

Public Hearing to accept public comment on  
Standards and Regulations of  
**Tooele County Health Regulation #12 Wastewater Disposal**

January 11, 2018 6:00 – 7:00pm  
Tooele County Health Department Room 180

Attendees:

A: Bryan Slade  
B: Tom Tripp  
C: Ken Webb  
D: Lynn Falkner  
E: Amy Palmer  
F: Rick Palmer  
G: Heather Clegg  
H: Ruth Christensen  
I: Merrill Blake  
J: Lynn Butterfield  
K: Ericka Jordt  
L: Jeff Coombs

**A. Hearing Officer: Bryan Slade**

Ladies and Gentlemen, I call this hearing to order. This hearing is to receive public comment on a draft of the Standards and Regulations for Health Regulation #12, Wastewater Disposal. My name is Bryan Slade. I represent the Tooele County Board of Health and have been appointed by the Board of Health as the Hearing Officer. Also, present at this hearing is Board of Health Member Lynn Falkner and Tooele County Health Department staff member, Ericka Jordt. The public notice for this hearing was published in the Tooele Transcript Bulletin December 5th and 7<sup>th</sup>, 2017. Copies of the drafts are available for examination here at the Health Department and there are some copies on the table. Opportunity will be provided to any person desiring to participate in this hearing. Written comments concerning the drafts may be submitted to me, Bryan Slade, Tooele County Health Department until 5:00 p.m. on Friday January 12<sup>th</sup>, 2018, that's tomorrow. These proceedings are being recorded and a transcript of these proceedings will be available for public inspection at the Tooele County Health Department, in this building at 151 North Main Street in Tooele. This hearing will remain in session for at least one hour. If during that hour, there comes a time when there is no one desiring to make a comment or ask a question, the hearing will be recessed. At the end of the hour, or when there is an indication that someone would like to make a comment or ask a question, the hearing will be reconvened and the record reopened. This hearing will then be concluded after all those who desire to make a comment have done so. We will start with anybody that would like to make a comment. We would like you to step up to the front and tell us your name and then provide your comment.

**B. Tom Tripp – 2:35**

I have a comment Mr. Slade. Good Evening I'm Tom Tripp from Grantsville Utah. I would like to comment on the proposed changes to TCHD Regulation # 12. It was developed based on a recent hydrogeological study conducted by Hansen, Allen and Luce sometimes referred to as

HAL that demonstrated the risks associated with various densities of septic systems. Hansen, Allen and Luce studied the work previously performed by the Utah Geological Survey, the scientific branch of the Utah Dept. of Natural Resources. That previous study concluded that a total of 3,000 septic tanks could be allowed on the East side of Tooele Valley. The study conducted by HAL concluded that a somewhat higher load could be tolerated, I think it was about 4,000 septic tanks. HAL didn't do a cursory study, they looked at 16 other similar case studies that were done across the country by various states and various engineering firms. They did that to verify their methods were in line with good engineering practices. HAL is a competent engineering firm populated by professional engineers certified by the state and other states. It wasn't a general study. The engineers developed their recommendations based on site specific information. They looked at current levels of nitrate contamination in various drinking wells in the area. And they examined both state and federal drinking water regulations and recommendations for levels. They considered at least all of the following factors in performing this study and coming to their recommendation:

- a. Soil type and depth;
- b. Area drainage, lot drainage, and potential for flooding;
- c. Protection of surface and ground waters;
- d. Setbacks from property lines, water supplies, etc.;
- e. Source of culinary water;
- f. Topography, geology, hydrology and ground cover;
- g. Availability of public sewers;
- h. Activity or land use, present and anticipated;
- i. Growth patterns;
- j. Individual and accumulated gross effects on water quality;
- k. Reserve areas for additional subsurface disposal;
- l. Anticipated wastewater volume;
- m. Climatic conditions
- n. Installation plans for wastewater system; and
- o. Area to be utilized by dwelling and other structures.

