

SPANISH VALLEY WATER & SEWER IMPROVEMENT DISTRICT

Water Project – re: Environmental Clearances
Public Hearing July 26, 2000

Grand County Council Chambers
Grand County Courthouse
Moab, Utah

The public hearing was called to order by Vice Chairman A. Dan Holyoak at 7:00 p.m. at the Grand County Courthouse, Moab, Utah. Other Board members present were Neal Dalton, and Karla VanderZanden. Absent: Paul Morris and George White. Those in attendance established a quorum.

Others present were Dale Pierson; Rhonda Riberia; Marsha Modine; GW & SSA Members: Gary Wilson, Ned Dalton, Karl Tangren, John Keys, and Bill McDougald; Ken Wilde – DEQ; Jim Bulkely – Rural Development; John Chartier – Sunrise Engineering; Bud Tangren; Garth Tangren; Ed Tangren; Sue Bellagamba – Utah Nature Conservancy; and Andrea Castellanos.

Dan made introductions and thanked everyone for taking time to join the Board at the public hearing.

John Chartier presented a brief history of the need and scope of the water project. He discussed the suggested distribution system upgrade and new tank. Dan opened the floor for comments or questions from the public on what John had discussed.

Bud Tangren: You're going out for construction, trying to get another look at the same program, only make it a little more inclusive – there is nothing for the San Juan portion of Spanish Valley. There is going to be new development there, and there is no water, no sewer. Already we are being told our septic tanks are polluting wells, but I will say there is nothing to mitigate. Not one thing.

John Chartier: San Juan sits uphill from Grand County, sewer can be extended. But I'm speaking physically, there are other issues right now regarding San Juan. San Juan was not within the boundaries of the District at the time the District began looking at a water project. Spanish Valley can collect sewage, they can provide service with the system as it is right now.

Dan suggested the comments and questions get back on track, as the public hearing was not on construction, but on environmental clearances.

John Keys: From everything that I have seen, and from everything that has been explained to me, there is nothing done here that cannot go ahead. This is a step process, nothing would be thrown away. The system can expand to go out further for both water and sewer.

Ken Wilde: If this project were not constructed, would it be more difficult to extend service to San Juan? By beefing the system up, won't this enable it to serve growth?

John Chartier: Yes. San Juan will buy into the system in the future with impact fees.

Ken Wilde: If this were a complaint about spending money on the system... would be if this isn't built, how would they serve you? If they did not increase storage with another tank, add more distribution lines, they might not let any additional areas to be served if they didn't have the capacity.

Bud Tangren: I'm in favor of building, it will be worth the money. The well, the storage tank, etc., but I'm saying there is a better way to build the system. I know from experience, if the elevation is the same, why not put the tank flat instead of on a hill? You're still pumping groundwater, but for how long? Won't be long before the Federal Government will be saying you will have to use a treatment plant. I used your figures, added a treatment plant, and came up with \$6,000.00 less. I don't feel we are getting our money worth. You better do the plant now, San Juan is not polluting the groundwater, but they could be. There was a fire hydrant issue, but I counted only 13 instances where specs were not met. Additional fire protection is not needed.

John Chartier: Alluding to the alternative, we looked at your figures, Bud. That far out of the District, tank location, we can't do that if San Juan is not annexed into Spanish Valley. As to the fire hydrants, there are many more than 13 that failed to meet the requirements. They need to be 500' apart, I would estimate that at least 100 don't meet fire flow regulations. This project is the best economically for the District. We did not do this alone, there are two Agencies watching to make sure we provide the best system for the District at this time.

Dale Pierson: The area Bud is alluding to is not currently in District boundaries. There are political hurdles prior to service being provided. John Keys is on the Committee to look at alternatives. This design gives us the ability to serve the bulk of the area. A major area is serviceable by this project with additional distribution system needed. When the project began San Juan was not an issue. Funding was applied for two years ago, and it will probably be a few years before San Juan is ready for the Agency to provide service to them.

Ken Wilde: We sent a letter to the District a few months ago, and basically told them to get the project going or the money would be pulled out. The Board didn't have time to consider political issues. They have gone through the proper procedures, looking at selecting alternatives. The District didn't have the option to wait any longer. They selected the best option.

Bud Tangren: So the Board decided under threat? If they don't do it now, then the money is pulled?

Ken Wilde: That is the situation. We feel they took the best alternative. They couldn't consider San Juan at this point.

Bud Tangren: I've been in construction for 40 years, especially public jobs. We always had to have three bids on jobs, I'm assuming you will get that. I do question the engineering.

