

SEWAGE, WASTEWATER, AND SANITATION HEARING BOARD MEETING MINUTES

Members

Ronald J. Anderson, P.E., Chair
Steven H. Brigman, P.E., Vice Chair
Michele C. Dennis, P.E.
Matthew Buehler
Vonnie Fundin

Monday, June 5, 2017

6:00 p.m.

Washoe County Administration Complex
Health District South Conference Room
1001 East Ninth Street
Reno, NV

6:00 p.m.

1. *Roll Call and Determination of Quorum

Chair Anderson called the meeting to order at 6:03 p.m.

The following members and staff were present:

Members present: Ronald J. Anderson, P.E., Chair
Steven H. Brigman, P.E., Vice Chair
Matthew Buehler

Members absent: Vonnie Fundin
Michele C. Dennis, P.E.

Ms. Rogers verified a quorum was present.

2. *Public Comment

As there was no one wishing to speak, Chair Anderson closed the public comment period.

3. Approval of Draft Minutes

March 10, 2016

Mr. Buehler moved to accept the minutes of the March 10, 2016 Sewage, Wastewater, & Sanitation Board (SWS Board) regular meeting as written. Vice Chair Brigman seconded the motion which was approved three in favor and none against.

4. Public Hearing to consider staff's recommendation to deny the appeal of the District Health Officer's decision as based on the requirements of Section 040.085 of the Washoe County District Board of Health Regulations Governing Sewage, Wastewater, & Sanitation – On-site sewage disposal systems are prohibited in any area subject to vehicular traffic. Section 010.185 defines an Onsite Sewage Disposal System as a system for sewage collection, treatment and disposal located on an individual parcel as approved by the Health Authority. Section 010.065 defines disposal area as that portion of the on-site sewage disposal system area which contains the disposal trench(es), the designated repair area for the disposal trench(es), provides for the required trench separations and meets the required setbacks.

Staff Representative: James English

Mr. Harley La Roche
3810 Macaw Ln.
Reno, NV 89508
Assessor's Parcel Number 087-213-09 Parcel 10, Block E
Cold Springs Valley Homes 2 Washoe County, NV

Mr. English stated that this item is in regards to a citizen who is appealing a decision of staff and the District Health Officer regarding his repair location and the requirement of having the area readily available in the event of septic failure. Mr. English informed that the home was built in 1987, and regulations at that time did not require a reserve or repair area as they do today. He noted that the home has been remodeled once. Currently, the homeowner is trying to build a detached garage on the property, but the proposed location is in the area that the Health District had designated for the repair area at the time of the remodel in 2006. The subsequent location suggested by the owner to EHS for the repair area was the driveway at the front of the house.

Mr. English explained that current staff protocol is to make sure the repair area is readily available for the most expedient repair to prevent potential public health issues, and to complete the repair as inexpensively as possible.

Mr. English informed that Mr. La Roche appealed staff's decision to the Division Director (Mr. Bob Sack, retired 3/31/2017). Mr. Sack upheld staff's decision to require the driveway be removed at the time to make the area accessible. Mr. La Roche then appealed the Division Director's decision to the District Health Officer who again upheld staff's decision.

Chair Anderson inquired if it had been recommended to Mr. La Roche to involve a professional engineer to draw plans for a repair design.

Mr. English responded that Mr. La Roche had been given multiple options and was not positive that this had been provided as a possibility, although he had been informed that the repair area could potentially require an engineer be involved due to the possible requirement of pumping based on fall. Mr. English opined that the house was probably designed as the rest of the area with the tank and the field in the middle of the back yard. With Mr. La Roche's proposed building location, the hard piping for sewage would have to be installed under and to the front of the house, where there may not be sufficient fall. Mr. English opined it was probable that Mr. La Roche had been encouraged to involve a professional engineer.

Chair Anderson noted that design preparation from the last case heard by the SWS Board was done without the input of a professional engineer. Chair Anderson stated that, in the past, County staff has discouraged professional engineers or indicated that professional engineers are not needed for standard designs, and understood that there was an initiative to change regulations and phase out this committee. The point of these comments, he stated, was that he'd been able to design an alternative plan for the design that didn't require a variance or being installed in the driveway. He opined that retaining a professional engineer would have resolved the issue immediately.

Mr. English stated that previous staff may have discouraged the use of engineers, but current staff strongly encourages their involvement. He informed that staff has also been able to see various options available in their review of plans and have suggested those involved obtain the services of professional engineers. Mr. English continued that Environmental Health has worked with the engineering community more frequently due to these efforts.

