. Lampert and M. Alison Jameson
15073 S Wandcrest Dr, Pine, CO 80470

James D Reffel
2650 S Tejon St
Englewood, CO 80110

James D Reffel
122 S Gowan St
Coolidge, AZ 85128

Adam E Shirley
10823 Emerald Ln
Conifer, CO 80433

Adam E Shirley
Shirley Septic Pumping, LLC
SSP Waste LLC
480 Sioux Tr
Pine, CO 80470

June 27, 2023

VIA USPS CERTIFIED MAIL

Messrs. Reffel and Shirley:

My wife and I are your neighbors at 15073 S Wandcrest Dr, separated from you at the Reffel Ranch by my immediate neighbor's property. On your property, you are operating a septic transfer station in violation of county, state, and federal laws. Your operation is damaging my property value and adversely impacting my peaceful enjoyment of my home and community.

Consider this communication a CEASE-AND-DESIST LETTER. I respectfully demand that you immediately stop all operations involving your septic dumping and use of septic trucks, and also remove your storage tanks, machinery, and all waste.

Observations

The following are my observations:

- Wastewater Transfer Station

Since last fall, you have been storing waste delivered by septic trucks on the Reffel Ranch property, within Park County, in industrial-size storage containers. (See Appendix #1, Photos #1 and #2 -- wastewater transfer station.)

These storage containers are in the far south corner of your Reffel Ranch property and immediately adjacent to:

- My immediate neighbor's property, within Park County, and
- David Sowers and Laura Gillice's property at 14933 S Wandcrest Dr, within Park County.

- Surface Water

Surface water appears to be draining from your wastewater transfer station. (See Appendix #1, Photo #1 -- wastewater transfer station—*note the color of the stream.*)

Throughout this spring, surface water carrying human and/or cattle waste is flowing from your property at the Reffel Ranch onto my immediate neighbor's property and from his property onto my property.

The surface water travels from the wastewater transfer station to my properties as follows:

- Blue holding tanks at the wastewater transfer station and cattle feeding lot. (See Appendix #1, Photo # 3.)
- Wastewater rolls downhill from the wastewater transfer station and cattle feeding lot into the pond located on the Reffel Ranch property. (See Appendix #1, Photo # 4.)
 - See also the view of the pond on the Reffel Ranch property, Appendix #1, Photo # 5.
- From the pond on the Reffel Ranch property, contaminated water enters my immediate neighbor's property. (See Appendix #1, Photo # 6.)
- From my neighbor's property, this water then enters my property:
 - 10 acres at 15073 S Wandcrest Dr and within Jefferson County, and
 - 27 acres at 15245 S Huerfano Ln and within Park County.

- Ground Water

I assume that the surface water carrying human and/or cattle waste and flowing from your property through my neighbor's property to my properties is seeping into my ground water. If so, my well water will eventually become contaminated.

As one neighbor put it:

"They claim they are making fertilizer; but no one seems to know where the liquids are disappearing to."

- Septic Trucks

At age 68, I walk Wandcrest Dr daily for my personal exercise and observe septic trucks continually driving into and out of Reffel Ranch. These trucks exceed the 20-mile-per-hour speed limit and are noisy and disruptive.

As another neighbor observed:

“I have been watching the septic trucks pass by daily (from 5:30 am till sundown) since last year. I see them drive up to the barn and turn around after 20-30 minutes and head back out. This goes on until sundown. They must make at least 10+ trips a day.”

- Property Values

I am concerned that the value of my two properties, 10 acres within Jefferson County and 27 acres within Park County, already have or will decrease in value due to your operations.

Yet another neighbor recently concluded:

“We already know of some property values that have decreased since this began, and we are concerned about every-one’s property value decreasing.”

Legal Principles

This letter is neither a recitation of law, nor a legal pleading. However, the following outlines what I consider to be generally accepted legal principles, both codified in statute and found in common law, as well as simple common courtesies expected of neighbors.

- Park County

Pursuant to the March 27, 2023 letter from Park County (see Appendix #2), you are in violation of the Park County Land Use Regulations. Park County specifically found that:

“You are in violation of operating a wastewater transfer station on your Agricultural/Residential Zoned property. This is a violation of Park County Land Use Regulations Article 5 Section 5-304 and you must cease and desist all operations immediately. All mechanical equipment, storage tanks and any other machinery must be removed within 10 days.”

