

AEX, Inc
Box 1250
Gunnison, CO
81230
970-641-5074
970-641-6622 FAX
www.Alpineexpressshuttle.com

2013 MAY 31 PM 1:04

FILED
EPA REGION VIII
HEARING CLERK

5/29/13

Andrew M Gaydosh
Assistant Regional Administrator
Office of Enforcement, Compliance and
Environmental Justice
United States Environmental Protection Agency
1595 Wynkoop Street
Denver, CO
8020-8917

Regional Hearing Clerk
1595 Wynkoop Street
(8RC)
Denver, CO
80202

RE: Docket No. SDWA-08-2013-0030 Ref: 8ENF-UFO

Dear Mr. Gaydosh,

AEX, Inc is in receipt of Proposed Compliance order, Penalty Complaint, and Notice of Opportunity for Hearing Docket No. SDWA-08-2013-0030.

AEX, Inc. and Potoker Trust disagree with some of the allegations and potential penalties as presented in the docket No SDWA -08-2013-0030. Furthermore AEX, Inc and Potoker Trust request a hearing regarding this matter.

AEX, Inc believes there are factual errors regarding this matter and this firm has been awaiting a response from the EPA since correspondence was sent to Valois Shea US EPA Region 8 1595 Wynkoop Street Denver, CO on 12/20/10. As of this date no response has been received from any representative of the EPA regarding that correspondence.

In particular AEX, Inc. disagrees with allegation #9 as being factually incorrect:

1. Allegation No. 9 does not recognize the fact that the facility does have an engineered sand and grease trap before fluids flow into a leachfield located at the south east end of Facility garage building. Further more this allegation does not recognize the effort made by Mike Potoker, and Stewart Johnson of Potoker Trust and AEX, Inc. respectively, to resolve this matter by correspondence 12/20/2010. Details of those efforts are discussed later in this correspondence.
2. Due to the attempted December 2010 effort discussed below to resolve this situation and the lack of response from any representative from the EPA, AEX, Inc and Potoker Trust does not believe it has been given due consideration to rectify this situation and that no penalties or fines should be assessed.

After the October 28th 2010 inspection performed by EPA personnel, the building owner, Mike Potoker (Potoker Trust), had a series of conversations and email exchanges with Valois Shea US EPA Region 8 1595 Wynkoop Street , Denver, CO. regarding two snow melt drains which connect to the facilities sand and grease trap. This firms understanding of the outcome of those communications was that covering the two snow melt drains which could receive fluids from vehicular repair or maintenance activities would be acceptable to the EPA. Covering these drains would prevent fluids from entering the sand and grease trap and continuing on to the accompanying leach field. In addition AEX, Inc would apply for the proper permits from the EPA for this arrangement. A series of emails which supports these facts is attached.

In order to verify this verbal/email agreement AEX, Inc. sent a letter to Valois Shea, EPA representative, at the above address which outlined our understanding regarding resolution of this issue. This letter was sent on 12/20/10. This letter specifically requested acknowledgement by the EPA that covering the two snow melt drains would be an acceptable resolution of this issue to your organization. Furthermore our letter specifically requested that any additional steps required to resolve this issue needed to be communicated to this firm. Our letter on the above date also contained copies of the original engineering drawings of the sand and grease trap. Additionally drawings done by Mike Potoker showing the proposed drain closures were enclosed. For your convenience a copy of our letter is enclosed. Apparently this office did not make copies of Mr. Potoker's drawings regarding the specific location the two floor drains in question. Hence no copies of that detail are included.

As of this date no response has been received by this office regarding our 12/20/2010 correspondence. The only correspondence received by this firm from the EPA has been above referenced Compliance order which was received on May 23, 2013. Neither your Compliance order or cover letter of the same date makes any reference to our 12/20/2010 correspondence.

AEX, Inc. DBA Alpine Express
Box 1250 Gunnison CO
81230
970-641-5074
970-641-6622 FAX
stewartj@alpineexpressshuttle.com

Valois Shea
US EPA Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

12/20/10

Re: 510 Riverland Drive grease sand trap

Dear Ms. Shea,


Attached you will find: 1. Completed Shallow Wasted Disposal System/Well Inventory Request Form 2. Septic and grease/sand trap design produced by Jerry Greene P.E. 3. A drawing which details a proposed modification to the sand and grease trap interceptor floor drain system. All of these documents pertain to the Sand and Grease trap interceptor system for the vehicle maintenance facility located at 510 Riverland Drive, Crested Butte, CO.

My understanding is that Mike Potoker, owner of the building, and yourself have discussed modifying the snow melt floor collection system so that no fluids would enter the system in the area of the lifts as shown on the attached drawing. If approved this modification would ensure that fluids used in vehicle maintenance or repair would not enter the grease/sand trap system. Please advise this office if that plan is acceptable.

At this time Alpine Express leases the vehicle maintenance portion of this facility and the building itself is owned by Mr. Potoker and Mr. Costello.

Lastly, please advise this office as to what additional steps, if any, are required in order to proceed in this matter.

