



Transmitted via email

May 17, 2021

Teton County Board of County Commissioners  
200 S Willow Street  
Jackson, WY 83001

**Re: Urgent Need to Create Water Quality Program**

Dear Madam Chair and Commissioners:

We strongly support the creation of a new department within Teton County dedicated to the protection of water resources. We understand there may be some hesitancy to move forward with the creation of a new water quality program due to costs and questions about the roles and responsibilities of this office. These are legitimate concerns, and we appreciate the care and thoughtfulness demonstrated by the Board in its discussions about this important issue.

Apart from overseeing the development of a comprehensive water quality management plan, and coordinating activities with the Teton Conservation District, you may have questions about what a senior-level water quality professional would do. To better inform your decision making, set forth below are a few examples of projects and activities that could –and frankly should-- be undertaken by this new position. These “real world” examples are based on professional experiences gained from decades of environmental advocacy in the field of water quality and wastewater regulation.

As envisioned, the department would serve as the chief water quality administrator for Teton County. It would represent the county’s interests in all matters that may have an impact on water quality, including but not limited to local, state and federal planning, regulatory processes, permitting and decision making. **Protection of water quality would be its priority and sole focus.**

Examples of duties:

- Oversee the development and implementation of the proposed comprehensive water quality management plan. The lack of professional staff responsible for overseeing the implementation of the Teton County 208 Water Quality Management Program got us into this mess; let’s not repeat the mistake.

- Monitor nitrate levels in groundwater utilized by public water systems and take action to address increasing concentrations *before* the levels exceed the EPA’s maximum contaminant level (MCL) of 10 mg/L, which triggers federal intervention. We must do everything in our power to **prevent future Hobacks**. The proposed nitrate rule considered by the Teton Health District is one example of steps that can be taken to address this looming threat to public and private water systems.
- Seek and obtain federal, state and local funding for water and wastewater infrastructure, projects and programs.
- Coordinate intergovernmental efforts to design and implement on-the-ground solutions for Hoback Junction’s water and wastewater issues.
- Provide information and resources to special districts operating in Teton County such as Improvement Service Districts, Water & Wastewater Districts, and Water Districts.
- Coordinate/assist volunteer water quality monitoring and protection efforts and activities with nongovernmental organizations such as Protect Our Water Jackson Hole.
- Conduct educational programs and prepare and disseminate educational materials to county residents.
- Working with our federal, state and local partners and NGOs, bolster efforts to maintain and protect sustainable fisheries and the quality of surface waters for recreation uses.
- Consider assuming responsibility for the regulation and permitting of Small Wastewater Facilities (i.e., septic systems). The engineering department is ill-equipped and under-resourced to manage this complex system. In most Wyoming counties, local health departments administer SWF programs, but that option has apparently been discussed and rejected here.
- Work with regulatory agencies, local businesses and landowners to reduce the use of harmful substances such as chemical fertilizers and as de-icing agents.
- Work with the Wyoming Department of Environmental Quality (WDEQ) and Teton Conservation District to accelerate the development of Total Maximum Daily Loads (TMDL) to address *E.coli* contamination in Fish and Flat Creeks.
- Develop/update source water assessments and develop source water protection plans for all 114 EPA-registered Public Water Systems in Teton County. These systems are extremely vulnerable to groundwater contamination because the vast majority have failed to take the simple action of developing/updating source water assessments which must be in place in order to trigger newly added provisions in the proposed Small Wastewater Facility regulations. *See* Page 18, Table 4, Footnote 1 – Advanced treatment required.

- Draft and administrate Land Development Regulations pertaining to protection of ground and surface water quality.
- Conduct and coordinate water quality monitoring programs with Teton Conservation District, Wyoming DEQ, U.S. Geological Survey, National Park Service, Forest Service, Bureau of Land Management and other local, state and federal partners.
- Review and submit written comments on proposed rulemaking related to water quality. Examples include EPA rulemaking related to Waters of the U.S. and Clean Water Act Section 401 (state certification).
- Promote public health benefits of clean drinking water and initiate proactive steps to address the vulnerability of the Snake River Sole Source Aquifer to pollutants.
- Participate in formal and informal agency proceedings related to water quality. Examples include representing the county's interest's in the triennial review of Water Quality Standards promulgated by the Wyoming DEQ. The failure of Teton County to participate in a recent statewide "categorical" reclassification of water quality standards for contact recreation resulted in a downgrade that permits a 500% increase in the permissible amount of *E.coli* in low flow small streams and tributaries.
- Review and comment on proposed point source discharge permits issued by the Wyoming DEQ. Authorized under Section 402 of the Clean Water Act, these "WYPDES permits" authorize the direct discharge of pollutants into surface waters. The Town of Jackson's wastewater treatment facility is the largest single source of point source pollution in the county, and many other facilities currently discharge into county surface waters.
- Review and comment on proposed "404 Permits" issued by the U.S. Corp of Engineers. This section of the Clean Water Act authorizes the placement of dredged and fill material into wetlands and "waters of the U.S." and are common in Teton County. The county should advocate in written comments for the adoption of the "least damaging practical alternative" in accordance with the 404(b)(1) guidelines.
- Review and comment on proposed Class V Underground Injection Control (UIC) permits issued by Wyoming DEQ for large capacity wastewater disposal systems. The program authorized by the federal Safe Drinking Water Act allows states to permit the subsurface disposal of wastewater into groundwater. Although the UIC program requires safeguards to protect the quality of drinking water aquifers, lax enforcement and inadequate permit conditions result in degradation of aquifers. Approximately 48 Class V disposal facilities currently operate in Teton County, including National Park facilities, employee housing, guest ranches, service stations, motels/hotels, RV Parks, lodges, and visitor centers. Teton Village and Aspens/Pines operate some of the largest Class V facilities in the county. The largest wastewater disposal facility in the county is operated by Jackson Lake Lodge/Colter Bay Village, which discharges millions of gallons per day of wastewater into shallow groundwater during peak season.

- Work with the Planning Department and USDA Forest Service to develop new LDRs that protect the “outstandingly remarkable values” that led to the designation of more Wild & Scenic river segments than any other county in America.
- Address emerging threats to water quality such as micro plastics, pharmaceutical, PFAS and climate change. By their very nature, Federal and state agencies are not equipped to move quickly to deal with new and emerging threats. County government is. For example, a main source of micro plastics in surface water is the laundering of fleece clothing. Teton County undoubtedly has more fleece clothing per capita than any other Wyoming county, yet little is being done to address this growing threat. Common sense and cost-effective solutions are available, but require a lead agency to champion.
- Seek designation and engage as a “cooperating agency” in federal planning processes and environmental impact studies and assessments prepared by federal land and wildlife management agencies. Federal agencies have an oversize presence in Teton County, and their management actions can have huge impact on water quality. Contrary to popular belief, a significant portion of public lands in Teton County are not “protected” but are instead managed in accordance with federal laws that require "multiple use and sustained yield." These laws —as well as the implementing regulations and applicable management plans-- allow for mining, oil and gas development, grazing, logging, motorized and non-motorized recreation uses, and a host of other uses, all of which can cause significant water quality impacts. Even public lands that appear to be “protected”, such as Grand Teton National Park, can have major water quality impacts. For example, wastewater treatment facilities operated by GTNP discharge millions of gallons of minimally treated wastewater into ground and surface waters each and every day through the summer months, yet receive little outside attention or scrutiny.

We hope you find this information helpful, and as always, we are available to answer questions.

Sincerely,



Dan Heilig  
Senior Conservation Advocate  
Wyoming Outdoor Council



Dan Leemon  
Executive Director  
Protect Our Water Jackson Hole