- Clean Water

Generally, I have a right to clean surface water entering my property and as ground water entering my well. Specifically, clean water is protected by Colorado and federal statutes.

- Peaceful Enjoyment

My peaceful enjoyment of my property and community is founded in zoning laws and the regulations of both Park and Jefferson Counties.

- Duty of Care

Under principles of tort law, you have a duty of care to your neighbors.

Conclusions

I conclude as follows:

- Clean Water

I have a right to clean surface water entering my property and as ground water entering my well as provided by Colorado and federal statutes.

You have been found to be operating an illegal wastewater transfer station in violation of Park County Land Use Regulations. Waste and or contaminated water from your property and wastewater transfer station is flowing into my neighbor's property and then into my properties. It will eventually enter the ground water and contaminate my well.

You are in violation of various Colorado and federal clean water statutes. Accordingly, I am forwarding a copy of this letter to county, state, and federal agencies and seeking their assistance to enforce of my rights to clean water.

- Peaceful Enjoyment

I have a right to peacefully enjoy my property and community as provided by zoning laws and regulations of both Park and Jefferson Counties.

You have been found to be operating an illegal wastewater transfer station on **Agricultural/Residential Zoned** property. Operations at your wastewater transfer station and driving septic trucks on Wandcrest Dr cause significant noise, dust, and disturbance. Additionally, I believe that the trucks are destroying portions of Wandcrest Dr.

You are in violation of Park County Land Use Regulations. Accordingly, I am forwarding a copy of this letter to Park County and Jefferson County agencies and seeking their assistance to enforce my rights to peacefully enjoy my property and community.

- Potential Damages

I believe that my property values have and will continue to erode, especially if contaminated water arising from your wastewater operations and originating from your Reffel Ranch property enters my well.

I intend to pursue all legal remedies to recoup lost property value now and in the future.

Summary

As stated above, consider this communication a CEASE-AND-DESIST LETTER. I respectfully demand that you immediately stop all operations involving your septic dumping and use of septic trucks and remove your storage tanks, machinery, and all waste.

You were issued a cease-and-desist letter from Park County on March 27, 2023—almost 90 days ago—with a 10-day suspense to comply—yet you continue your illegal and harmful operations!

Also as stated above, I am forwarding a copy of this letter to various agencies and representatives of Park and Jefferson Counties, of the State of Colorado, and of the United States Government seeking their assistance to enforce my rights.

My neighbors concur with my observations and conclusions and support me in seeking redress with governmental agencies and representatives. (See Appendix #3)

Finally, and most importantly, many of my neighbors have voiced to me their concerns that upon your receipt of this letter, they may become targets of your harassment—verbally, physically, or emotionally. Please note that in this letter, I am attempting to strike a professional tone between neighbors—you and those who support this cease-and-desist demand. However, be advised that we will not tolerate becoming targets of harassment. To ensure our right to safely petition you without suffering harassment, I am forwarding a copy of this letter to the Sheriff’s Departments of Park and Jefferson Counties, and will request their counsel.

Sincerely,

BY

SUPPORTED BY

Peter M. Lampert
Certified Public Accountant (Virginia-Active)
Attorney (Virginia-Inactive)

David Sowers
14933 S Wandcrest Dr

And my wife:

M. Alison Jameson
Attorney (Colorado-Active)

Laura Gillice
14933 S Wandcrest Dr

CC:

Park County:

Government Office	Representative
<p>Tom Eisenman County Manager 856 Castello Ave P.O. Box 1373 Fairplay, CO 80440 teisenman@parkco.us</p> <p>John (Mike) Smith Park County Operations 856 Castello Ave. P.O. Box 1598 Fairplay, CO 80440 jsmith@parkco.us</p> <p>Tom McGraw Sheriff Park County, Colorado 1180 CR 16 P.O. Box 604 Fairplay, CO 80440</p>	<p>Dick Elsner Commissioner District 2 856 Castello Ave P.O. Box 1373 Fairplay, CO 80440</p>

CC continued:

Jefferson County:

Government Office	Representative	Attorney
<p>Joe Kerby County Manager Jefferson County 100 Jefferson County Pkwy Admin and Courts Facility Golden, CO 80419</p> <p>Reggie Marinelli Sheriff Jefferson County, Colorado 200 Jefferson County Pkwy Golden, CO 80401</p>	<p>Lesley Dahlkemper Commissioner District 3 Jefferson County 100 Jefferson County Pkwy Suite 5550 Golden, CO 80419</p>	<p>Kimberly Sorrells County Attorney Jefferson County 100 Jefferson County Pkwy Golden, CO 80419 Jefferson County, CO 80419</p>

