



November 21, 2022

Kathy Shreve  
Department of Environmental Quality Water Quality Division  
200 West 17th Street, 4th Floor Cheyenne, WY 82002  
RE: BL Property, LLC (DBA Brooks Lake Lodge), Permit No. WY0028045

Dear Ms. Shreve:

On behalf of Protect Our Water Jackson Hole (POWJH), I am pleased to submit this letter in response to the Wyoming Department of Environmental Quality's (WDEQ) October 21, 2022 public notice inviting comments on the above- referenced pollution discharge permit renewal.

POWJH is a locally-based nonprofit organization dedicated to serving Teton County, Wyoming, as a powerful advocate for restoring and protecting the surface and groundwater in and around the Snake River Headwaters.

Brooks Lake is a roughly 209-acre waterbody located within the Wind River Basin, near Togwotee Pass in Fremont County, WY. It is a class 2AB "high quality water(body)," which supports cold-water fisheries, non-game fisheries, drinking water, fish consumption, aquatic life other than fish, recreation, wildlife, industry, agriculture and scenic value designated uses. Brooks Lake has been officially impaired for elevated nutrients and pH since 2018, which have impacted cold-water fish, non-game fish and aquatic life other than fish. It is listed as a Total Maximum Daily Load (TMDL) priority for the year 2032 by the WDEQ.

The wastewater treatment lagoons (hereinafter "facility") serving Brooks Lake Lodge are owned and operated by BL Property, LLC. The facility is made up of two aerated cells (recently dredged) supported by an ultra-violet (UV) light disinfection system. Following UV-treatment, effluent leaves the facility and flows roughly one-half mile through an unnamed, ephemeral tributary (Class 3B) before entering Brooks Lake. WDEQ determined that, because technology used at this facility is the same as what is used for a publicly-owned treatment works (POTW), the National Secondary Treatment Standards and the standards adopted through Wyoming Water Quality Rules and Regulations, Chapter 1, are appropriate for this facility.

Technology-based effluent limits that have been established for this permit include oil and grease, biological oxygen demand (BOD), total suspended solids (TSS) and pH (technology-based). Water quality-based effluent limits that have been established for this permit include E. coli and total residual chlorine (TRC).

We have the following questions and concerns regarding specific attributes of the draft permit:

1. Receiving waters and Brooks Lake
  - a) Per the WDEQ Wyoming Surface Water Quality Standards (Implementation Policies for Antidegradation, Mixing Zones and Dilution Allowances, Turbidity, and Use Attainability Analysis from 9/24/2013), "Tier 2 protections apply to High Quality Waters." Brooks Lake is therefore, clearly, deserving of Tier 2 protections, which guard against water quality



being lowered to less than the level necessary to fully protect the "fishable/swimmable" uses and other existing designated uses.

- b) The Statement of Basis states that "Between the end-of-pipe at the lagoon facilities and the confluence with Brooks Lake, the discharge does flow through natural wetlands where some clean water dilution is suspected to occur." It also states that "Other water flowing near or into the ephemeral tributary co-mingles with the facility effluent prior to the confluence with Brooks Lake." What concrete evidence exists to support this narrative and unquantified claim?
- c) Despite the impairment status of Brooks Lake, "There are no limits associated with nutrient and temperature monitoring at Outfall 001." The proposed permit fails to provide nutrient limits because the immediate receiving waters (the unnamed tributary and adjacent wetlands) are Class 3B. This approach is inadequate to restore and protect the designated uses of Brooks Lake. Limits that protect the designated uses of this Class 2AB waterbody must be established.

## 2. Monitoring Requirements

- a) We are pleased to see that nutrient monitoring was added at the outfall and DMP1 locations, however given the impairments of Brooks Lake, more frequent sampling for effluent nutrient concentrations is recommended.
- b) We are pleased to see that visual monitoring for oil and grease was replaced by monthly grab sampling. We are also pleased to see that annual monitoring requirements for ammonia, total residual chlorine (TRC), nitrite+nitrate, oil and grease, and total phosphorous were updated to monthly (daily for TRC).
- c) Per the Statement of Basis, "The facility has demonstrated an inability to meet the National Secondary Treatment Standard of 30 mg/L monthly average and 85% removal for TSS, so this permit qualifies for the alternate state specific limit for lagoon systems for TSS of 100 mg/L and no % removal requirements." If the facility is struggling to meet a limit, why is the WDEQ response to make said limit more easily attainable and less protective of water quality?
- d) Why is whole effluent toxicity (WET) testing not required for this facility?

## 3. Other Questions/Considerations

- a) Are the two wastewater lagoons lined?
- b) The flow path for effluent Brooks Lake is unclear based on the maps included in the application. Please include a more detailed map showing exactly where the water is moving (and denoting where the adjacent wetlands are, which are also not marked on any map) between the outfall and the lake.



Brooks Lake is a high quality water(body) worthy of upstream effluent protections that will ensure its designated uses persist into the future. Though it is slated for TMDL development in 2032, persistent water quality problems (including toxicity from annual harmful cyanobacterial blooms) demonstrate that action must be taken now to protect the lake's designated uses. We cannot rapidly change atmospheric-nitrogen deposition rates. We cannot change the ambient geochemistry of the lake. However, we can change how human activity in the Brooks Lake watershed impacts water quality. Continued use of the lake depends on permitting and acting in our own best interest.

We would like to acknowledge the steps BL Property, LLC have already taken to improve effluent quality from their facility and thank them for their ongoing effort and expenditure. We appreciate the opportunity to provide comments on permit no. WY0028045 and we look forward to WDEQ's response to our specific questions and comments.

Sincerely,

Matt Bambach  
Water Quality Advocate

CC: EPA Region 8