



UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
 PROVO, UTAH 84601

MINUTES May 21, 2018

Members Present:			
Mayor Jeff Acerson, Chair	X	Teresa Tavares, Vice Chair	X
Gaye L. Ray, RN	excused	Daril Magleby	X
Superintendent Rick Nielsen	X	Diane Lohner	X
Dianne C. Carr	X	Commissioner Greg Graves	excused
Henry M. Yeates, MD	X		

Others present:

Ralph L. Clegg, EHS, MPA UCHD Executive Director
 Julie Dey UCHD Secretary

Number of people in attendance – 12

1. Welcome by Jeff Acerson
2. Approval of the minutes from March 26, 2018

MOTION: Teresa Tavares made the motion to approve the minutes which was seconded by Daril Magleby and passed by unanimous vote.

3. Request from applicant to temporarily waive permit fees for Lemonade Day – John Mecham

John Mecham explained Lemonade Day to the board. Lemonade day is a program that teaches youth how to start, own and operate their very own business with a lemonade stand. Each year, in participating cities, youth can experience entrepreneurship by setting up their business during their city’s community-wide Lemonade Day. Youth learn business skills, responsibility, financial literacy, goal setting and teamwork. The youth have workbooks that teaches them how to create healthy lemonade and the basics in food handling.

John asked the board to waive fees for temporary food permits for children participating in Lemonade Day for this one-day event where lemonade is sold at/in front of businesses.

Teresa Tavares asked John, "Will any one at the lemonade stand have a food handler's permit?"

John answered, "No."

Teresa said, "Part of the business is to learn about how to properly address healthy issues and healthy concerns, so who is going to teach those kids?"

Tyler Plewe, Bureau Director, Environmental Health, UCHD, explained, "SB81 passed in 2017 and it actually exempted all kids from needing a food handler permit or a temporary food permit to sell lemonade. The issue is needing a temporary permit for selling in a residential area vs. a business property area. SB81 exempts children from needing the permits in residential areas."

Tyler explained regarding instructing the children on safe food handling practices, "Utah County Environmental Health has offered to do the same thing Salt Lake County has done which is giving a 20-minute presentation on safe food handling practices which will be recorded. The recording can then be shown to all children participating."

Rick Nielsen clarified with the board, "Our rules and regulations require a permit if you are selling at a business. John Mecham is asking if we will waive the permit on the business and treat it as though they are in front of their residential home. The other thing that takes it (Lemonade Day participation) to another level is that they have a business plan as outlined at LemonadeDay.org."

Jeff Acerson asked a question regarding liability, "Suppose the lemonade stands pop up and a child is hit by a vehicle, is there any coverage that will be created?"

John explained, "As a part of the program, there has to be a host 501C3. Within that, the host will have coverage. The host is a K-12 charter school (American International School of Utah)."

Dianne Carr asked John, "What is your role in this?"

John explained, "This first year, we are launching the program and are hoping for a hundred youth to participate (50 in Lehi and 50 in Murray). I am a volunteer."

Tyler gave the Health Department's perspective, "The perspective we have is dependent upon how much manpower from the Environmental Health Division will be used this year. We will gage the time this year and see if it presses our office with people coming in and going through the process as if they were obtaining the permits and doing things the right way without being charged for the permits. The students should be going through the normal regulations that anyone would go through if they are not doing it in front of their house."

Henry Yeates suggested, "Can we just do no permit/no fees at all for the first year? Would it be a problem for the Environmental Health division?"

Tyler explained, "For us it is no difference whether it is a lemonade stand at a residential home or a business, wherever the lemonade stand is, kids will make it the same way. That is my opinion. We have a lot more pressing issues like people making pork tacos, hamburgers and hotdogs."

Ralph Clegg, Executive Director, UCHD explained, "As long as they don't prepare the lemonade in galvanized containers or something like that, things are ok."

Tyler explained that, "Not washing hands is about the only way to make someone sick with lemonade." He also explained, "There is value in having the youth come to the Health Department and obtain a permit (without a fee) and having the youth watch the 20-minute recording on food safety. We will never recuperate the 'no-fee' part; however, it is definitely a worthy cause."

