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Sent: Friday, May 27, 2022 8:45 AM

To: Shane Dunleavy <shane@legacy-mountain.com>

Cc: John Lewis <john@wolfcreekresort.com>; Wilkinson, Sean <swilkinson@co.weber.ut.us>; Kim Shelley <kshelley@utah.gov>; Ken Hoffman <kenhoffman@utah.gov>; Daniel Hall <dhall@utah.gov>

Subject: [EXTERNAL] Re: Osprey Ranch Preliminary Wastewater Concept

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Dear Shane,

Thank you for meeting last Friday (5/20) along with other stakeholders in the Weber County offices to review and discuss the development challenges relating to sewer / septic services in Upper Ogden Valley. Currently, the Upper Ogden Valley is classified as Category 1 and the water quality protections in place do not allow discharges of any kind, including treated effluent, to surface water (UAC R317-2-3). The most recent DWQ assessment ([TMDL](#)) shows several impairments for the watershed including Phosphorous. Additionally, [based on the available information](#), Pineview reservoir is in close hydraulic connection with groundwater which makes subdivision development and subsurface discharges difficult to implement. The existing restrictions in combination with the natural conditions, have had the effect of limiting wastewater disposal in the valley to (mostly) the use of septic tanks. Further complicating the situation for subdivision scale development are scientifically derived recommendations from the Utah Geological Survey (UGS) septic tank density study for the area ([Jordan et al., UGS, 2018](#)). The UGS recommendations indicate that all future septic-tank based development should be limited to the functional equivalent of one single family dwelling per six acres to be protective of groundwater quality which is classified as [Class 1A](#) (UAC R317-6-3) and is protected as a source of drinking water (UAC R317-6-4).

Your company, Legacy Mountain Estates, is proposing the Osprey Ranch project with the functional equivalent of 200 single family housing units within the Upper Ogden Valley. To overcome the wastewater disposal challenges outlined above, Osprey Ranch proposes to manage and dispose municipal sewage with:

1. Community-wide sewerage system;
2. Advanced wastewater treatment capacity sufficient to satisfy Type 1 reuse water (UAC R317-3-11) plus nutrient control effluent limitations established under a project-specific or regional comprehensive nutrient management plan;
3. Treated effluent storage facilities sufficient for complete containment of treated effluent during non-irrigation, emergency, maintenance and repair periods and incorporating an impermeable membrane liner system to prevent seepage discharges to groundwater; and

4. Treated effluent disposal capacity by Type 1 land application (irrigation) established under the comprehensive nutrient management plan compatible with Class 1A groundwater protection levels (UAC R317-6-4).

We concur that wastewater management under this strategy can satisfy the water quality protection requirements needed for the Upper Ogden Valley and as such is approvable. That said, although technologically feasible in our opinion, definitive wastewater treatment and disposal (reuse) requirements have not been established or approved and therefore, a design basis for the proposed should not be assumed or advanced without our agreement.

As you know, the wastewater utility established for your project must be sponsored by a subdivision of the state and we understand that the Weber County has agreed to do so, either directly or by separate incorporation. The purpose of this requirement is to promote regional solutions that minimize the proliferation of “package plants” (R317-3-7.5) and maximize the economies and efficiencies of scale to the benefit of both the customers served and water quality. The right mix of distributed versus centralized wastewater systems should be an important consideration in the regional planning for the valley.

As you work to advance your project, we encourage you to also work with the county, sewer service providers in the area, the community, and other stakeholders to advance regional and long ranging solutions to the water quality challenges that we have in Upper Ogden Valley.

Yours truly,

John Mackey