



State of Utah

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February 18, 2004

Mr. Jeff Coombs
Tooele County Health Department
151 North Main Street
Tooele, Utah 84074

**Subject: AUTHORITY FOR *EARTH-FILL* AND *AT-GRADE* SYSTEMS
 APPROVAL**

Dear Mr. Coombs:

We have completed the review of your application for the authority to approve *earth-fill* and *at-grade* systems received on June 27, 2002, followed by additional information on February 10, April 29, 2003, May 6, 2003 and August 20, 2003. Additional information we received included a copy of *Tooele County General Plan Goals and Policies* prepared by various consultants for the county, and adopted by the county, and a summary of ground water management plan from Ms. Nicole Cline, Planning Division Manager.

Based on review of the information received and discussions with our staff and the county staff, we concur with the application for the authority to approve *earth-fill* and *at-grade* systems. You may now issue permits for the construction of earth-fill and at-grade systems in Tooele County.

The information received to this date fulfills the requirements of R317-4.11.1.A.1 through 8. The information showed:

- 1) Adequacy of staff resources and technical capability;
- 2) A description of measures to ensure qualifications of designers and installers;
- 3) Maximum ground water table determination procedures and continued collection of such data by staff and property owners;
- 4) Support from the county commission through the letter dated April 29, 2002 authorizing you to pursue approval of the *earth-fill* and *at-grade* systems in Tooele County; and,

- 5) A letter dated December 9, 2002 from the Tooele County Attorney affirming support to you in implementing and enforcing corrective action, and committing legal resources in exercise of the authority to achieve compliance with the rule.

The August 20, 2003 letter proposed the following as a ground water management plan:

- 1) It is the policy of the county that growth occurs in the incorporated cities and towns as demonstrated in our general plan, page III-2. It states that growth management is to be achieved by directing denser, high-impact land uses into the incorporated areas of the county.
- 2) In the case of existing higher density development, such as Stansbury Park in Tooele Valley, future incorporation could be encouraged.
- 3) The county implements this policy of growth management by having larger lot zoning in the unincorporated areas to keep densities low, and through a subdivision ordinance, 13-7-10 Tooele County Code, which regulates development and sewer systems as follows:
 - a. Except as otherwise provided in this section, the sub divider shall provide a piped sanitary sewer system to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the Tooele County Health Department.
 - b. Onsite wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision. Subdivisions proposing to use onsite wastewater disposal systems shall submit a feasibility report to the Tooele County Health Department, per Tooele County Health Department Regulation #12.
- 4) Development must also address the issue of culinary water systems in Title 13-7-12, Tooele County Code, water supply which states that subdivisions shall have a public water supply:
 - a. When a public water supply is available;
 - b. When more than 70% of the lots in the subdivision are less than two acres area; and
 - c. When it is determined by the Tooele County Health Department that conditions exist that public water supply is necessary to protect the health of the public. The water system shall meet all applicable state and local laws.
- 5) All approvals of development proposals not only have to prove their water rights, but also must provide proof of actual water through development of test wells and testing of water resources tapped. Tooele County does not see the unincorporated areas of the county as having municipal services and does not desire to get into the municipals service business.

The review of planning document *Tooele County General Plan Goals and Policies* supports the statement of widely separated and relatively few systems having negligible impact on ground water quality. The County Planner outlined the adopted policies of zoning ordinances, groundwater recharge areas, and cluster density design objectives for growth management. The growth in the county is projected to be at the rate of 2.4 percent in six planning districts throughout the county. A large portion of land area in the county is federal property precluding significant growth. The rest of the growth is projected to occur in

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February 18, 2004
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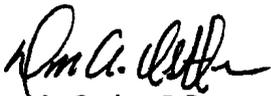
the urban areas of Lake Point, Tooele and Grantsville already being served by public water and sewerage systems. Under the source water protection plan, the county currently requires three to 20-acre parcels for development. The health department anticipates approving about three to five *earth-fill* or *at-grade* systems within the next twelve months, and very few systems per year thereafter. Currently, the health department is approving approximately 40 to 50 onsite systems annually. These facts lend support to the principle of widely separated and relatively few systems having negligible impact on ground water quality. Therefore, we accept the request for waiver for a formal ground water management study. However, should the conditions change and an adverse impact on the ground water quality is determined, further approvals of *earth-fill* or *at-grade* systems must cease, until optimal onsite systems density is evaluated.

As the health department approves *earth-fill* and *at-grade* alternative systems, we invite your attention to the requirements of R317-4-11.1.B.1 through 6 and R317-4-11.5, with each approval.

Please submit an annual report on the number and type of systems approved, installed, inspected after construction and installation, failed, repaired and modified beginning January 2004.

If we can be of further assistance in your efforts, please contact Kiran L Bhayani or Mike Hanson of our staff.

Sincerely,
Utah Water Quality Board



Don A. Ostler, P.E.
Executive Secretary

WLB
DAO:KLB:MLH 

Cc: Tooele County Commission
Ms. Nicole Cline, County Planner

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