In regards to proposed changes in regulations, Mr. English informed that he was never fully supportive of the direction of those changes, and that proposed changes have not moved forward at this time. He noted that there are no draft regulations being created at this time and current regulations continue to be the standard. Mr. English stressed that the Environmental Health

Division does not discourage the involvement of professional engineers in plan design. He stated that EHS has an engineer on staff and their group has discovered many options in plan design review.

With that said, Mr. English informed that it is usually the decision of the resident to exclude engineering services in plan design due to the expense, adding that he was not inferring that was the case in this instance.

Chair Anderson noted items on the staff report that were not to his approval, one being that his name had been omitted on the report. Another was the mention that repair areas were not required before 1988. Chair Anderson stated that he has been involved in engineering since the 1970's and had been involved in the design of this subdivision. Although he could not find the original perk report for the subdivision, he believed that the design required a primary and repair area. Also, he stated, as far as he knew, that requirement has been consistent through the years.

Chair Anderson informed that, on the Washoe County website, it references the 2003 edition of the SWS regulations, and he believed it should show the 2013 regulations.

Mr. English noted that EHS records do not show any repairs for Mr. La Roche's home. As explained to him by his predecessors, Mr. English had been informed that previous repairs were not always required to be detailed on plans as is the procedure today.

Vice Chair Brigman agreed that there appeared to be other options available for Mr. La Roche that would avoid having to designate the driveway as a repair area. He stated that this design was not acceptable, and did not wish to set precedent by allowing it in this instance. Vice Chair Brigman asked if infiltrator chambers had been considered due to their small footprint.

Vice Chair Brigman opined that EHS had informed Mr. La Roche that it would be nearly impossible to obtain Board's approval to install a repair field under the driveway.

Mr. La Roche stated that had never been his intention. He explained his plan was to remove the drive way to expose area for a repair field at such a time the septic system failed, but not until. He informed that the area proposed for use as a repair field was not an area necessary for access to his garage as it is an area of a circular drive.

Mr. La Roche introduced himself as the owner of the property and informed that on the first set of plans submitted, it showed two forty-foot leach fields to be installed in the future. He indicated that the report shows only one. This plan had been rejected. He then designed the leach field to the front of the property, which meets set-back requirements, but it was required that the asphalt had to be removed immediately.

Mr. La Roche informed that there is sewer line at the school approximately 700-800 feet away from his property. An employee of the sewer company that services the school indicated the possibility of sewer services extending to the area of Mr. La Roche's home in 3-5 years. He stated that this gave him hope that a solution would be available before the septic might fail, and indicated that it would take minimal time to remove the asphalt should the septic fail.

Chair Anderson asked Mr. La Roche if he would be willing to hire an engineer design a plan that would be acceptable.

Mr. La Roche agreed that he would do so at the time the septic fails, if it does. He stated that he had with him Mr. Dave Jones, a soils expert, for the Board to question if they had wanted specific information on the soil type at the property. Mr. La Roche stressed that he was willing to remove the asphalt, but did not want to do so until necessary. He stated there was no way to estimate how long the septic system will last, that he is the only occupant in the residence and he maintains the system regularly.

Mr. Anderson stated that it was his understanding of Mr. La Roche's position that he was unwilling to hire a professional engineer in order to resolve this situation.

Mr. La Roche opined that it would be a waste of capital at this point, since the septic system

is sound at this point and that future connection to sewer would be thousands of dollars. He stated that he would be willing to sign documents on that property stating that the asphalt will have to be removed if the septic system fails to and the back-up area needs to be used.

Chair Anderson asked for comments and there were none.

Mr. Jones introduced himself as working for Construction Materials Engineers and as a professional geologist in the States of California and Idaho, noting that Nevada does not have a registration. He stated that his work is leach field analysis, perk tests and soil analysis to determine the design of septic systems, and that Mr. La Roche had requested him to review his documents and provide feedback. He noted that there were probably alternate designs that could be used for the repair field to the back of the lot by either extending the existing trench or creating several other diagonal options that would meet the offset requirements at the back of the property. Mr. Jones stated that Mr. La Roche made it clear to him that the area designated for the proposed repair area is not his primary access to his garage. If that area were utilized, Mr. La Roche would have full access to his garage without infringing on the repair field. If the system fails, he would then hire an engineer to design and build the repair field either in the front or back of the property, removing the asphalt removed as necessary.

Mr. La Roche informed that the dimensions of the garage, if reduce to 200 square feet, could be built without code requirements other than zoning. His proposed design is 280 square feet and would prefer that size.

