

WCHD BOH Meeting

Thursday, December 19, 2024, 3:02 pm

Present:	Dr. Neal Burton	Chair
	Dr. Sara Simonsen	Vice Chair
	Jay Eckersley	Board Member
	Coleen Nielsen	Board Member
	Kendall Crittenden	Board Member
	Britt Manning	Board Member
	Michele Ludlow	Board Member
Staff:	Jonelle Fitzgerald	Health Officer
	Brett Woodard	Business Manager
	Tracy Richardson	Environmental Health Director
Other:	Jon Woodard	Wasatch County Assistant Attorney
	John Howells	Howells Family LLC
	Spencer Parks	Public

Opening Remarks/Welcome: Dr. Neal Burton
Invocation: Britt Manning
Pledge of Allegiance: Coleen Nielsen

<i>Minutes</i>	Minutes from the November 21, 2024 Board of Health meeting were presented. Michele Ludlow motioned that the minutes be approved, Coleen Nielsen seconded the motion, and it was passed unanimously.
<i>Follow Up</i>	No follow-up. John Howells and Spencer Park from the public attended the meeting in person.
<i>Business Item 2</i>	John Howells Septic System Appeal Hearing (Dr. Burton) Discussion/Action 1) (Dr. Burton) Outlined the appeal process for the Board. 2) (Tracy) Overviewed the situation and status: a) Purpose of the hearing is to address the appeal. b) Jonelle gave a broad overview of the appeal process as set forth in local rule 20-1. i) Noted that a formal application for an alternative septic system has not been received, but this hearing addresses the Health Department’s determination that the subject site is not feasible for an alternative onsite wastewater system. c) The property is located in Pine Valley above Woodland along the upper Provo River at 3755 S. Pine Valley road.

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- d) The Health Department issued a memo dated 6/20/2024 conveying staff decision that a septic system is not feasible in order to allow Wasatch County to issue a building permit for renovations of the existing building on the property.
- e) The memo cited non-compliance with the provisions of Wasatch County Rule 06-01, specifically with regards to separation of the ground surface and the existing water table,
 - i) Rule 06-1 calls for separation not less than 24” for an alternative waster water treatment system, which is not possible because the ground water is at 17” at the site.
 - ii) The percolation of the soil is satisfactory.
- f) The owner has been sporadically working on getting the permit since 2010.
 - i) The existing structure was built in 1962 with a septic system.
 - ii) There is no record of any permit being issued.
 - iii) An existing septic tank was pumped 7/5/2023 and the indication is that the tank is sized at 400 gallons. Any system would need at least a 1,000-gallon tank today.
 - iv) The site is surrounded by marshy land and open water within 100’ on all sides. Therefore, the required setback from open water is not met.
 - v) The current system is grandfathered under the current code despite not meeting current standards and the current use is allowed to continue. In general, if a change of structure or use requiring a building permit is proposed, the system must come into compliance.
- g) The site is close to the Summit County line, and it appears a septic system compliant with Summit County code could be built in these circumstances in Summit County, but not in Wasatch County.
- h) (Jon) In response to John Howells’ statement that Wasatch County’s code is more stringent than either Summit County’s or the state’s code, Jon noted that the record reflects deliberation around the grandfathering provisions of Wasatch’s code leading to the requirement that septic systems meet current code in cases where the structure or the use changed.
 - i) Stringent standards were adopted to preserve the “pristine” groundwater in Wasatch County drinking water and based on the 1998 Wasatch County groundwater study.
- i) (Dr. Burton) Is the current system working? (We don’t know for sure, but it is clearly inadequate due to groundwater levels and proximity to open water.)

