

SLC's program is to cut access to water, cut access to toilets, and cut road access to devalue 1 of 5 acres in Big Cottonwood Canyon privately owned and take it without fair compensation for SLC's approved uses like extreme back country uses.

Only 1 of 245 cities, SLC, has absolute authority over building permits outside SLC boundaries. Why? Should Provo's Water Dept. control Wasatch and Summit County building permits?

ALT LAKE VALLEY HEALTH DEPARTMENT
BOARD OF HEALTH MINUTES
November 6, 2008 – 7:30 AM
Government Center N2003

Cyle Buxton, Big Cottonwood Canyon land owner ticked 39 times and offered pennies on the dollar for his land by SLC. For the public's health?

BOARD MEMBERS PRESENT:

Nano Podolsky, Acting Chair
Tom Anderson
Eva Daniels
Beverly May
Sally Valdez
Councilman David Wilde

Dr. Stephen Alder
Jerry Carter
Tom Godfrey
Dr. Harry Rosado
Mayor Russ Wall

Tom Godfrey is also a board member of Metropolitan Water District of Salt Lake & Sandy

EXCUSED:

Mike Huber

Mayor Peter Corroon, and at least 3 Salt Lake City Public Utilities top management attend a 7:30 am meeting to oppose Duracrete Holding tanks to upgrade existing septic tanks in Big Cottonwood Canyon. \$500,000 of paid employees getting up before 7 am to oppose upgrading septic tanks. Why?

STAFF/GUESTS:

Gary Edwards, Exec. Director
Jean Nielsen, Human Svcs. Director
Ron Lund
Jeremy Roberts
Kaare Kloogh, Mill D Cabin Owner
Kate Lilja
Teresa Gray
Florence Reynolds, SLCCity Pub. Utilities
Pam Davenport
Tim Hollingsed, Mill D Cabin Owner
Gordon Avery, Mill D Cabin Owner
Richard Jex, Mill D Cabins Expert Witness
Rob Westermann, Mill D Cabin Owner
Joyce Man, Mill D Cabin Owner
Jeff Niermeyer, SLCCity Pub. Utilities Dir.
Michelle Hicks

Mayor Peter Corroon
Royal DeLegge
Ron Marsden, UDOH
Art Scott, Mill D Cabin Owner
Gordon Dorny, Mill D Cabin Owner
Vicki Bennett
Audrey Stevenson
Doug Peterson
Craig Anderson
Steven Horton, Mill D Cabin Owner
Curtis Jewkes, Mill D Cabin Owner
Brian Bennion
Tom Man, Mill D Cabin Owner
Rusty Vetter, SLCCity Pub. Utilities
Dan Kinnersley
Andy Bishop, Staff

Should the CUP control building permits in 10 counties because of its watershed area?

Should St. George control building permits in the Colorado River watershed?

The meeting was called to order at approximately 7:30 AM by Nano Podolsky, Acting Chair of the Salt Lake Valley Board of Health.

CHAIR'S REPORT:

Nano Podolsky reminded Board members that flu shots will be given at the end of today's Board meeting. A form must be completed in order to receive the vaccine. Blank forms are on the table.

SLC controls 200 square miles of canyons in Salt Lake County using absolute water authority under Salt Lake Valley No. 144.5.3 Watershed Regulation (adopted December 3, 1981, amended December 3, 1992, December 7, 2006): "Applicants for building permits within the Salt Lake City Watershed Area (200 square miles acres most outside SLC boundaries) shall also submit to the Department a letter from the Director of Public Utilities stating that the applicant has received water available through a water sales agreement with Salt Lake City for the project."

The result of SLC's absolute water authority is un-safe, 8-miles long cul-de-sac canyons, an impair hotel and tourism industry, the lack of affordable, and high end real estate tax base for Salt Lake County.

The de-watering of 3 miles of Big Cottonwood Canyon and de-watering 1.5 miles of Little Cottonwood Canyon.

DIRECTOR'S REPORT:

2009 Performance Measurement Goals

Gary Edwards distributed 2009 Performance Measurement Goals for the Salt Lake Valley Health Department (SLVHD) and reviewed them.

One of the goals reviewed was Communities are Healthy and Clean. Nano asked about recycling and green waste. Mayor Corroon responded to her question by saying that recyclable materials are currently being collected every other week. With regard to green waste, it was reviewed a couple of years ago; but this type of waste requires the use of a separate truck to pick it up, and it wasn't cost effective at that time. Salt Lake City has implemented green waste pick up, and Salt Lake County is watching their program.