Mr. English informed that this is not the first instance that the location of a repair field has been the subject of contention, and that the decision the Board makes today could set precedent in future plan review. He informed that EHS have had other individuals remove both concrete and asphalt driveways in similar situations due to there being no other option to locate a repair field with the plans for their project.

Mr. English also noted that there have been properties sold to persons that had not been made aware of decisions such as this and then are faced with unexpected and costly repair.

Mr. English informed that the only requirements for sewer under regulations are the 200 and 400 foot limitations. Proposal for options outside of those limits where there is no regulatory jurisdiction has only happened once before, and those were commercial plans that the developer bonded the cost of the connection to sewer at 750 feet.

Mr. Buehler asked if there was a way to incorporate a grading or access material to protect it from compaction under a concrete or asphalt drive.

Mr. English stated that he did not believe that it was Mr. La Roche's plan to cover the area with concrete or asphalt should he have to install the septic system. He informed the reason Mr. La Roche's plans were denied is because he did not want to remove the driveway at this time, and that this has always been standard procedure at Environmental Health Services. Mr. English reiterated that the Division Director and the District Health Officer both upheld staff's position, and that EHS would never approve a driveway to be installed over a repair field, unless it were completely engineered and those plans approved by EHS; but interpretation of the regulations require the field to be available prior to construction.

Mr. La Roche stated that he has been a licensed general contractor since 1980 and prior to that had been a spec builder and has built homes throughout Washoe County. It was required to show a back-up septic system on these builds. He indicated that, in a meeting with Health Officer it was disclosed that a system could be covered if approved as engineered. He also stressed that he wasn't requesting to be connected to the sewer system at that distance, but was noting that it was a future possibility for the entire area.

Vice Chair Brigrman stated that he'd been on the SWS Board and couldn't recall ever seen or allowed a repair or primary field under a driveway whether paved or not. He noted that there

were possible options other than this driveway to locate a repair field and so would not be supportive of the plans as shown. He stressed that he did not wish to set a precedent that could result in multiple cases coming before the Board. Vice Chair Brigman stated that it was not a matter of Mr. La Roche's reluctance to remove the asphalt until necessary, that for him, it was basic design issues and in conflict with regulations that have been in place for a very long time.

Mr. La Roche reiterated that he doesn't have an issue in removing the asphalt at such a time the system fails, that there is no leach field there now, and would employ an engineer at the time to design and install the project, and that the area would no longer be a driveway. He continued that another option would be to have an engineer configure a design that would not involve the driveway area. He opined that to have to remove the asphalt before it is necessary is a hardship that should not be required of any taxpayer. He informed that he is a building inspector and understands the rigidity of regulations, that regulations can be interpreted in different ways, and asked for the Board to make their decision based on the most sensible interpretation.

Chair Anderson agreed that many issues are not clearly cut and that is the reason for the SWS Board. He stated that this instance to him was clear in that there are other options available to Mr. La Roche, the first being to hire an engineer to draw an acceptable plan, thereby resolving the issue of the asphalt.

Mr. Buehler asked there was a way to calculate the remaining feasibility of the septic system by area comparisons. Chair Anderson stated that was not a subject he wanted to pursue. He did note that he was not aware of many failures in the area. Mr. Jones informed that there were granular soils in the area that were amenable to a stable, quality leach field.

Mr. Buehler asked if there were a way to grant a limited time permit if the estimated life-span of the system could be calculated.

Chair Anderson opined that suggestion might be over-thinking the situation, because of the ease in which he was able to devise an alternate design.

Vice-Chair Brigman moved to deny the appeal of the District Health Officer's decision based on the requirements of Section 040.085 of the Washoe County District Board of Health Regulations Governing Sewage, Wastewater, & Sanitation. Chair Anderson seconded the motion which was approved three in favor and none against.

Mr. La Roche asked if he has an engineer propose a new area if it should be submitted to the Board or directly to EHS. Chair Anderson stated that it was not necessary to submit it to the Board.

6. *Public Comment

As there was no one wishing to speak, Chair Anderson closed the public comment period.

7. Adjournment

At 6:45 p.m., Chair Anderson moved to adjourn the meeting. Vice Chair Brigman seconded the motion which was approved three in favor and none against.

Respectfully submitted,

James English, Environmental Health Specialist Supervisor
Secretary to the Sewage, Wastewater and Sanitation Board

Laura Rogers, Administrative Secretary
Recording Secretary

Approved by Board in session on _____, 2017.