State of Colorado

Government Office	Representative	Attorney
<p>Jill Hunsaker Ryan Executive Director Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246</p>	<p>Tammy Story Representative District 25 Colorado General Assembly 200 E Colfax RM 307 Denver, CO 80203</p>	<p>Phil Weiser Attorney General Office of the Attorney General Colorado Department of Law Ralph L. Carr Judicial Building 1300 Broadway, 10th Floor Denver, CO 80203</p>

CC continued:

Federal:

Government Office	Representative	Attorney
KC Becker Environmental Protection Agency Administrator Region 8 US EPA, Region 8 1595 Wynkoop St Denver, CO 80202-1129	Brittany Pettersen 7th Congressional District Colorado U.S. House of Representatives Washington, DC 20515 1230 Longworth HOB Washington, DC 20515 550 S. Wadsworth Blvd. Suite 400 Lakewood, CO 80226	Cole Finegan United States Attorney District of Colorado 1801 California St Suite 1600 Denver, CO 80202

Appendix #1 – Photos

Photo #1 -- wastewater transfer station



Photo taken from their property by David Sowers and Laura Gillice at 14933 S Wandcrest Dr

Appendix #1 – Photos continued

Photo #2A-- wastewater transfer station



Photo taken from their property by David Sowers and Laura Gillice at 14933 S Wandcrest Dr

Appendix #1 – Photos continued

Photo #2B -- wastewater transfer station



Photo taken from their property by David Sowers and Laura Gillice at 14933 S Wandcrest Dr

Appendix #1 – Photos continued

Photo # 3 -- Blue holding tanks at the wastewater transfer station on the Reffel Ranch property



Photo taken by Peter Lampert

Appendix #1 – Photos continued

Photo # 4-- Waste water rolls downhill from the wastewater transfer station and or cattle feeding lot into the pond on the Reffel Ranch property



Photo taken by Peter Lampert

Appendix #1 – Photos continued

Photo # 5 -- The pond on the Reffel Ranch property



Photo taken by Peter Lampert

Appendix #1 – Photos continued

Photo # 6-- From the pond on the Reffel Ranch property, contaminated water enters my neighbor's property



Photo taken by Peter Lampert

Appendix #2 – Park County Letter of March 27, 2023



**Park County Development Services Department
Environmental & Code Compliance**

P.O. Box 1598 • Fairplay, CO 80440 • Fax: 719.836.4266, Phone: 719-836-4269

March 27, 2023

James D Raffel
2650 S Tejon St
Englewood, CO 80110

Re: SC #42525 – 14803 S Wandcrest Dr T07 R72 S13 - Regulatory Violations

Dear Property Owner,

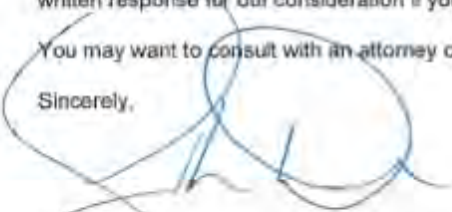
NOTICE IS HEREBY GIVEN PURSUANT TO Sections 30-15-401, 30-28-124, and 30-28-124.5, of the Colorado Revised Statutes that you are in violation of the Park County Land Use Regulations (LUR's) as described below.

You are in violation of operating a wastewater transfer station on your Residential Zoned property. This is a violation of Park County Land Use Regulations Article 5 Section 5-304 and you must cease and desist all operations immediately. All mechanical equipment, storage tanks and any other machinery must be removed within 10 days.

Please comply with the above requirements within the noted time frames. You may provide a written response for our consideration if you choose to.

You may want to consult with an attorney concerning this matter.

Sincerely,


Sarah Dunn
Park County Environmental & Code Compliance

Appendix #3 – Concurrence and Support of Neighbors

We, the undersigned, concur with Peter's observations and conclusions and fully support him in seeking redress with governmental agencies and representatives.

