



UTAH COUNTY BOARD OF HEALTH

151 SOUTH UNIVERSITY AVENUE
PROVO, UTAH 84601

MINUTES March 25, 2019

Members Present:			
Mayor Jeff Acerson, Chair	X	Teresa Tavares, Vice Chair	X
Gaye L. Ray	X	Erin Faraclas	X
Superintendent Rick Nielsen	X	Ryan Schooley	X
Dianne C. Carr	X	Commissioner Bill Lee <i>(by phone)</i>	X
Mark Donaldson, MD	X		

Others present:

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

Number of people in attendance – 6

1. Welcome by Jeff Acerson
2. Introduction of Erin Faraclas and Ryan Schooley as Board of Health Members
3. Approval of the minutes from January 28, 2019

MOTION: Dianne Carr made the motion to approve the minutes which was seconded by Gaye Ray and passed by unanimous vote.

4. Public hearing for proposed amendment to Health Regulation 2008-01 Governing the Determination of Groundwater Table Elevation

MOTION: Rick Nielsen made the motion to move the meeting to a public hearing for today's date, March 25, 2019, at this time and this location to consider the proposed amendment to Health Regulation 2008-01 Governing the Determination of Groundwater Table Elevation. The motion was seconded by Ryan Schooley and passed by unanimous vote.

Ben Van Noy, Utah County Attorney, explained to the board members the changes to the proposed amendment as well as why the original regulation was written which is ultimately to ensure there is enough separation between groundwater and wastewater.

Determining whether the regulation was necessary with state rule R317-4-4 or whether it conflicted with the state rule, the Environmental Health team and Ben Van Noy have conducted an in-depth review of the regulation and the state rule and they feel there is not a conflict and the regulation is necessary for the following reason: "The required information regarding feasibility for subdivisions and wastewater, shall be prepared at the owner's own expense or under the supervision of a 'qualified person' approved by the regulatory authority (health department). The 'qualified person' is not a defined term and needed clarification."

The evolution of the proposed amendment to the regulation 2008-01, prior to this iteration, the health department would be the ones performing the groundwater monitoring. For instance, if there was a lot and the groundwater level was anticipated to rise closer than 48", we (Environmental Health division) would monitor the groundwater to make sure it didn't come above that level. At the request of developers, we are providing more options for groundwater monitoring, so the government doesn't have to be involved with every aspect of the process.

It is anticipated that 80-90% of the people that apply for a wastewater system would fall under Part A of the regulation, which in essence says that, 'if it (groundwater) is not anticipated to rise closer than 4', the Environmental Health division doesn't need to be notified.

If a qualified/certified professional under state rule R317-11 makes the determination that it will rise closer than 48", then the Environmental Health division must be notified. The Environmental Health division would then work with the lot owner on the type of wastewater system that can be installed. If a certified professional cannot determine, in their professional opinion, where the groundwater level will be; that is where the rest of the process fits in, where we will allow a hydrogeologist and other experienced scientist or engineering professional to conduct studies to show the Environmental Health division that their data and studies indicating that the groundwater will only rise to a certain level. If it will rise above the level, they will help identify what can make it work. It is anticipated that only 1% of applicants will need to hire a professional.

Rick Nielsen made the following comments, "The point that I come to on this is, I am grateful we are trying to have more flexibility. I am also grateful that we are not taking huge leaps and bound towards the flexibility as we are taking prudent first steps on this. I have tried to think through 'what is the worst-case scenario' or 'what is the exit strategy.' The worst-case scenario is that nobody will sign the affidavit, and nobody will certify, and nobody will do the things we have talked about; then we are exactly where we have always been. So we haven't exposed the county or the developers because we haven't made a decision that is an irreparable decision. If that is the case, and the board of health is here again in 12 months, and we have citizens saying to us, 'hey, nice try, but what you did isn't going to allow for anything,' then we will have additional public discourse on it. I am personally to the point, that I think we should take action on where we are now given the public discourse that has happened so that we can begin moving

forward. This would start the piloting process to see if the amended regulation lands in the right spot or not.”