Sincerely,


Stewart Johnson
President

11

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
SHALLOW WASTE DISPOSAL SYSTEM/WELL INVENTORY REQUEST FORM

(Form adapted from OMB No. 2040-0042)

Shallow waste disposal systems/wells release waste fluids into or above shallow ground water and include commercial septic systems, sumps, drain fields, french drains, cesspools, abandoned drinking water wells, dry wells, and infiltration galleries. The Underground Injection Control (UIC) regulations require inventory information for all disposal systems/wells and additional information for certain types of systems/wells.

This form is designed to collect basic information for all systems/wells, to determine which are used for underground disposal of waste fluids.

- * If your business has more than one location within the State of Colorado, please copy and submit the Inventory Request Form for each facility.
- * If this is your residence ONLY, and your commercial facility is located elsewhere, provide the information for your commercial facility. However, if you work out of your home, please fill out and submit this form.
- * If you lease and/or rent the space for your business, you as the operator of the business are responsible for submitting the inventory information for the facility.

I. IDENTIFICATION OF DISCHARGE/DISPOSAL SYSTEM/WELL

Please circle YES or NO to ALL items that pertain to the way your business or facility disposes of waste fluids (including wash water, storm water, bathroom or kitchen wastes, and spills).

(If you need assistance completing the form, please call Marlene Brown-Strattan at 1-800-227-8917, extension 312-⁴²⁵⁰

1. Is your facility connected to a public sewer system? YES NO
2. Excluding kitchen and bathroom waste, does your facility dispose of ANY fluids through a connection to a septic system with a drain field, including floor drains and utility sinks? YES NO
3. A self-contained holding tank is one that has no overflow line. Are waste fluids from your facility discharged into a self-contained holding tank which is pumped periodically? YES NO
4. Are there any floor drains or sinks in a processing or shop area, engine service or maintenance bay, or vehicle/equipment washing area? YES NO
- 4a. If yes to question 4, do the floor drains or sinks ever receive fluids? YES NO
- 4b. If yes to question 4, are the floor drains or sinks connected to a septic system, drain field, french drain, abandoned drinking water well, dry well, or tank with an overflow line? YES NO
5. *FLOOR DRAINS CONNECT TO SINK/GRASS TO LETTER 7 AREA*
Is your facility run as a dry shop (i.e., no running water, no sewer or septic connections)? YES NO
6. Are waste fluids from your facility discharged to a lagoon or pond? YES NO
7. Are waste fluids from your facility discharged to surface water, lake, river, stream or wetland? YES NO
8. Are waste fluids from your facility stored, recycled, or hauled away? YES NO
This includes wash water, oil, fuel, solvents, antifreeze, etc. Please list
WASTE OIL / Anti Freeze
9. Does your disposal (e.g., septic) system(s) have the physical capacity to treat sanitary waste fluids generated by 20 or more persons per day? YES NO
- 9a. What is the designed flow rate or size of your disposal system(s) (e.g., septic tank)?
SEPTIC SYSTEM 175 GALS PER DAY / GREASE TRAP / SAND SYSTEM 600 GALS PER DAY
10. Are there any cesspools within the property boundary (typically a concrete cylinder with open bottom or perforated sides)? YES NO
- 10a. What is the designed flow rate or size of your cesspool(s)? N/A
11. Are there any drainage systems (e.g., dry wells, french drains) within the property boundary that collect stormwater or surface runoff and discharge it underground? YES NO

SEE OTHER SIDE

If you answered YES to either questions #2, #4, #9, #10, or #11, please complete Section II below.

II. BASIC INVENTORY INFORMATION

Inventory all disposal systems (e.g. septic tank, dry well, french drain) separately. If more space is needed or you have more than one disposal system, please use and attach separate sheets.

- 1. Operating Status (AC=Active, AN=Abandoned, UC=Under Construction, TA=Temporarily Abandoned)
Disposal System #1 See Attached Report
- 2. General Location (please attach a diagram of the system(s) including construction design).
Disposal System #1 _____
- 3. Date of Construction: _____
Disposal System #1 _____
- 4. Depth of Disposal System/Well: _____
Disposal System #1 _____
- 5. Average and Maximum Volumes of Disposed Fluids (gallons/day) _____
Disposal System #1 _____
- 6. Source and Nature of Disposed Fluids (e.g., solvents, waste oil, paint, brake fluid, antifreeze, wash water, snow melt, cooling or boiler blow down water, industrial process waste, misc. spills, bathroom wastes, etc.):
Disposal System #1 _____
- 7. Depth of ground water, if known: UNKNOWN

III. CERTIFICATION (This section must be completely filled out.)

I certify, under penalty of law, that this document was prepared under my guidance and supervision, and that I am assured that qualified personnel properly gathered and evaluated the information reported here. To the best of my knowledge, the information presented above is true, accurate and complete.

