

**Present:**

Dr. Gary Alexander, Chair  
Mr. Brandon Hatch, Vice Chair  
Dr. Colleen Taylor  
Dr. Ryan Stewart  
Mr. Troy Wood  
Mayor Joy Petro  
Mr. Rich Swanson  
Mr. Brian Hatch  
Mr. Neal Geddes, Attorney

**Davis County Health Department Staff:**

Mr. Dave Spence, Deputy Director, Health  
Ms. Rachelle Blackham, Deputy Director, Seniors Services  
Ms. Stephanie Spens, Assistant to the Director  
Ms. Ivy Melton Sales, Community Health Division Director  
Mr. Jay Clark, Environmental Health Division Director  
Ms. Diana Reich, Administration Division Director  
Ms. Sarah Willardson, CD/Epi Division Director  
Ms. Isa Perry, Health Strategies Bureau Manager  
Mr. Austin Andrews, PM/QI Specialists  
Ms. Logan Hyder, Epidemiologist  
Ms. Kristen O'Flarity, Community Health Bureau Manager

**Virtual:**

Commissioner Lorene Kamalu

**Welcome**

The meeting of the Davis County Board of Health was held Tuesday, November 14, 2023 at the Davis County Health Department, Board Room, 22 South State Street, Clearfield, Utah. The meeting was called to order at 7:33 a.m. by the Board of Health Chair, Dr. Gary Alexander.

Dr. Gary Alexander welcomed the newest member of the Board, Mr. Rich Swanson. Mr. Swanson introduced himself as the new Risk Manager for the Davis School District. Safety and security were also added to the title. Mr. Swanson has been in the district for 26 years; teaching, coaching, and as a principal at Sunset Junior High, Davis High School, and lastly Farmington High School. Mr. Swanson looks forward to the opportunity to work in this position.

**Minutes (Action)**

The minutes from the August 8, 2023 meeting were presented to the members and reviewed. *Dr. Gary Alexander presented a motion to approve said minutes. Mayor Joy Petro motioned for the minutes to be approved. Mr. Brandon Hatch seconded the motion. All were in favor. The vote was unanimous.*

**Vice Chair Nomination/Election (Action)**

Mr. Brian Hatch informed the Board that November meetings include electing a new vice chair and passing the position of vice chair to chair. Dr. Gary Alexander will move to past chair, Mr. Brandon Hatch will move to chair. Mr. Brian Hatch stated the executive committee met, discussed a nomination, and has put forward to nominate Mayor Joy Petro to fill the vice chair position. Dr. Gary Alexander asked if there was any discussion towards that nomination. Commissioner Lorene Kamalu stated she was thankful that Mayor Petro was willing to serve. *Dr. Gary Alexander put forward a motion to approve this nomination. Dr. Ryan Stewart was first to approve this motion and Mr. Troy Wood was second to approve. All were in favor. The vote was unanimous.*

### **Public Hearing Report - Tobacco Retailer Regulation (Action)**

Ms. Kristen O'Flarity, Bureau Manager for the Community Health Division provided a Public Hearing report and Findings of Fact and Conclusions of Law from the most recent public hearing for the proposed changes to the Tobacco Retailer Regulation.

#### Findings of Fact

- The Davis County Board of Health passed the original Tobacco Retailer Regulation on August 14, 2018 to establish a process for the Health Department to administer and enforce tobacco retailer permits.
- The proposed changes include:
  - updating renumbered Utah Health Code
  - expanding upon the term tobacco products to also include electronic cigarette products and nicotine products
  - adding definitions for: electronic cigarette, electronic cigarette product, flavored electronic cigarette product, nicotine product, proprietor, tobacco retailer, and tobacco retailer permit
  - revising the definition of retail tobacco specialty business
  - adding a subsection regarding what constitutes a tobacco retailer permit violation
  - adding a subsection about Health Department oversight and conducting inspections
  - adding civil penalties for violating the terms of a tobacco retailer permit, including penalties for selling to an underage buyer

Ms. O'Flarity stated that a public hearing was held September 21, 2023 and written comments were received until September 28, 2023. Due diligence was provided by posting notices in the Standard Examiner and Davis Journal. No public comment was provided. Ms. O'Flarity informed the Board members that the Health Department has really good communication with all the retailers so there aren't any surprises with these updates.