This is not a cursory, or as we say in the engineering world a hand waving and flag twirling approach it was a real study took real money looked at real things. The study was based on what they call RAGAEP- reasonable and generally accepted engineering practices which is the standard for good engineering. They looked at and performed calculations at four levels of risk to water users and the trouble of course with septic tanks in a place like Erda is that there is a lot of water wells drinking water wells dispersed through the community and when you have drinking water wells in near proximity to septic tanks that can result in contamination problems. And in the Hansen, Allen and Luce study looked at and performed calculations at four levels of risks to water users, and this is drinking water they calculated effects for high risk, medium risk excuse me medium high, medium and low. In accordance with good engineering practices they selected the standard of medium low, they thought that you wouldn't want to allow a high-risk situation to occur and maybe low was too conservative so they picked a reasonable medium low risk to protect the general public and I think that was a good and right decision. And that proposal or that a calculation is the basis for the regulation we currently have which was 1 septic per 5 acres. Now what we are proposing tonight is to change that to uh in some cases 1 septic tank per 1 acre which unavoidably creates a higher risk at least in a localized area where you had 4 or 5 in close proximity, it could affect your drinking water well. Also, you need to consider that the risk was based on only nitrate contamination. Nitrate is a real contaminate it

has real human health effects and is usually picked for these kinds of studies because nitrate analysis is quick and relatively cheap and relatively it's pretty uniform so when they did their analysis only on nitrate it dis-considered all the other contaminants. In our valley because of the long history with the Tooele Army Depot and other things there is potential to have other ones so when they did the risk contaminate risk assessment they are looking at levels that are below the drinking water levels but that is a conservative point because you don't know what other things are in there and so it was an appropriate thing to do. So, with the current level of nitrates no one exceeds the limit and we don't want to get anywhere close to the limit so I think the regulation we put in is real and appropriate. Uh so I understand there are developers who have acquired ground and planned subdivisions whose plans have now been changed by the 5-acre rule and their returns on development will be less than they'd planned. It's understood there are people who planned to subdivide their own family farm for their children or provide retirement money for themselves those plans have had to change somewhat, you may have to go to an alternative septic system or you may hook up to the proposed sewer plat when that comes through and these are some I understand painful personal situations. However as painful as they may be, I think those are for the public, less painful than the consequences of having to deal with polluted drinking water from contaminated excessive septic systems, and in addition to that direct health concern I think the health department would be faced with the liability of ignoring recommendations from competent, professional risk assessors that said this is what our standard should be. So I would think rather than take the given language that they have proposed to change, I think they need to be more specific about what would be allowed and I can understand there are some circumstances you can do that but I think we ought to be more specific and include alternative septic systems so people understand that can be done, understand there's potential hooking up to a sewer and my recommendation is that we don't adopt what's listed here. I think there are potentially other ideas that would work but I recommend we don't take that proposed language as is but modify it. Thank you. 9:43

**C. Ken Webb 10:36**

Hi, my name is Ken Webb and I live out in Erda on Bates Canyon Road and uh Mr. Tripp I applaud you for your comments concerning this proposal 3.3 and without going through the whole thing that you explained I would second your opinion that we should not adopt this policy in our county um I think we have a couple of serious concerns, one is contamination from septic systems the other is um that we probably need to stress to the planning board as well is that Tooele County we get all of our water drinking water whatever we use it for, take a bath, give our horses a drink whatever we get it from underground water that is the only place that we get water and we all I think should be concerned that the water is good and contaminate free and not go to excesses just for the sake of development or becoming a bedroom community to Salt Lake or whatever term you want to call that but I think along with not having contaminated water we ought to make sure that we set policies and procedures that will ensure that we have water. In Salt Lake or in Ogden they have reservoirs and mountains where they can build a dam and stop the creeks and stop the Jordan River from flowing into the Great Salt Lake. I don't know, I've only lived out here for about 15 years but I only know of the little reservoir up Settlement Canyon that is used for secondary water and when it gets to a certain point Tooele City can't water their lawns, they just shut it off and they don't even get to vote they just shut it off so my concern is that we have rules and regulations that preserve the quality of the water but also protects us so that we all have water because if we run out of water our homes, properties and businesses aren't worth anything and who would you sell them to if you don't have water for your home? So, I vote that Mr. Tripp made a very, very, very good point and I

would vote no that this policy should not be adopted as it is but could be amended and be more applicable to our concerns here in Tooele County. Thank you. 13:02

**J. Lynn Butterfield 13:34**

Lynn B chairman of Tooele Co plan commission um, we either have a groundwater problem or we don't. The health department changed rule 12 as part of their effort to stop groundwater pollution now you have a unforeseen circumstance that is causing you problems so you decided to try to solve the problem, here's the issue we are a community of laws uh, the US was set up as a community of laws, we don't have a king we don't have a ruling class that decides what to do on their own without consultation of other entities. The planning commission was not consulted on this rule change at all. The county planners have received pressure from individuals to try to push this rule change through, um thee um proposed rule change has the possibility of being construed by residents of the county as being used for the personal benefit of individuals and not the county as a whole. The Tooele County Planning Commission has as its policy the rule that we do not allow spot zone changes whatsoever, there will be no spot zone changes. If this rule goes through and people come and apply for a building permit based on uh a septic system and it's a spot zone, it will in fact be denied by the TC Planning Commission without question. You have to understand that the Tooele County Planning Commission has been receiving applications from people with 1 acre lots that already have approved zoning for Rural Residential 1 that have been denied building permits by the health department as a result of the change of the rule 12. Adopting this change to rule 12 will open the county up for lawsuits and discrimination lawsuits from developers and individual property owners whose individual property rights have been violated. The Planning Commission strongly, strongly objects to this change. We either have a groundwater pollution problem or we don't, if this rule change is adopted um there will be grounds from individuals and corporations to sue the county for discrimination. 16:39