Name	Address and County <i>Street City, CO Zip County</i>	Email	Telephone
<i>Clupe + John Manwoso</i>	<i>14863 So. Wandercrest LANE</i>	<i>living-denver C@yahoo.com</i>	<i>303-550- 1854</i>
<i>Mathew Manwoso</i>	<i>14863 S. Wandercrest Ln.</i>	<i>mat.manwoso8@gmail.com</i>	<i>281-733-6026</i>
<i>Larry Natzke Larry Natzke</i>	<i>14364 S Wandercrest</i>	<i>larrynatzke @msn.com</i>	<i>303.868.2338</i>
<i>Valerie L Natzke Val Natzke</i>	<i>14364 S Wandercrest Ln</i>	<i>valerienatzke @msn.com</i>	<i>303 888-8727</i>
<i>Starin Short Starin Short</i>	<i>33538 Persistence Ave</i>	<i>Starin P @gmail. com</i>	<i>720 260 6754</i>
<i>Leo Short Leo Short</i>	<i>33538 Persistence Ave</i>	<i>Leo@ LSS-Consulting.com</i>	<i>720-626-9692</i>
<i>Mara Tamblyn Mara Tamblyn</i>	<i>33671 Lake Ln.</i>	<i>maratamblyn@yahoo.com</i>	<i>303-647-1729</i>
<i>Russ Tamblyn Russ Tamblyn</i>	<i>33671 Lake Ln</i>	<i>RUSSTAMBLYN@ GMAIL.COM</i>	<i>303-647-1729</i>
<i>Jill Tierney Jill Tierney</i>	<i>33671 33111 LAKE LANE PINE CO 80470</i>	<i>tierneyvw@ yahoo.com</i>	<i>720-235-5797</i>
<i>Roger Webb Sandrea</i>	<i>33388 Persistence Ave</i>	<i>SAMMYWEBB@ Yahoo, Com</i>	<i>319-333- 5146</i>

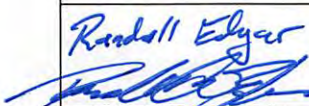
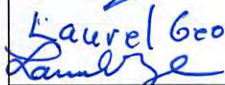
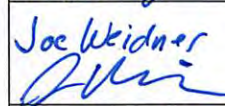

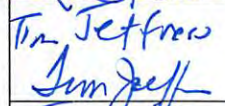
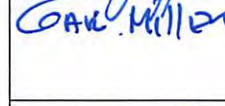

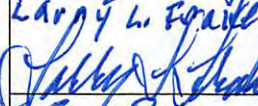

Appendix #3 Continued – Concurrence and Support of Neighbors

We, the undersigned, concur with Peter’s observations and conclusions and fully support him in seeking redress with governmental agencies and representatives.

Name	Address and County <i>Street</i> <i>City, CO Zip</i> <i>County</i>	Email	Telephone
<i>Armin Hunzinger</i> <i>[Signature]</i>	33111 LAKE LAKE PINE, CO 80470	armin@deltaparedigm.com	303 838 3025
<i>Cassie Churchill</i> <i>[Signature]</i>	15431 Toboggan Pine CO 80470	Cassie_churchill@ 720 297 5448	yahoo.com
<i>Mike Park</i> <i>[Signature]</i>	56 PARK AVE PINE, CO 80470	odref16@gmail.com	623-521-4277
<i>Tym Jones</i> <i>[Signature]</i>	14303 S. WANDCREST DR PINE, CO 80470-PARK	TJONES834@ GMAIL.COM	303-550-4405
<i>Sandra Jones</i> <i>[Signature]</i>	14303 S. Wandcrest Dr Pine, CO 80470- PARK	SLJones12@ gmail.com	303-550-3836
<i>Stacy - Dunzinger</i> <i>[Signature]</i> KRISTINE PETERSEN-HUNZINGER	33111 Lake Lake Pine, CO 80470	kristine.hunzinger @gmail.com	303 838 3025
<i>NATALIE A. NOLL</i> <i>[Signature]</i>	34243 MINERAL LANE PINE CO 80470	nnoll13@ yahoo.com	720-244-5354
<i>GARY Jolley</i> <i>[Signature]</i> Mary E. Jolley	15255 S. Swiss Rd Pine, CO 80470	jolley.pines@ gmail.com	210-414-8379
<i>Elizabeth Weglarz</i> <i>[Signature]</i> Ed Weagar	34291 Kiowa Ln Pine, CO 80470	libbyweglarz@ gmail.com	585-362-3398
<i>Kyle Brown</i> <i>[Signature]</i> Krumm	34291 Kiowa LN Pine CO 80470	Kyle12494@gmail.com	740-438-1669









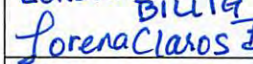
Appendix #3 Continued – Concurrence and Support of Neighbors

We, the undersigned, concur with Peter's observations and conclusions and fully support him in seeking redress with governmental agencies and representatives.

