

Prospects for Compliance

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Introduction

- Ultimately, future compliance depends on the willingness of each party to negotiate.
- Just because an initial negotiation starts out well does not mean that it is not subject to change.

Things to consider

- Environmental Impact
- Long term Objectives
- Costs
- Incentives/Value

Case Study: Jackson, Wyoming Wastewater Treatment

Jackson is a very scenic location at the southeast area of Jackson Hole surrounded by the Grand Teton National Park, Yellowstone National Park, The Grand Teton Mountains, Snake River and Jackson Lake.

The population in Jackson has doubled since the original construction of the 1969 treatment plant within less than a ten year span.

Reality

- The town and the county are aware that they have exceeded there limits.
- What is the best solution?
- Who gets to decide?

Stakeholders

- EPA
- Teton County Commissioners
- Mayor
- Town Council
- Residents
- The Game and Fish Commission
- The National Wildlife Federation and Wilderness Society
- The Wyoming Department of Environmental Quality
- Environmental Groups
- Consulting Engineering Firm (J.M. Montgomery hired by THE EPA)
- Section 208, Teton County's planning program

Jackson's thought

After looking at several options, the town of Jackson concluded that building a new wastewater plant several miles away in South park would be most reasonable.

Why South Park?

- ✓ A new plant compared to expanding the old plant would save \$\$.
- ✓ The location was undeveloped and provided the space needed for construction.
- ✓ The South Park area provided plenty of room for growth and the use of gravity feed systems in place of expensive back pumping.

Arguments: 1970

Teton County believed that the construction of a new plant would create growth in an area that should remain a rural and agricultural area.

Teton County argued that Jackson should upgrade the existing plant.

Jackson argued that the plant was functioning beyond capacity. The five acre site was not feasible for expansion and would not be capable of handling any future development.

Conflict Over Standards

- Teton County commissioners wanted a plan that conformed to a limited growth approach.
- Jackson wanted to invest in a wastewater facility that would provide room for more long term possibilities.

Funding

Grants provided by the EPA would cover the costs of upgrades for a new wastewater treatment facility.

The grant is only available if the upgrade is in compliance with Federal Standards.

Jackson's plan B

The Mayor offers the Game and Fish Commission a private parcel of land for a long-term lease of their 20 acres.

Arguments Continue: 1972-1973

Game and Fish Commission turns down the treatment plant proposal by mayor Lester May because the commission felt that the ideas interfered with Wildlife Management Objectives.

- The commission did not believe that it would be legal to sell or lease the Elk feed Ground area. This area was federally funded.
- The EPA region B, would require an environmental impact statement to ensure compliance.

The Public 1976

The planning department fully aware that more than 55% of the voters were residents of Jackson, released a summary report describing alternatives to development.

- The report included a questionnaire for residents.
- November 1976 Elections begin an new mayor of Jackson emerges (Ralph Gill).

South Park Area

The election of the new mayor brought about another plan from Jackson that would show a more extensive plan to control growth.

This plan proved to be compatible with the goals of:

- low density development
- Sustaining agriculture
- Growth control to accommodate up to 3,300 people on 670 acres of land

The Draft environmental Impact Statement (DEIS) 1977

EPA (Region 8) required an impact statement because the funding would be provided by a grant through the EPA.

Mr. Green the newly appointed Republican Regional Administrator released the DEIS stating that the Elk Feedground was not an acceptable location.

Reasons:

1. location was in a one-hundred year flood plain
2. The Elk/wildlife would be affected
3. The rural South Park area would be subjected to development

Town-County Dispute Begins July-October 1977

- The final Draft is developed by Jackson
- Teton County commissioners are still not satisfied
- The EPA begins to lose patience and stresses that Jackson is at risk of losing funds if an agreement can not be made.
- Teton County threatens to hold out unless a county development permit is provided.
- A new regional administrator is appointed (Merson).

Continues

- Teton County Hires an attorney (Larson).
- South Park land owners step in and ask the town to annex the land along the interceptor route and in return they would donate the site.
- Merson (the regional administrator) tells each side something different in order to get them to finalize.

The Grand Finale

A three-party agreement reviewed and approved by the EPA emerged in April 1978.

- Mayor Gill, Teton County Commissioner Mr. May and Mr. Raisch from the regional counsel all signed an agreement.

The Outcome

- Plant size and design would be based on a yearly growth of 6% until 1995.
- County limited to out of town taps annually.
- Jackson responsible for the policy regarding the distribution of taps and the policy for sewage hook-up fees.