

December 8, 2022

To: Cooke City – Silver Gate – Colter Pass Sewer District Board  
From: Concerned Citizens from the Valley  
Re: Proposed Sewer Treatment and Drain Field Project, Follow up on the November 23, 2022, meeting, and Preparation for the December 21, 2022, meeting

Dear Members of the Cooke Pass-Cooke City- Silver Gate Sewer Board:

Thank you for a productive meeting on November 23. We appreciated the opportunity to participate.

We came away with the following outcomes: 1. the Board will put a business item on the agenda and vote to consider whether to have Triple Tree Engineering provide cost estimates for determining “trigger values” for Sites C and D located on U.S. Forest Service (USFS) land; 2. the Sewer Board is willing reach out to AquaTech Systems which manufactures and installs buried treatment plants to learn more about this alternative solution included in Concerned Citizens' November 6, 2022 letter; and 3. one of the Board members is creating an email account for the Board so that Sewer Board members do not have to use their personal email accounts.

With respect to item number 1, it was pointed out during the meeting that site requirements for traditional drain fields and buried treatment plant systems (like the alternative we suggested) are different, given that discharge from a treatment plant is cleaner than discharge from a traditional drain field. As such, a buried treatment plant and its polishing drain field may still meet, if not exceed, permitting requirements for Sites A, B, C, or D where a traditional drain field would not. In other words, a site that could not be used for a traditional drain field may still be feasible for a buried treatment plant polishing drain field.

While we appreciate that the Board may consider having Triple Tree Engineering provide a cost estimate for a traditional drain field on Sites C or D, we continue to strongly encourage the Board to fully redirect its attention and that of Triple Tree Engineering to specifically evaluating a treatment plant and polishing drain field on Sites A and D for all the reasons stated in our Nov-2022 letter and attachment. Sites B and C may also be feasible for a buried treatment plant system and drain field, but we suggest prioritizing Sites A and D first. A significant amount of information and data may already be publicly available for Site D and the lands surrounding it, owing to the Montana Dept. of Environmental Quality’s (DEQ) McLaren Reclamation Project.

Based on the Board's discussion, we may hire our own engineer to either independently collect data or review the data used to support the decision to site a traditional drain field at Site E (and that also requires a 3.1-mile pipeline for which there appears to be no route map, geophysical feasibility data, or supporting information whatsoever).

We reiterate our statement at the November meeting that there is no ambiguity about who owns the lands identified as Sites A-D. Our reading of the Mar-2020 (p. 22, 37) and Apr-2022 (pp. 41-42) Preliminary Engineering Reports (PERs) confirms that the USFS owns Sites A-D. We also confirmed this by consulting readily available landownership maps, which also clearly show Sites A-D as being owned by the USFS. The depiction of Sites A-D in figures in both PERs is meant to identify general locations that meet the requirements of the Township Site Act.

We have spoken with the USFS and understand their processes to sell land under the Townsite Act. We also understand their motivations for phasing out individual special use permits authorizing specific Cooke City septic systems located on USFS lands. Based on that discussion, we are confident the USFS will work with the District to ensure a suitable precise location for the type of treatment system and drain field selected by the Board, even it strays outside the general outlines of Sites A-D.

During the November Board meeting, we also stated that DEQ does not have any blanket prohibitions against siting either a traditional drain field or a buried treatment plant system somewhere on Site D, so long as all water quality permitting requirements are met (Fig. 3, Apr-2022 p. 42). We directly asked appropriate DEQ officials because of persistent confusion about whether the McLaren Reclamation Project disqualified Site D right from the start. The answer is no. Site D is not categorically “out” because of adjacency to the McLaren site.

We strongly encourage the Board to direct Triple Tree Engineering to contact DEQ and independently confirm that either a traditional drain field or a treatment plant system drain field could be sited somewhere on Site D so long as it met applicable DEQ’s Circulars (#2 and/or #4). We request the Board and Triple Tree Engineering share what they’ve learned from DEQ during the December meeting.

With respect to item number 2, we appreciate that the Board is willing to reach out to AquaTech Systems. The representative we spoke with (Tom Bartlett) is willing to give a presentation to the Board via zoom. We trust the Board followed through on and took advantage of this opportunity prior to the December meeting. We look forward to hearing about your discussion. If the Board has not yet reached out to Mr. Bartlett, we suggest the Board do so and schedule the presentation for a public meeting so that everyone can attend.

