



Dwelling Unit Densities

PRESENTED TO SOUTH WEBER CITY PLANNING COMMISSION

NOVEMBER 14, 2019

13 DU/AC

Write a description for your map.



Cambridge
Crossing
Apts
13 DU/AC

Google Earth

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Briar Ridge – So. Ogden

10.9 DU/AC



Briar Ridge





Briar Ridge

Briar Ridge





Freedom Landing Townhomes 10.6 DU/AC

Freedom Landing





Freedom Landing

Seasons at the Ridge 8.7 DU/AC





Seasons at the Ridge

Seasons at the Ridge



Seasons at the Ridge





Seasons at the Ridge

Layton





Layton

Layton





Riverside Place Patio Homes

4.2 DU/AC

Riverside Place





Riverside Place

South Weber Coalition

Director:
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Technical Adviser
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27 November 2019

City Council and Planning Commission
City of South Weber
1600 E South Weber Drive
South Weber, Utah 84405

Subject: Superfund/National Priority List (NPL)
Pollution in South Weber

Dear Council and Commission,

Last evening, there was a spirited discussion concerning this subject during the regularly scheduled Council meeting. This started after I had explained my history of representing the City for many years as its representative on HAFB's Technical Review Committee (TRC), and the Restoration Advisory Board (RAB) which replaced the TRC. The City's focus then seemed to shift from its Title 10 Ordinance requirement to "preserve and promote the health and safety of present and future inhabitants" to favor potential developers at the expense of future inhabitants. This shift was first noticed by my EPA Technical-Assistance Grant (TAG) Coordinator who reminded me that our TAG Grant was predicated on representing the concerns/needs of our polluted population rather than its elected leaders. He thought, apparently from our EPA-mandatory quarterly reports, that our City officials' motives and actions seemed (at a minimum) conflicted with the health and safety needs of residents. He further volunteered that this was not unique just here.

After this introduction, I referenced my letters to the City of 2 Nov 2019 and to the RAB of 22 Oct 2019 which were part of the agenda packet for last evening's meeting. Those stressed the unfortunate condition of City residents who, through no fault of their own, happened to live in the expansive area in the western part of our City which became polluted by HAFB. All owners/operators of such properties/facilities then became Potential Responsible Parties (PRPs) according to Federal environmental law (CERCLA). This added potential strict legal jeopardy to the extreme harm that the pollution itself represented to the well-being of their families. With those facts already before the Council, I concentrated on the extensive Phase III Environmental Audit (the 1991 Risk Assessments and subsequent feasibility studies) which thoroughly documented the scope of contamination and its potential effects on threatened population and the environment. My presentation ended with long-known references to the 1998 Record of Decision. All three of its primary objectives failed to be achieved as promised, so now HAFB/EPA/UDEQ has been forced to opine that real relief from its pollution in our valley won't be realized until sometime in the 2040s. However, even this nebulous timeframe is dubious at best. This is due to the Jan 2015 Federal court decision (Waverley Investors vs. USA) which validated the Discretionary Function Exception (DFE) whereby Congress provided military polluters with the prerogative whether to even attempt remediating their pollution.

To the Council's credit, unlike with the Commission, at least some of them had read the 1991 Risk Assessment, the 1998 Record of Decision (ROD) and even some of four mandated Five-year reviews. While all seemed to agree with the fundamental indisputable fact that the pollution remains as a problem for our valley and will remain so until at least sometime in the 2040's, most seemed inexplicably content with this reality. Two went further by downplaying the significance of the 1991 and 1998 Superfund documents by implying that the passage of time had mitigated the threat from those days into something more acceptable now. One opined that he found nothing from his review of the Superfund documents to justify denying requests by those wishing to develop properties in the areas described in the 1991 Risk Assessment as being polluted. However, such evidence exists abundantly within Federal environmental law (CERCLA) as cited in the first paragraph of my 2 Nov 2019 letter to the council and commission. Those include strict liability issues, transfers to subsequent owners, the necessity to avoid compounding the existing risks inherent to the known contamination, etc. CERCLA is particularly harsh towards owners/operators of such properties who profess ignorance of their situations.

I strongly disagree with those City officials who contend/believe that the simple passage of time has somehow made our valley safer since 1991. There is not a single thread of evidence to prove this contention. In fact, the reverse is true. The 1998 ROD promised to contain "virtually all" all of its pollution which theretofore had been migrating off-base into our valley. It made this boastful but indefensible proclamation for a reason. This reason was that its cheap/passive remedial plan of Monitored Natural Attenuation (MNA) was only remotely feasible with the proven pre-condition that its pollution sources could be totally contained. The Base failed this prerequisite. Its sources leak. It says they leak less, without meaningful evidence, than before its containment efforts were undertaken. Leaking sources, regardless of arguments about the particulars, eliminates MNA as a remedial alternative. The Base selected this cheap, passive, and always controversial choice but it failed just like our Coalition/Advisor John Carter forecast. Without it, the mere notion that MNA will somehow still work its magic to eventually restore our valley to a pre-polluted condition, is simply a bald-faced lie. The Base knows better. The City should know better. Leaking sources promise uncontrollable pollution flowing continuously off-base until all the sources themselves dry up. Even then, contrary to the City's inferences in its proposed 2019 General Plan, many contaminants already in our valley will never evaporate and could remain just as toxic centuries from now as today. This, combined with the Base's failed efforts to contain its sources, strongly implies that our valley may well be more polluted now than it was in 1991.