Signature: [Signature] Date: 11/1/10

Name (please print): STUART JOHNSON Title: PRESIDENT ABE INC

Name of Facility: 2510 RIVERLAND DRIVE Phone: 970-641-5074

Physical Address of Facility: 510 RIVERLAND DRIVE CRATER BUTTE, CO 81230

Mailing Address (if different than above): Box 1250 GUNNISON CO 81230

Property Owner (if different than above): MIKE POTOKEL / COSTELLO Phone: 970-209-7251

Property Owner Address: 535 RIVERFRONT RD GUNNISON CO 81230

Type of Business or Facility: MAINTENANCE FACILITY STATE BUS CO / 3 BRK APT W/STAIRS

Additional Information: SYSTEM INSTALLED BY JERRY GREENE CO PE # 10786
STATE & GRASS / SAND TRAIL SYSTEMS (PROPERTY MAINTAINING)

Further information on the UIC Class V program can be found at:
<http://www.epa.gov/region8/water/uic/classv.html>. An Inventory Request Form Frequently Asked Questions (FAQ) is available at http://www.epa.gov/region8/water/uic/r8cv_prog.html.

Return to:
U.S. Environmental Protection Agency
Attn: Marlene Brown-Strattan
1595 Wynkoop Street
Denver, CO 80202-1129

**Jerry
Greene, P.E.**

Consulting Engineer
28 Quartz Street
Gunnison, Colorado 81230
(970) 641-3342



Alpine Express Bldg
Lot 35, Riverland
Industrial Park

Project # 958
September 28, 1996
Page 1 of 9

DESIGN OF SEPTIC SYSTEM

A. DESIGN DATA

This design is for two septic systems for the Alpine Express Building. The first system will serve the three bedroom living unit on the second floor. The unit will have a clothes washer but not a disposal. The second system will be a grey water system serving the shop and wash bay. This system will collect wash water in a floor drain system and will have a sand/grease trap located inside the building. The absorption area for this system is located on the opposite side of the building from the sanitary system.

Finish grade will slope away from the building following the slope of the site allowing both systems to operate by gravity. Contractor to verify elevations during installation.

Alpine Express Dlog
Lot 35, Rivenland
Industrial Park

Project # 958
September 28, 1996
Page 2 of 9

Wastewater Flows: Design is based on an occupancy of two people per bedroom for sanitary system

Average Daily Flow =

$$3 \text{ bedrooms} \times 2 \text{ people/bedroom} \times 75 \text{ gallons/person/day} \\ = 450 \text{ gal/day}$$

$$\text{Design Flow} = 1.5 \times \text{Average Daily Flow} \\ = 1.5 \times 450 \text{ gal/day} = 675 \text{ gal/day}$$

Size of Septic Tank: Per Gunnison County requirements, the minimum septic tank size shall be 1000 gallons. This also satisfies the 30 hr. detention time required. Larger septic tanks are acceptable.

Design of Absorption System:

The Gunnison County Health Official has visited the site and performed perc tests resulting in a fast rate. Therefore, after any topsoil has been removed and stockpiled, the contractor shall overexcavate the absorption field area to a depth of from 2 feet to 4 feet below the bottom of the piping and add slower draining material. This imported material may contain some fines and clayey material but shall generally be cohesionless and sandy. Some topsoil is also acceptable. The mixture shall be reviewed by the County Health Official prior to placement. A perc rate of 15 min/inch is assumed for the mixture for this design.

Alpine Express Bldg.
Lot 35, Riverland
Industrial Park

Project # 958
September 28, 1996
Page 3 of 9

The minimum absorption
area required is = $\frac{Q}{S} \sqrt{t} = \frac{675}{5} \sqrt{15} = 523 \text{ ft}^2$

Add 40% for cloths washer = 209 ft²

Disposal not to be installed = - 0 -

Total area required for a
conventional absorption system = 732 ft²

To fit properly this system will be 26 ft x 28 ft.
See Page 5 for details.

The septic system shall be located so that all setbacks
and separations required by the County and State are followed.
The Contractor shall verify all setbacks and separations prior
to construction.

Horizontal setbacks and separations are ;