**I. Merrill Blake 22:29**

I'm Merrill Blake and I run the Sod Farm down in Erda. I'm right now in the process of making or preparing to submit a minor subdivision but I'm only going to do a 1 lot subdivision and it would work better for me if I could just draw a 1 or 2 acre lot instead of 5 acres because most of that I'm still going to be farming and there is only one home I'm going to be putting in this my own home hopefully in this minor subdivision so I think in my case this works out great cuz all it is is just a line it's not going to affect what else goes in the ground cuz its just one acre or 5 acres will save me a little bit of property tax money if I have a smaller lot. For future development, down the road if I when I decide to retire the farm, if my kids don't want to take it over or if somebody else in the family wants to build a house there in the future if I have a 5-acre lot right there and I can't fit anything else in this area where I want to build at so I think it a this exception would benefit people in my situation that are just adding you know less than 4 lots on the family farm or whatever, I think it applies most I can see how it applies to developers that want to put in a bunch of septic tanks in one small area but in that newspaper somebody said it shouldn't make a difference if it's you know a minor subdivision or less have you know with the septic tanks that would be added. I mean I don't know the science but it would really help me out if there could be this exception so I could do a smaller lot to build my home on. That's all I have to say. 24:34

**F. Rick Palmer 24:56**

Rick Palmer I live in Erda on the highway and I'm in Merrill's position. I have 8 acres and will probably end up with another 10 that's land locked of my fathers. Um who knows what will happen in 10 or 20 years but we would like to have our kids if they want build on our property. Currently I have 2 homes on 8 acres because of the grandfathered in my grandparents literally lived there and we put in a new home and I know there's ways I can remove the older home and replace that and not add another septic to our property but um if there's no sewer system or sewer line it sure seems like a whole bunch of effort, I don't know. Mr. Tripp had a whole bunch of information and is obviously very passionate about it I just think it's not that complicated. I also worry about or wonder about these studies if they take into account the strata that is under the ground? I work at Adobe Rock and there's areas that are 30 feet thick of clay then there will be a gravel strata more clay. I can see where water would get into that strata and go 10 miles but I have a hard time believing the nitrates would get through 30 feet of clay and maybe it needs to be site specific to I know on Merrill's sod farm, it's all clay and um I doubt Merrill is going to contaminate the Great Salt Lake from the sod farm. I would vote yes for the amendment. 26:34

**G. Heather Clegg 26:44**

I'm Heather Clegg and I live on Liddell Lane and I'm kind of in the same situation, I have about 4 acres and I'm on the other side of the fence now where normally I would say I don't want anyone else moving in because there is plenty of people there now but I would like to sell off an acre so I can better my home build a nicer home there I don't want to sell everything or anything its just 1 acre so I can make it better for myself and family so I am in support of this with the handful of us that want to do it I don't think it's too big of a deal. 27:28

**H. Ruth Christensen 27:38**

I'm Ruth Christensen and I live on Erda way and I'm heathers mom so I'm here to support her and you guys. We did actually, I mean Bryan knows we did subdivide ours so we've got it all panned out we subdivided to 1 acre lots and kind of the same thing we may want it for our kids we may want to move I don't we don't really know yet, but luckily, we got ours in before this happened but I think it should happen and if there's not a bazillion people wanting to do it um just kind of case by case and situations which I don't know if you can do it that way if that would be fair I understand subdividers and builders also but um I'm in agreement with this passing. 28:30

**A. Bryan Slade 44:30**

Alright, we appreciate everybody that came out tonight and made comments on this proposed rule, seeing no more wishes to make comment we will officially close this hearing, thank you.

[End of recorded statement.]

Jan 11, 2018

Tooele County Health Dept.  
151 N Main St.  
Tooele, UT 84074  
bslade@tooelehealth.org

To whom it may concern,

For the exception to the onsite wastewater feasibility for subdivisions, being considered “for minor subdivisions, as defined in the Tooele County, section 13-3-1, where the subdivision creates no more than four lots, is not part of a multi-phase subdivision, and the lots are at least one acre in size.”

