

SOUTH WEBER CITY PLANNING COMMISSION MEETING WORK MEETING

DATE OF MEETING: 8 February 2018

TIME COMMENCED: 6:00 p.m.

PRESENT: COMMISSIONERS:

**Tim Grubb
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton**

CITY ENGINEER:

Brandon Jones (excused)

CITY PLANNER:

Barry Burton

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

ATTENDEES: Brent Poll, Blair Halverson, Chris Tremea, and Mark Staples.

Approval of Consent Agenda—Commissioner Grubb

- **Minutes December 14, 2017**
- **2018 Position Appointments—Chair, Co-Chair, Sketch Plan Liaison**

Public Hearing and Action on Conditional Use Permit: application for a Planned Dwelling Group located at approx. 1540 Canyon Drive, Parcel numbers 13-011-0134 and 13-011-0016, approx. 0.96 acres by applicant David Gowers: Barry Burton, City Planner, said this proposal is for a property located at 1540 Canyon Drive. The applicant, David Gowers, would like to build a second single family residence on the lot that has one existing single family dwelling on it. The lot is .96 acres and is in a R-M zone. The proposal meets the requirements of the Zoning Ordinance for such developments.

Barry said there is a sewer easement and power line on this property. He said the concern is with emergency service access into the property. Chris Tremea said there needs to be some parking restrictions. He said Mr. Gowers is willing to work with the city.

The home sits more than 150' from the street and should provide access for fire apparatus. The fire code requires that such access be at least 20' in width and the proposed width is 12'. Also, the turn-around should have a diameter of 96' where the proposal is for a 90' diameter.

Action on Rezone: application at approx. 7482 Cornia Drive (parcel 13-174-0001), approx. 1.313 acres from Commercial Highway (CH) to Light Industrial (LI) by applicant Shawn Durrant: Barry said the rezone request for this property was tabled at December 2017 Planning

Commission Meeting because the Planning Commission wanted to see exactly what was being proposed. The applicant has now submitted plans for the site and the proposed building. The landscape plan shows the site will be over 40% landscaped although there is very little in the way of trees and shrubs. Buffer yard D is required on the east side of the property against the adjacent A zoned property. The building is metal structure with a decorative front entry and a decorative wainscot on the front. The building is designed to accommodate two separate businesses. The city can expect to see a currently unknown tenant at some point in the future. Barry doesn't feel there is a problem with this as whoever it is will have to comply with the zone requirements.

Chris Tremea said he met with Mr. Durrant today and he discussed creating a concrete fence along the back to help with fire safety. Commissioner Osborne said he would like to see a development agreement in place before rezone or in conjunction with the rezone. Commissioner Pitts read the motion made from 14 December 2018 Planning Commission Meeting which reads as follows:

Commissioner Grubb moved to table the rezone application at approximately 7482 Cornia Drive, (parcel 13- 174-0001) of approximately 1.3 acres from Commercial highway (C-H) to light industrial (L-I) by applicant Shawn Durrant until the applicant goes through the process of preparing a development agreement through a Sketch Plan Meeting before coming back to the Planning Commission. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Public Hearing and Action on Rezone: application at approx. 6825 S 475 E (parcel 13-023-0118 and 0183), approx. 2.65 acres from Agriculture (A) and Residential Low Density (R-L) to Residential Low to Moderate Density (R-LM) by applicant Hidden Valley Meadows Community, LLC: (No discussion on this item)

Action on Final Subdivision: Hidden Valley Meadows phase 2 located at approx. 6700 N 350 E (parcel 13-023-0189), approx. 1.8 acres by applicant Bruce Nilson: (No discussion on this item)

Commissioner Johnson: Requested discussion on the failing of the proposed 'overlay zone' that was rejected by the City Council: Commissioner Johnson said he attended the City Council meeting in which this item was discussed. He said a council member discussed his concerns with property owners who haven't been approached or talked to by the city. Commissioner Johnson feels landowners need to be talked to first. He feels if they would have been talked to, this may have gone through. He said Barry Burton did a great job putting this together. Commissioner Osborne said that was for an optional thing and not really coming down on the property owner.


Blair Halverson, 6715 S. 475 E., said the property owners (Peeks & Watts) have never been approached. He said they are concerned because if one piece does it and the others don't, it doesn't make sense. He feels all three property owners should have been approached.

