

**SEWAGE, WASTEWATER, AND SANITATION HEARING BOARD
MEETING MINUTES**

Members

Ronald J. Anderson, P.E., Chair
Matthew Buehler
Vonnie Fundin
Nick Vestbie, P.E.
Matt Smith – Alternate
Ray Pezonella, P.E. - Alternate

Wednesday, January 30, 2019

4:00 p.m.

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

4:00 p.m.

1. *Roll Call and Determination of Quorum

Chair Anderson Anderson called the meeting to order at 4 p.m.

The following members and staff were present:

Members present: Ronald J. Anderson, P.E., Chair

Matthew Buehler

Vonnie Fundin

Nick Vestbie, P.E.

Matt Smith (did not participate in the meeting)

Ray Pezonella, P.E. (only participated in Item 6)

Staff present: Leslie Admirand, DA

Jim English

Dave Kelly

Latricia Lord

Members absent: None

Ms. Valentin verified a quorum was present.

2. *Pledge of Allegiance

Those present pledged allegiance to the flag led by Mr. Vestbie.

3. *Public Comment

As no public comment cards were presented, Chair Anderson closed the public comment period.

**4. Approval of Agenda –
January 30, 2019**

Mr. Bueher moved to accept the agenda of the January 30, 2019 Sewage, Wastewater, & Sanitation Board (SWS Board) regular meeting as modified with hearing item 8 after 9 and no alternates voting on items 4 and 5. Mr. Fundin seconded the motion which was approved four in

favor and none against. Alternates did not vote.

5. Approval of Draft Minutes –
November 20, 2018

Mr. Fundin moved to accept the minutes of the November 20, 2018 Sewage, Wastewater, and Sanitation Board (SWS Board) regular meeting as written. Chair Anderson seconded the motion which was approved four in favor and none against. Alternates did not vote.

6. Public Hearing to consider an appeal to the Health District's decision to require the relocation of a residential onsite sewage disposal system pursuant to Section 120.040 of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. (Held over from November 20th, 2018 Meeting) – **(For possible action)**
Staff Representative: David Kelly

Ron and Denise Jahn
3285 Maranatha Road
Reno, Nevada
Assessor's Parcel Number 046-031-10

Mr. Fundin recused himself because of conflict of interest – Mr. Pezonella (alternate) stepped in as voting member required for quorum.

Mr. Kelly – Reviewed staff report background. This is not a true fire rebuild so we wanted to bring this to the SWS Board. They wanted to appeal as they made an investment. If located off the property, it is required to build off. It is a legal easement even if it isn't on the property. Legally recorded for sewage.

Mr. Vestbie had questions. Did the other property owner on the easement have any problems?

Mr. Kelly stated yes, the leach field.

Ron and Denise Jahn stated this was recorded six years before they purchased the property. In their permit process they hired Waters and spent \$5k to ensure the size and property were correct. There was only one easement 60 ft back then. Now there are two easements that are 100 ft long.

Mr. Vestbie asked if it just get longer in either direction?

Ron and Denise Jahn stated it was right on the line but within the easement. Didn't have GPS previously. The records they dug up showed 100 ft and the other 60 ft was enlarged 40 ft. This somehow ended up with their tank on the property line. We still have other easement and it is still in existence. That property owner did a huge substantial remodel and it was never brought up back then. We purchased property that it was a usable septic and easement in 2003 and per taxes Washoe County has been assessing for all improvements (water, sewer, power, etc.). We discovered this after we invested money into improvements. If we had known we would have addressed this situation differently. We believed it was a functioning property and was certified by Waters. We tested and cleaned out the tank up until the point it didn't sit where it was supposed to be.

Mr. Vestbie asked what it was based upon.

Ron and Denise Jahn stated leach field is based upon a 3 bedroom house. Neighbor is aware of their leach field and he purchased property understanding the leach field is there. Spoke with him day before yesterday. Neighbor is not using easement and is starting his build. Since it is

certified by Waters, it seems like it would disrupt two other property owners instead of staying how it is given that it is certified and there is room for a repair leach field.

Mr. Vestbie asked if no one cares where the septic tank is, and the neighbor has no problem with it, do we just need to get the neighbors permission?

Mr. Pezonella stated in the past this situation occurs when parcel mappings were done at one time. They couldn't find a valid perc test so they created easements to accommodate. Why there was a change in the length is rather interesting. The tank is within the easements, but not in the easements broken up. The leach field – you made a comment that you made the leach field but to go back in to dig up the system you were ensuring the system worked to.

Mr. Kelly responded that the leach field is not, tank is.