As an Erda resident, I support the one acre lot subdividing with no more than four lots.

Respectfully,

Heather A. Clegg  
4665 N Liddell Ln.  
Erda, UT 84074  
Hclegg91@gmail.com

 Reply all |   Delete  Junk |  ...

## Proposed septic system changes

RP

Rick Palmer &lt;rick@adoberock.com&gt;

  Reply all | 

Yesterday, 9:51 PM

Bryan Slade; rmbfarms@yahoo.com 

Inbox

Bryan

I had some additional thoughts after leaving the public hearing tonight. I hope you don't mind an email.

If the biggest concern is the ground water and if the major source of contamination is deemed to be traditional septic systems, then by all means lets limit the number of systems. The difficult part is the ground water doesn't know if it became contaminated by twenty 5 acre lots or by twenty 1 acre lots, all it knows is there are 20 septic systems above it. If the general feeling is we are all just in a holding pattern until SPID or some developer brings the sewer line down the street, then we should say NO to any new septic systems, or we should limit the number of systems per given parcel or section and not worry about what the zoning is. For example, the RWB sod farm and Merrill Blake. The sod farm is about 50 acres. If it is zoned 5 acre lots then by rule it should be allowed 10 septic systems and the Blake's can put those wherever they want. When they reach their 10, they are done. In my example, I have 18 acres and I'm currently zoned 5 acres so that would allow me 3 systems. This idea could be expanded to sections and it would be a first come first served program. If the study says 1 septic system per 5 acres then that's the rule, let's just look at bigger chunks of land. The section of Erda east of 36, west of Droubay, and between Bates Canyon and Bryan road is the perfect example. The majority of it is open fields in the middle, 1 acre lots along SR 36 and 5 acre lots along Bates, Droubay and Bryan, kind of like a huge mixed subdivision with lots of open space. Using Google Earth and doing some quick math this area is roughly 650 acres. Using the 5 acre rule this would allow 130 septic systems ( I even feel like this is too many). There are currently about 60 homes on this section now, so with my idea there is capacity for 70 more septic systems. I'm sure this would be hard to implement but it's just a different way of looking at it.

Also, as the SPID sewer system comes online and as homes connect over the years and septic systems are eliminated is there any consideration for allowing new septic systems in areas that are too far away(distance or time) as a tradeoff for having less septic systems? For example for every 4 old septic systems that are eliminated the Health Dept. would allow a 1 new system if it met all the requirements.

These are just my thoughts. I wish I was more prepared for the MTG I wasn't really sure what to expect. I don't envy your job.

Thanks

Rick Palmer

Erda resident

Owner Adobe Rock Products

435-241-0153

 Reply all |   Delete Junk |  ...

## County Septic Tank Issue from Merrill Blake

RF

Rmb Farms &lt;rmbfarms@yahoo.com&gt;

Yesterday, 8:57 PM

Bryan Slade 

  Reply all | 

Inbox



Action Items



Bryan,

This is Merrill Blake, I was just at the hearing tonight and wanted to bring your attention to another concern that is greater than the ones I mentioned tonight. I forgot to bring this issue up in my comments at the hearing. To be clear, I run the 64 acre Sod Farm in Erda and am applying for a one lot minor subdivision so that I can build a home for my family on the farm. I am planning on connecting to Erda Acres water system. To do so, I have to transfer 1.5 acre feet per acre on the proposed lot. If I have to do a 5 acre lot, that is a significant value of water I would have to give up. Another major problem with giving up all that water is that at least 3 of the acres on my proposed lot (if it has to be 5 acres), are and will continue to be used for Sod production on the farm. I use water that is tied to the farm for the Sod. Therefore I cannot give up all 5 acres (7.5 acre feet) worth of water rights to Erda Acres Water. I have been in contact with Erda Acres President Tom Isom and it sounds like there may be a way to split the water on my proposed lot, but it would be complicated and time consuming and cost money to hire an attorney to draft up an agreement. If this can't be resolved and it's my only option, I may have to use the water from the well on the farm. The process of applying for a one lot minor subdivision would be much simpler if I could just draw it up for a one or two acre lot, transfer the water to Erda Acres, and submit it to the county in a timely manner. Please share my concerns at your meeting on the 23rd. I hope this septic tank issue can be resolved quickly, because I need to submit my minor subdivision application to the county as soon as possible. I hope there can be an exception for people in my situation. I submit this as a written comment.

Sincerely,  
Merrill Blake