Barry said he had the impression that the council was concerned about the perceived density. Commissioner Osborne suggested the city staff get the land owners in the loop. Commissioner Grubb asked if it is an area that we want to see preserved or not. He feels everyone needs to be

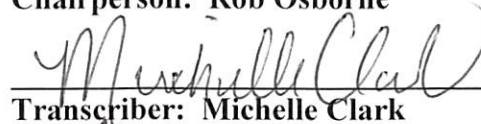
on board to even do it. Barry said if you want it preserved then you need to look at it again. Commissioner Grubb feels it is a nice corridor that is worth saving. He said it should be identified on the master plan and then create a plan to help preserve. Barry said it is identified on the master plan. Commissioner Grubb said then we need a plan for preservation to protect that. Commissioner Osborne said this is a great discussion.

ADJOURNED: 6:30 p.m.

APPROVED:


Date 8/3/2018 ^{March}

Chairperson: Rob Osborne


Transcriber: Michelle Clark

Attest:


Planning Coordinator: Lisa Smith

SOUTH WEBER CITY PLANNING COMMISSION MEETING

DATE OF MEETING: 8 February 2018

TIME COMMENCED: 6:33 p.m.

PRESENT: COMMISSIONERS:

**Tim Grubb
Debi Pitts
Rob Osborne
Wes Johnson
Taylor Walton**

CITY PLANNER:

Barry Burton

CITY ENGINEER:

Brandon Jones

PLANNING COORDINATOR:

Lisa Smith

Transcriber: Minutes transcribed by Michelle Clark

A PUBLIC WORK MEETING was held at 6:00 p.m. to REVIEW AGENDA ITEMS

PLEDGE OF ALLEGIANCE: Commissioner Grubb

ATTENDEES: Brent Poll, Blair Halverson, John McCall, James Cook, Al Hawkins, Ralph Birt, Dana Birt, JE Collvins, David Gowers, Kelly Bambrough, Mike Fergus, Bruce Nilson, Shawn Durrant, Jerry Stephens, Mark Staples, and Chris Tremea.

APPROVAL OF CONSENT AGENDA:

- **Minutes December 14, 2017**
- **2018 Position Appointments—Chair, Co-Chair, Sketch Plan Liaison**

Commissioner Grubb moved to approve the consent agenda as written. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Commissioner Johnson moved to approve the 2018 Position Appointment for Wes Johnson as the Sketch Plan Liaison. Commissioner Grubb second the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Commissioner Grubb moved to approve the 2018 Position Appointment of Commissioner Osborne as Chair and Commissioner Pitts as Co-Chair. Commissioner Johnson seconded.

Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

DECLARATION OF CONFLICT OF INTEREST:

Commissioner Johnson moved to open the public hearing for Public Hearing and Action on Conditional Use Permit: application for a Planned Dwelling Group located at approx. 1540 Canyon Drive, Parcel numbers 13-011-0134 and 13-011-0016, approx. 0.96 acres by applicant David Gowers. Commissioner Pitts seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

******* PUBLIC HEARING *******

Public Hearing and Action on Conditional Use Permit: application for a Planned Dwelling Group located at approx. 1540 Canyon Drive, Parcel numbers 13-011-0134 and 13-011-0016, approx. 0.96 acres by applicant David Gowers: Mr. Gowers stated the intention is to find a use for the land that is behind the home that he owns. He has presented a site plan to the Sketch Plan Committee. He said the original request was to have a second lot created contingent upon having enough frontage. He wanted to revisit that because he has been given information from the surveyor in which he may have enough frontage. Barry said you will need a 160' of frontage, which you don't have. He said through a Planned Dwelling Group he would be able to construct a second single family residence on the lot that has one existing single family dwelling on it. The lot is .96 acres and is in the R-M zone.

Commissioner Osborne asked if there was any public comment. There was none.