Absorption field to
any well = 100 ft

Absorption field to
building = 20 ft

Absorption field to
prop. line = 10 ft

Absorption field to
septic tank = 6 ft

Absorption field to
stream = 100 ft

Septic tank to well = 50 ft

Septic tank to building = 5 ft

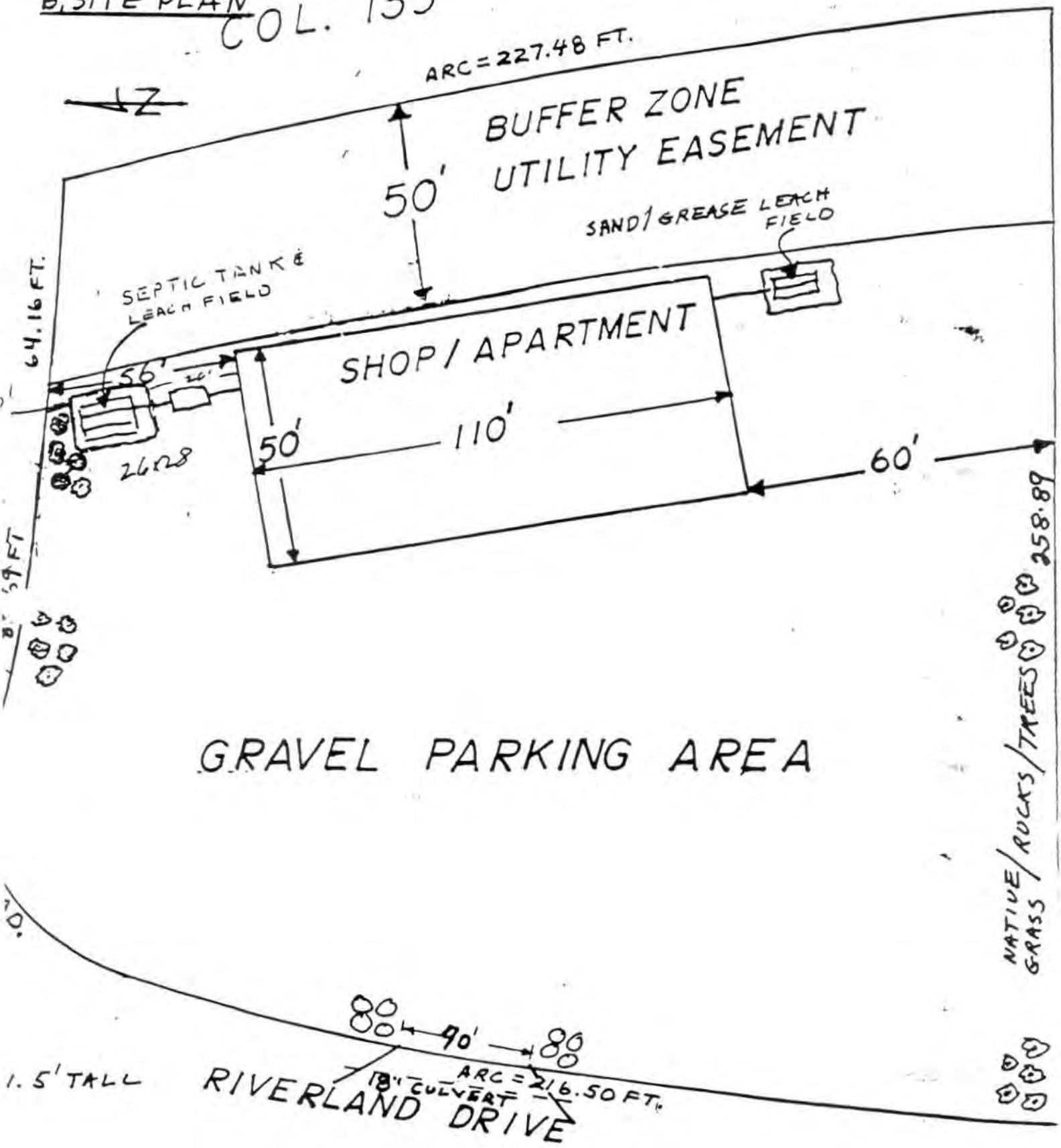
Septic tank to prop. line = 10 ft