#### Conclusions of Law

- The proposed changes to the Davis County Board of Health's Tobacco Retailer Regulation have been reviewed and commented on by the general public and interested parties.
- The proposed changes to the Tobacco Retailer Regulation continue to protect the public's health.

Mr. Brian Hatch commented that this regulation is about enforcement, but it goes beyond that. The Community Health Division has the role of prevention and education. Enforcement is the last step. Engagement with these owners is done on a routine basis. Mr. Troy Wood asked how often the Health Department is having to enforce fines? Ms. O'Flarity answered Mr. Wood's question stating in the last couple of years since these regulations have been put into place there have been an estimated 3 fines enforced.

Mr. Troy Wood asked if the Health Department waits to hear if there is a problem or if checks are completed to discover if improper selling is taking place. Mr. Brian Hatch answered Mr. Wood stating that there is an under-age buying program. Ms. O'Flarity further explained that twice a year the Health Department partners with law enforcement and under age youth in attempts to buy. This process ensures retailers are complying to state laws. Mr. Brian Hatch continued that Mr. Neal Geddes provides great support as counsel and Mr. Dave Spence acts as hearing officer when an enforcement is needed.

Dr. Alexander asked if there were any comments, questions, or concerns. *After no response, Dr. Alexander presented a motion to the Board to approve the Findings of Fact and Conclusions of Law. Mr. Brandon Hatch was first to approve the Findings of Fact and Conclusions of Law. Mayor Joy Petro was second. All were in favor. The vote was unanimous.*

*Dr. Alexander then put forward a motion to approve the amended changes to the Tobacco Retailer Regulation. Mr. Troy Wood was first to approve the amended changes to the regulation. Dr. Ryan Stewart was second. All were in favor. The vote was unanimous.*

### **Request for Public Hearing (Action)**

Mr. Jay Clark, Division Director for the Environmental Health Division presented some proposed changes to the Wastewater Regulation. Prior to that, Mr. Clark provided some background history and how these systems work.

- Prior to 1959: No Regulations.
- 1959 – 1974: Systems were permitted by State.
- 1954 -1961: Sewer Districts were created.
- 1979: Wastewater Regulation first adopted.
- 2012: Alternative Systems approved.
- 1974 – 2023: Department approved approximately 1,200 systems.
  - The majority of these have since been connected to the sewer.
  - Approximately 450 OWS are still present in Davis County.
  - We currently only approve a few systems each year.

Mr. Brian Hatch stated Davis County has always taken the sewer first approach. Mr. Hatch continued stating that this regulation in no regard changes the philosophy of the county and protecting public health. A recent example is an unincorporated area northwest of the county where sewer isn't available. ARPA funds have been used to install sewer systems in these areas where possible. This is a great approach from the county. Mr. Hatch expressed his appreciation from the county and cities and their support of public health to put sewer first as the priority. Mayor Joy Petro asked if the only way to be able to make the sewers work in these areas is to install lift stations? Mr. Hatch answered Mayor Petro's question stating yes, but that is part of the issue and includes another level of commitment by the cities and county. Dr. Ryan Stewart asked what that level of commitment is? Mayor Petro answered that these systems are gravity fed and the water table is an issue. These systems are very costly and the responsibility falls on the cities, part of the reason they haven't been installed in the past. Commissioner Lorene Kamalu commented she sat down with Mr. Kyle Law, City Manager of West Point, and he mentioned studies have been completed to try and figure it out and recognized that lift stations would be needed to be able to install sewer systems out there. The county takes the environment of the Great Salt Lake seriously.

Mr. Clark continued his presentation with a short description of how onsite wastewater systems work and then pointed out what the Health Department's responsibilities are:

- Feasibility Assessment
  - Site Evaluation
    - Proximity to Drinking Water Sources
    - Proximity to Water Bodies
    - Slope of the Ground
    - Flooding Risk
    - Size of Lot & Setbacks
  - Soil Exploration Pit
    - Soil Log
      - Optional: Percolation Testing
      - Maximum Groundwater Determination
- Plan Review
- Construction Permit & Inspections
- Final Approval
- Review Inspections and Issue Operating Permits
- Malfunctioning Systems
- Abandonment Oversight

Since 2013, Davis County has overseen the installation of 42 Onsite Wastewater Systems.

