

A Petition for Equal Protection Under the Law

**To the Kootenai County Department of Community Development
and the Kootenai County Board of Commissioners**

WHEREAS over 1000 people currently depend on domestic water from the Greenferry Water and Sewer District (GWSD), while many more will do so as county population grows; and

WHEREAS in March 2022, Kootenai County officials adopted Emergency Ordinance 574 affirming that the 5-acre Rule, which limits septic drain field density in development areas over the SVRP Aquifer, is of such importance to public health that the Rule must now be incorporated into County Code and be enforced by Panhandle Health District 1; and

WHEREAS GWSD well water remains at high risk of pollution from the proposed Bayshore Estates Subdivision on 28 acres that would require 57 septic tanks and drain fields, slated to release annually ---and immediately adjacent to Greenferry wells-- over 6 million gallons of wastewater containing nitrates, toxic chemicals plus dangerous pathogens; and

WHEREAS the aquifer underlying the proposed subdivision is as shallow as 108 feet seasonally and whereas the soil overlaying this extremely shallow water table is excessively permeable with a downflow of surface pollution estimated to be at 2 to 4 feet per day; and

WHEREAS GWSD wells are not currently protected by the 5-acre Rule due to conflict and confusion over the obsolete 1978 EPA boundary, which has never in the last 44 years been officially updated to reflect current hydrogeological data; and

WHEREAS Panhandle Health District 1 has declared that it will not enforce the 5-acre Rule for GWSD wells, leaving this ground water vulnerable to a subdivision proposal for over 10 times the septic tank density allowed by the 5-acre Rule; and

WHEREAS since 1992 three regulatory agencies in Idaho and two federal agencies have published documentation showing that GWSD wells are completed in the Spokane Valley-Rathdrum Prairie Aquifer (SVRP Aquifer) and whereas the latest research by both the U.S. Geological Survey and the Idaho Department of Water Resources confirms that **GWSD wells are completed within the SVRP Aquifer**; and

WHEREAS if county officials and state regulators leave GWSD water vulnerable to pollution from high density septic systems, that decision would be based upon **questionable modeling estimates** that assume that millions of gallons of septage leaching into ground water would be consistently diluted and never exceed acceptable nitrate increases, a risky assumption not acceptable for any other high-density development astride the SVRP Aquifer; and

WHEREAS Kootenai County officials are legally empowered to save GWSD water from gross septic pollution by IDAPA 41.01.01.000.01 which states: **“Nothing in this Code is deemed to conflict with the enactment by any city or county in the District of any ordinance or rule placing additional restrictions or limitations which contribute to enhancement of water, air, land or health quality...”**

We therefore urgently ask Kootenai County officials to take necessary measures to grant the same 5-acre Rule protection to GWSD water users, as currently accorded to all other Kootenai County citizens who depend on SVRP Aquifer sole-source water. To do less would be: dereliction of duty to protect Idaho water resources under the Ground Water Quality Protection Act and IDAPA 41.01.01.000.01; also discrimination against a community who is dependent upon GWSD water for sole-source use and who deserves equal protection under the law; also reckless endangerment of the public health as confirmed by Kootenai County Emergency Ordinance 574 which restricts subsurface sewage disposal and which confirms that the 5-acre Rule is critical to public welfare, health and safety.