Septic tank to stream = 50 ft

Alpine Express Hwy
Lot 35, Riverland
Industrial Park
B, SITE PLAN

Project #458
September 28, 1996
Page 4 of 9

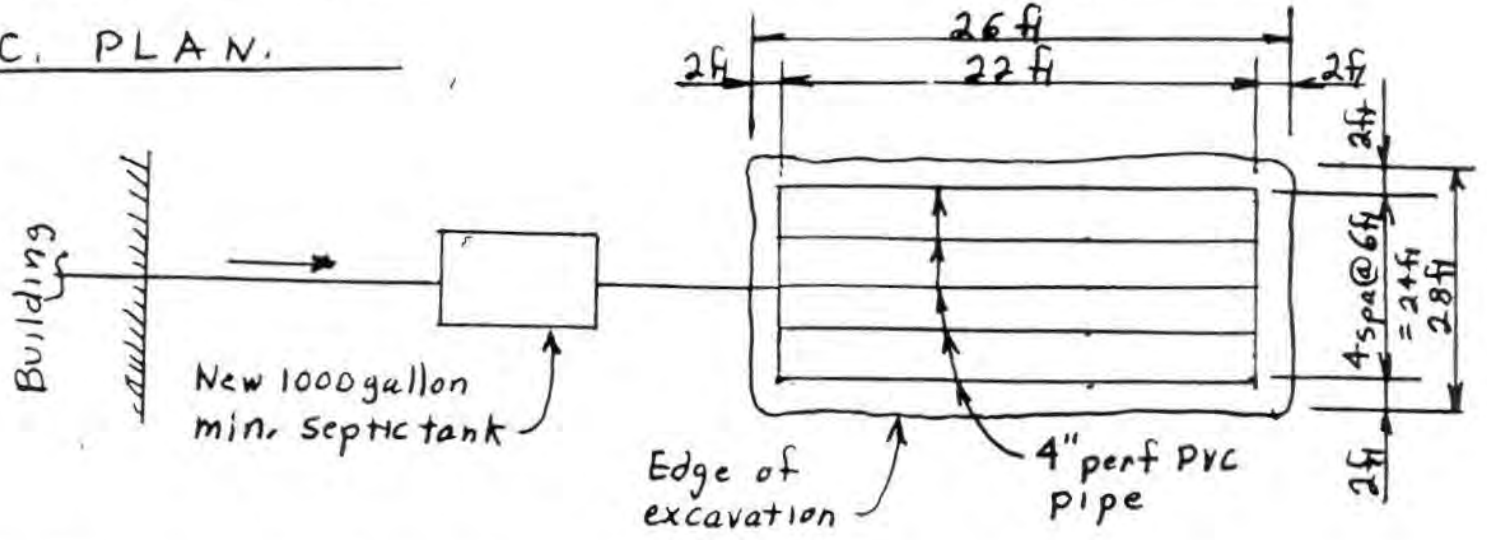
COL. 135



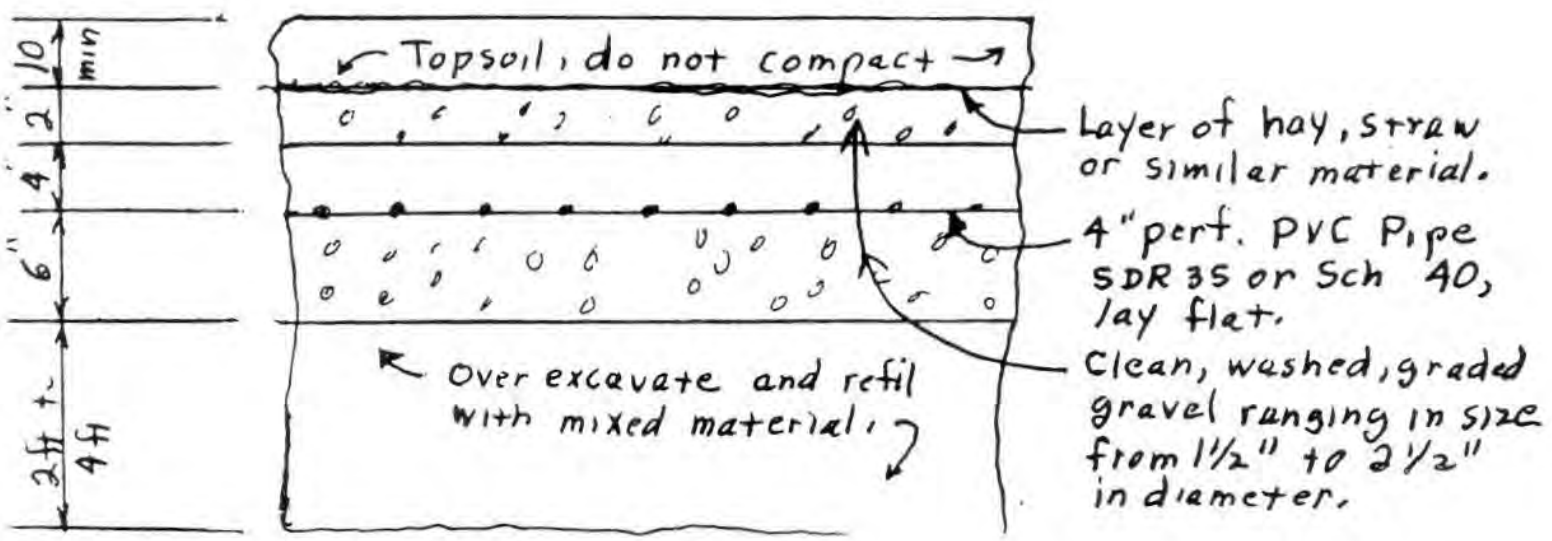
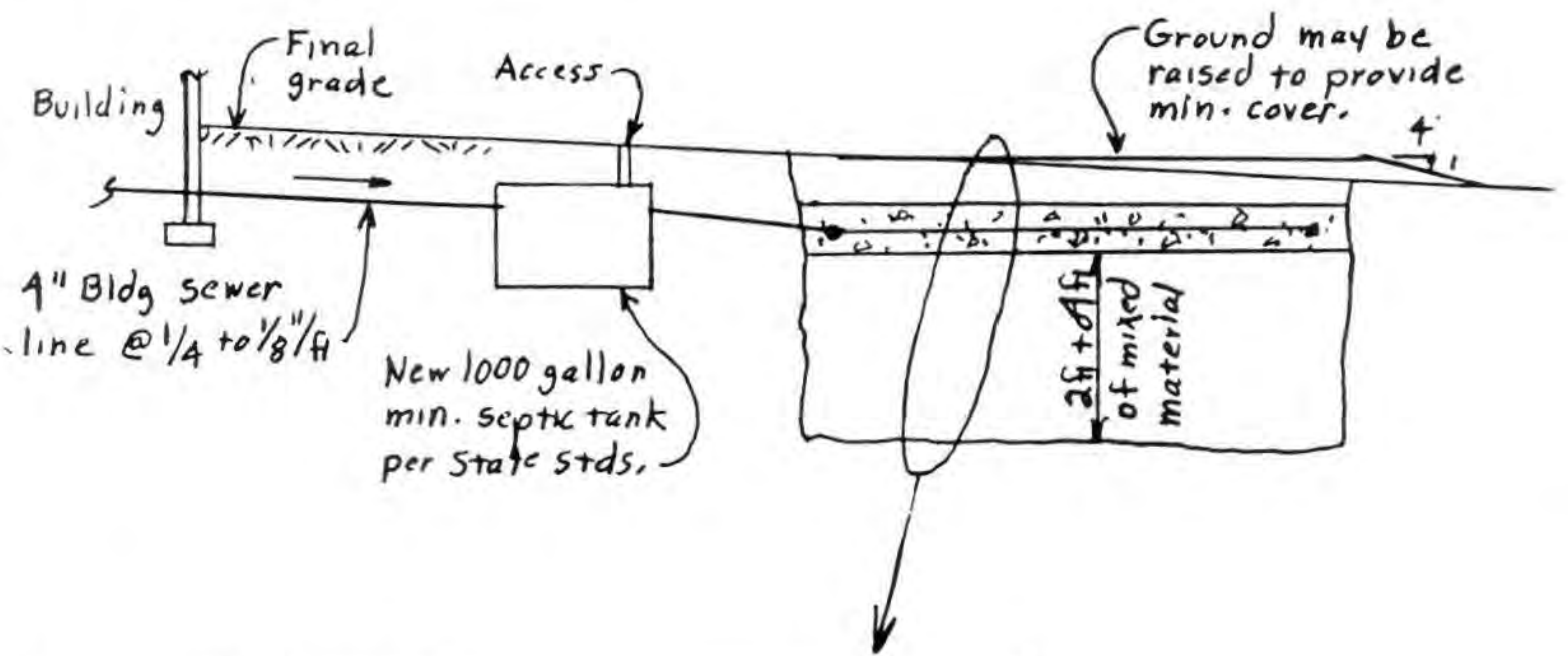
Alpine Express Bldg.
 Lot 35, Riverland
 Industrial Park

