

From: "Kurt A. Fisher" <fisherka@csolutions.net>
Subject: 4th Ave Well: Fisher information request of June 5 regarding chlorination
Date: Fri, June 7, 2019 1:20 pm
To: sgrenlie@utah.gov
Cc: chris.wharton@slcgov.com,holly.mullen@slcgov.com

cc:
Holly Mullen, Salt Lake City Department of Public Utilities Communications
Manager (holly.mullen@slcgov.com)

Chris Wharton, District 3 Salt Lake City Councilperson
(chris.wharton@slcgov.com)

Mr. Grenlie, (sgrenlie@utah.gov)

This email is to make a more succinct statement of the questions that I am seeking clarification of in my June 5th email to you. I understand that you are reviewing the matter with your superiors to see if the Division can respond. Ms. Mullen and Mr. Wharton have received a copy of my June 5th email. Ms. Mullen is the public communications officer for the Salt Lake City Department of Public Utilities. She is the information office that is my DPU point of contact as a private citizen, e.g. - the parallel to your engineering point of contact with the DPU P.E. McIntyre. Mr. Wharton is my Salt Lake City Council representative who is working with the residents of the Memory Grove residential pocket to resolve a conflict between the residents and the DPU over Well development.

Again, to be clear, this request is being made in my capacity as a private citizen. I am not affiliated with or a representative of Salt Lake City Corporation. (However, councilperson Wharton may wish to consider reiterating my request in his capacity as a Salt Lake City Councilperson to transform the inquiry into a formal request from a Salt Lake City official.)

Utah Admin. Code R309-505-7 expressly requires "low quality water" to be chlorinated if connected to a public water distribution system.

Utah Admin. Code R309-505-8 does not require the chlorination of "high quality water" and does not appear to expressly require, as compared to R309-505-7, chlorination when a "high quality" water well is connected to a public water distribution system.

The conclusion of your letter dated May 22, 2019 that advised the DPU that the 4th Ave Well upgrade requires chlorination is consistent with a factual conclusion that the 4 Ave Well water is "low quality" water within the meaning of R309-505-7. In a document filed by the DPU's architects Bowen, Collins and Associates with the Salt Lake City Historic Landmark Decision (copy attached), the DPU's agent states that "[i]t is our understanding that the water obtained from the 4th Avenue Well is sufficiently high quality as to not require direct disinfection or other treatment. DDW regulations require that the combined water distribution system have a detectible chlorine residual present" (id at 2).

My inquiry seeks to resolve two ambiguities - ambiguities at least to a reasonable lay person's reading:

1) Factually, does the Water Division understand the 4th Ave Well water to be "high quality" water within the meaning of R309-505-8, or does the Division understand that the 4th Ave Well water is "low quality" water within the meaning of R309-505-7?

2) If the 4th Ave Well water is "high quality" water, then what is the regulatory basis for the Division's position that the water should be chlorinated, even if it is connected to a public water distribution system? R309-505-8 does not seem to require chlorination by its express terms. I have done a conscientious review of UAC Chapter R309-505 and I do not see an express regulation reference that the water must be chlorinated under these premises. Perhaps the Division is relying on some implied global discretionary authority to protect the integrity of public water supplies? Or perhaps the Division has concluded that the Well water quality cannot "be expected to be met in the future" as required by subsection 8? Or perhaps as a general citizen, I have missed some other specific reference in your agency's regulations? It seems reasonable to a lay person's reading of the regulations that if current City practices were continued of mixing untreated high quality with chlorinated Salt Lake

City Creek Water Treatment Plant water that some "residual chlorine" would still always be present, and thus, chlorination is not required.

Again, to be clear, my personal position as an Greater Avenues neighborhood resident is that the well upgrade should include chlorination and fluoridation (which is required by Salt Lake County) on the discretionary grounds of water supply protection best practices. However, the residents of the Memory Grove residential pocket are taking the position (rightly or wrongly) that as a matter of law, chlorination is not required. I believe a supplemental letter from the Division that clarifies its interpretation of its regulatory authority to require chlorination would help ongoing communications between residents, the DPU and the Salt Lake City Council. Such a clarification might lead to an early resolution of the controversy between the DPU and the Memory Grove residential pocket citizens.

Sincerely,

Kurt A. Fisher
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Bowen, Collins and Associates, circa August 2018, re: Salt Lake City Planning Commission Assessment Memorandum.
https://docs.wixstatic.com/ugd/80b28b_0e07c5f9e8ff4047a4bd9405ee4d95cf.pdf

Utah Admin. Code Chapter R309-505.
<https://rules.utah.gov/publicat/code/r309/r309-505.htm#T6>

Attachments:

20190531Bown2ndMemo.pdf	
Size:	6.5 M
Type:	application/pdf