MOTION: Teresa Tavares made the motion to waive Food Handler Permits and fees as well as Temporary Food Permits and fees for those participating Lemonade Day this year which was seconded by Dianne Carr and passed by unanimous vote.

4. Public hearing on the topic of proposed amendment to Regulation #2008-01 regarding the Determination of Ground-Water Table Elevation

MOTION: Dianne Carr made the motion to move the meeting to a public hearing for today's date at this time and this location to consider the proposed amendment to Regulation #2008-01 regarding the Determination of Ground-Water Table Elevation. The motion was seconded by Rick Nielsen and passed by unanimous vote.

Jason Garrett, Bureau Director, Environmental Health, UCHD, explained that the Health Department had a regulation on Ground-Water Table Elevation and enough issues have come up indicating it is time to align UCHD's regulation with the state rule it is tasked with following. The key difference of Utah County's regulation and the state rule that the board should be aware of, is that the proposed amendment to the regulation is attempting to give more options to Utah County residents as far as ground water monitoring goes.

As currently approved, if the ground water doesn't hit the minimum of 85% of rainfall precipitation within a water year, then a second year of ground water monitoring needs to happen. As we looked into our options, we added the caveat, 'in lieu of the additional year of monitoring, we give the option to get other pertinent information which includes reports and models created by an individual who is licensed and bonded in the state of Utah.' Namely we are talking hydrologists and geohydrologists as the licensed and bonded professionals. We feel this is feasible and there are individuals willing to do that. It is also not contradictory to the current state rule.

We have received a verbal public comment that is worth presenting to the board. In a meeting with Community Development, there was a developer by the name of Steve Wilson, who said, "if it is appropriate for us to hire one of these industry professionals to waive the second year of monitoring, why would that not be appropriate to do initially?"

Rick Nielsen asked, "Has anything changed in the recommended regulation since it was reviewed two months ago?"

Jason replied, "It is the same regulation that we proposed."

Jason went on, "We would still give the option to ground water monitor for a year as in the state rule, but if the developer had industry professional such as a hydrogeologists who was licensed and bonded in the state of Utah to provide the information initially to us and approved by the Health Officer, then why couldn't we forgo the year of ground water monitoring all together? We can keep the proposed amendment the way it is, or we could add the language to give them more options initially."

"This is probably the most intense situation we deal with as we (Bureau of Water Quality, Utah County Health Department) go out to a lot and they are ready to build and the biggest issue that comes up is with water rights; and then we say we need to monitor the ground water for a year. I would also point out, this is only on subdivisions. We do have more wiggle room on a lot by lot basis vs. on an individual basis. Our big concern with the prescribed 'monitor ground water for a year,' is that we may not be getting as full a picture as these professionals (hydrologist/geohydrologist) could give. The professionals can provide models and tools that would be helpful."

Teresa Tavares asked, "Who pays for the professionals?"

Jason answered, "The developers."

Jason went on to explain, "It is still in the Health Department's court to approve or disapprove the professional study."

Dianne Carr asked, "What specifically are you trying to address with the amendment?"

Jason replied, "It is two things. We want it to mirror more closely the state rule; and secondly, we want to provide more options for residents and give them as good, if not better, information on where that ground water level is actually coming to. Those were the goals."

Ralph Clegg asked, "Does the state rule require at least a one-year ground water monitoring?"

Jason answered, "It probably does leave a little bit of wiggle room in there to be able to do what is proposed. It isn't a year, it can be through the highest ground water monitoring. But there is an OR in there that we feel that covers it. I guess that is why I am not proposing anything at this time, other than we may want to consider that and go back to the drawing board with our county attorney and see if it is viewed the same way, that is a possibility with the state rule."

Ralph asked, "Would that be a substantive change if the board decided to go this direction?"

Ben VanNoy, County Attorney, answered, "No, it wouldn't. I think the appropriate course of action for the board today is to continue the item and let us look into it with a new comment. If it is feasible, we would propose an updated regulation change. If not, then we will propose the same one."

Ben went on to explain the difference between approving the amendment today vs. updating the proposed amendment for the next meeting, "The difference is whether or not we can forgo the one year requirement and a developer can just hire a hydrologist or a geohydrologist to do the test at the beginning."