Project #958
 September 28, 1996
 Page 5 of 9

C. PLAN.



D. PROFILE & SECTION.



E.

Septic Tank Maintenance

A septic tank does not need starters or chemicals to promote bacterial action.

It is advisable to inspect the tank yearly. Letting the tank fill too full with sludge and scum will cause clogging of the tile in the disposal field and leaching area. This will require the laying of a new field.

Frequency of cleaning depends on the capacity of the tank and quantity and composition of the sewage. The amount of soap curd and other material entering the systems can be decreased by wiping greasy dishes with paper before washing them. Providing and using a sink strainer fine enough in mesh to retain coffee grounds and other fine materials will help keep the sewage disposal system in working order.

The scum can be measured with a stick and hinged flap device as shown in Figure 11. Push the stick through the scum until the hinged flap falls into the horizontal position. Raise the stick until you can feel the bottom of the mat. Mark the stick to indicate the depth of the scum layer. Now use the same procedure to locate the lower end of the submerged outlet pipe. If the bottom side of the scum mat is within 3 inches of the lower end of the submerged outlet, the tank should be cleaned.

To measure the depth of the sludge, wrap a long stick with a piece of rough white towel and tie it securely. Lower the measuring stick through the T branch (to avoid the scum) to the bottom of the tank. Wait a few minutes and remove the stick slowly and carefully. The depth of sludge can be distinguished from the liquid by the black particles clinging to the towel. The sludge should be removed if its indicated depth is equal to or more than one-third the liquid depth on the measuring stick. Bury this waste in a shallow pit and cover with 18 to 24 inches of dirt. The pit should be no closer to any source of water than the distance given for the septic tank in Table 1.

Do not use matches or an open flame to inspect a septic tank. The gases produced in it may explode and cause serious injury.

Constant use of large quantities of drain solvents, disinfecting solutions and strong chemicals may reduce bacterial action and cause rapid accumulations of sludge and clogging of the tile lines.

Septic tanks seldom freeze when in constant use and when not subjected to extreme sub-zero temperatures for long periods of time.

