



Sent by email

February 10, 2020

Todd Parfitt, Director
Department of Environmental Quality
200 West 17th St.
Cheyenne, WY 82002

RE: COMPLAINT AND REQUEST FOR INVESTIGATION (WYO. STAT. § 35-11-701)

Dear Mr. Parfitt:

We are writing to request an investigation by the Department of Environmental Quality (DEQ) to determine whether septic systems serving the Hoback Market and the nearby Hoback RV Park in Teton County, Wyoming, are “large-capacity” systems requiring permits from the DEQ under the Underground Injection Control (UIC) Class V Program.

The Wyoming Outdoor Council submitted a public records request to the DEQ on January 30, 2020, requesting copies of permits for the above facilities. The DEQ’s February 6, 2020, response reveals that these facilities lack permits that may be required by the Wyoming Environmental Quality Act and the DEQ’s regulations for the injection of wastewater in waters of the State. *See* Wyo. Stat. §35-11-301(a); WDEQ/WQD Chapter 27: Underground Injection Control Program Class 1 and Class V Wells, Section 6(g) (permit required for Class V facilities). Our request, logged as #20-64, and the DEQ’s response, is available for public viewing on the DEQ’s website.

Small wastewater facilities are permitted by Teton County under a grant of delegation from the DEQ. County records provided to the Wyoming Outdoor Council raise questions concerning the status of these facilities. See attached files. Of particular concern is the July 29, 1999 letter from DEQ to the RV park identifying a failure of the system and alleging multiple violations. The DEQ letter also states that the RV park is subject to the DEQ’s regulations for large capacity systems, but it appears no further action was taken by the DEQ.

Also of interest is a news story that appeared in the Jackson Hole News and Guide on July 13, 2016, describing “upgrades” to the Hoback Market. <https://www.jhnewsandguide.com/>

[news/business/biz_quiz/southern-gateway-store-gets-upgrades/article_8e167de7-265e-5b5c-aa91-1829bc6a8844.html](https://www.wyomingnews.com/business/biz_quiz/southern-gateway-store-gets-upgrades/article_8e167de7-265e-5b5c-aa91-1829bc6a8844.html)

The story includes excerpts from an interview with one of the market's owners, Larry Huhn. With regard to the management of human waste, Mr. Hugh describes the situation at the market as follows:

This year, which is our final major remodel, is putting in restrooms that are adequate for what's down here. We used to have 30 to 40 people standing in line all day long constantly. Sometimes we could get in the bathrooms for three, four hours at a time. We'd have to come down here and pump the septic every three to four weeks in the summer, because we have no municipal sewer down here and no municipal water.

County records provided to the Wyoming Outdoor Council do not indicate that upgrades to the septic system have been made.

As you are no doubt aware, nitrate levels in drinking water wells in the Hoback area have exceeded the EPA's maximum contaminant level of 10 mg/L. According to the EPA's ECHO database, the Hoback Market and the Hoback RV Park operate public water systems which could be impacted by unpermitted or improperly functioning septic systems. Private water wells in the area could also be impacted by improperly functioning systems.

For the foregoing reasons, we request a prompt investigation of the two systems. We appreciate your attention to this matter and look forward to your reply.

Sincerely,



Dan Heilig
Senior Conservation Advocate
Wyoming Outdoor Council



Dan Leemon
Executive Director
Protect Our Water Jackson Hole

cc: Lily R. Barkau, WDEQ/WQD, Groundwater Section Manager
Ted Van Holland
Jodie Pond
Carlin Girard

Enclosures