Jason went on to explain, "Along with (hydrologist and geohydrologist) models to show, they will have access to more information than what we (in the Bureau of Water Quality) have, for example, where it (the water) comes up to historically. In other words, you'll have a big winter and you won't see the water from it down in this area until not this summer, but the following spring and summer. What we are finding in our numbers is that he was telling the truth, but we would have no way of knowing that. There is some credence as we look in to that. However, that is nowhere in the state rule for us to try to dissect that."

Ben VanNoy explained, "The county office doesn't have the resources or the technical experience as a PhD hydrologist would, so this would be an improvement to the regulation do to allow this option. We need to look at whether we do it at the beginning or whether we need to wait a year and then give the developer the option to hire a hydrologist."

Rick Nielsen clarified, "This is what I think I'm hearing. In Item No. 2 (of the proposed amendment to the regulation), it talks about in lieu of an additional year of monitoring, which is really the new regulation we talked about two months ago; this could almost read, 'in lieu of Utah County Board of Health monitoring, the Health Director may make a decision lot by lot.'"

Jason confirmed that Rick's clarification was correct, "With the key being they could still ground water monitor as that would still be an option right from the beginning."

Rick Nielsen clarified, "In lieu of the Utah County Board of Health doing it, if a developer wants to come in, you could use almost the same exact language right? So really what you are looking to do between now and the next meeting is to make sure that it meets the legal standards, that the language would fundamentally be what is written here right now."

Jason replied, "We are always a fan of giving them more options."

Dianne Carr asked, "So the issue is whether they can build on the lot if the water level is appropriate. Is it whether they can build basements?"

Jason answered, "No, we do not deal at all with that, just the level of their on-site wastewater system."

Ralph explained, "In many of these areas of concern, there is no way they could put a basement, or it would have to be a very shallow basement."

Sean Frazer, Utah County resident provided public comment, "I am particularly affected by this. I have read through this; and I read it as it is adding options for those that are impacted especially the public. Developers are looking to profit, and it still keeps the original intent there with the monitoring, but it gives individuals like me who have been waiting a year (because it happens to

be one of those seasons that has been 85%). It has been a full year, and we are just caught up in a situation where we weren't told a lot of things when we bought it. In our case, it is a septic tank thing; however, everything else is right, there are houses all around us. It just happens to be one of those things that you must do to get the subdivision legally subdivided. It wasn't legally subdivided and wasn't told to us until much after we sold our house and moved and have gotten two loans since then to cover things up. This gives people like me options to move forward, and it also allows the same amount of power to subdivisions as you had before. It doesn't actually give them any extra things. To me it is very logical. It helps me as the public and keeps me from being caught up in things I don't need to be caught up in. I am here in support of it."

Rick Nielson asked a question in relation to that, "We are looking to move the regulation from where it was to be more favorable to the public. The concept that you are looking at, would take it another step more favorable, right? I am personally supportive of it if that meets the legal standard. I don't know enough about doing our rules and regulations here to know if this is appropriate to go a head today after we have had our hearing and approve it as presented today which means we don't lose another two months work of time for those that have already been waiting a year; that we actually put systems in place today. If we are already ok with one step of flexibility and all we are looking at is to go another step more of flexibility, it seems to me that it would make sense to go a head and make the first step today if we are ok with it as the body today if the county is ok with it."

Ben VanNoy, County Attorney, stated, "The current proposal is good to go."

Rick Nielson said, "I don't want to sit on something that already meets the legal muster and we have in front of us today. We already reviewed it two months ago. We are already conducting our hearing. It doesn't make sense to me to delay this again another couple of months to even go more flexible. I would just as soon approve what we have today and then go through our normal protocols to get the next thing approved."

Jason, "That is my question to you, if we approve this as it is today, and then we want to make another change to the regulation just with what we are talking about today, would that require yet another public hearing?"

Ben VanNoy, "It would, but it's not that hard of a process."

Dianne Carr asked, "If we want to live with this for a year, then what happens? So, if we pass this and then see if there are other issues that come up during the next year?"

