

Minutes
Drinking Water Protection Committee
December 14, 2001

MEMBERS PRESENT: Jeff Hoffmann, Gale Holbrook, Rod Meador, Grace Mickelson, Linda Peterson, Perry Rahn, Foster Sawyer, Bob Wall, Bill Waugh, Ed Yelick

STAFF PRESENT: Scott Anderson, Dan Bjerke, Marcia Elkins, Van Lindquist, Sharlene Mitchell, Jerry Munson, Randy Nelson, Michael Towey

OTHERS PRESENT: Richard Murray, Eugene Solseth

Mickelson called the meeting to order at 10:10 a.m.

Minutes

Wall moved Hoffman seconded and carried unanimously to approve the minutes of the November 9, 2001 meeting.

Approval of Proposed Ordinance

Mickelson briefly reviewed the current membership of the Ordinance Development Subcommittee noting that individual ordinances have been prepared for the City and County. Mickelson indicated that the Design Manual has not been finalized at this time.

Holbrook moved to recommend adoption of the On-Site Septic System Ordinance as presented for both the City of Rapid City and Pennington County. The motion was seconded by Waugh.

Mickelson addressed her concerns with the proposed ordinance as follows:

- a. sunset provision as directed by the Committee not addressed in the ordinance;
- b. redraft section .0700 Property Transfer to eliminate redundancy in phrasing; and,
- c. define the term "commercial" as it applies to the ordinance.

Mickelson indicated that the role, training and employment of inspectors would be defined and addressed under the Design Standards manual noting that the subcommittee has not completed work on the document at this time.

Sawyer indicated that the draft ordinance has been forwarded to Department of Energy and Natural Resources for their review and comment noting that DENR is preparing a list of issues and concerns relative to the draft ordinance.

Discussion followed regarding enactment of the sunset provision including establishment of the two year term based on adoption by the City and County. Elkins recommended that the City's and County's attorneys provide direction regarding placement of the sunset provision within the document. Discussion followed regarding adoption of the ordinance by other government entities.

Solseth expressed concern with the sunset provision noting that adoption of the ordinance will not resolve all drinking water issues. Discussion followed regarding the issues that would impact the continuation or dissolution of the committee. There was general consensus of the committee members to support the inclusion of a sunset clause as it would permit evaluation of the issues and continued need for the committee.

Peterson addressed her concerns with the proposed ordinance as follows:

- a. clarification of the inspection process for non-compliant systems, and
- b. clarification of the criteria utilized to establish the inspection terms and fees

Discussion followed regarding definition and utilization of the terms "non-conforming" and "commercial".

Murray commented on the impact the proposed inspection process will have on the consumer and expressed concern with the utilization of private contractors as inspectors. Discussion followed regarding the licensing process for inspectors and the inspection process for non-compliant properties. Sawyer indicated that septic tanks are designed to be serviced on a three year rotation noting that the intent of the ordinance is to insure that service is performed. Munson voiced his support for the inspection program noting the need to protect the quality of the public drinking water. Discussion followed regarding the definition of commercial and residential uses for inspection requirements, alternative classification methods for inspection requirements and the provision for variance procedures.

In response to a question from Hoffman, Anderson indicated that the penalties outlined in the ordinance are the same as a misdemeanor penalty. Discussion followed

Bjerke encouraged the committee members to review the draft ordinance and to forward questions and concerns with the document to the Ordinance Subcommittee as soon as possible. Discussion followed regarding evaluation of the Department of Energy and Natural Resources comments, evaluation of the committee comments and completion of the Design Manual. In response to a question from Yelick, Elkins indicated that the City does not have "administrative rule" authority.

Lindquist indicated that the committee members need to be comfortable with the final ordinance noting that the process may take numerous reviews. Waugh concurred noting that the more ideas and comments that are brought forth the better the final product will be.

Mickelson recommended and the Committee concurred that action on the motion to recommend adoption of the On-Site Septic System Ordinance be postponed to the next committee meeting.

Education Committee Report

Lindquist presented the brochure to be purchased for handing out at the 2002 Black Hills Home Show. Mickelson requested that the City purchase 1500 copies of the brochure. Bjerke indicated that a booth has been reserved for the Drinking Water Protection Committee for the 2002 Black Hills Home Show.

Mickelson indicated that the next meeting would be schedule after January 1, 2002 and requested that both the Ordinance and Design Manual be presented for committed review. Lindquist requested that the Department of Energy and Natural Resources comments be distributed upon their receipt to allow for review by the full committee.

Adjourn

There being no further business the meeting was adjourned at 11:30 a.m.