Our own research identified additional treatment plant manufacturers. This type of community wastewater treatment system is definitely not novel for Montana. There are at least two manufacturers with Montana distributors. For example, see Appendix B of the Mar-2020 PER where cost estimates were obtained from Advanced Pump & Equipment in Belgrade, Montana for a Community Treatment Plant System made by Orenco Systems Incorporated. The Mar-2020 PER Appendix B also included spec sheets for the specific community treatment plant system quoted by Advanced Pump & Equipment. Advanced Pump & Equipment explicitly stated that the treatment plant system quoted could be modified however needed to comply with

DEQ's Circular #4.

If you haven't already, we strongly encourage the Board to direct Triple Tree Engineering to contact DEQ to identify: 1. which underground treatment plant systems have been certified in Montana and who makes them; and 2. what is required to certify a new treatment plant system manufacturer in Montana. Additionally, we strongly encourage the Board to direct Triple Tree Engineering to confirm groundwater discharge permitting requirements for buried treatment plant systems like AquaTech Systems and any other manufacturer the Board is considering. This will allow the Board to objectively evaluate Sites A, C and D for this cheaper, better solution to the Cooke City sewage problem. Triple Tree Engineering has the expertise to gather this information and report back to the Board at the December meeting. We look forward to hearing what the Board and Triple Tree Engineering learned from DEQ.

With respect to item number 3, we note the creation of an email address for Allen. Thank you!

We appreciate the Board's efforts to solve the sewage treatment problem. We recognize there may be some frustration with renewed public interest in the project. Yet, the Board will need broad community support from throughout the District to get a solution implemented and ongoing support thereafter. We take this opportunity to provide additional public comment on other topics discussed at the November meeting.

First, thank you for having Triple Tree Engineering produce a map that moved the proposed Silver Gate traditional drain field to the west. Triple Tree Engineering's map showed that the new edge of the proposed traditional drain field would be 982 feet from *one* of the Silver Gate Public Water Supply wells. We point out that there is a *second* Silver Gate Public Water Supply well approximately 1000 feet away from the new location. There is also a private residential well even closer at 944 feet. The stated distances do not appear to factor in the 100-foot isolation zone around those wells.

We also note that in the absence of an actual surveyed and mapped sewage pipeline route, uncertainty remains as to risk to Silver Gate's drinking water. No feasibility data or information about the pipeline route is included in either PER. Moving the drain field to the west may have solved one problem but created others. Waiting until Phase III to undertake site-specific feasibility studies and stepped down planning is risky.

In fact, it appears that there has not even been a cursory assessment of whether there is enough physical space for constructing and placing a pipeline, given existing infrastructure (e.g., Silver Gate water mains, individual water lines, other utilities) and the natural and man-made landscape features. Sewage lines and water lines must be kept physically separated. We understand that DEQ requires a minimum of 10 feet of horizontal separation distance between water and sewer lines, and a minimum of 18 inches of vertical separation such that the water line is 18 inches above the sewer line. This challenge does not just apply to Cooke City. It applies everywhere.

We reiterate our suggestion that the Board and Triple Tree Engineering take the time to research the feasibility of the pipeline route and other pertinent details before devoting any more resources to developing a community drain field in Silver Gate. That the pipeline does not appear until Phase III in the Uniform Application leaves the lynch pin of the entire project until the very end and unwisely so. The Board is taking a big risk that the final cost will be considerably greater for having to engineer a way through whatever challenge arises at the very end because every other component of the system has already been constructed.

The Apr-2022 PER stated that “relocation of the facilities [community drain field] will move all treatment out of the community, creating separation from the public and wastewater management, treatment and disposal eliminating any potential public exposure.” (Selection of an Alternative, Executive Summary Section 0.4, p. 8). This statement may bear true for Cooke City, but only for Cooke City. The proposed pipeline and community drain field does not move wastewater treatment out of the Silver Gate community, will not separate public and wastewater management in Silver Gate, and will not eliminate any potential public exposure in Silver Gate.

We reiterate our concern about a Cooke City-centric view of both the problem and the proposed solution. According to the District's By-laws, Cooke City is a Sub-District. Solutions for the Sub-District should not come at the expense of or pose a risk to others in the District that the Sub-District itself is not willing to bear. That said, we affirm our support to help the Board find a cheaper, smarter alternative for treating waste and a better location for discharging it.

The Board plans to purchase 30 acres from the USFS, but the reasons for that amount are not explained anywhere that we could find in the Apr-2022 PER. The Updated Drain Field Map shows that a traditional drain field at Site E requires about 108,000 square feet for the absorption area. It was pointed out at the November meeting that this is approximately 2.4 acres. Even while generously observing DEQ's best practices to reserve space for a full-sized replacement drain field and allowing for an access road and other infrastructure, 10-15 acres seems adequate. This point is important because it has direct bearing on the final project cost -- USFS must sell its lands at full market appraisal value for the highest and best use of the land. The estimated cost of \$10,938 per acre in Table 7 seems quite low based on our knowledge (Mar-2020 PER, p.48).

