



January 9, 2021  
Teton County Board of County Commissioners

**RE: January 2021 water quality workshop**

Dear Chair Macker and Commissioners,

Thank you for hosting a workshop to discuss ongoing and future water protection efforts and to provide direction to staff regarding the priority of those efforts. While various related efforts are underway in several departments, our water troubles remain significant. If we want to effectively knit together these separate efforts, we should strategically focus our limited resources on key priorities and expand our resources with dedicated water quality staff.

**Recommended priorities**

Please prioritize the following four efforts; each of these efforts, if prioritized, would address immediate threats while looking to the future.

1. We support staff's call<sup>i</sup> for a **water quality enhancement plan**, as identified in the updated Comprehensive Plan, that would identify a suite of holistic strategies, specific tools (e.g., the aquifer protection plan supported by staff<sup>ii</sup>), and an action plan for implementation.
2. A **Wastewater Management Plan** developed within the framework of Section 208 of the Clean Water Act<sup>iii</sup> is crucial to planning for the necessary infrastructure of a quickly growing community and identifying the most effective options for treatment given our extremely sensitive environment. Please continue your support for its completion, then prioritize its implementation and make impactful investments in treatment infrastructure.
3. **Updates to the County's Small Wastewater Facility (i.e. septic) regulations** (last approved in 2010) are years behind schedule<sup>iv</sup> and noncompliant with state regulations and U.S. Environmental Protection Agency guidelines. Among other drawbacks, the current regulations lack requirements for ongoing maintenance and inspections that could have prevented what happened at Hoback RV Park.
4. **Our proposed "prevent future Hobacks" rule** emphasizes early investigation into rising nitrates, local reporting of water safety data, better public noticing, and plans to protect drinking water from becoming contaminated to begin with. Chapter 10 of the rule requires the completion of Source Water Assessments and Source Water Protection Plans for all 114 Public Water Systems currently operating in Teton County. Development of these plans seems to be supported by County staff.<sup>v</sup> The Board of Health has not yet committed to adopting of this rule. The County's legal staff did not identify any issues,<sup>vi</sup> so we hope you will support the Board of Health in adopting the rule.

### **The need for water quality staff**

Despite previous and ongoing efforts, our water quality is not what it should be; Hoback Junction's water is unfit to drink without expensive filtration, and the cost of finding an alternative source is upwards of \$13M<sup>vii</sup>; the Teton Conservation District has noted several other nitrate hotspots,<sup>viii</sup> indicating that Hoback Junction is not an isolated problem; and nearly all 114 Public Water Systems lack basic protection plans, though they are a requirement in all other 49 states.<sup>ix</sup>

Please explore a staff position at the County that would include a focus on water quality, as the Teton Conservation District<sup>x</sup> and over a dozen conservation groups have called for.<sup>xi</sup> Currently, our drinking water and our wastewater are managed by a complex but far from complete set of regulations and a variety of agencies. Staff in various departments are to be commended for their personal commitment to prioritizing water quality, but they are hamstrung without an action plan or adequate capacity.<sup>xii</sup>

We must tend to immediate priorities while looking to the future; the need for better water quality protections is both immediate and long overdue. We face decades of water quality problems and further challenges posed by increasing rural development and population growth. Creating and filling a new staff position will take the better part of a year, but we must begin the effort while also moving forward immediate and impactful priorities.

Sincerely,



Dan Heilig  
Wyoming Outdoor Council



Dan Leemon  
Protect Our Water Jackson Hole



Brooke Sausser  
Jackson Hole Conservation Alliance

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<sup>i</sup> Discussion point 2 of the staff report dated January 11, 2020, though it seems to be named differently. We use the terminology in the Comprehensive Plan for consistency.

<sup>ii</sup> Discussion point 1b of the staff report dated January 11, 2020

<sup>iii</sup> Plans approved under Section 208 may be eligible for federal funding

<sup>iv</sup> Behind the schedule committed by the Board of County Commissioners in the delegation agreement

<sup>v</sup> Discussion point 1b of the staff report dated January 11, 2020. It is worth noting that the Idaho plan cited by the report functions more like an aquifer protection overlay, tying together the individual SWAs and SWPPs for public water systems. The SWAs and SWPPs we refer to are those that are required in every state but Wyoming for Public Water Systems, that determine the origin of water sources as well as assessing existing and potential sources and risks of contamination.

<sup>vi</sup> County Attorney Erin Weisman noted no legal issues in the November 17, 2020, Board of Health meeting and assured the board's authority to move the rule forward.

<sup>vii</sup> Nelson Engineering. (2006). *Hoback Junction Water Supply Study, Level I*. Prepared for the Wyoming Water Development Commission. Retrieved from [http://library.wrds.uwyo.edu/wwdcrept/Hoback\\_Junction/Hoback\\_Junction-Water\\_Supply\\_Study\\_Level\\_I-Final\\_Report-2006.html](http://library.wrds.uwyo.edu/wwdcrept/Hoback_Junction/Hoback_Junction-Water_Supply_Study_Level_I-Final_Report-2006.html).

<sup>viii</sup> See presentation by Carlin Girard, Water Resource Specialist with the Teton Conservation District, at the June 8, 2020, Board of County Commissioners Workshop. Note the slide showing 6 other locations with trend of rising nitrates.

<sup>ix</sup> Of the 114 Public Water Systems, around 44 have completed a Source Water Assessment, while only 3 have a Source Water Protection Plan. These plans are required in every other state.

<sup>x</sup> January 21, 2020 letter from the Teton Conservation District

<sup>xi</sup> March 10, 2020 and September 1, 2020 joint letters, viewable at <https://jhalliance.org/2020/03/26/preserve-and-protect/> and <https://jhalliance.org/2020/09/03/keeping-jackson-hole-whole-and-wild/>

<sup>xii</sup> Indeed, the septic regulations revisions have been "delayed due to an overabundance of other work that staff has had to complete, of core services, primarily permitting," according to Heather Overholser, Director of Public Works at the Board of County Commissioner's voucher meeting on December 21, 2020.