- Conventional Systems
  - 16 Installed (8 of which were failed system repairs)
- At-Grade Systems
  - 17 Installed
- Mound Systems
  - 4 Installed
- Packed Bed Media Systems
  - 4 Installed
- Wastewater Holding Tank
  - 1 Installed

Mr. Clark asked if there were any questions about these systems. Dr. Gary Alexander asked how long a septic system lasts? Mr. Clark responded that it depends on the maintenance and use. Properly maintained it could last a really long time, if not possibly only 10-15 years. Mr. Brian Hatch asked if alternate field absorption is still required? Mr. Clark stated, yes it is required. Mayor Joy Petro asked what the average space is for an absorption field? Mr. Clark answered it depends on the type of system, house, and septic tank. Reductions can be taken if advanced treatment is installed. Mr. Brandon Hatch asked what else can be done with that property besides it being the absorption field, what is on the surface? Mr. Brian Hatch answered, grass. Structures wouldn't be permitted.

Mr. Clark continued his presentation on a summary of the proposed changes to the regulation.

Current: 5.1 - Right of Entry. A representative of the Department shall be allowed access to the regulated premises after providing proper identification.

Proposed: 5.1 - Right of Access. A representative of the Department, upon providing proper identification, may access any onsite wastewater system to conduct routine inspections or investigate complaints.

5.1.1 - The Department staff may conduct verifications, inspections, testing, and sampling as part of its oversight process.

Current: 5.4 - Feasibility Assessment. Feasibility assessment work conducted or performed shall conform to criteria established by the Department.

Proposed: 5.2 Feasibility Assessment. Pursuant to UAC R317-4, a feasibility assessment shall be conducted by the Department prior to the design and installation of an onsite wastewater system. All onsite wastewater systems must be designed and installed in compliance with the conditions listed in the Statement of Feasibility.

5.2.1 - Soil Exploration Pit. All soil exploration pits shall be placed in a location approved by the Department.

Current: 5.5 - Design Requirements. Design shall conform to criteria established by the Department.

5.5.1 - Groundwater Observation Well Required. Any underground Onsite Wastewater System permitted in High Water Table Areas shall install and maintain accessible to the Department a permanent groundwater observation well.

5.5.2 - Groundwater interceptors. If a certain drain, land drain, or other effective groundwater interceptor systems is allowed as an attempt to lower the groundwater table, at least one additional groundwater observation well shall be installed between the absorption system and the groundwater interceptor system.

5.6 - Construction Permit Required. The installation of an Onsite Wastewater System, the repair of a Malfunctioning of Failing System, or the Alteration of an existing Onsite Wastewater System shall require a Construction Permit.

5.6.1 - Retrofit Required. Any system issued a Construction Permit shall come into compliance with current requirements for tank accessibility, tank and effluent distribution device risers, and observation ports and well.

Proposed: 5.3 - Construction Permit. A Construction Permit is required prior to the installation of an onsite wastewater system, the repair of a malfunctioning or failing system, or the alteration of an existing onsite wastewater system.

5.3.1 - Plans Required. Prior to obtaining a Construction Permit, plans shall be submitted to and approved by the Department.

5.3.2 - Groundwater Observation Well Required. Any underground onsite wastewater system permitted in high water table areas shall install and maintain a permanent groundwater observation well that is accessible to the Department.

5.3.3. - Groundwater Interceptors. If a curtain drain, land drain, or other effective groundwater interceptor system is allowed as an attempt to lower the groundwater table, at least one additional groundwater observational well shall be installed between the absorption system and the groundwater interceptor system.

5.3.4 - Absorption System Observation Ports. Observation ports shall be installed on all newly installed, repaired, or altered absorption systems.

5.3.5 - Secondary Treatment. Secondary treatment shall be required for effluent discharged to an absorption system whose excavation is greater than 36 inches below final cover.

Proposed: 5.8 - Drinking Water Source Protection. If a public water system or municipality allows the installation of an onsite wastewater system within their zone two protection area, only systems that include secondary treatment that meet the NSF 40 Standard may be approved by the Department.