Sean Frazer replied, "I'm here to support this being passed, obviously. But my question is, if there is a public hearing, would that add another month or would it still be the two months? Could you do the public hearing and the approval at once?"

Rick Nielson, seeking clarification, "So it is four more months, if we don't approve this today."

Ben VanNoy answered, "I don't think there would be any problems with passing it as it is today."

Jason pointed out Item No. 4 on the proposed amendment, "That is another option in this process. There are many of these cases. Sean's would be one of those that has enough historical data from surrounding homes, clearly a dozen homes around his house, all from various different years give us a pretty good picture of it. We feel very comfortable in cases like that, if we can find enough data from those, that we wouldn't even need the hydrogeologist or hydrologist. We get a pretty good picture from that. That is also an option that is part of this as well."

Dianne Carr asked, "Are there people that are wanting to keep developers happy (referring to hydrologists and hydrogeologists)? Is there some kind of association? Are they held to certain standards?"

Jason answered, "These are professionals, and they are all in a similar vein, they have to be licensed and bonded. They have a lot riding on the line. There is a lot vested into the process."

In response to Dianne's question, Ralph indicated that the Department would still review the professional assessment and approve/agree or disapprove/disagree.

MOTION: Rick Nielson made the motion to close the public hearing which was seconded by Teresa Tavarez and passed unanimously.

MOTION: Rick Nielson made the motion to approve the proposed amendment to Regulation 2008-01 on the Determination of Ground-water Table Elevation as presented which was seconded by Dianne Carr and passed unanimously.

5. Household Hazardous Waste Collection Day 2018

Wendy Wright, Health Educator, UCHD explained to the board, "This is the 11th year of the Household Hazardous Waste Collection Day. It gives Utah County residents a chance to bring their household hazardous waste to a central location to where it is disposed of properly. This keeps people from putting it in their weekly trash and gives them an opportunity to have it disposed of properly without causing any problems. A lot of people save up their waste during the year to bring it to this event. They can also go to the waste stations throughout the county to dispose of it any time. The event is always the second Saturday in April. One of our partners from the event, McWane Ductile, Joe Ozimek and his colleague Ryan Grassley, created a video of the event."

The board watched the short video of the event that was filmed with an overhead drone. Wendy then presented the statistics of items collected at the event. There are many partners who came together to make this event possible for the Utah County residents. Electronic items were not collected at the event, rather both waste stations offered to have free electronic disposal for the week prior to and the week after the event.

Waste Type	Pounds or Gallons	Waste Type	Pounds or Gallons
Mercury Contaminated Articles	16 lbs	Sharps	240 lbs
Ion Batteries	86 lbs	Cylinders, Propane, Extinguisher	176 lbs
Fluorescent Lamps	1,416	Radioactive Smoke Dectors	12 lbs
Flammable Liquids	1,680 gallons	Ecycle (recycling of computers)	0
Aerosol Cans	2,301 lbs	Eglass (glass fibers)	1,150 lbs
Loosepack-Flammable/Toxic	5,459 lbs	Trash	20,180 lbs
Loosepack-Solid Pesticides	5,560 lbs	Used Oil/Antifreeze	0
Loosepack-Inorganic Acids	564 lbs	Document Shredding	11,200 lbs
Loosepack-Bases	1,472 lbs	Prescriptions/Medications (will be incinerated)	853 lbs
Butane Lighters	209 lbs	Paint (to be disposed of)	50,056 lbs
Lab Pack	617 lbs	Paint (to be used by Habitat for Humanity)	14,660 lbs
Mercury Lab Pack	14 lbs		
Vehicle Count 1625			
Volunteer Total 185			

There were 200 fewer vehicles go through the event this year. That has been attributed to the fact, that the additional vehicles would have been for electronic waste and it has been assumed the residents went directly to the stations to drop it off at no cost one week prior to and one week after the collection event.

Most of the volunteers for the event are from BYU specifically from James Johnston's (Associate Professor of Public Health) Environmental class. Unfortunately, the students will not be participating next year as their program and curriculum is changing. It has been a requirement for their class but will no longer be a requirement. Some volunteers are from UVU. UCHD provided 25 staff members from Environmental Health and Health Promotions who participated in various positions of the event.

