

Notes

High Country II Building Moratorium

Information Sheet

Sept. 25, 2001, Jim Ling

Last Updated June 12, 2003

Disclaimer: Information contained herein is intended to provide a general overview for property owners of High Country Estates Phase II. The information is provided only for insight into the situation described below. Nothing stated herein is intended to be derogatory, libelous or inflammatory.

As of approx. Sept 11, 2001 Salt Lake County Health Dept. is no longer allowing building permits to be issued for most of High Country Estates Phase II.

This decision was made by Gerry Bourke 313-6626. His title is Environmental Health Compliance Officer. Gerry has been in his position since Jan. of 2001. His boss is Director of The Environmental Health Dept. Mr. Royal Delegee. This action is not considered a general building moratorium, but a predetermined denial of building permits on a case by case basis.

The decision was reviewed and accepted by Kevin Brown at The State of Utah Division of Drinking Water. No formal announcement is currently planned. Although the county has prepared a letter to send out to those applying for building permits. (Buyer Beware)

This decision was prompted by the recently submitted Source Protection Plan from The Herriman Pipeline Company to the State of Utah Dept. of Drinking Water. The Source Protection Plan is a new requirement imposed by the State of Utah for owners of culinary water systems. The legislation was enacted in 1998. It was directed from the Federal Government. High Country Estates Phase II submitted a Source Protection Plan in the spring of 2001 and it was accepted by the State. Sunrise Engineering prepared the plan for High Country II.

The Source Protection Plan is sent to the State Dept of Drinking Water. Therefore Salt Lake County does not normally get a copy of this report. They have to request a copy from the state. Due to a subdivision approval request by a large property owner in HCII, the question of culinary water protection surfaced and the concern for additional septic tanks in area D of HCII. To satisfy this question Gerry Bourke at the county Health Dept. requested from the state, a copy of the Source Protection Plan for the Herriman Pipeline Company. Gerry did not request a copy of the Source Protection Plan for High Country II. The report indicated a potential source of contamination to their culinary water sources from septic tanks in High Country II. Herriman Pipeline owns five water sources in or near High Country II. They are Farmer Springs, Stocking Meadow Spring, Arnold Hollow Spring and wells #3 and #4. Wells #3 and #4 are outside the association but the protection zones from these wells affect HCII. The Source Protection Plan reveals potential water contamination to these water sources from Septic Tank output filtering into the water and covering a vast majority of land within High Country Phase II. For example one of the zones of protection surrounding the Arnold Hollow Spring extends some 8100 feet up the canyon and is several thousand feet wide. No new septic systems will be allowed in this zone. This implies that property owners in this area have invested in property that is of no value. A copy of the

protection map/diagram was obtained by HCII from Gerry Bourke at the county office. It is not easy to identify affected property from this diagram but all roads are marked on the map.

When asked if the county is planning to make a formal announcement Gerry said they were not. He was hoping the directors of HCII would do that. He said we can call his boss to request a formal announcement, but it is not a formal procedure.

I talked to Kim Wilson at Sunrise Engineering about the matter. Kim will do some more investigation but said there is a formal procedure that he thinks Herriman Pipeline has to follow in accordance to the Source Protection Ordinance document. That is also to prevent people who are unaware of the situation from buying lots. He will investigate this more and call me back.

When confronted with the idea that the county is simply trying (again) to force a sewer system upon HCII, Gerry denied that possibility. He said he has only been in his position since January of 2000 and has no knowledge of previous efforts by the county to bring the sewer to HCII. I think he is telling the truth. Two years ago the county tried to force the residents of HCII to accept the sewer line in our area. They would finance this project by creating a Special Improvement District in HCII and impose a tax to cover the cost of the project. In addition all residents would have to pay a connection fee, run the sewer line from home to sewer and fill their septic tanks with sand. The general impact was thousands of dollars, on average, to the owner of a 2.5 acre lot. The residents of HCII opposed this action at a public hearing at the county building. The county commissioners decided to table the idea.