Commissioner Johnson moved to close the public hearing for Public Hearing and Action on Conditional Use Permit: application for a Planned Dwelling Group located at approx. 1540 Canyon Drive, Parcel numbers 13-011-0134 and 13-011-0016, approx. 0.96 acres by applicant David Gowers. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

Commissioner Osborne said the Planning Commission received a copy of the site plan with the emergency turn around driveway. Mr. Gowers discussed the long driveway. He said the width is 12' right now. He said some concerns were raised about the width meeting fire code. He said Chris Tremea said the fire code requires the driveway width to be 20' and a 96' diameter on the turn around. Mr. Gowers pointed out the power line in the way. Commissioner Osborne said the driveway will need to move to the east in that case.

Commissioner Walton moved to approve the Conditional Use Permit application for a Planned Dwelling Group located at approx. 1540 Canyon Drive, Parcel numbers 13-011-0134 and 13-011-0016, approx. 0.96 acres by applicant David Gowers with Barry's recommendations with a 20' right of way and 96' turnaround radius (as per Barry Burton's memo of 1 February 2018). Commissioner Grubb seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Action on Rezone: application at approx. 7482 Cornia Drive (parcel 13-174-0001), approx. 1.313 acres from Commercial Highway (CH) to Light Industrial (LI) by applicant Shawn Durrant: Shawn Durrant, 1834 S. River Run Huntsville, Utah approached the Planning Commission. Commissioner Osborne said we need a Development Agreement in place with this rezone request. He is recommending tabling until the Development Agreement is in place. Mr. Durrant said he applied for a Conditional Use Permit today. Commissioner Grubb said the city staff needs a copy of the Development Agreement. Barry said the City Attorney will need to approve the Development Agreement. Mr. Durrant asked the Planning Commission if it will work for him to have a tenant on one side of the building. Barry said the tenant will have to comply with the zone.

James Coleman, neighbor to property on Cornia Drive, said he has met with Mr. Durrant. He would like to see some plans since this building will be next to his home.

Commissioner Grubb moved to table the Rezone Application at approx. 7482 Cornia Drive (parcel 13-174-0001), approx. 1.313 acres from Commercial Highway (CH) to Light Industrial (LI) by applicant Shawn Durrant because there needs to be a Development Agreement included with the application. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Commissioner Grubb moved to open the public hearing for Rezone Application at approximately 6825 S 475 E (parcel 13-023-0118 and 0183), approx. 2.65 acres from Agriculture (A) and Residential Low Density (R-L) to Residential Low to Moderate Density (R-LM) by applicant Hidden Valley Meadows Community, LLC. Commissioner Walton seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

***** PUBLIC HEARING *****

Public Hearing and Action on Rezone: application at approx. 6825 S 475 E (parcel 13-023-0118 and 0183), approx. 2.65 acres from Agriculture (A) and Residential Low Density (R-L) to Residential Low to Moderate Density (R-LM) by applicant Hidden Valley Meadows Community, LLC: This is the Winchester property through which the primary access road passes to get to Hidden Valley Meadows Subdivision. It appears the intention is to make this area part of the Hidden Valley Meadows Subdivision, though the city hasn't seen any concepts on how that would lay-out yet. It stands to reason that the developer would like to maximize the investment required to put in the access road from 475 East. The requested rezone is within conformance with the General Plan recommendation for this property.

Commissioner Osborne asked if there was any public comment.

Brent Poll, 7605 S. 1375 E., said he is representing the South Weber Coalition. He discussed the three super fund sites located in South Weber City that threaten this valley with contamination and pollutants. He said every property owner is responsible for the pollutants on their property.

He said Hill Air Force Base put out plume maps. He said the pollutants go well beyond the plume maps. **(see attached letter by Mr. Poll)**

Commissioner Johnson asked Mr. Poll if he has gone to the private property ombudsman. He said he is an environmental lawyer and located in the Department of Natural Resources. Chris Tremea said he is willing to go with Brent Poll to visit this guy.

Commissioner Grubb moved to close the public hearing for Rezone Application at approximately 6825 S 475 E (parcel 13-023-0118 and 0183), approx. 2.65 acres from Agriculture (A) and Residential Low Density (R-L) to Residential Low to Moderate Density (R-LM) by applicant Hidden Valley Meadows Community, LLC. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

******* PUBLIC HEARING CLOSED *******

Commissioner Johnson feels this fits with the development. Barry said it is consistent with the master plan. He doesn't see any issues with it. He said we have heard from Mr. Poll but we haven't received any evidence.

