



Findings of Fact and Conclusions of Law

Davis County Board of Health Regulation

Proposed Changes to the Wastewater Regulation

Brandon Hatch, Chair

Findings of Fact:

The ***Wastewater Regulation*** was adopted by the Davis County Board of Health in 1979 to establish minimum standards for the management of wastewater. The changes to the ***Wastewater Regulation*** include:

- Renaming the regulation from Wastewater to Onsite Wastewater for a more accurate description of the content.
- Formally adopting Utah Administrative Code Chapters R317-11 and R317-560.
- Removing definitions and sections that were redundant from the Utah Administrative Codes adopted by this regulation.
- Revising the Right of Access section to apply to any permitted or unpermitted onsite wastewater system.
- Clarifying what the requirements actually were within sections that stated it “shall conform to criteria established by the Department.” These requirements include:
 - Excavating the soil exploration pit in a location approved by the Department;
 - Submitting plans to the Department prior to construction;
 - Providing observation ports on all systems; and
 - Defining conditions when secondary treatment would be required;
- Detailing the process for obtaining an operating permit for an onsite wastewater system when a property changes ownership.
- Extending the validity of a construction permit from one to two years because homes are often under construction for more than one year.
- Standardizing the duration of all operating permits to be valid for one year.
- Protecting drinking water sources by stipulating that if a municipality approved for an onsite wastewater system within their zone two protection area, then the system must include secondary treatment.
- Combining the plan review and construction permit requirements into the “Construction Permit” section as the plans are submitted to obtain the construction permit.
- Updating and simplifying the Fee Schedule. This includes combining the plan review and construction permit fees to be one fee. All fees are comparable to the surrounding jurisdictions.
- Updating the formatting to match current Department branding.

1. The proposed changes and the new Davis County Regulation are not in conflict with Federal Law, State Statute or Rule.
2. The Board of Health provided a public hearing as required by law. The hearing was held on January 11, 2024, and written comments were received until January 18, 2024.

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Conclusions of Law:

1. The proposed changes to the Davis County Board of Health **Wastewater Regulation**, as approved for public hearing at a regularly scheduled Board meeting, have been reviewed and commented on by the general public and interested parties.
2. The proposed **Onsite Wastewater Regulation** protects the public's health.

IN WITNESS WHEREOF, the Davis County Board of Health has approved this **Findings of Fact and Conclusions of Law** this 13th day of February, 2024.

Signed: 

Date: 2/13/2024