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- j) (Jay) There is a well on the property. Is it functional, and have there been tests on the well water? (The well is functional, and there have not been water tests, but Tracy is not concerned about the water quality of the well.)
- k) (Tracy) In an attempt to drop the water table, a drain was placed on the property. There was no impact on the water table. It is possible that a curtain drain might work if the direction of groundwater flow could be determined and if it is consistent.
- l) (Britt) If we were to make an allowance here, would it set a precedent for other requests? (Jon- Yes unless there are very specific reasons.)
- 3) John Howells Presentation:
 - a) The property has been in the family since 1900.
 - b) The existing structure is ~1,000 sq ft. It has significant structural problems including foundation and wall/roof integrity.
 - c) Experts have determined that a simple renovation would be a waste of money due to the current condition of the structure.
 - d) The existing septic system is 60 years old. It seems like any upgrade to the system would be a net benefit to the water quality overall.
 - e) If the cabin collapses due to natural causes, we could rebuild, and the associated septic system would not have to meet current code (best efforts to come as close to current standards as possible).
 - f) (Jon) Is the proposed structure the same footprint as the current one?
 - g) (Coleen) Can you determine the groundwater flow in order to build an effective curtain drain? (No.)
 - h) (Coleen) Are there other problems on that side of the valley? Only one other home on that side of the valley and it also has septic problems.
- 4) Spencer Park confirmed that the existing structure is not worth remodeling.
 - a) Mostly used in summer.
 - b) Even if the cabin is gone, there could continue to be wastewater issues if the site is used.
- 5) (Dr. Burton) The appeal rule allows us to overturn the determination only if the director errored in her ruling. She clearly did not err and we don't have the power to allow a variance under current circumstances.
 - a) (Jonelle) Our ability to issue a variance if one was applied for on this site has not been assessed.
 - b) (Jay) Appeal seems to have failed because there were no errors made in the determination.
 - c) (Jay) Should we consider a variance process?

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	d) (Brett) Have all the alternative systems and designs been considered? (Yes). e) (Kendall) I agree that under the current rules we can't overrule the determination. f) (Tracy) If the structure collapses, it can be rebuilt with an upgraded but still non-conforming septic system. 6) (Jay) Motion that the appeal has failed due to there being no error in the determination by the Director. Motion seconded by Coleen. Passed unanimously. 7) (Jon) We need to follow up with a written determination. 8) (Dr. Burton) We will get that out. 9) There was some discussion among the Board of considering other ways of addressing situations similar to this. 10) (Jonelle) Perhaps we do not have an alternative right now. We need to consider that later. 11) (Jay) I don't like the idea of "better but non-conforming" in the context of water quality.
<i>Business Item 3</i>	Agenda Items 1) Program Reports (Jonelle) Review/Discussion a) WIC (Jonelle) i) We received a letter from the governor celebrating 50 years of WIC and expressing gratitude for all the WIC efforts and accomplishments. ii) Gayla does a great job. WIC is often the entry point for other services to individuals and families. iii) (Britt) Is citizenship a requirement for WIC aid? (No.) b) Water Study- Well Update (Tracy) i) The well was drilled this week. We hit water at 30' and bedrock at 50', so this will be a very useful well for data collection. ii) We're trying to get all the work done and paid for in 2024. iii) Looking for 1 or 2 more wells in 2025. 2) Financial Report- (Jonelle/Brett) Discussion/Action a) November 2024 financials were presented i) Net surplus at \$386K. That will go down somewhat as we include the groundwater well costs in December. ii) The surplus is primarily attributable to monies reimbursed through unanticipated grant extensions. iii) Expect year-end surplus greater than \$300K.

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	3) Director's Report (Jonelle) a) Issues with DEQ i) DEQ is not passing enough funding to LHD's to cover costs of required programs. ii) LHDs believe DEQ should adhere to state mandated rules partner with and to strengthen LHD's iii) We need discussions for better communications and improved governance structure. iv) May be asking for BoH support in this process.
<i>Business Item 4</i>	UALBOH Report (Jay/Jonelle) – Information/Discussion 1) There is a meeting scheduled in March for December 4 to prepare for the April symposium. a) Questioning whether the dates will be April 8,9 or 17,18. Jonelle will follow up. 2) Any awards need to be finalized and submitted by 3/12/2025 that all the LHD's gave input to. 3) The symposium will be at Thanksgiving Point again. Theme: "Talking Public Health More Effectively". 4) We will have a nationally known speaker present on this topic.
	Adjournment Sara Simonsen motioned that the meeting be adjourned. The meeting was adjourned. Next meeting 3:00 P.M. January 23, 2025.

Meeting adjourned at 4:43 P.M.

Dr. Sara Simonsen, Vice-Chair