Commissioner Grubb moved to recommend approval to the City Council the Rezone Application at approximately 6825 S 475 E (parcel 13-023-0118 and 0183), approx. 2.65 acres from Agriculture (A) and Residential Low Density (R-L) to Residential Low to Moderate Density (R-LM) by applicant Hidden Valley Meadows Community, LLC. Commissioner Johnson seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

Action on Final Subdivision: Hidden Valley Meadows phase 2 located at approx. 6700 N 350 E (parcel 13-023-0189), approx. 6.8 acres by applicant Bruce Nilson: Barry reported that a plat has been submitted that includes the access road to 475 East. Barry reviewed Brandon Jones memo. Lot 205 needs a 20' easement to accommodate a drain line. Commissioner Grubb said that is included in Brandon's memo.

Barry Burton, City Planner's, memo of 1 February 2018: The proposed plat is consistent with the approved Preliminary Plat with the exception that the primary access road across from the Winchester property is not included. The developer will need to provide a revised plat with the access road from 475 East included. The lots all meet the size, width and density requirements of the R-LM Zone.

Brandon Jones, City Engineer's, memo of 31 January 2018:

GENERAL

1. Additional documentation from the geotechnical engineer is needed in order to produce the basement table needed on the plat (similar to the letter provided with Phase 1).
2. The South Weber Irrigation Company has agreed to serve the development, but a letter is still needed giving approval for the proposed improvements.

PLAT

3. The plat needs to extend the road to 475 East.
4. Addresses for the lots will be provided by our office.
5. A Basement Table needs to be added according to the recommendations of the geotechnical engineer. Note 1 will need to be revised with the new date of the geotechnical letter.
6. The easement on Lot 205 needs to be 20' wide.
7. All of the lots need to be listed as restricted "R" lots.
8. The cul-de-sac radius needs to be 63'.
9. The South Weber Irrigation Company easement for the ditch along the south side of the lots needs to be vacated with this plat. A note indicating the vacation, and a signature block for South Weber Irrigation Company should be added.
10. Side yard PUE's should be added for the drain lines on Lots 206 and 208.

IMPROVEMENTS

11. All proposed improvements, especially the street cross section, need to meet the current City Standards.
12. The fire hydrant placement should be reviewed and approved by the Fire Marshall.
13. Sheet 5. Only one inlet box is needed and a manhole connecting to the existing 18" RCP. The box should be placed at the south upstream end curb radius.
14. Sheet 5. The drain for the irrigation line does not appear to be at a low point.

Commissioner Johnson moved to approve Final Subdivision: Hidden Valley Meadows phase 2 located at approx. 6700 N 350 E (parcel 13-023-0189), approx. 6.8 acres by applicant Bruce Nilson subject to items completed in Barry Burton's memo of 1 February 2018 and Brandon Jones memo of 31 January 2018 and lot numbers corrected.

Commissioner Pitts seconded the motion. Commissioners Grubb, Johnson, Osborne, Pitts, and Walton voted yes. The motion carried.

PUBLIC COMMENTS: (None)

PLANNING COMMISSION:

Commissioner Walton: He asked about the follow up from the Summit concerning requesting UDOT updating the traffic study.

Commissioner Grubb: He stated he is concerned about the overlay zone and would like to get some direction. He would like to see it preserved. Barry said if what we proposed is not acceptable to the Council, he isn't sure what other avenues there are. Commissioner Grubb asked if the location of the frontage road can be designated. He said there are portions of the Cook property that sit low and there are areas that can't be built, so it will naturally preserve those areas. Commissioner Osborne asked if the area can be identified as a special improvement district. Barry said it would take a vote of the population. He said he needs direction. It was stated the City Council was specifically concerned with the density.

Commissioner Johnson: He reviewed the Parks and Trails Impact Study put together by Zions Bank. He discussed the need for the city to get involved in applying for recreational grants. He said money is available. Commissioner Grubb suggested Commissioner Johnson schedule a meeting with Council Member Halverson and himself to discuss what can be done.

Commissioner Osborne: He has met with Mayor Sjoblom concerning changing the location of the park and ride to free up that property for commercial development. Barry said he has received a plan from Dan Murray concerning increasing the parking lot by Little Caesars.