Ron and Denise Jahn stated they dug down six feet and dug out the leach field and replaced all the clay pipes full of roots 50 feet. At that point they said it would be beneficial to add a cleanout. When they inspected the other section that doglegged right 45 feet, so that all was dug up and replaced as it was full of roots. All of this was 6-8' deep. All was replaced with new base, pipe, fittings from the tank to the end of the line. The tank is not exactly perpendicular to the property line, so when the pipes comes out and goes right ... the last 6 or 7 feet goes out of the line of the box for the exact mapping we have now. The neighbor that is his property and he is aware. He was a contractor for 50 years and said he had seen worse than that.

Mr. Pezonella asked if there any way they could fix the line of the pipe.

Mr. Kelly – They could have done it through the approved building permit.

Mr. Pezonella inquired if the size of the line is sufficient.

Mr. Kelly – We made a determination at the time.

Ron and Denise Jahn stated their understanding was they could only go where it was before, not shorten, change direction, etc.

Mr. Kelly stated they could have pulled a change permit.

Mr. Pezonella stated the reason these easements are important are that you may not be there forever. When you are outside the easements they can be problematic in the future for new homeowners. The Health District has a hard time keeping you within the boundaries. Tank is not as big a concern, the leach field is.

Mr. Kelly – Their options are to go back to neighbor and change boundary line or increase the easements for the leach field to be legal.

Mr. Pezonella stated the best solution would be to move the line as your leach field is not within the easement.

Ron and Denise Jahn asked questions regarding having the easement moved for two neighbors (maybe three).

Chair Anderson – If you have a surveyor draw up easement adjustments. It would be in the best interest of all property owners that it would revert back and need to be replaced should it fail. Have documents drawn up. Did I understand that if we cannot get all three property owners to change the easements, we can change the line out of the tank to be only on the easement.

Mr. Kelly – What you are describing is what we are asking about and recommending to the SWS board. We would accept a legal easement.

Ron and Denise Jahn – we understood the whole system had to be pulled up and put on our property.

Mr. Pezonella – Be careful, you wouldn't have an easement if your site was usable. I think you would be better off getting the easements changed at the surveyor office. You would be doing this at the surveyor's office. It is just boundary adjustment lines to get their signature. This would be a recorded legal document.

Mr. Vestbie – The surveyor can just notch out the area which would be much cheaper.

Mr. Pezonella – Get a legal easement to get the line inside the easement.

Mr. Kelly – From WCHD perspective, the entire system needs to be within the easement.

Mr. Pezonella – The best way is to get a contract.

Ron and Denise Jahn – I guess we will try to work it out on paper with the neighbors.

Ron – I agree that a paper solution would be best. A reversion type agreement might be able to sell it that way. Do we continue this item until you make contact with your neighbors to bring back an exhibit or whether we should make a motion?

Mr. Pezonella – Can we recommend they work with and satisfy the Health District?

DA Admirand – That would be a denial of their appeal. In order to get back before the SWS Board they would have to file another appeal.

Mr. Pezonella – What would be the best solution? I was trying to assist them to come back with their written exhibit. They need to satisfy WCHD requirements.

Mr. Kelly – Show us evidence of the easement changes and new plot plan and we would approve a building permit and not make them relocate.

Ron and Denise Jahn expressed concerns over what is going to happen if they can't get the other properties to agree.

Mr. Pezonella – This is disheartening and concerning but we need to clean this up. We have an obligation to protect you and the environment.

Chair Anderson suggested they get a land surveyor and get the neighbors to sign off on it. Thinking we should continue as we may have another options. Interested to see what their neighbors' reactions are going to be.

Mr. Pezonella – I think what we are trying to do is to give you extra time to work with the neighbors.

Mr. Pezonella moved to continue the appeal of the Health District's requirement to relocate the system onto 3285 Maranatha Road as part of WBLD18-106696." Mr. Vestbie seconded the motion which was approved four in favor and none against.

7. Public Hearing to determine whether or not to recommend approval to the District Board of Health for a variance for APN 038-084-05 sections 040.100, 100.020 and 100.090 based on percolation rates for native soils being substantially lower than acceptable for a conventional onsite sewage disposal system of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. (Held over from November 20th, 2018 Meeting) – **(For possible action)**

Staff Representative: David Kelly

Dante and Joinece Frasca (previous owners)

630 Hill Lane
Verdi, Nevada 89439
Assessor's Parcel Number 038-084-05

Mr. Anderson recused himself because of conflict of interest – Mr. Pezonella (alternate) stepped in as voting member required for quorum.

Mr. Kelly provided overview.

Mr. Vestbie – question?

Brian – As current property owner (previously owners were Frasca) explained it is a ditch slope runoff, not irrigation ditch.

Mr. Kelly responded it was the first he had heard that it wasn't an irrigation ditch.

Mr. Vestbie responded it has to have percolation material below or it will sit like a swimming pool.