Other Proposed Changes:

- Renaming the regulation from Wastewater to Onsite Wastewater.
- Formally adopting Utah Administrative Code Chapters R317-11 and R317-560.
- Removing definitions and sections that were redundant from the Utah Administrative Codes.
- Combining the plan review and construction permit requirements into one section.
- Updating and simplifying the Fee Schedule.
  - All fees are comparable to the surrounding jurisdictions.
- Detailing the process when a property changes ownership.
- Extending the validity of a construction permit from one to two years.
- Standardizing the duration of all operating permits to be valid for one year.
- Updating the formatting to match current Department branding.

Dr. Ryan Stewart asked what the cost was for the studies that have to be performed before installing the systems? Mr. Clark answered him stating it is \$200 for the site assessment, \$200 for the soil evaluation, and plan review, design, and construction inspections is between \$800-\$1000. The real expense is the construction of the system, ranging from \$10,000 - \$30,000.

*Dr. Gary Alexander put forward a motion for a public hearing for the Wastewater Retailer Regulation. Mr. Troy Wood was first to approve this motion. Mayor Joy Petro was second. All were in favor. The vote was unanimous. Dr. Ryan Stewart volunteered to be the hearing officer for this public hearing.*

**Wastewater Study Report (Information)**

Mr. Jay Clark continued the wastewater discussion presenting information on a recent wastewater study that was completed. There are still concerns with onsite wastewater systems in areas of the county. Each homeowner is responsible for managing their own system.

Other factors of discussion included:

- Increased Demand to Build
- Sewer-First Mentality
- Infrastructure Needs
- Impact of Onsite Wastewater Systems
  - Temporary moratorium on building.
  - Set minimum lot size at 10 acres.

Due to the increased demand for these systems the county put forward a proposal to study this area to determine the impact of what onsite wastewater systems would be. The county contracted with SWCA to help conduct this study. A copy of the report of this study can be found on the Davis County Health Department website.

Level of contamination had to be determined of what is acceptable. 10 mg per liter of nitrates causes blue baby syndrome. It was decided that 2 mg per liter was an acceptable level. This provides a septic density of 9.6 acres per tank. Alternative technologies were also discussed and recommendations provided:

- Maintain water quality 1 septic per 10 acres

- Expand sewer to most vulnerable areas
- Continue to use alternative systems

Mr. Jay Clark closed his presentation with the remarks that with the regulation and the completed study work together to show the county is doing the right thing and will continue to work towards doing the right thing with the sewer first approach, following the wastewater regulation, and assessing the correct technologies.

### **Data Modernization (Information)**

Ms. Logan Hyder, an epidemiologist for the Davis County Health Department, provided a presentation on the Data Modernization Initiative.

“We are drowning in information, while starving for wisdom. The world henceforth will be run by synthesizers, people able to put together the right information at the right time, think critically about it, and make important choices wisely.” - E.O. Wilson, *Conscience: the Unity of Knowledge*, 1998

Technological advances are pressuring the public health sector to change its operational model:

- from that of an ‘information consumer’ to an ‘information broker’
- to enhance efficiency & improve performance
- prove its capability & credibility as a population health expert & partner

Ms. Hyder pointed out that during COVID it was shown that the public turns to the Health Department for information. Currently, the data infrastructure isn’t in the place to perform efficiently. Some upgrades need to be done to improve performance.

### **CDC Data Modernization Initiative**

Goal: To get better, faster, actionable insights for decision-making at all levels of public health by putting the right people, processes, technology, and policies in the right places.

Vision: To create one public health community that can engage robustly with healthcare, communicate meaningfully with the public, improve health equity, and have the means to protect and promote health

#### **Priorities:**

- Build the right foundation
- Accelerate data into action
- Develop state-of-the-art workforce
- Support and extend external partnerships
- Manage change and governance

#### **Problems DMI is trying to solve**

- Siloed Information - disconnected and/or proprietary disease systems driven by disease-specific budget lines keep us from seeing the complete picture.
- Outdated skills - the public health workforce needs training to use today’s technologies more effectively.
- Heavy burdens for providers - providers in healthcare and at health departments are burdened with sending data to many places in many ways.