John Chartier: Which part?

Bud Tangren: Flat ground instead of a hill, if it is the same end result, then why build on a hill?

John Chartier: Two more miles out into the Valley?

Ken Wilde: The tank has to be build high enough to provide pressure.

Dan Holyoak: We can't go into San Juan. At the time the project was first discussed, we didn't realize that San Juan was going to build the way they have. We really should have done this with San Juan a long time ago, that is our fault as much as anybody's. But, the problem will have to remain until we get clearance to go into San Juan. At that time, they will pay their portion.

Bud Tangren: Did you personally go to San Juan? I did. I invited them to the last public hearing. No one else ever did. San Juan is not against this kind of project, and they are willing to put in the funds. They have been shut out.

Dan Holyoak: We proposed years ago that there be a San Juan annexation, but a certain person yelled, and they backed off.

Bud Tangren: I know you are already in there with irrigation water. How long has that been there?

Dale Pierson: About 18 years.

Ned Dalton: Point of order, we need to get back to the subject.

Ken Wilde: It is important to have discussion, to learn what the facts are. Either this project goes forward, or they will lose their funding. It is a good project, the Valley needs it. They will have to go to bid in a couple of months, have their bond closing. If they don't, EPA will pull out.

Bud Tangren: Will there be more money available tomorrow? They are still paying on bonds for Ken's Lake – some bonds here are for 40 years. The project has a life of 20 years. How long can you do this without feeling bad?

Ken Wilde: This pipe will stay in the ground for 100 years.

John Keys: Bud, nothing is wasted, no one is being shut out. We would need most of this project to get to San Juan to provide service. This gets us to the edge of our boundary. This gets us to the point we can work forward. We think it is a good project.

Bud Tangren: Well, I said it last time, I will be able to say I told you so.

Karla VanderZanden: Is there a reason other than funding that we could not wait until San Juan is ready?

Dale Pierson: Yes, there is. The system is out of compliance, it was out of compliance four years ago, both for distribution and storage. As Managers of this system, we are bound to meet Federal and State Drinking Water laws. We could see that compliance problems were coming, but they are in a worse state now than they should have been in. It is best to solve all of the problems inherent in the system since 1981. The source is not out of compliance, but it is getting close. We looked at developing additional source so we would not go out of compliance. If the Division of Drinking Water saw us doing nothing to solve these problems, we could be open to fines, etc.

Karla VanderZanden: Is being out of compliance tied to growth, or the current size of the District?

Dale Pierson: Both. Also, the Drinking Water law has been changed. The 1979 design did a good job, it lasted almost 20 years. It exceeded the window it was expected to last. Now we need to begin the process to take care of the current problem.

Bud Tangren: I see three main things, but as of today, you have no source. You've tried twice. Without source, you may as well forget the project.

Dale Pierson: Bud, we'll be discussing the source a little later this evening.

Bud Tangren: (nods affirmatively)

Ken Wilde: Regarding the environmental clearances, these are needed for funding. Air opinions, EPA required. I had to be here as a witness, to see if anything from the public would cause a need for a closer look. I would like to thank the Board for permitting us to go off the main topic, it is important to discuss these issues.

Ken discussed the findings of the report and noted that it was the intent of DEQ to ahead with the project, along with Rural Development [noting Jim Bulkely was here as witness for them]. Ken informed everyone that a notice would be posted in the Times Independent and probably the Desseret News, calling for an additional 30 days for the public to comment on the environmental clearances report. Ken called for questions.

Bud Tangren: I notice the report listed 4-5 endangered species, but not the human family. I think you should put that first.

Ken Wilde: We will not sign if there is a chance of adverse impact on the human environment. The report shows that no adverse impact could be determined, and notes that there will be no new development within the 100 year floodplain.

Sue Bellagamba: What about the hydrological impact? The report done by Brigham University?

Dale Pierson: Part of the regional study with the City of Moab and the Agency, asked for a quantification study to be done on the Navajo Aquifer. This is the source for both City and Agency culinary water. There was a question as to how much will be available. The study was done, but not published in the fullest form yet. Dr. Wayne Downs at BYU prepared the reports. His findings are that at buildout, with a discharge of 2600 gpm if there would be no significant impact on the water tables, or on the wetlands. There are questions of the validity of the data in the report, and we would like to dig into the report further. The only data we have is based on that report. Even though it is unlikely that we would pump at full capacity for 24 hours all year at buildout, we need to know if that were done what the effects would be. An option is to continue the study, check as we go, and put the brakes on if there is a problem.