In talking to Mayor Crane 446-5323 of Herriman City he said that he is only a shareholder of the Herriman Pipeline company. Mr. Lynn Egbert 254-9061 is the president. Mayor Crane said that he has not seen the Herriman Source Protection Plan. He said they get the water from three sources within HCII, Arnold Hollow Spring (fenced area on right side off Arnold Hollow Rd), Farmer Spring (fenced area off Rose Canyon Rd. before Arnold Hollow Rd.) and Stocking Meadow (fenced area south of Farmer Spring). Together these springs provide approx 110 gal. per min. (guess by Crane). This is approx 150 ac-ft per year if water is used at that rate 24hrs per day (wild guess). Well #3 is located outside HCII by the water chlorinator off Rose Canyon road. Well #4 is close to this location by the tank ?? They produce approx. 500 gal per minute together (guess).

I talked to Jeff Appel a water attorney used by HCII in the past. He indicated that this is new legislation and that perhaps the state is still feeling their way through its impact. He said one course of action is to buy the water sources from Herriman Pipeline Company that are impacting HCII and shut them down. The next idea was to challenge the Herriman Pipeline Companies Source Protection document from a technical standpoint. He said that it represents lines on a map. It is only someone's opinion and can be challenged. He thought it was way too early to issue a building moratorium.

It appears, pending further investigation that the building restriction will not be lifted without a concerted effort by members of HCII to resolve or eliminate the issues.

At this time I see these possible outcomes;

- 1.) All homeowners connect to a sewer system. (Probably be 48 months at least and very expensive).
- 2.) Some or all of the five-water sources owned by Herriman Pipeline Company are no longer used for drinking water. Shut down or used only for irrigation or livestock. (Not very likely).
- 3.) The water sources are sold to HCII and then no longer used for drinking water. (After looking

into this Herriman Pipeline said they are not interested in selling.)

4.) The Source Protection Plan is found to be flawed. (Not likely but worth investigating, may ease up on some areas affected by moratorium, 3 months).

5.) Sue the county and win. (Not likely but possible, 18 months very expensive).

6.) Get help from the Governor and other county officials. (If we get desperate).

In talking to Mark Jensen of the Utah Dept. of Drinking Water, he said that there is a prohibition against any septic tank within Zone Two surrounding a drinking water source. There are four zones identified in a Drinking Water Source Protection Plan, determined by an environmental engineer. These zones are determined by the number of days it takes contaminants to leech into a well or spring or source of drinking water. Zone 1 is the first 100 feet surrounding the water source. Zone two is 250 days, Zone three- 3 years and zone 4- 15 years. Mark is the person that reviews and approves all Source Protection Plans in the county. Herriman Pipeline Company Source Protection Plan was approved by Mark. There are existing septic tanks within Zone 1 of both Stocking Meadow and Farmer Springs. There are several septic tanks within zone 2 of the Arnold Hollow Spring.

I talked to Royal Deleggy the Director of the County Dept of Environmental Health. He offered no real help with our situation. When asked why a drinking water source (no matter how small) receives a higher priority or importance than the property owners of the area surrounding this water source, he simply said that that is the way the government has defined the law. The drinking water takes precedence. He did say that he was unaware of any appeal process but would look into it and call me back (He never did). Gerry Bourke has the authority to reject building permits and there is no formal announcement process for this situation. He is not aware of any concerted effort to force the sewer line issue in High Country II. He has only been in his position for two years and was not aware of the previous sewer drive.

The Herriman Pipeline Co. Source Protection Plan was produced by Weston Engineering (435)647-9866 with assistance from Aquifer Science 484-8423. The State ordinance relating to Source Protection Plans is #R309-600.

Discussion with Lynn Egbert President of Herriman Pipeline Co. 254-9061, cell 597-9061;

Lynn was familiar with the situation in High Country II because a property owner/developer approached him directly seeking approval to place a septic tank in an area that is very close to the Arnold Hollow Spring. It is considered Zone 1 on the Source Protection Plan. Apparently this property owner was denied permission by the State Health Dept. to build so close to the spring. Mr. Egbert explained to the property owner that he would not be in a position to grant approval for this tank placement and there are laws preventing it anyway.

Lynn explained that they have owned these springs since 1902 and have used them as a *main* source of drinking water since that time. Many years ago when High Country Estates was being formed and land sold for homes, there was an understanding with the state that these homes could only be built if they used a closed septic tank system (had to be pumped out regularly). This was the basis that these homes would be permitted to be built. For some reason the stipulation was never formalized and it was not enforced (there is nothing written on this agreement). (Closed septic systems were outlawed in 1984). Herriman Pipeline has always known that there was a potential problem from septic tank systems in HCII.