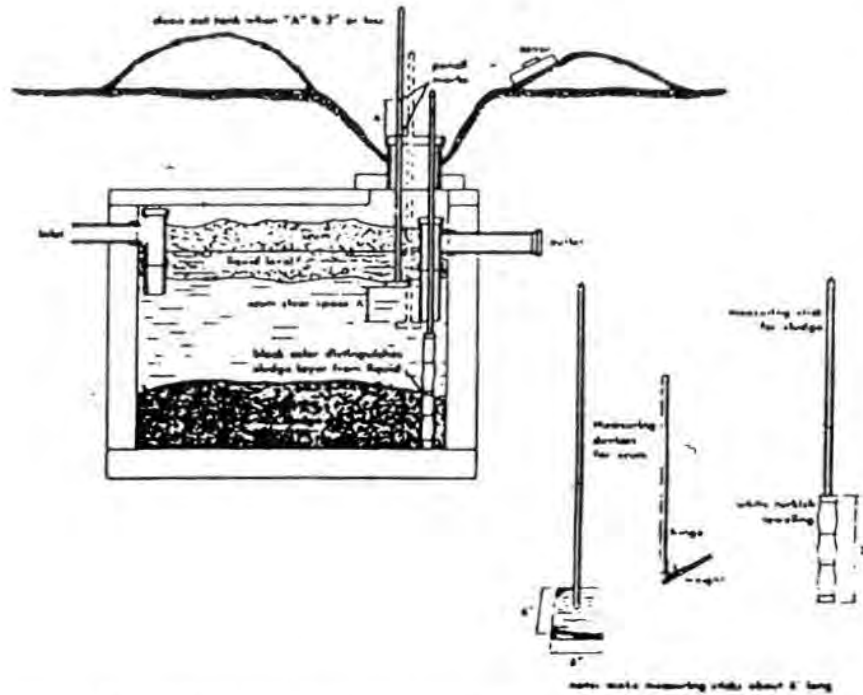


FIGURE 11.—Check the thickness of scum and the depth of sludge to determine when to clean the septic tank. Depth of sludge will be indicated by black particles clinging to white towel.

If the system is in an area where the sub-zero temperatures are extreme, it is advisable to cover it with a greater depth of earth, straw or similar material.

If the Tank Backs Up

1. Remove the cap on the cleanout at the base of the plumbing stack and see if the sewer line is clogged.
2. Remove the manhole cover or slabs from the septic tank. Check the inlet and outlet to see if either is plugged. Determine the approximate depth of scum and sludge. Clean if scum mat is within 3 inches of the lower end of the submerged outlet.
3. Clogged tile in the disposal field is indicated when the tank's level is higher than the bottom of the outlet pipe.

Cleaning out the tank does not always solve the problem. The scum which floats on the liquid surface always makes it appear to be completely full of solids.

Alpine Express Bldg.
Lot 35, Riverland
Industrial Park

Project #958
September 28, 1986
Page 6 of 9

Wastewater Flows:
for washwater system

Vehicles will be washed down with a "Hotsy" which uses a maximum of 4gpm. It is estimated that a maximum of 30 vehicles will be washed each day and each vehicle will take 5min. to wash.

$$\begin{aligned}\text{Design Flow} &= 30 \text{ veh} \times 5 \text{ min/veh} \times 4 \text{ gpm} \\ &= 600 \text{ gal/day}\end{aligned}$$

System Design:

The system will require a grease and sand trap which will be installed inside the building. Details for this unit are shown on page 8

$$\begin{aligned}\text{Minimum capacity of the} & \text{ oil \& sand trap} \\ &= 36 \text{ ft}^3 \times 7.48 \text{ gal/ft}^3 \\ &= 270 \text{ ft}^3\end{aligned}$$

$$\begin{aligned}\text{Size of proposed} & \text{ trap tank} \\ \text{(48" } \phi \text{ MH 3.34 ft tall)} & \\ \text{(base section only)} &= \pi r^2 h \times 7.48 \\ &= \pi 2^2 3.34 \times 7.48 \\ &= 314 \text{ ft}^3\end{aligned}$$

Required venting and inlet & outlet piping will be added to the cone on upper section.

CHAPTER 7 - TRAPS AND INTERCEPTORS

Section 711 - Grease traps shall be installed in all food establishments. Also refer to Colorado Health Department Regulations regarding other grease trap requirements.

Grease interceptors for school cafeterias - Use the following sizing criteria (see Appendix H)

EXAMPLE - Cafeteria is open for six hours daily, and has 600 students. To find peak meals per hour, divide the number of students in to the number of hours open. Which gives you 100 peak meals per hour. Then proceed with the formula in Appendix H.

* Section 708 - Sand trap requirements appear to be vague in the UPC. The following diagram is recommended.

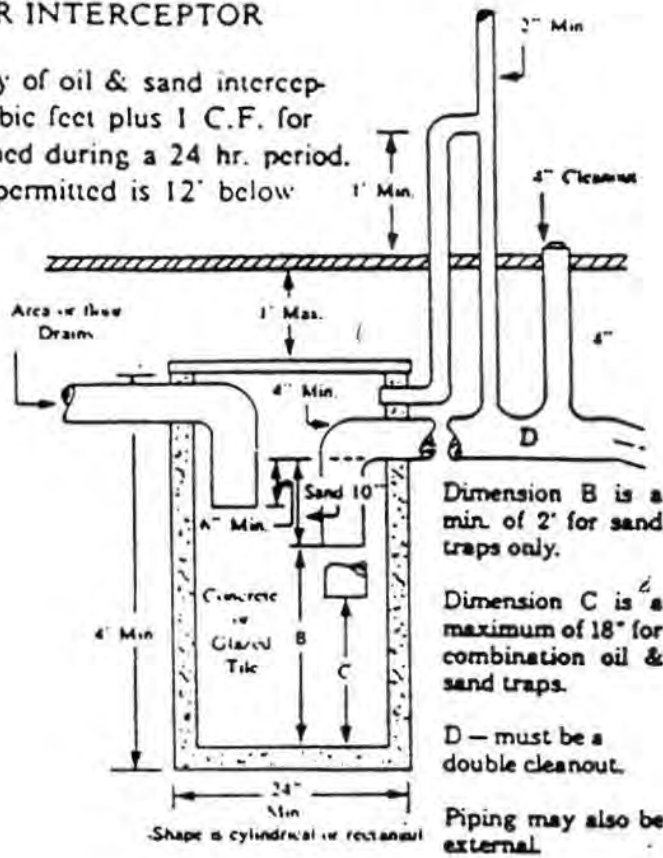
Section 714 - Illustration of minimum requirements for grease trap, grease interceptors, oil or sand trap