Brian responded that Mr. Anderson did the report. Leach field if it can't be repaired ... perc rates are pretty minimal and the repair area will take up more room. The system is new to anything previously approved before. The previous owners are aware of the situation. Mr. Anderson did the perc test, waters, what is this going to take? The previously owners put the money up and it is still sitting at Waters. We haven't moved into the house yet as we are concerned before moving in.

Mr. Vestbie stated the package system is compact but I haven't researched any. I think you will get very clean water. The emitters come up through the soil. Mr. Anderson has created these systems in Storey County.

Mr. Pezonella stated he designed similar systems. He believes in the system but had concerns with necessity and had a lot of questions for Brian. Specifically he felt that it was possible if percolation tests were performed in the sandy layer, a standard sand filter would suffice. He also expressed concern that the distribution piping only showed 10 feet to daylight when code requires 20. Finally he questioned the square footage calculation.

Brian – can Mr. Anderson come in and explain his system?

DA Admirand answered no, because Mr. Anderson recused himself and it would be a conflict.

A five minute recess was granted so applicants for variance could get additional information from Mr. Anderson. After five minutes, Mr. Pezonella stated we were back on record.

Brian – Mr. Anderson is expecting some of this to be taken up by sod and soil. Per WCHD for an engineered system, 150 per bedroom per day for a total of 450 of a 3-bedroom house that meets regs.

Mr. Pezonella – The only other issue is the 20 setback? Are there any other questions? Does this work for you Mr. Kelly? I am concerned about daylighting.

Mr. Kelly – They have room available to address that with additional fill.

Mr. Pezonella – I think it is a good system. I am just trying to get around some regulations that he may have stepped around a little bit. He also addressed that he had resolved the calculation issue, the formulas were just not laid out correctly; the square footage was adequate.

Mr. Kelly – If the Board chooses to approve the recommendation, please be aware that part of the variance is a reduced setback to the irrigation ditch. If the Board has any issue with that portion of the variance, they should specify it in their motion.

Mr. Pezonella made a motion to accept the recommendation of staff for Variance Case #1-18S:

- A maintenance contract is required with record keeping requirements. A minimum of annual maintenance and certification is required with records kept for a minimum of 5 years. Records must be made available to WCHD upon request.
- All instances system non-function must be reported to WCHD for review and repaired immediately. In the event of failure to maintain or lack of system function, WCHD may require sampling and/or impose restrictions on the property based on the functionality of the treatment system, up to and including additional repair.
- All conditions of approval must be recorded to the deed of the property with language that does not allow for the removal from the deed without Health District approval or connection to municipal sewer.

Mr. Vestbie seconded the motion which was approved. Four in favor and none against.

8. Public Hearing to determine whether or not to recommend approval to the District Board of Health for a variance for APN 017-320-20 section 040.100 Table 2 Setback to a Watercourse of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. – **(For possible action)**

Staff Representative: Latricia Lord

Robert Togliatti
19445 Togliatti Way
Reno, Nevada 89439
Assessor's Parcel Number 017-320-20

Ms. Lord reviewed the agenda item. She stated the slope over disposal/seasonal irrigation ditch is why a variance is needed.

Mr. Buehler stated for the field we need to leave a 600 foot minimum. On page one, Appendix C it shows 516 square feet so it is short of the square footage of the field. Is there any way to increase that?

Mr. Kelly – we typically have a reduction in size for a sand system.

Mr. Buehler – what about cleanouts? Every 50 feet? Those could be installed?

Mr. Kelly – yes that could be a condition.

Mr. Anderson – Comments on design sheet for design flow. There are 2 design methodologies for 3 bedroom (1/3 per day of 1,000 or 150/day per bedroom). It looks like they did 330 gallons per day. On engineered systems that is allowed. Black Eagle did an excellent package. My idea to save a substantial amount of money would be to set the pump tank near the septic tank. It might be a better design. Either way I think it is a good design and meets County requirements.

Mr. Vestbie – the lines go be under the drain ... it would drain back into the tank.

Ms. Lord – When asked about how deep they were putting the dosing tank, they said 8'.

Mr. Vestbie – no problems except Mr. Anderson’s recommendation. Changes could save money but that is an engineer’s discretion. Mention it might be convenient to switch it back and can give an asbuilt later.

Mr. Vestbie – Is it sealed properly?

Ms. Lord – yes

Mr. Buehler made a motion to approve design for Variance Case #1-19S (Robert Angelo Togliatti) to allow the approval of a septic system as proposed, with the following conditions:

1. Any instances of system non-function must be reported to WCHD for review and shall be repaired immediately. In the event of failure to maintain or lack of system function, WCHD may require sampling and/or impose restrictions on the property based on the functionality of the treatment system, up to and including additional repair.
2. Require recording of the variance to the parcel to ensure proper public records notification in the event the property is sold to any other person or entity. Recording may not be removed without Health District approval.
3. Cleanouts every 50 feet.