Mr. Egbert said that in a normal situation (no drought) the springs produced approx. 100 gpm. The

two wells that they also have are only used when needed during peak usage periods of the year. The springs supply approx 85% of their water needs.

I asked Mr. Egbert if he had any ideas as to how to solve our problem. He had none. I suggested that perhaps we could explore the idea of buying the springs from Herriman Pipeline Co. He said that this may be worth discussing with the pipeline board but expected much opposition from the long time shareholders who view this water as free (no power usage or wells to maintain). I said that I understand but that I expect that in the future, when Herriman city provided water to the region, the springs would be shut down anyway (wild guess). I asked that he at least discuss it and determine if it is an option to pursue. He said the next board meeting is Oct. 8, 2001. Egbert said it would be impossible to get them together before then. I will call him Oct. 9.

One last item; We also discussed bringing the sewer line to HCII. Lynn said that Gerry Bourke at the county told him that there was a recent effort to extend the line from where it is now along Rose Creek and into HCII. He met with massive opposition from the residents along the road outside HCII.

I called the South Valley Sewer District (571-1166) the organization responsible for the sewer line in our end of the valley. The office manager said that they tried to annex HCII into the sewer district about two years ago but it was met with heavy opposition from the whole region (as described above). She said they will try again at some point in the future, within 5 years. She said that it could be moved up on the priority list if they were to receive a petition from the residents.

2nd Call to South Valley Sewer District; **Nov. 29, 2001**

Talked to Mr. Mike Forester, District Engineer. Mike said that the process of extending the sewer into HCII involves annexing HCII into the sewer district. The first step is to get the proposal on the agenda of the Board of Directors for the district. All this takes is a phone call from any interested party. If the board agrees to pursue the matter further at this time, then a petition must be sent around. Mike didn't know if a majority of voters needed to sign the petition or a majority of owned land. The cost for a sewer connection is \$3054. The home owner is responsible for the cost to bring the sewer line from the house to the sewer main. Cost for this could be \$2,000 to much more depending on the distance and rock. Some home owners may have to pump uphill to the sewer main. The homeowner has 90 days to connect. There will also be a special tax imposed to finance the project. Tax would be approx. \$57 per 100,000 in property value.

Mike said that the sewer line may not be extended up to Area D if it is not economically feasible to do so. If they have to run the line up miles of land where future houses will never be built, they would not take it there. This would not solve our problem.

Mike did say that he would be willing to speak at one of our meetings to explain the procedure and answer any questions.

Talked to Kim Wilson, again, at Sunrise Engineering. Kim has obtained a copy of the Herriman Source Protection Plan and will deliver it to me. He said that the plan recommended in many places that the sewer should be used in HCII. He said that plan did not entail much research but lots of generalizations and broad sweeping drainage basin lines. He said that if we want to refine the plan we can do a more detailed Density Study and Ground Water Study. This can be conducted by Sunrise Engineering for about \$10,000. We would have to get permission from the State and from Herriman Pipeline to refine their Protection Plan. It would probably narrow the property in HCII affected by Zone 2.

Kim said that you can have septic tanks in Zone 2 but it must be granted permission from the state.

Kim later found out that only the owner of the Source Protection Plan can change the protection zones or the geological findings. In other words HCII cannot challenge the report.

The City of Herriman is planning to get into the water business in a big way. Their goal is to be the water supplier for all of Herriman City (and annexed areas). To accomplish this they would buy out most of the major water sources within the city (and future annexed areas). They are now in the planning stages of this venture.

I asked Kim if the master water plan being developed by Sunrise Engineering for the City of Herriman called for shutting down the springs in HCII and receiving all water from wells. Kim talked to the engineers on the project and was told that even though the springs were small there were no plans to shut them down under the new water master plan for Herriman. If they need to improve the springs or for some reason spend money on them, will they shut them down.

Note: HCII is actually using the drinking water from the three springs within HCII. The drinking water that we buy from The Salt Lake Water Conservancy District is actually the water from those springs. The Conservancy has an exchange contract with the Herriman Pipeling Co. to supply us water. What goes around, comes around!

The three springs produce the following water flows; Arnold Hollow Spring- approx. 140 ac-ft per year, Stocking Meadow- approx. 8 ac-ft per year, Farmer Spring- approx. 8 ac-ft per year.