Name	Address and County <i>Street</i> <i>City, CO Zip</i> <i>County</i>	Email	Telephone
<i>Randall Edgar</i> 	<i>429 Wisp Creek Dr.</i> <i>Bailey CO 80421</i>	<i>Randall.edgar@</i> <i>gmail.com</i>	<i>970-310-7174</i>
<i>Laurel George</i> 	<i>34228 Mineral Lane</i> <i>Pine CO 80470</i> <i>Jeffco</i>	<i>lageorge@</i> <i>att.net</i>	<i>303-838-2002</i>
<i>Joe Widner</i> 	<i>443 Wisp</i> <i>CR Pine</i>	<i>jrwise@</i> <i>hotmail</i>	<i>513-638-3946</i>
<i>Rhane Jeffress</i> 	<i>165 Silverspurk Way</i> <i>Pine, CO 80470</i>	<i>jeffressr@</i> <i>gmail.com</i>	<i>806-744-1004</i>
<i>Tim Jeffress</i> 	<i>165 Selma Spry Way</i> <i>Pine, CO 80470</i>	<i>,</i>	<i>720-245-7112</i>
<i>Carl Miller</i> 	<i>901 Brookside D.</i> <i>Bailey 80421</i>	<i>grmitmillen@</i> <i>gmail.com</i>	<i>805-479-4962</i>
<i>Will Miller</i>	<i>888 Brookside Dr.</i> <i>Bailey 80421</i>		<i>" "</i> <i>720-226-3488</i>
<i>Jolynn Pryor</i> 	<i>91 Brookside Dr</i> <i>Bailey CO 80421</i>	<i>jolynnp@juno.</i> <i>com</i>	<i>303-838-4411</i>
<i>Larry L. Frakes</i> 	<i>91 Brookside Dr</i> <i>Bailey, CO 80421</i>	<i>llfrakes@</i> <i>hotmail.com</i>	<i>303-838-4411</i>
<i>Cady Pace</i> 	<i>140 Park Ave</i> <i>Pine CO 80470</i>	<i>Pacecadsars@</i> <i>comcast.net</i>	<i>303-356-2114</i>

Appendix #3 Continued – Concurrence and Support of Neighbors

We, the undersigned, concur with Peter's observations and conclusions and fully support him in seeking redress with governmental agencies and representatives.

Name	Address and County <i>Street</i> <i>City, CO Zip</i> <i>County</i>	Email	Telephone
Lisa Marie Pace 	140 Park Ave Pine CO 80470	pacemadison@comcast.net	303-819-4114
Bret Maathuis 	14754 S Wandcrest Dr Pine CO 80470	XXmaathuisXX@yahoo.com	303-513-5798
Nicole Chambers 	13954 S. Wandcrest Dr Pine, CO 80470	nfriano132@yahoo.com	303-668-9755
Terry Chambers 	13954 S. Wandcrest Pine CO. 80470	tac1928t1@gmail.com	720/990-1879
ETNA FIGANO 	14443 Wandcrest	NO Email	303 816 6561
Mark Nord 	14913 S Wandcrest Pine CO. 80470	nord_m@nash.com	303 838-2391
Alyssa Hamer 	432 Brookside Dr. Bailey, CO 80421	atovey407@gmail.com	913-219-7280
Karl Hamer 	432 Brookside Dr Bailey, CO 80421	hamer.karl@gmail.com	913-832-3132
LORENA CLAROS BILLIG 	925 BROOKSIDE DR. BAILEY, CO 80421 PARK	LORENA.BILLIG@gmail.com	303-747-5245

Lisa Marie Pace
140 Park Ave
Pine, CO 80470
paceandsons@comcast.net
303.819.4114

Bret Maathuis
14754 S Wandcrest Dr
Pine, CO 80470
Xxmaathuisxx@yahoo.com
303.513.5798

Nicole Chambers
13954 S Wandcrest Dr
Pine, CO 80470
Nfricano1328c@yahoo.com ?
Nfricano1328e@yahoo.com ?
303.668.9735