SAND TRAP OR INTERCEPTOR

* Minimum capacity of oil & sand interceptors shall be 6 cubic feet plus 1 C.F. for each vehicle washed during a 24 hr. period. Maximum depth permitted is 12' below grade.

For concrete or hard surface extend top ring & install w/ ring & cover.

Location depends on fire regulations and other considerations. If a gas tight cover is provided trap may be installed inside.



Dimension B is a min. of 2' for sand traps only.

Dimension C is a maximum of 18" for combination oil & sand traps.

D - must be a double cleanout.

Piping may also be external.

Shape is cylindrical or rectangular

Stewart Johnson

From: michael potoker [potoker@gmail.com]
Sent: Sunday, October 31, 2010 6:21 AM
To: stewartj@alpineexpressshuttle.com
Subject: Fwd: alpine express building riverland industrial park

----- Forwarded message -----

From: michael potoker <potoker@gmail.com>
Date: Sun, Oct 31, 2010 at 7:01 AM
Subject: Fwd: alpine express building riverland industrial park
To: stewart@alpineexpressshuttle.com,

Stewart,

I spoke with Valois on the phone friday at 4:30.

She said the garage looked great....very clean.

She said we would need to stop the center drain from the repair bays from going into the wash bay system.

That should be very easy. And John doesn't really let that oil from the garage bays go into that tank anyway.

Then we will need a permit to discharge the water from the wash bay into the outside field.

She said all the links needed were here?

Mike

----- Forwarded message -----

From: <Shea.Valois@epamail.epa.gov>
Date: Fri, Oct 29, 2010 at 5:10 PM
Subject: Re: alpine express building riverland industrial park
To: michael potoker <potoker@gmail.com>

Hi Mike,

Thanks for calling back. Here is a link to our website with some info about the Class V injection wells program and motor vehicle waste disposal wells.

The Small Entity Compliance Guide explains more about that regulation we talked about over the phone. Unfortunately, the link to FAQs on MVWD wells is no longer active.

<http://www.epa.gov/region08/water/uic/classv.html>

This is a link to another page with information about permitting the wash bay waste water flow and a pre-closure notification form which is used to explain how you would like to separate the floor drain in the repair bays from the outflow from the wash bay:

<http://www.epa.gov/region8/water/uic/r8cvprog.html>

The permitting information is located near the bottom of the web page. The outflow from the wash bay would need to be analyzed for volatile organic compounds, which is one analysis and a list of total metals, such as cadmium, lead, and antimony. The initial analysis for be for longer list of metals, but the list of metals under the permit would be much shorter, depending on which metals are detected by the initial analysis. The sampling and analysis are usually required every 6 months under the permit.

Valois Shea
US EPA Region 8
8P-W-GW
1595 Wynkoop Street
Denver, CO 80202-1129
phone: 303-312-6276
fax: 303-312-6741

From: michael potoker <potoker@gmail.com>
To: Valois Shea/R8/USEPA/US@EPA
Date: 10/29/2010 08:39 AM
Subject: alpine express building riverland industrial park

Valois,
Please call me ASAP and tell me about the alpine express wash bay
Thanks
Mike Potoker

--
Michael Potoker
970 209 7251 cell

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Michael Potoker
970 209 7251

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Michael Potoker
970 209 7251

Stewart Johnson

From: michael potoker [potoker@gmail.com]
Sent: Friday, November 12, 2010 6:30 AM
To: stewartj@alpineexpressshuttle.com
Subject: Fwd: alpine express building riverland industrial park

----- Forwarded message -----

From: **michael potoker** <potoker@gmail.com>
Date: Fri, Nov 12, 2010 at 6:25 AM
Subject: Re: alpine express building riverland industrial park
To: shea.valois@epa.gov
Cc: stewartj@alpineexpressshuttle.com

Valois,
I do have some followup questions.
Please call me when you can at
9702097251
Thanks
Mike Potoker

On Fri, Oct 29, 2010 at 8:39 AM, michael potoker <potoker@gmail.com> wrote:
Valois,
Please call me ASAP and tell me about the alpine express wash bay
Thanks
Mike Potoker

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Michael Potoker
970 209 7251 cell

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Michael Potoker
970 209 7251

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Michael Potoker
970 209 7251