Dec. 3, 2001

Conversation with Kevin Brown 536-4200 Director State Dept. of Drinking Water.

I asked Kevin to explain the exact process to approve a Drinking Water Source Protection Plan. He said a State Hydro-geologist reviews the plan then will approve it or reject it. They do not make field visits or drill test holes, they rely on existing data. There is no provision for public comment and no method for the property owners of the affected protection zones to protest.

Kevin said if we want to challenge the report we must hire our own hydro-geologists and do an exhaustive study and detail the problems with the existing plan. Then we must take our research to the county Environmental Health Dept. If the county feels that they want to pursue the challenge they can take it to the State for review. (The county has already said they will not forward any challenge to the Herriman Pipeline plan). Kevin agreed with me when I stated that property owners really have no recourse.

Kevin said that the Utah Drinking Water Board makes the rules for the Source Protection Plans. These rules were identified in 1990. They can only be changed by the Drinking Water Board. We can ask to be put on the agenda of the next board meeting. If they allow us time to explain our situation they will also probably bring in representatives from the Herriman Pipeline Co. Kevin said that any rule changes that may be made will not affect what has already been done. It may help future situations from arising.

Kevin did say that HCII is a unique situation. No other area of the county has this problem that we do.

Dec. 10, 2001, Talked to Craig Call (801) 537-3455, ppombud@aol.com, State Ombudsman for property rights.

Craig said that he would look into our situation and get back with me. Initially he felt that there is a possibility that property owners may be able to receive some compensation for the loss of land

used by Herriman Pipeline Co. Also see website utahpropertyrights.com

Jan 2, 2002- Jim Ling received an envelope from the State Property Rights Ombudsman. The envelope contained copies of four letters that the Ombudsman sent to Lynn Egbert- Herriman Pipeline Co, David Stanley- SL County Public Works, and Gerry Bourk SL County Environmental Health and the State of Utah Attorney General. The letters stated that the HCII situation is probably a property rights issue and there may need to be compensation paid to the property owners. The Ombudsman suggested that they contact their attorney and reply to his question of why this is not a property rights issue.

Jan. 8, 2002- Ed Heintz received a telephone call from David Stanley the head of SL County public works. He wants to meet with HCII board members this Friday.

Jan 10, 2002- Herriman Pipeline Company shareholders voted today to sell the company to the City of Herriman. Mayor Crane is now in the water business and owner of the water sources that are causing the building moratorium in HCII. We will meet with Mayor Crane on Feb 4, 2002 to discuss among other things the shutting down of two springs in HCII (as per our contract that dates back many years).

Jan 11, 2002- ED Heintz, Jim Ling and Arlene Johnson met with David Stanley, Jon Rosenthol-head of SL County Environmental Health Dept. and Mike Hughs. The meeting was to explain that the county is on our side and trying to find a solution for our problem. They were excited because they have a solution in the works that may help us. Mike Hughs is a contractor that was faced with a similar problem as HCII in one of the East side canyons. He found a solution that involves a multi-home alternative septic system. Mike's situation only involved 5 homes. The design called for each home to have a septic system with special grinding motors and pumps. The waste would be pumped through a one inch pressurized pipe (from each home) to a large community drain field with special filters located outside the protection zone. Each home would use the same drain field and run the one inch pipes underground (40" deep) to the remote drain field. This system has not yet been approved by the state or the county but Mike thinks that they will ultimately approve it.

David Stanley then made a statement that opened our eyes to the real purpose of the meeting. He said that we should design our alternative septic system to accommodate approx. 15 homes. We should have multiple-community drain fields that are no smaller than the size to accommodate 15 homes. When we asked why, Mr. Stanley said that the system would then be of a size to fall under the jurisdiction of the State and the county would no longer be involved. Perhaps this was a way to get us off their backs.

HCII has many more homes to deal with than the five that Mike Hughs has. We do not have large areas that can be donated as the community drain fields. We don't have the money or equipment to run dozens of one-inch sewer pipes thousands of feet to the community drain fields. We don't have the infrastructure in place to maintain and oversee such a network. It's doubtful this would be an inexpensive solution. It's doubtful that such a system, on a scale as large as HCII would ever be approved by the state.