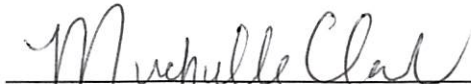
ADJOURNED: Commissioner Grubb moved to adjourn the Planning Commission meeting at 7:49 p.m. Commissioner Pitts seconded the motion. Commissioners Grubb, Pitts, Johnson, Osborne, and Walton voted yes. The motion carried.

APPROVED: 

Date

MAR 18 / 2018

Chairperson: Rob Osborne



Transcriber: Michelle Clark

Attest:


Planning Coordinator: Lisa Smith

South Weber Coalition

Trustees:
Lynn Poll
Sondra Poll
Brent Poll

Technical Adviser
Dr. John Carter



2 February 2018

Matthew Peterson
Tetra tech

Subject: Interview Supplement

Dear Mr. Peterson,

Thanks for the recent interview regarding your 2018 Five-year Review (FYR) for Hill AFB. Soon after this, thoughtful questions posed by Councilmembers for the City of South Weber, required referral to the criteria governing FYRs. Those emphasized, starting with EPA's 'Comprehensive Five-Year Review Guidance,' that the premise for any viable FYR relied on a reviewer's ability to gather and review "all relevant documents, data and other information in support of the five-year-review."

The availability of "all" relevant information was a major issue in our interview. I reasoned that there was no defensible way that you or any other contractor could accurately assess the supposed protectiveness of the remedial decisions (RODs) affecting the South Weber valley. This is due to the fact that Hill AFB lost, destroyed or supposedly irretrievably misplaced most of the important historical data which led to the Base's Superfund designation. This included its detailed failures to effectively remedy the pollution in this area prior to 1983, and the massive off-Base migration which followed for more than a decade thereafter. The only relevant documents from this critical timeframe that the Base can find now (per FOIA responses) are the few it copied from our records.

While the Base is the official Lead Agency and custodian of evidence in this remedial process, EPA and UDEQ are complicit in the above loss of records through their agreement formalized with the Base in April 1991. Again, as cited in our interview, there is no innocent explanation for this. The reverse is true. The Base, with EPA and UDEQ support, has often used the absence of the missing data to misrepresent that its Superfund sites are smaller and less threatening than documented within those now 'lost' records. For example, the 2015 ESD signed by the Base/EPA/UDEQ shows on page 10 that "the discharges from U1-301 are not connected with the OU1 source areas". However, data they thought to be conveniently lost is still available to prove that the OU1 sources were the origin of pollution (including TCE and other chemicals and toxic heavy metals) at spring U1-301.

Section 4.2 of EPA's FYR Guidance addresses 'exposure assumptions.' This element, even more than the above cited loss of critical data, represents the most egregious failures made when remedial decisions, affecting the South Weber valley, were formulated. There were always only two genuine means to really protect the environment and human health in the affected areas. The first, which the

1998 ROD for OU1 projected would cost over \$308 million to fully remedy, was acknowledged in the ROD as the most protective option. However, its projected high costs always made this choice far beyond consideration. The second viable alternative would have required the courage to admit that full remediation, to pre-polluted levels, was realistically beyond reach. Strong institutional controls could have then been invoked to buy the abundant development rights which were then available; plus a wide range of other controls and warning could have followed to safeguard/compensate (as much as possible) the relatively few residents who lived in the threatened areas in the early 1980s. This second common-sense alternative never even made the list for consideration in the 1998 ROD.

Instead, the Base went with a hybrid of various remedial actions all of which were predicated on a host of inter-connected assumptions. The largest of those include:

(1) The assumption that most of its pollution potentially affecting South Weber valley actually remained on the Base.

In fact, there never was a realistic foundation for this conclusion. There is documentation (salvaged by our Coalition) of totally uncontrolled dumping for about forty years of millions of gallons of chemicals and countless tons toxic heavy metals “all along” the hills above the South Weber valley. Local newspapers further reported the Base disposing of some polluted materials in the Davis County Landfill which is located about a quarter mile east of the Base’s eastern border. Moreover, there was massive off-Base migration of pollution especially in the inordinately wet seasons of the 1980s. This was reflected in public hearings for the City of South Weber conducted by the Army Corps of Engineers out of Sacramento. It told hundreds in attendance that this pollution flowed throughout the entire western end of our valley. This off-Base migration was also documented by the Davis and Weber County Canal Company, Weber Basin Water Conservative District, the Ogden Standard Examiner, the Deseret News, Davis County and the State of Utah. The State’s 23 Jul 1984 ‘Cease and Desist Order’ (to preclude further migration of the Base’s pollution into State-regulated waterways) prioritized this problem which eventually led to the area being designated as a Superfund site.