Mr. Fundin seconded the motion which was approved four in favor and none against. No alternates participated

- 9. Public Hearing** to determine whether or not to recommend approval to the District Board of Health for a variance for APN 030-204-07 section 040.100 Table 1 Minimum Lot Size According to Slope Over Disposal Area of the Regulations of the Washoe County District Board of Health Governing Sewage, Wastewater, and Sanitation. – **(For possible action)**
Staff Representative: David Kelly

Mark & Kathleen Olsen
5025 Pleasant View Drive
Sparks, NV 89434

Mr. Anderson recused himself because of conflict of interest – Mr. Pezonella (alternate) stepped in as voting member required for quorum.

Mr. Kelly reviewed staff report.

Mr. Pezonella – does it have a well?

Mr. Kelly – yes

Mr. Vestbie - the plan shows there is plenty of room.

Mr. Pezonella stated both dwellings will have their own septic and leach field.

Mr. Vestbie – pursuant to agenda item 11, we may revise regulations.

Mr. Kelly – conditions: occasionally we will limit total bedrooms on property. Technically, if they don’t have any restrictions by the SWS board, they can build up to two dwellings with 3 bedrooms each.

Mr. Buehler asked couldn’t they build the properties closer and come up with things with overhangs and call it a single dwelling? I am not sure we would give a variance if there are other potential designs they could look at to meet the regulations as is. Or put them together closer to call it a single dwelling.

Mr. Vestbie stated in his opinion there is plenty of room on that lot for two dwellings.

Mr. Pezonella stated he understand Mr. Vestbie.

Mr. Buehler inquired if there were any safety issues? So it just doesn't meet the current regulations of three acres?

Mr. Kelly replied that EHS did not see any adverse actions.

Mr. Vestbie made a motion to approve staff's recommendation for approval of Variance Case #2-19S (Mark & Kathleen Olsen) to allow the approval of a septic system as proposed, without conditions. Mr. Fundin seconded the motion which was approved four in favor and none against.

10. Public Hearing to request a standing meeting date for SWS Board. – **(For possible action)**

Staff Representative: David Kelly

Mr. English referred to the agenda item and stated staff has to take SWS Board recommendations before the DBOH within 30 days of the SWS Board meetings. If no issues came up, SWS members would be called within 15 days of meeting to cancel. A continuation plus regulations may be coming up. He recommended the first week of the month.

Mr. Buehler asked about the first Thursday of the month.

Mr. Vestbie inquired if it has to be the same day of the week.

Mr. English stated this would provide enough time to prepare for the upcoming DBOH meeting the fourth Thursday of every month.

Mr. Buehler made a motion to set a standing monthly SWS Board meeting date for the first Thursday of every month at 6:00 p.m., Mr. Vestbie seconded the motion which was approved four in favor and none against.

11. Public Hearing to determine whether or not to recommend approval to the District Board of Health of a proposed change in Section 120.075 of the Washoe County Health District Regulations Governing Sewage, Wastewater, and Sanitation regarding the minimum acreage for second dwellings. – **(For possible action)**

Staff Representative: David Kelly

Mr. English stated EHS staff has tried to update the regulations. We know they need to be updated as things change quickly. As of the last hearing there is a new understanding as of the October SWS meeting. Staff was directed to draft new language. Need to know the language is okay with the SWS Board before moving forward to starting public meetings. Need your feedback before this SWS Board can go forward to DBOH, and final approval of State Board of Health or State Environmental Health, we might get this by September 2019.

Chair Anderson commented that he started to mark it up as it needs edits. He thinks it makes sense to have a more comprehensive review of the regulations. Modifying this section may modify another section. A more comprehensive review would be his preference. He stated he would reject it and needs a lot more time to review and see how this dovetails into the rest of the regulations.

Mr. English requested direction on what the SWS Board is looking for moving forward. This board has technical experts that are needed to even see the process progress.

Mr. Vestbie asked that the entire regulations be reworked and then meet with the SWS Board to discuss.

Mr. English started to explain the options.

DA Admirand interjected that the agenda item is getting beyond what the item is. She suggested to agendize at the next meeting how to move forward.

Chair Anderson requested we go back to main task of looking at suggested changes and his recommendation would be to deny.

Mr. Vestbie made a motion to deny the regulation changes at this point. Mr. Fundin seconded the motion which was approved four in favor and none against.

Mr. English stated staff will bring the regulations back and add an agenda item for the next meeting.

12. *Public Comment

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

13. Adjournment –

At 6:08 p.m., Chair Anderson moved to adjourn the meeting. Mr. Fundin seconded the motion which was approved.

Respectfully submitted,

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

Paula Valentin, Administrative Assistant I
Recording Secretary