Awards

Gary announced that two SLVHD employees were the recipients of the Utah Public Employee Association (UPEA) awards. Jessica Antezano (Nutritionist at the Rose Park Clinic) was awarded the Outstanding Employee of the Year award, and Dorothy Adams (Environmental Health Water Quality) received a one of two runners-up awards.

STD

One of the 2008 Performance Measurement Goals was to keep STD's at or below 2007 levels. To date, this has been successful with Chlamydia (3.4% decrease) and Gonorrhea (34.9% decrease). However, we currently have a 60% increase over 2007 figures with Syphilis.

WIC

To date, we have seen a 9.3% increase in WIC participants over 2007 levels. We are currently serving 24,704 with the projection of more than 25,000 by the end of December.

MINUTES:

Nano asked if there was a motion to approve the minutes from the October 2, 2008, Board of Health meeting? **Motion:** *The motion was made by Tom Anderson to approve the minutes from the October 2, 2008, Board of Health meeting. The motion was seconded by Dr. Harry Rosado and a roll call vote was taken.*

| | | | |
|--------------------|---------------|------------------------|----------------|
| Dr. Stephen Alder | <u>Yes</u> | Beverly May | <u>Yes</u> |
| Tom Anderson | <u>Yes</u> | Nano Podolsky | <u>Yes</u> |
| Gerald Carter | <u>Yes</u> | Dr. Harry Rosado | <u>Yes</u> |
| Eva Daniels | <u>Yes</u> | Sally Valdez | <u>Abstain</u> |
| Tom Godfrey | <u>Yes</u> | Mayor Russ Wall | <u>Yes</u> |
| Mike Huber | <u>Absent</u> | Councilman David Wilde | <u>Yes</u> |
| Dr. William Kidder | <u>Absent</u> | | |

MILL D CABINS - REQUEST FOR VARIANCE:

Background information

This item was first on the September Board of Health agenda, and the Board's decision was to have Mill D Cabin Owners bring their variance request back before the Board at the October meeting. Mill D Cabin Owners and the Salt Lake Valley Health Department would each have the opportunity to have no more than two expert witnesses present information to the Board in support of their position on the variance request. Because of a scheduling conflict with Mr. Jerry Snow (Mill D Cabin Owners' representative), the Board agreed to move this agenda item to the November Board of Health meeting.

Nano turned the time over to Mr. Snow. Mr. Snow presented information that would support their request for a variance to use outhouses with vault privies that are properly constructed and maintained and relief from the requirement to install indoor flush toilets. Documents distributed to Board members:

1. Resume of Richard Jex, expert witness for Mill D Cabin Owners
2. Response by Mill D Owners to Comments of Salt Lake City Public Utilities
3. Affidavit of Chris McKean, Owner of DureCrete, Inc.
4. Suggested Language for the Two Motions on the Variance

Also distributed were photos of some of the cabin owners' outhouses (copy of photos not provided for inclusion in Board packet).

Mr. Snow then asked Mr. Jex to present his information to the Board. Mr. Jex provided testimony regarding the safe use of vault privies constructed with DuraCrete holding tanks. While he felt outhouses with vault privies were safe for use, he did acknowledge that unless the outhouses were upgraded with screens and self-closing doors, there was higher potential risk for vectors over indoor flush toilet with black water holding tanks.

Mr. Snow said he thought there was a higher risk for problems with black water holding tanks for the flush toilets than with vault privies.

For more detailed information on Mr. Snow's and Mr. Jex's presentations, please see the court reporter's transcript of this portion of the meeting, and the handouts included as part of the Board meeting packet.

MILL D CABINS – REQUEST FOR VARIANCE – STAFF REPOSE:

Royal DeLegge stated that the Health Department's recommendation is that the request for a variance be denied because a properly constructed and maintained outhouse with a vault privy is not as protective to the public health and environment as an indoor flush toilet connected to a holding tank. A Supplement to Report and Recommendations to Salt Lake Valley Board of Health Mill D Summer Home Owners' Request for a Variance, which included this recommendation, was previously distributed to Board members in their Board meeting packets.

Ron Marsden from the Utah Department of Health briefly reviewed a statement prepared by Dr. Rolfs, who is the Epidemiologist with the State of Utah.

