



PROTECT OUR WATER
JACKSON HOLE



August 21, 2020

Teton County Board of County Commissioners

Re: Please Deny Upzone Proposals Pending Comprehensive Wastewater Solutions

Dear Madam Chair and Commissioners:

Thank you for the opportunity to comment on new development proposed within Northern South Park (NSP). Subdivisions of this scale necessitate careful consideration of infrastructure needs, and as a community on the headwaters of the Snake, requirements for the highest standards to protect water quality.

We have a water quality crisis. Over forty years ago, the Teton County Water Quality Management Program recognized the threat of insufficient wastewater treatment and poorly functioning septic systems to the water quality of Jackson Hole.ⁱ Among other things, the plan identified high groundwater and coarse soils in many areas of the county as constraints to septic systems' functionality, increasing the potential for "well contamination," "surface water pollution," and "groundwater pollution" (p. 24 & 34). The plan prescribed minimum distances between septic systems, wells and water bodies, ongoing inspections after installation, and established "environmental protection districts" for the land use plan to regulate building density in line with septic tank suitability (p.12). One of the 19 total policies in the Teton County Comprehensive Plan further identified the need to protect water quality from discharged wastewater and other sources of pollution.

Yet decades later, our current Comprehensive Plan no longer references the 1978 water quality plan and, further, lacks a water quality or wastewater vision.ⁱⁱ Groundwater protection districts and associated performance standards contained in the 1978 plan have been removed (in the 1994 revision), yet we have approximately 3,600 private septic systems dotting the valley, each a separate source of pollution—located without adequate setbacks from wells or other water sources, and free to operate without any inspection and maintenance requirements.ⁱⁱⁱ Many of those systems are now leaching minimally treated wastewater into the Snake River Aquifer, a federally designated sole source aquifer.

With respect to drinking water, shockingly, all but three of the county's 114 Public Water Systems lack basic source water protection plans, while others show alarming increases in nitrate concentrations, indicating the presence of septic leachate (sewage).^{iv} Indeed, nitrate concentrations in Hoback's drinking water exceed the U. S.

Environmental Protection Agency's maximum contaminant limits, necessitating expensive filtration equipment and prompting community efforts to find alternative drinking water supplies. A recent workshop presentation by the Teton Conservation District to the Board of County Commissioners indicated that Hoback was not the only area experiencing rising nitrate levels.^v The Snake River Aquifer is the *only* source of drinking water for our community and it is at risk.

The pattern is clear: past county leaders permitted irresponsible development, and our community members without clean water are paying the price today. We thank this Board of County Commissioners for supporting water quality enhancements in the Comp Plan Update and allocating matching funds for a wastewater management plan as proposed by Protect Our Water Jackson Hole. Let's not endanger that progress by approving a massive subdivision without the best wastewater solutions.

A comprehensive wastewater management plan must be in place before considering any upzones in Northern South Park. We wholeheartedly echo the concerns raised in reports prepared by county and Teton Conservation District staff – there is no analysis of projected water demand, wastewater loading, how a new entity will service those needs, and how it will fit into the grand scheme of the county's wastewater management. Introducing more fragmentation to the county's already haphazard wastewater management, as proposed by the Gills' offering of a new utility, is a direct contradiction to the EPA's recommendations for "areas of greatest environmental sensitivity" including "sole source aquifers."^{vi} We cannot envision a standalone solution for this subdivision that would not further imperil our water.

Referencing Table 1 in the county's septic regulations, our own back-of-the-envelope calculations indicate that the wastewater produced by full build-out and occupation in NSP could be as great as *1.2 million gallons per day or 433.8 million gallons per year*. The treatment plant currently treats 650 million gallons^{vii} of wastewater per year – meaning this development, at worst-case, could produce the equivalent of 67% of our current flow. How will a private utility effectively treat that load? Town Council has clearly indicated its unwillingness to allow any connections to its treatment plant or water system without a neighborhood plan. And at a recent workshop, Assistant Public Works Director Johnny Ziem answered a question from Town Council about NSP:

"...what happens when everything builds out? What happens when the town gets built out to its current max capacity? And then all the other satellite districts build out? And in terms of the treatment plant, that will actually push us over our current capacity...When we start looking at bringing on large areas of the county onto the sewer treatment plant, the number one thing I think...you as the council needs to understand, that will trip us into a larger discussion...we have to start considering an expansion. Because like [a new proposed water] tank, this doesn't happen overnight; it's years of planning, environmental review, EPA review, DEQ review. Plus there's the funding piece too of getting that together."^{viii}

The upzones proposed in NSP would, in one fell swoop, surge past the 570 units projected in the town's capacity study. Considered together, this Gill proposal, the

other Gill proposal to build 83 units nearby, and the Lockhart proposal, total about 1,000 homes (without Accessory Residential Units) or 2,200 new residents. An unexpected population increase of more than 21% in town would clearly hasten the timeline that town taxpayers would be required to make a greater investment. And if connection to town infrastructure were never granted, the county might need to consider its own plant, which depending on size, could cost its taxpayers nearly \$10-15M.^{ix} We need a comprehensive wastewater management plan if we want to grow responsibly, and a neighborhood plan that would identify density, land use, and wastewater treatment needs is a natural and necessary extension of that.

We respectfully request that you deny any upzones in NSP until a comprehensive wastewater management plan, and neighborhood plan, are completed. Our community deserves safe drinking water and swimmable streams: our abundant wildlife, recreation-based economy and way of life depend on clean water. A county-wide wastewater management plan should precede—and inform—any large and unplanned changes to the county’s development and must be implemented through a neighborhood plan.

Sincerely,



Dan Heilig
Senior Conservation Advocate



Dan Leemon
Executive Director



Brooke Sausser
Community Planning Manager

ⁱAblondi, Robert. (1978). Teton County Water Quality Management Program. Print.

ⁱⁱ The Comp Plan Update currently in progress *does* identify the need for a water quality enhancement plan but does not identify a vision for water quality or specifically call out wastewater management.

ⁱⁱⁱ These are included in our [list of recommendations](#) for the update to Teton County’s Small Wastewater Facility (septic) Regulations.

^{iv} Wyoming is the only state that does not require Source Water Assessments for Public Water Systems.

^v Board of County Commissioners Workshop on June 8, 2020.

^{vi} Environmental Protection Agency. (2003). *Voluntary national guidelines for management of onsite and clustered (decentralized) wastewater treatment systems*. See page 16.

^{vii} According to the Request for Proposals for the 2020 water and sewer capacity study.

^{viii} Assistant Public Works Director speaking at a July 20, 2020 Town Council Workshop.

^{ix} Ballpark estimate from an email exchange with Johnny Ziem, Assistant Public Works Director.