As we were leaving the meeting David Stanley said that he received the letter from the State Ombudsman. He has passed it over to the County Attorney. He said they are taking this property rights issue very seriously.

Jan. 23 2002- David Stanley contacted Ed Heintz to provide information he received. It appears that Homer Engle has met with the State of Utah regarding an alternative septic system design that he found. This is designed for a single home system and uses a large sand filter. The state is very interested and wanting to work with Homer to get this approved. (The County must still give

approval for such a system). Homer also was able to get the state to consider the idea of reducing the size of the protection zones in HCII. We will have to follow this closely to see if progress can be made here.

Feb. 25, 2002 Ed Heintz talked to David Stanley to receive an update on the county's actions regarding a solution to the septic tank situation in HCII. David mentioned that he received a video tape and literature on a new type of alternate septic system for single homes. David said that he was impressed with this system and was planning to review the materials with Mr. Rosenthol (County Dept of Health) on March 4. David received the materials from a property owner in HCII- Steve Davidson.

March 4, 2002. Jim Ling received an update from Craig Call the State Ombudsman. Craig said he received a letter from the County stating that in the opinion of the county attorney the situation in HCII was not equivalent to a "property taking" scenario because HCII property owners can connect to the sewer if and when the sewer is extended into HCII. Craig said that this was faulty logic and he would challenge this statement with the county. He still has not heard back from the State attorney. He will again petition the State to respond, as they are required by law to do.

March 22, 2002 Ed Heintz received this update from Arlene - David Stanley met with the Health Dept. staff (as opposed to the Board) yesterday and suggested that people wishing to get a septic permit hire a soils engineer who would determine which septic system would be best for their situation. This recommendation would then go to the state (I assume division of drinking water or other dept) for approval. This would eliminate the county altogether. He suggested this because apparently Weber Co. is using this procedure. We do not know what SL County's reaction was but I can assume they were not real impressed since they would be losing control entirely. Dave Stanley and Jon Rosenthal are next scheduled to meet with Weber County to continue their due diligence. We do not know when. This is all we know at the present time.

Ed

March 22, 2002, Jim Ling received a copy of a six page letter from Craig Call, The State of Utah Property Rights Ombudsman, which Call sent to The Salt Lake County Attorney, Craig Anderson, The Director of The State of Utah Division of Drinking Water- Kevin Brown, The Salt Lake County Director of Public Works- David Stanley, and City of Herriman, Mayor Lynn Crane.

The letter was a response to a letter from Craig Anderson to the State Ombudsman regarding the building moratorium in HCII. In the letter Craig Call makes several points in rebuttal to statements made by Craig Anderson as to why the HCII situation is not a property taking. Craig Call again asked the concerned parties to provide information so he can determine if he will act as an arbitrator on behalf of HCII. He ends the letter by asking that a meeting be set up where all parties can come together and explain their individual position. His assistant, Kathy Campbell, will schedule the meeting. The letter is well written and makes many good points in defense of the property owners of HCII. The letter is available for anyone wanting to read it.

April 18, 2002 Jim Ling, Ed Heintz and a Hi-Country II Property owner/Attorney attended a meeting called by Craig Call the State of Utah Property Rights Ombudsman. Also in attendance was (spelling not verified)- Fred Nelson Asst. Attorney General for The State of Utah, Brian Bennion S.L. County Health Dept., David Stanley Director of S.L. County Dept. of Public Works, John Brams- Herriman City Attorney, Lynn Crane-Mayor of Herriman City, Paula Smith, from the S.L. County Attorney's office and Craig Anderson- Deputy S.L. County Attorney.

The meeting was organized by Craig Call to facilitate discussion and to exchange information and ideas among the various parties as it relates to the septic tank system situation in HCII. Craig Call led the discussion and took notes. Craig's interest is largely to gather information from all parties and see if a solution can be found without litigation or arbitration and have a better understanding as to whether a "Property Taking" has occurred and if he will represent HCII in an Arbitration suit against the State or County or City.