Walt Baker, Director of the Division of Water Quality at the Utah Department of Environmental Quality (DEQ), reviewed portions of State Rule R317-560. Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies. Mayor Russ Wall questioned 2.2 of this Rule, which states “that the use of vault privies or earthen pits shall be evaluated on a case-by-case basis by the local health department having jurisdiction...” Mr. Baker stated that it was not the intent of this Rule for a permanent residence to be served by a vault privy or pit privy, and that their outhouses do not meet the intent of the rule.

Royal gave a brief review of some of the inspections Environmental Health’s Water Quality division has done of Mill D cabin owners’ outhouses. Some pumping records indicate some of the outhouses vaults privies may be leaking, which is a concern. Mr. Snow said there has been no evidence of any disease outbreak. Mayor Wall suggested that State Rule R317-560 be revised with better definitions of “semi-developed” and “semi-primitive.” Mr. Baker replied that “semi” and “temporary” means temporary. Also displayed, were drawings of an outhouse with a vault privy and a holding tank system profile.

For more detailed information, please see the court reporter’s transcript of this portion of the meeting; the Supplement to Report and Recommendations to Salt Lake Valley Board of Health Mill D Summer Home Owners’ Request for a Variance document; the outhouse and holding tank drawings; Dr. Rolfs’ statement; a copy of State Rule R317-560; and the Applicable Regulations – Mill “D” document included as part of the Board meeting packet.

SALT LAKE CITY PUBLIC UTILITIES:

Mr. Jeff Niermeyer, Director of Salt Lake City Public Utilities, reviewed portions of his letter dated October 27, 2008, addressed to the Salt Lake Valley Board of Health. His concern is with watershed issues and **doesn’t believe** vault privies or pit privies are as protective as a flush toilet connected to a holding tank or sewer system. He stated that a sewer line runs near the Mill D cabins. Salt Lake City does not encourage or concur with approval of this variance. For more detailed information, please see the October 27, 2008, letter included as part of the Board meeting packet.

BOARD DISCUSSION ON MILL D CABINS’ REQUEST FOR VARIANCE:

Councilman Wilde questioned the hypocrisy of a perceived double standard for homeowners and government. Paula Smith described the requirements for campground facilities. Jerry Carter asked about the expense to connect to the sewer line? Mr. Snow responded that it might cost several hundred thousand dollars. Mr. Snow said he thought we had veered off course on what

There are hundreds of septic tanks with leach fields in SLC watershed lands in Summit, Wasatch, Utah, and Salt Lake County. What is really going on here?

Jordanelle Special Service District's future sewer effluent will discharge into the Provo River, a primary source of Salt Lake Valley's drinking water.

Board of Health Minutes
November 6, 2008
Page 5

Mill D cabin owners came prepared to discuss. Royal DeLegge said the Health Department's position has not changed and recommends the request be denied. Councilman Wilde said that if it was the intent for Mill D cabin owners to prove that vault privies were as equally protective as an indoor flush system, he didn't think they had met that burden of proof.

Following several minutes of discussion, Nano Podolsky asked if there was a motion? **Motion:** Eva Daniels made the motion to deny Mill D Cabins' Request for Variance. The motion was seconded by Tom Godfrey and a roll call vote was taken.

| | | | |
|--------------------|---------------|------------------------|------------|
| Dr. Stephen Alder | <u>Yes</u> | Beverly May | <u>Yes</u> |
| Tom Anderson | <u>Yes</u> | Nano Podolsky | <u>Yes</u> |
| Gerald Carter | <u>Yes</u> | Dr. Harry Rosado | <u>Yes</u> |
| Eva Daniels | <u>Yes</u> | Sally Valdez | <u>Yes</u> |
| Tom Godfrey | <u>Yes</u> | Mayor Russ Wall | <u>No</u> |
| Mike Huber | <u>Absent</u> | Councilman David Wilde | <u>Yes</u> |
| Dr. William Kidder | <u>Absent</u> | | |

The motion to deny Mill D Cabins' Request for Variance passed.

For more detailed information on the Board discussion and motion, please see the court reporter's transcript included as part of the meeting packet.

SLC opposes leaking septic tanks in Albion basin Alta, Utah from hooking onto sewer lines. SLC has a double standard.

January Board of Health Meeting

Since the 2009 January Board of Health meeting falls on New Year's Day, Nano Podolsky asked Board members about holding the Board meeting on Thursday, January 8th instead. Since most Board members were available to meet on January 8th, the meeting was moved to that day.

Nano asked if there was a motion to adjourn the meeting? Beverly May made the motion to adjourn. The Board meeting adjourned at approximately 8:55 AM.

Flu shots were given to Board members following the Board of Health meeting.