- Older technologies - most systems at health departments are not flexible, do not use cloud, and are not scalable.
- Patchwork of policies - the variable landscape of data collection and reporting across the nation complicates rapid response to emerging threats.
- Public health not in healthcare data ecosystem - public health got left behind as federal incentives and regulations helped healthcare systems to be able to easily share data automatically in the Electronic Health Record.

In the future this is more proactive and predictive instead of reactive; have real time insights, more in the moment and act on issues when they arise; ability to share data with other agencies and connecting resources.

What DMI looks like right now at state and local levels

- Electronic laboratory reporting (ELR)
- Electronic case reporting (eCR)
- Updated electronic health record (EHR) systems
- Wastewater surveillance
- Syndromic surveillance
- Time saved by drafting communication scripts & SAS code with chatGPT
- Performance management tracking systems
- Partnerships with IS/informatics to connect silos (interoperable systems)

As a local health department, why does Davis County care?

- Public Health Accreditation Board (PHAB)
- Strategic Plan priorities
- Culture of continuous improvement, innovation, & leading other LHDs
- Public demand for more current information (COVID dashboards)
- Challenges getting information out of systems for data-informed decision making
- Informatics & data literacy skills now included in updated professional competencies for all tiers of public health workforce

Davis County has a pre-plan. This plan aids in answering the questions of what DMI means for Davis County. It also provides an assessment of what strengths, weaknesses, and needs are. This plan will also create a vision and a longer term plan. Ecosystem maps for each program are going to be created to see where data sits, where it flows, what their assets are. A roadmap will also be completed to show strategy for the next 5-10 years.

An assessment was completed to highlight strengths and weaknesses:

Strengths:

**Vision/strategy**

- Leadership buy-in/support
- Effective relationship with IS
- Collaboration with community partners to meet population health goals/objectives

**Workforce**

- Informatics knowledge and skills (program

managers)

**Systems**

- Software lifecycle support process

Challenges:

**Vision/strategy**

- Documented informatics vision & strategy
- Strategy for data exchange with external



- partners
  - Standard procedure for data sharing agreements
- Workforce**
- Organizational focal point with

- authority/responsibility
- Informatics job classification
- Training
- Informatic professionals

Modernizing the public health system is like building a house:

Foundation - 10 Essential Public Health Services

Plumbing/Electrical - Upgrading and connecting data systems

Features- specific DMI projects increasing functionality and performance

Our structure is solidly built - better ready to promote and protect the health and well-being of the Davis County community.

Mr. Brian Hatch commented that he asked Ms. Hyder to provide this presentation to show you the new vision the department has and the importance of this movement for public health's future.

### **Budget Report (Information)**

The budget report was handed out to the Board members.

### **UALBOH Report (Information)**

Mr. Brian Hatch informed the Board that Mr. Brandon Hatch has volunteered to represent the Davis County Health Department on the UALBOH Board.

### **Director's Report (Information)**

Mr. Brian Hatch stated that Legislative sessions are gearing up. A couple bills that are on the radar are a hemp cannabinoid regulation, ever changing tobacco products, and cold plunge pool regulations. Public health's role is to provide awareness of potential risks. Mr. Hatch stated that he was proud of the staff and how much work they put in. Mr. Hatch also stated that receives too much credit, the credit should go to the staff. They are the ones that do the heavy lift.

### **Chair's Report (Information)**

Dr. Gary Alexander expressed that it is a pleasure to serve on the Board. Dr. Alexander continued that he is always amazed at the work the Health Department does.

### **Commission Report (Information)**

Commissioner Lorene Kamalu thanked the Board and Health Department staff. Commissioner Kamalu stated she was proud of the Health Department and the Board.

### **Passing of the Gavel**

Dr. Gary Alexander, current Board of Health chair, ceremoniously passed the gavel to Mr. Brandon Hatch, next year's Board of Health chair.

*Dr. Gary Alexander entered a motion to adjourn the meeting. Mayor Joy Petro was first to approve the motion. Dr. Ryan Stewart was second. All were in favor. The vote was unanimous. The Board of Health meeting was adjourned at 9:04 a.m.*