The meeting progressed very well despite the efforts of the various lawyers present to talk about issues that were not relevant to the main problem. The discussion progressed along the line of finding an equitable solution for all parties rather than discussion about litigation. David Stanley was actually making comments that supported the HCII position and the person who kept the discussion focused in a positive direction. After about two hours of discussion we concluded that we would have a meeting with Geological and Hydrological engineers hired by Herriman City, The State of Utah and HCII. In addition various State and County departmental directors would be in attendance to discuss options to the situation. Five possible options can be identified or any combination thereof; 1.) The County and State allow alternative type septic systems (such as the peat moss system, and/or the multi-family alternative systems and holding tanks) to be used in the county. David Stanley is pushing hard in this direction. 2.) The Herriman Pipeline and Development Drinking Water Source Protection Plan be reviewed and the size of the protection zones be reduced if possible. This is the purpose of the next meeting. 3.) Two of the Herriman City springs be shut down. HCII actually has a signed contract that requires them to shut down the two smaller springs. 4.) The sewer system be extended at least partway into HCII (later), 5.) HCII with the aid of The Ombudsman pursue litigation against Salt Lake County and/or The State of Utah. The time is not yet right to pursue this option. Craig Call will organize the meeting, which will be held in June after Herriman City formally takes control of The Herriman Pipeline and Development Company.

After the meeting Craig said HCII must have some HCII property owners apply for a building permit. After they have been denied they need to go through the appeal process identified by the county (David Stanley said he will make sure there are clear-cut appeal procedures identified for the applicant, this has not been the case in the past). This effort will satisfy some sort of legal detail that the SL County attorney needs satisfied before he can get mentally in the game. The final outcome of the appeal will also set a precedence that can be incorporated into any legal case we may put together.

At the end of meeting Craig Call summarized the discussion and action items. Then he said that in his opinion HCII property owners have a solid footing on which to pursue litigation against the SL County for a "Property Taking". He is not recommending we do this yet but wants to see if there is progress in the future meetings we attend. After the meeting Craig indicated that he would only represent HCII if he thought he could win. The feeling we got was, he thought we could win. All three attorneys representing The State, The County and The City stated at one point in the meeting that they will band together and aggressively fight any property taking litigation. This did not change Craig Calls option.

We need to keep the pressure on the State and County and the City of Herriman to keep things moving. We still need more concerned property owners involved by calling the county with their complaints.

May 28, Herriman Pipeline and Development Co held a shareholders meeting today to again vote on the sale of the company to Herriman City. This is second vote held to ensure all rules were upheld and the vote is therefore valid. The motion passed once again. Hi-Country Estates Phase II can soon resume talks directly with Herriman City the new owner of the water sources located within HCII. We want to pursue the reduction of the protection zones surrounding the water

sources and shut down at least two of the springs located within HCII.

May 31 Ed Heintz talked with David Stanley today. David explained the state has for many years had three alternative septic systems on the approved list. The county has none. David Stanley favors the Peat-Moss type alternative septic system. The State however does not have the Peat-Moss type system on the approved list. David is moving along a course of action to someday have this system also approved by the State. We assume the county would then need to approve the system. There are many considerations to the approval process such as inspections, monitoring, testing, maintenance staffing etc. The approval process could take some time.

July 16, The Board of Directors of HCII met with Mayor Lynn Crane of Herriman City. The intent was to continue open discussions with the mayor on issues surrounding the building moratorium. Mayor Crane answered several questions and was very candid about the development of various Herriman water projects. We gave the mayor a copy of a contract from the early 1970's where it transfers land within HCII to the Herriman Pipeline and Development Company. The land is property surrounding Stocking Meadow and Farmer Springs. The contract states that should the springs become a problem for the residences of HCII the springs will be shut down. The mayor said he was not aware of the document and would review it with his attorney. There are many steps to removing the moratorium surrounding the two springs and this is just the first. We asked Mayor Crane if he had plans to drill a well at Arnold Hollow Spring. He said there were no plans. The transfer of Herriman Pipeline and Development Company to Herriman City is moving slower than expected but should be complete by September. 2002.

August 1, Ed Heintz had a conversation with Royal Delegge, Director of Environmental Health for Salt Lake County and Gerry Bourke's boss. Mr. Delegge is also chairman of a statewide organization, CLEHA (Conference of Local Environmental Health Associations) which is composed of representatives of every county in Utah and they address issues such as acceptance of new septic systems. Royal reported that at their July meeting, the Conference was hoping to begin review and possible testing of the Peet Moss septic system. However, the vendor had not sent them the necessary information. He expected to receive it for the August meeting. Royal did not want to predict any outcome as to results or date for a decision to be made at this early stage of the testing and review process. We will keep in touch with him.