Ralph Clegg explained that most of the items collected go to the solid waste districts who then take care of it; and then we (Utah County Health Department) pay the districts the costs that they have from their contractors. Some items are recycled as well.

Aislynn Tolman-Hill, PIO, UCHD, explained the possible reduction of vehicles at this year's event, "You may be thinking at an event like this the numbers would be growing and growing and growing; but the goal is to decrease the numbers and drive people to the correct disposal methods which would be the transfer stations, which by the way you can actually take any of

these household hazardous wastes at any time of the year and dispose of them with minimal fees. So basically, the waste can be disposed of at any time of the year which is an important piece for us as we communicate with our public.”

“We will be producing a short video to present to the community, so they understand what they can take to the transfer stations. We will continue to promote the Household Hazardous Waste Collection Day but will educate them, so they can take their items to the transfer stations as well. We will work with our partners on this.”

6. UALBH Steering Committee Report

Diane Lohner brought the board’s attention to the flyer in the packet on the annual symposium for Utah Association of Local Boards of Health (UALBH) on September 6-7, 2018 in Vernal. Utah County Health Department will pay for board members registration cost. UALBH pays the cost of mileage and the hotel stay. Lunch and breakfast are provided. Board members, please let Julie Dey know if you would like to attend.

7. Constituent feedback

Daril Magleby brought up a builder/developer who has some concerns with a re-build in the Sundance area regarding starting over with a new septic system and was not happy with what had taken place. The builder/developer will put together some information so that Daril can present the challenges.

Ben VanNoy replied to Daril that this a situation he is aware of and that he has been working with Jason Garrett and Craig Bostock on. “It is a significant issue and we are trying to work with. The way the regulations are crafted, it doesn’t fit the old systems up at Sundance. In some cases, it is the rule getting in the way of a better system. There is a variance process in which we can redirect these developers towards the process. We have sat down with some developers and worked out specific work-arounds that are still in compliance with the code, but as additional layers that help liability and satisfy the requirements. We are actively working on that.”

Dianne Carr brought up a discussion she had with a younger person about impaired driving and alcohol. Dianne asked the board, “Is it true that any level of alcohol can impair a driver?”

Ralph explained that Utah has a legal limit and then a driver is considered drunk after that point. A physician may tell you that people react differently to that level of alcohol. A person may be drunk before that if they are fairly small and have a level less than that. The same amount of alcohol will create situations differently for different individuals. Where the impairment comes in depends on the individual.

Dianne’s point is that there should always be a designated driver whenever alcohol is consumed.

Henry Yeates, “What does the word impaired mean? Some drivers may not be good drivers after one drink. But I think the lower limit has been shown to be pretty accurate. I think other states are talking about it.”

8. Employee Changes


Ralph Clegg reported that there have been normal employee changes.

Henry Yeates asked Ralph if the Health Department is considering hiring a hydrologist or geohydrologist to consult with. Ralph indicated the Health Department may need to do that as home and community development pushes more and more towards Utah Lake.


9. Other Business

- **Algal Bloom:** The state received some funding from the legislature for permanent signs informing the public that algae is always a potential problem and to look for certain indicators of algae. The Health Department will still issue news releases as needed and as algal levels build. Algal blooms have spread in Utah; for example, Deer Creek, Schofield, and Payson Lakes. The Health Department will continue to monitor and will keep the public informed.
- **NALBOH Annual conference, August 8-10, Raleigh, North Carolina**
- **UALBH Annual Symposium, September 6-7, Vernal, Utah**
- **County Health Rankings Report:** Utah County ranks highly for a metropolitan area. The county is doing well in some areas and has room for improvement in other areas.
- **Dianne Carr brought up two topics: Springville swimming pool. Suicides in Herriman, Utah.**
- **Next Board of Health Meeting: July 23, 2018**
- **Steve Mickelson, Director of Nursing, UCHD, told the board it has been his honor to work as the Director of Nursing and he will be leaving for another position in the north of the county.**

MOTION: Daril Magleby made the motion to adjourn which was seconded by Diane Lohner and passed with unanimous vote.



Ralph Clegg, EHS MPA
Director
Utah County Health Department



Jeff Anderson
Chair
Utah County Board of Health