Bill McDougald: Is Dr. Downs a hydrologist?

Dale Pierson: I don't know.

Bill McDougald: I am not here to provide water for fish instead of people, that will happen over my dead body. We need to develop hydrology for people – Ken's Lake is the next step. Developing culinary water is our concern.

Sue Bellagamba: I agree with need for fresh water, but the person from BYU... He is okay, but I'm concerned only with a drop of the water table, but the direction of hydrology. The water in the wetlands is incredibly salty, it could change wells in Moab City. Dr. Downs had sketchy data to work with. As I began to look into the report, I became more concerned about the water, not the wetlands. I've been working closely with Dale, looking at questions of the validity of the report.

Bill McDougald: Salt comes from irrigation, our drinking water is pure.

Sue Bellagamba: The salt comes from Paradox, but there could be reversal from the aquifer, the wetlands could flow backwards into the culinary water table.

Bill McDougald: The water table from Ken's is a straight line profile, at zero in the sloughs. The project is not going to change that. Pumping fresh water might lower the sloughs.

Karl Tangren: We've noticed that if the water is high in the river, the sloughs are high. If the water is low in the river, the sloughs are low.

Sue Bellagamba: There is water in the sloughs, but the river is low right now.

Bud Tangren: In regards to supposition, no one can concretely say, what will happen. There is plenty of water now if it is used properly. Ken's Lake is good water, if you just augment the present system. Buy it from the farmers, natural attrition will take care of this. You don't have to pump underground aquifers, Ken's Lake could mitigate the entire thing.

Bill McDougald: Well potentials should be developed first.

Ken Wilde: This is a valid point from Sue, but I agree with Bill. The project should continue, but, research should also continue on her point.

Dale Pierson: I would like to mention to the Board, that Rural Development has rules, and if impact on the wetlands occurs, they will not fund the project. This could also have impact on future projects.

Karla VanderZanden: Ken, if the report is 4" thick, why isn't there more data on the effect on the wetlands?

John Chartier: That hydrology is outside of the Valley, outside of the project. We would have to go all the way to Colorado River, which is also outside of the project.

Karla VanderZanden: But, if they are connected...?

John Chartier: We have to look at the Valley as a whole.

Karla VanderZanden: Is there any reference in the report to going uphill, into San Juan? Is that taken into account?

John Chartier: No.

Jim Bulkely: We look at the project area, and circles farther out, but when we do these, we look at just so far. The Corps of Engineers looks at wetlands, farmlands, range lands, and they determined there would be no impact. If 4-5 years down the road there is a problem, then it would have to be looked into.

Ken Wilde: We did correspond with them, and agree that the Valley needs to do some study, the issue Sue mentioned needs addressed. The well won't have significant effect on aquifer or wetlands.

Karl Tangren: John [Chartier], the proposed lines, are they crossing any BLM land? Or private and state?

John Chartier: No. Most is in the County ROW. We are obtaining ROWs as we speak. They are not completely signed yet.

Karl Tangren: The environmental studies are done, how big an area was covered?

John Chartier: That depends.

Jim Bulkely: 100'. 50' on either side of the pipe.

Unknown: What happens to the project if it lowers the water in the sloughs?

Dan Holyoak: We will continue to monitor.

Sue Bellagamba: If the Agency changes the point of diversion, the State Engineer has to determine if those changes are workable, and go through a hearing process?

Dale Pierson: Yes.

Bud Tangren: I'm concerned about the whole thing. I think you should postpone, even Ken has said don't read the report! I'd take another six months and find a better way. You are spending lots of money.

Dan Holyoak: We will have our meeting after this, and will be discussing that then. You are welcome to stay and listen.

Ken Wilde: The Board doesn't have to take action. I have heard nothing here that tells me the project should be killed. The Board has already decided to go ahead, you've held public hearings, you don't have to discuss it any more. Nothing has been brought up to cause the EPA, USDA, etc., to kill the project. This a good, legitimate project. You are not in compliance, you must go forward. I think this has been well discussed, and thank the Board for letting the public speak. I would suggest you close the public hearing.

John Keys: The engineering study has been done, the alternatives have all been looked at. The best project has been decided on. It does not shut off service to any area, it is the next logical step that we need to take. I think it is the best value for the money being spent.

Vice Chairman Holyoak thanked everyone for attending, and for their comments. He declared the public hearing closed. Hearing no objections, the hearing closed at 8:12 p.m.

ATTEST:

Paul Morris, Chairman

Neal K. Dalton, Clerk