Helina Carter Thomas expressed her concerns and asked for additional wording to include ‘anticipated’ to be added to the amended regulation where it references maximum groundwater levels.

Ben Van Noy reiterated that what is in the amended regulation is not in the state rules. He does not feel it is more restrictive than state code. He said the amended regulation is clarification of the state rule.

MOTION: Gaye Ray made the motion to close the public hearing which was seconded by Rick Nielsen and approved by unanimous vote.

5. Consider adopting the amendment to Health Regulation 2008-01 Governing the Determination of Groundwater Table Elevation

MOTION: Gaye Ray made the motion to adopt the amendment to Health Regulation 2008-01 Governing the Determination of Groundwater Table Elevation with the suggested changes. The motion was seconded by Rick Nielsen and was passed with unanimous vote.

6. 2019 Legislative Review

A sheet listing 2019 Legislative Bills the local health departments were watching was distributed, and Ralph Clegg explained the outcomes and status.

7. Consider increasing the Immunization Administration Fee

The Health Department’s current fee administration fee (for vaccines) is \$25 if we have to bill insurance companies; however, the fee is reduced to \$18 if clients pay with cash. Dealing with insurance companies is a difficult thing as some insurance companies will lowball us on the administrative costs and pay a little bit more on vaccines. Other insurance companies will pay more on the administration fee and lowball us on the vaccine cost. By moving the administrative fee to \$30, we are able to maximize our collection from the insurance companies that will pay more for the administration fee. The administration fee for clients paying cash will remain at \$18.

MOTION: Gaye Ray made the motion to increase the Immunization Administration Fee to \$30 which was seconded by Dianne Carr and passed with unanimous vote.

8. Consider appointing all Board of Health Members as alternates to the Administrative Review Hearing Board.

Ralph Clegg proposed appointing all board of health members as alternates to the Administrative Review Hearing Board for scheduling matters. This will allow us to have another board member sit in if the one appointed is not available.

MOTION: Rick Nielsen made the motion to appoint as alternates to the Administrative Review Hearing Board all Board of Health Members. The motion was seconded by Teresa Tavares and passed with unanimous vote.

9. Report on the Administrative Appeals Hearings for Tobacco Retailer’s Permit Denials

Ben Van Noy reported on two appeals from tobacco retailers. The first was a tobacco (vape) shop who had tried to get permits as a general tobacco retailer store. The permit was denied because of the regulation and for all appearances, they were a vape shop. The second tobacco retailer proposed hearing was regarding business location and lot set-backs near a residential area. Prior to the hearing, we were able to come to resolutions on both without proceeding to the Administrative Hearing process.

10. Consider adopting a resolution for NIMS (National Incident Management System) by the Utah County Health Department

Ralph Clegg explained to the board members that the health department needs an official resolution in order to become accredited for our public health preparedness program by adopting the NIMS (National Incident Management System). This is the system we use for emergency response and the resolution just puts it officially into a written document.

MOTION: Teresa Tavares made the motion to adopt the NIMS (National Incident Management System) resolution by the Utah County Health Department. The motion was seconded by Rick Nielsen and passed by unanimous vote.

11. Open Meetings Act Training

Ben Van Noy provided annual training for the Open Meetings Act.

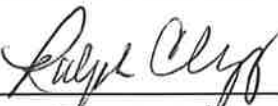
12. Other Business

UALBH Symposium, September 5-6, Midway, UT


13. Employee Changes

Employee changes are routine.

MOTION: Gaye Ray made the motion to adjourn which was seconded by Mark Donaldson and passed with unanimous vote.



Ralph Clegg, EHS MPA
Director / Local Health Officer
Utah County Health Department



Jeff Acerson
Chair
Utah County Board of Health