We have previously asked the Board to clarify how many acres of land it intends to purchase, finding references ranging from 30-80 acres in various documents. Our November letter to the Board asked for confirmation on the record that the Board is no longer considering building employee dorm-style housing on land it purchases from the USFS in Silver Gate or anywhere for that matter. We reiterate that request for clarification. Please address the following two questions during the December meeting: 1. does the Board intend to develop employee dorm-style housing on land it purchases from the USFS; and 2. how many acres will the Board seek to purchase on the application submitted to the USFS?

We are sympathetic to the need for additional, affordable housing in the area. However, we view that challenge as being more appropriately tackled by the private sector or in partnership with

other Cooke City organizations, not the Sewer Board. We submit that the Sewer Board should stay true to the narrow, core purpose for which it was formed and as stated in the By-laws (p. 2).

Second, we recall discussion during the November meeting about Site A being disqualified because of the soils. It was stated that Bob dug the pit and the soil samples were sent to Performance Engineering (who authored the Mar-2020 PER). The Apr-2022 PER stated that “During the 2020 PER, Area A was selected as the proposed area for the Community Drainfield. Since the 2020 PER was developed, the Sewer District evaluated the soils in the Area A location. According to the Sewer District, Area A soils evaluation revealed inadequate soils to support a drain field.” (Apr-2022 PER, p. 44).

We formally request the soil analysis results and report for Site A, and any documentation the Board has or received regarding soils sampled at Site A. We want to understand better the field protocols used to gather the samples, where the soil samples were collected, how many samples were collected, and the chain of custody for those samples. We understand there are industry standards and accepted practices for this type of soil testing for this particular purpose.

The information we are requesting for Site A was not in either PER that we could find. We heard that Site A was ruled out because it had “too much clay”. Clay does not necessarily rule out Site A for a buried treatment plant system and polishing drain field. Shifting to a cheaper buried treatment plant system may render Site A the best of all, including total cost. Both PERs identified several positive attributes to Site A (Mar-2020, p. 37-38; Apr 2022, p. 42), including the added benefit of making anti-freeze measures available for the Cooke City water tank.

We understand that the soils in the area around Cooke City have not been mapped by NRCS, and data from other sources are scarce (Mar-2020, p. 26; Apr-2022 PER, p. 40). Soil data from Yellowstone National Park and Shoshone National Forest in Wyoming are presented in tables the Apr-2022 PER Environmental Review Appendix (pp. 100-110). These data are not relevant to this project area. The Absaroka Beartooth Wilderness Area, Montana, Western Part table clearly shows no soil data are available, even if the geographic area encompassed in this table were relevant to this project area.

What is needed here is site-specific data of the type that appears to have been collected only for Site E. Sites A-D, as best we can ascertain, were rejected in part on the basis of soils. However, we see no evidence that the data for rejecting these sites has, in fact, been collected. For the December meeting, we specifically ask that the Board explain what type of site-specific soil data has been collected, where it was collected, and what the results were.

Site specific soil data is particularly useful in evaluating conditions for both types of treatment systems. In general, less permeable soils might rule out a community drain field but still be adequate for in-ground treatment with a polishing drain field. Paying for soil analysis seems like a low upfront cost when choices are being made that potentially involve millions of dollars.

Third, our Nov-2022 letter generally noted that Sites A-D were disqualified and omitted from any additional feasibility analysis in favor of Site E, even though Sites A-D had the same basic requirements of a pipeline, pumps, power, land, and access. All of this infrastructure would be *more* expensive for Site E than for any of the other sites. We request additional information and data omitted from the Apr-2022 and Mar-2020 PER reports but that were relied on by the Board when it selected a gravity collection system in Cooke City and a traditional drain field at Site E, with a 3.1-mile pipeline connecting the two.

Fourth, we recall discussion at the November meeting about the present vacancy on the Board. Additionally, it was mentioned that there may be people interested in joining the Board. We would like to know the status of each sitting Board member with respect to when their term expires. And, we would like to understand the eligibility requirements to serve on the Board, the process the Board will use to fill the present vacancy (and any other forthcoming vacancies) and when it will do so. We encourage the Board to include this on the December agenda.

Lastly, we reiterate some suggestions, questions and formal information requests from our Nov-2022 letter and include additional requests below. Some are straightforward questions the Board can address during the December meeting while others should be considered a formal request for information and documents.