If City officials have strong informed reasons to feel otherwise, they should instigate a new Phase III Environmental Audit to prove or disprove this contention. Another possibility would be to revisit the option explored during Mayor Dickamore's tenure. He asked the Base whether it would indemnify for injuries to the occupiers and/or the properties attributable to its pollution. The answer from the Base then was an empathic "No". Bob Elliot, representing the Base for decades, stressed that his office was definitely not authorized to participate in the City's land-use decisions. It will be interesting to see whether the Base will respond likewise regarding similar requests for help recently conveyed to it by our City engineer. This response is especially germane because (again, read the 1991 Risk Assessment, see page 3-16, item 3.3.0.1) it directly addresses the potential for future exposures. The 1991 risk assessment stressed that "the most probable" factors (generating new exposures) "are the

construction of additional houses or other buildings on or off-base” as defined within the OU1 Risk Assessment and ROD. Although some City officials may have flippantly expressed ‘love of new rooftops’ when making controversial land-use decisions, those and others less dismissive should have still known well since 1991 that doing so (in the west-end of our valley) would produce 3.9 new potential human receptors per-new-house according to 1987 estimates from the Wasatch Front (Regional) Council. Those critical now of the reliability of this ‘old’ 1991 Superfund document, would have served their neighbors better had they read/studied it more and dismissed its worthiness less.

Near the end of the meeting last evening, obvious inaccuracies in the City’s proposed 2019 General Plan were cited expressly relating to HAFB pollution. The most severe of those is the supposed plume upon which so much of the other elements of this portion of the plan is based. This map is totally inaccurate as presented.

If accurate, then over 90% of the Base’s migrating pollution (as measured according to Federal environmental law describing where “a hazardous substance has come to be located”) has already been remediated. If such were the case, the applicable NPL should have been altered accordingly with a massive ‘partial-NPL delisting.’ Of course, this hasn’t happened. OU1 sources still leak. HAFB//EPA/UDEQ concur that OU1 will remain a problem until at least the 2040s. Not one part of the total threatened area identified in the 1991 RI or 1998 ROD has been set aside for release from the total thus identified. Those plumes, with the possible addition of the 1980s input from the Army Corps of Engineers, still satisfy the CERCLA definition which governs this factor. A cynic might reason that City officials favoring developers over residents might well advocate for a radically reduced pollution-plume map to coincide with their pro-developer agendas. I’m not that suspicious yet.

Frankly, almost everything the City has stated in this and other pollution- related sections of the proposed plan are either inaccurate or grossly misleading. I suggest you scrap them and start over. A few of many examples include: (1) Page 8, lines 249 -251. Any real mitigation of any particular property, down-grade from the source, is impossible while the pollution sources still leak. Moreover, pollution from other nearby properties (possibly augmented by cross-media transfers – particularly up-grade) could still migrate onto subject properties. (2) Pages 10-12 lines 413-417. Terms such as “only” and “low levels” have varied and often contrasting meanings throughout the 1991 RI. The largest of those is the huge disclaimers in the “uncertainties Section.” Therein the assessment admits great uncertainty with everything relating to TOXICITY AND EXPOSURES. Otherwise, they know a great deal generally about the adverse effects of pollution threatening us, but experts remain largely ignorant about the specific standards or other means of measurement to accurately evaluate those two most important elements. For instance, a supposed high-dose might kill the recipient soon after contact but a supposed low-dose of the same contaminant might only kill or ruin an assortment of the recipient’s systems quite slowly over time. (3) line 419 “many contaminants evaporate easily” but many don’t evaporate at all plus the process of the contaminated gases coming to the surface are a primary means of exposure. (4) lines 445-446. The only way to really “minimize exposures” is to move from polluted areas. See uncertainties section above. (5) Line 451 Residents “should be accountable for their own health” How do you sell this to the most vulnerable: Infants. Youngsters. Oldsters. What happened to the City’s ordinance-required requirement to promote and safeguard the public rather than creating polluted subdivisions for them to strive protecting themselves within?

Please include this with the minutes as an addendum for my participation in last evening's meeting. Let me know if you have any questions or comments about my conclusions or observations. Thanks for giving me the time. No one likes criticism. Contrary to what you must think after all these years, I certainly don't enjoy giving it. At least overtly, you seemed to handle it well.

Brent