August 5 and August 14, Ed Heintz spoke with Bill Burkes of the State Division of Drinking Water, 536-4200 and Don Olson, a private engineer about the recent repair and maintenance project of Arnold Hollow Spring by Herriman Pipeline Co. The purpose of these calls was to ascertain the status of the Arnold Hollow Spring. It was learned that the spring had new pipes installed in the ground to stop seepage to the surface that may then become contaminated. This work was performed as a precautionary measure because evidence of surface seepage was visible from the road. Tests before the maintenance project was initiated showed no contamination so the work was completed well before any danger to the water source was detected. The final engineer's certificate of compliance will be issued soon by Mr. Olson.

August 19, Ed Heintz and Arlene Johnson met with the Herriman Pipeline Co.(HP) Board of Directors. At the meeting we requested that HP review and resubmit their Source Protection Study. It is our belief that the original study was not based on enough empirical information and was too conservative in its definition of the various possible pollution zones. We also presented, again, a copy of the 1973 contract that calls for the 2 small springs, Stocking Meadow and Farmers to be closed or at least not used for culinary purposes which would remove them from the moratorium

issue. We hope that since we had a cordial meeting, presented documented support for our requests and since the merger of HP and Herriman City now appears to be on its way to finalization by January 1, 2003, that they will take action in a reasonable amount of time. Also, Mayor Crane is now a member of the board and carries a bit of influence and continuity for the future. We will speak with them again sometime in September.

September 10, 2002. At Last! The first bit of good news arrived ironically on Hi-Country II's own day of infamy. It was one year ago on this day that we first learned about the "Moratorium". One year later, Ed Heintz received a call from Lynn Crane in his position as member of the Board of Directors of Herriman Pipeline Co. that the board had voted to not use the water from the 2 smaller springs, Stocking Meadows and Farmers for culinary purposes. HP will notify the state department of drinking water of their action, but as yet we do not know what other procedures will be necessary to allow septic system permits to be granted in the protection zones affected. We will keep you posted. Additionally, HP will be pursuing re-evaluation of the size of the protection zones around Arnold Hollow Spring. Keep in mind that Arnold Hollow Spring is a much more significant source of water to HP and will most certainly not be shut down. However, a close examination of the size of the protection zones will be made and they may be reduced. As well, discussion will continue about the size of the protection zones around the 2 wells on Rose Canyon Rd. owned by HP that affect septic permits in Hi-Country II.

October 11, 2002. Continuing success. Ed Heintz spoke with Royal Delegge and Gerry Bourke of the Salt Lake County Health Dept. Both gentlemen said that the recent letter from Herriman Pipeline Co. was satisfactory to eliminate the moratorium status surrounding the Stocking Meadows and Farmers Hollow springs. They said that anyone wishing to apply for building permits and hence septic permits in the previously affected area should consult with a Level 2 certified engineer prior to submitting their septic plans. Apparently, a new law went into affect as of January 1, 2002 that a certified engineer must "sign off" on septic plans before the County Health Dept. will review it. Interested parties should consult the Salt Lake County Health Dept. at 313-6700 and secure a list of qualified engineers and other requirements for septic approval.

Remember that this elimination of the source protection areas around these 2 springs does not affect the source protection areas around Arnold Hollow Spring nor the 2 wells on Rose Canyon Rd. owned by Herriman Pipeline. We are still addressing these areas.

April 21, 2003. Maps: We now have maps of Hi-Coll on the webpage. Most importantly, the moratorium zones are shaded in yellow for easy reference.

June 12, 2003: Ed Heintz spoke with Royal Delegge today about the progress of evaluating alternate septic systems. He stated that the 12 county committee that he was heading was submitting a management plan to the state of Utah by the end of this summer that would create, most likely, a new department within the state to administer new septic technologies. What this means is that the first step in examining new technologies will be completed, hopefully, by summer's end. The next step would be to begin evaluating alternate systems. No specific timetable was offered nor any specific systems to be evaluated but it appears that a very comprehensive evaluation of several new technologies will be embarked on simultaneously. Once again, progress has come in a small but certain step. The fact that a new state department or body of similar status is to be created shows that the topic is being taken quite seriously. It just takes time.