- We request the official map of the Cooke Pass-Cooke City-Silver Gate Sewer District described in the By-laws Appendix A: District Boundaries. As noted in our prior letter, the term “district” and “sub-district” are used interchangeably, when they are not, according to the Board's own By-laws. Establishing the district boundaries on a map and by formal survey if one does not already exist will be helpful for everyone and seems foundational for all the Sewer Board’s work.
- Please make the agendas and minutes from prior Board meetings available to the District's members through the Board's website. Audio files would be helpful as well and perhaps less work. In our experience, this is standard practice for the Park County Commission and government boards similar to the District. Making that information more available will go a long way towards transparency and keeping District members informed. It will also build trust and develop broader community support for finding and implementing the best, affordable solution.
- More specifically, we request the Board agendas and meeting minutes for each meeting held between April 2020 and September 2022.
- What are the Board’s thoughts about future property tax assessments to pay for the system and its ongoing operation, maintenance and repair? When, by whom, and how will this decision be made? When does the Board expect to determine how much taxes

would go up and when would the tax increases take effect? Does the Board need to conduct a vote of District members in the future to approve the system and fees?

- What bearing, if any, will the proposed gravity collection system, pipeline, and traditional community drain field in Silver Gate have on current septic systems and future septic permits proposed within the boundaries of the Cooke City District and Sub-district shown in Appendices A and B of the 2019 By-laws, respectively? Will everyone be required to connect to the new system? Will landowners along the proposed pipeline route in the Hwy 212 corridor be offered or required to connect? Will any of the existing permitted systems be grandfathered?
- Has Triple Tree Engineering ever submitted a groundwater permit application to DEQ for Site E or any other site for this project? If so, when and what is the status of that application? Please provide a copy.
- Has Triple Tree Engineering ever submitted a land purchase application to the USFS? If so, when and what is the status of that application? Please provide a copy.
- We encourage the Board to host a work session meeting and invite permitting agency representatives to attend either virtually or in person to explain their respective permitting processes and requirements. District members would benefit as well. In our experience, providing objective information and sustaining community support is an ongoing effort.
- We formally request the Board delay submitting a groundwater discharge application to DEQ for the proposed traditional drain field in Silver Gate (Site E) until Sites A, C, and D have been objectively reconsidered for a buried treatment plant system and polishing drain field. It is important that the Board make these small investments up front to ensure that it selected the best treatment system and location to keep costs as low as possible.
- We formally request the Board develop a tentative route for the proposed pipeline and study its geophysical, social, and economic feasibility. This should be more fully developed as a threshold effort, as explained in our Nov-2022 letter.
- We formally request the Board delay finalizing and submitting the application to purchase land from the USFS until after completing a thorough and objective review of all options for a less expensive waste treatment system and location.

The requested information can be emailed to [concernedcitizensvalleysewage@gmail.com](mailto:concernedcitizensvalleysewage@gmail.com). Alternatively, the information can be postal mailed to Concerned Citizens from the Valley, P.O. Box 20094, Billings, MT 59104-0094. We are also willing to make an appointment with the Board and photocopy our requested documents at the Board's place of business at our own expense. Please contact us with any questions about the information we've requested.

Many of us will attend the December Board meeting either in person or by telephone. Thank you for making a dial-in number available. We look forward to a collaborative discussion with the Board in December and thereafter.

Sincerely,  
Concerned Citizens from the Valley

M. Michael Menzel  
Mary Kathleen Mahnke  
Kathryn Iverson  
Henry Finkbeiner  
Vic Taber  
Beckie Taber  
Colben Sime  
Liane Vadheim  
Judy Visty  
Marcia Woolman

CC by hard copy and or electronic mail:

Jason Crawford, Triple Tree Engineering  
Cooke City Community Council  
Cooke City Water District  
Cooke City Chamber of Commerce  
Silver Gate Water Users Association  
Southwest Silver Gate Homeowners Association  
Bill Berg, Park County Commissioner  
Steve Caldwell, Park County Commissioner  
Clint Tinsley, Park County Commissioner  
Park County Sanitarian's Office  
Park County Planning Office  
Mike Thom, USFS Gardiner Ranger District  
Cameron Sholly, Superintendent, Yellowstone National Park  
Chris Boe, Montana Department of Environmental Quality  
Steve Lipetzky, Montana Department of Environmental Quality  
Mark Bostrom, Autumn Colman, and Anna Miller, Montana Department of Natural Resources and Conservation  
Steve Giard, Andrew Harmon, Montana Department of Transportation Utility Section  
Brian Hasselbach, Federal Highway Administration, Realty Program / ROW