Jerry Chambers
13954 S Wandcrest Dr
Pine, CO 80470
No email
303.816.6561

Mark Nord
14513 S Wandcrest Dr
Pine, CO 80470
Nord_m@msn.com
303.838.2391

Alyssa Hamer
432 Brookside Dr
Bailey, CO 80421
Atovey407@gmail.com
913.219.7286

Karle Hamer
432 Brookside Dr
Bailey, CO 80421
Hamer.karl@gmail.com
913.832.3132

Lorena Claros Billig
925 Brookside Dr
Bailey, CO 80421
lorenabillig@gmail.com
303.747.5245

Clyde and Joan Mancuso
14863 S Wandcrest Dr
Pine, CO 80470
Living_denver@yahoo.com
303.550.1854

Mathew Mancuso
14863 S Wandcrest Dr
Pine, CO 80470
Matmancus08@gmail.com
281.733.6026

Larry Natzke
14364 S Wandcrest Dr
Pine, CO 80470
Larrynatzke@msn.com
303.868.2338

Valier L Natzke
14364 S Wandcrest Dr
Pine, CO 80470
valerienatzke@msn.com
303.888.8727

Starin Short
33538 Persistence Ave
Pine, CO 80470
leo@LJS-Consulting.com
720.626.9692

Leo Short
33538 Persistence Ave
Pine, CO 80470
leo@LJS-Consulting.com
720.626.9692

Mara Tamblyn
33671 Lake Ln
Pine, CO 80470
maratamblyn@yahoo.com
303.647.1729

Russ Tamblyn
33671 Lake Ln
Pine, CO 80470
rustamblyn@gmail.com
303.647.1729

Jill Tierney
33111 Lake Ln
Pine, CO 80470
tierneyviv@yahoo.com
720.235.5797

Roger Webber
33388 Persistence Ave
Pine, CO 80470
samwebb@yahoo.com
319.333.5146

Armin Hunzinger
33111 Lake Lane
Pine, CO 80470
armin@delteparedigminc.com ?
303.838.3025

Cassie Churchill
15431 Toboggan
Pine, CO 80470
Cassie_churchill@yahoo.com
720.297.5448

Mike Park
56 Park Ave
Pine, CO 80470
odieflb@gmail.com
623.521.4277

Tim Jones
14303 S Wandcrest Dr
Pine, CO 80470
TJones834@gmail.com
303.550.4405

Sandra Jones
14303 S Wandcrest Dr
Pine, CO 80470
SLJones12@gmail.com
303.550.3836

Kristine Petersen-Hunzinger
33111 Lake Ln
Pine, CO 80470
kristinehunzinger@gmail.com
303.838.3025

Natalie A Noll
34243 Mineral Ln
Pine, CO 80470
Nnoll3@yahoo.com
720.244.5354

Gary Jolley
15255 S Swiss Rd
Pine, CO 80470
Jolley_pines@gmail.com
210.414.8379

Elizabeth Wegiarz
34291 Kiowa Ln
Pine, CO 80470
libbywegiarz@gmail.com
585.362.3398

Kyle Brown
34291 Kiowa Ln
Pine, CO 80470
Kyle12494@gmail.com
740.738.1669

Randall Edgar
29 Wisp Creek Dr
Bailey, CO 80421
Randall.edgar@gmail.com
970.310.7174

Jolynn Pryor
91 Brookside Dr
Bailey, CO 80421
jolynnp@juno.com
303.838.4411

Laurel George
34228 Mineral Lane
Pine, CO 80470
lageorge@att.net
303.838.2002

Larry L Frakes
91 Brookside Dr
Bailey, CO 80421
11frakes@hotmail.com
303.838.4411

Joe Weidner
443 Wisp Tr
Pine, CO 80470
jrwseg@hotmail.com
513.638.3940

Cody Pace
140 Park Ave
Pine, CO 80470
Paceandsons@comcast.net
303.356.3114

Rhane Jeffress
165 Silver Spur Way
Pine, CO 80470
jeffresstr@gmail.com
806.774.1004

Tim Jeffress
165 Silver Spur Way
Pine, CO 80470
jeffresstr@gmail.com
720.245.7112

Gail Miller
901 Brookside Dr
Bailey, CO 80421
garitmiller@gmail.com
805.479.4962

Will Miller
889 Brookside Dr
Bailey, CO 80421
720.226.3488