



Sent by email

June 16, 2020

Ted Van Holland
County Sanitarian
320 South King St.
Jackson, WY 83001

RE: REQUEST FOR INSPECTION OF SMALL WASTEWATER SYSTEMS IN THE HOBACK
JUNCTION AREA OF TETON COUNTY, WYOMING.

Dear Mr. Van Holland:

We are writing to request that your office promptly conduct inspections of small wastewater systems located in the Hoback Junction area of Teton County.¹ Water quality data collected over the past two decades show that nitrate concentrations in groundwater in certain areas of Hoback Junction exceed the U.S. Environmental Protection Agency's maximum contaminant level (MCL) of 10 mg/L. Nitrate concentrations exceeding the EPA's MCL of 10 mg/L present a threat to public health and safety to the residents of this area who drink this groundwater, and constitutes a violation Wyoming's quality standards for groundwater. *See* WDEQ/WQD Rules and Regulations, Chapter 8, Table 1, Quality Standards for Wyoming Groundwaters.

Established in 1967, the Wyoming Outdoor Council is the state's oldest and largest independent conservation organization. Our mission is to protect Wyoming's environment and quality of life for future generations. With over 750 members and supporters in Teton County, our organization has a significant interest in this matter.

Septic systems have been identified by local engineering firms, DEQ staff and county health officials as possible causes of nitrate exceedances in the Hoback Junction area, but a conclusive determination as to the precise cause or causes of the exceedances has not been

¹ For purposes of this request, the term "Hoback Junction area" refers to the area identified by the Teton District Board of Health as the Hoback Junction Area of Concern. *See* Letter (undated) from Teton District Board of Health to Teton County Board of County Commissioners, *Figure 2*, available online at: <http://www.tetonwyo.org/DocumentCenter/View/12794/BOH-letter-to-BCC-signed?bidId=>

made.^{2, 3, 4, 5} We are therefore requesting an inspection of records and reports on file with the County Sanitarian together with physical inspections of small wastewater systems in the Hoback area to determine whether those systems are properly permitted, constructed and maintained.

The authority for this action is set forth in Teton County's Small Wastewater Facility Regulations and in the delegation agreement between Wyoming Department of Environmental Quality and Teton County, Wyoming, dated January 25, 2018. Specifically, Section 33.B. of the Small Wastewater Facility regulation provides that "the County shall have the authority to inspect any site and review the construction or maintenance of improvements to ensure conformance with the requirements of this resolution, provided that such inspections are conducted during weekday working hours." In addition, the Delegation Agreement states that "[t]he Delegated Local Official may also conduct periodic operation inspections of facilities permitted under the authority of this Agreement and may implement procedures for inspection and reporting of inspection in conformity with W.S. 35-11-109(a)(vi)." *See* Delegation Agreement, Article VII at ¶ 13. Recognizing that some Hoback Junction area septic systems may pre-date the county regulation, we request that you coordinate your inspections with the DEQ to ensure that all potential sources of nitrate pollution are inspected pursuant to W.S. §35-11-109(a)(vi).

Importantly, conducting prompt inspections will advance the recommendation made by the Hoback stakeholders group to "[t]ake steps to thoroughly identify and eliminate the source of the contamination." *See* Hoback Drinking Water Stakeholder Group Final Recommendations, Teton County Board of County Commissioner Meeting: 06/08/2020, available online at: <https://www.tetoncountywy.gov/DocumentCenter/View/14353/0608-WKS-Hoback-Drinking-Water?bidId=>

For the foregoing reasons, and pursuant to the authorities and responsibilities set forth in the Delegation Agreement and Teton County's small wastewater facility regulations, we request a prompt inspection of septic systems in the Hoback Junction area, along with the

² *See* Hoback Junction Water Supply Study, Level 1 Final Report, prepared for the Wyoming Water Development Commission by Nelson Engineering, March 2006, available online at: http://www.tetonwyo.org/DocumentCenter/View/12791/Hoback_Junction-Water_Supply_Study_Level_1-Final_Report-2006?bidId=

³ *See* WDEQ Inspection Report for the J-W Subdivision (PWS #5600877), November 10, 2016, available online at: <http://www.tetoncountywy.gov/DocumentCenter/View/12793/WDEQ-Inspection-of-Hoback-J-W-Subdivision-Nitrates?bidId=>

⁴ *See* Koshmrl, Mike, *Hoback folks avoid drinking their well water. Contamination's cause is unknown as homeowners face higher costs.* Jackson Hole News and Guide, August 1, 2018, quoting DEQ Engineer James Brough: "[N]itrate pollution typically stems from agriculture, an unlikely culprit in a community where cropland is limited to hay fields and livestock to a few horses. I think the Hoback Junction case may be a combination of some lack of oversight in the past and a high-density of septic systems for the area."

⁵ *See* Letter from Teton District Board of Health to Teton County BCC, referenced in note 1, above.

records associated with those facilities, to determine whether those facilities are properly permitted, constructed, and maintained.

We appreciate your attention to this matter and look forward to your reply.

Sincerely,



Dan Heilig
Senior Conservation Advocate

cc: Kevin Frederick, WDEQ/WQD Administrator,
Lily R. Barkau, WDEQ/WQD, Groundwater Section Manager
Richard Cripe, WDEQ/WQD Water/Wastewater Section Manager
U.S. EPA Region 8
Teton County Board of County Commissioners
Teton District Board of Health
Jodie Pond, Director of Health, Teton County Health Department
Carlin Girard, Water Resource Specialist, TCD
Keith M. Gingery, Chief Deputy Attorney – Civil

Enclosure: Letter to Wyoming DEQ Director Todd Parfitt requesting an investigation of groundwater quality violations in the Hoback Junction area of Teton County, WY.