While the pollution dumping was indeed uncontrolled, those disposing of it acknowledged that the fluids and solids (dumped over a hillside), would either flow or be washed further downhill over time. For the Base to claim otherwise, after the fact, defies basic physics and is nonsensical at best.

(2) An integral component of the remedial decisions, by Base/EPA/UDEQ officials, was their assumption that an impermeable layer of clay existed under the source areas affecting our valley.

This assumption is beyond comprehension. The South Weber valley is well-known for its high permeability (see our huge highly permeable gravel pits). A local water district even worked to recharge its deep-water wells in the western portion of our valley by filling pond(s) in its eastern portion to take advantage of this permeable condition. The Base’s own contractors also documented, during efforts in the 1980s to minimize off-Base migration of pollution, that the Base’s claims about this supposed clay layer were inaccurate and/or unduly exaggerated.

No other justification can be defensibly affixed to this clay-layer claim than its essential role in remedial schemes where source containment is a prerequisite. Natural Attenuation (the let-God-take-care-of-it option) expressly requires this pre-condition. EPA's Directive 9200.4-17P, which defines the parameters for the use of Natural Attenuation, stresses throughout the necessity of control/containment of all pollution sources and all pathways from them. The Base's mythical impermeable clay layer was an essential component of its cheap/passive remedial plans, but it never was a viable option in reality.

Our Coalition, with the able assistance of our Technical Adviser (Dr. John Carter), accurately forecast the failures which would follow. The 1998 ROD for OU1 boasted (see 7.2.1.1) that "essentially all of the contaminant mass currently migrating offsite would be prevented from migrating by the dewatering trenches.....and institutional controls would limit direct exposure to contaminated groundwater." The ROD further claimed in this section that its remedial provisions for cleanup could be accomplished in "as few as 12 years (2010)."

After 2010 arrived without the promised resolution, Dr. Barbara Hall (then working for the Base) told the Restoration Advisory Board (RAB) that failure was based on "bad data." We disagreed. As shown in 96 quarterly reports to EPA over 24 years, plus our Technical Advisers studies (using the same data available to the Base) we accurately forecast the OU1 failures, but credited this to faulty planning and decision-making by the Base/EPA/UDEQ rather than innocuous-sounding "bad data."

(3) The Base Line Risk Assessment for OU1 notes that pathways from pollution sources are often very complex and difficult to ascertain (see Section 5-3) in exposure scenarios. This already difficult task was further complicated here as the pollution testing and tracking assumptions of the Base/EPA/UDEQ started with the pretense that its assumptions in items (1) and (2) above were factually correct. Therefore, all deficiencies regarding those two critical elements were repeated later when attempting to evaluate the known complexities/uncertainties related to potential exposures. The obvious error cited above concerning the 2015 ESD and Spring U1-301 is exemplary of this form of mismanagement. In that instance, the Base/EPA/UDEQ argued that pollution, factually known to be in this spring, must not come from OU1 sources because its existence there contradicts all the Base's assumptions (1, 2 and 3 above). Nevertheless, their three false assumptions cannot trump the indisputable fact of the Base's pollution being in this spring.

The old adage that 'you can't make a silk purse out of a sow's ear' applies here. Even if the Base/EPA/UDEQ had embraced an aggressive testing regiment to evaluate how, where and to what extent exposures may affect the public, their efforts would still be grossly incomplete because their inter-connected assumptions were all faulty. Their testing was predicated on supposedly well-defined and contained source(s) of its pollution, but those sources were never well defined/isolated or capable of being fully contained.

However, the Base never conducted an aggressive testing program. For example, the 1998 ROD mandated (again in 7.2.1.1.) that the Base/EPA/UDEQ "will enact" ... "easements and leases" and

other institutional controls “as necessary” to ensure that the ROD’s provisions were genuinely protective of “Human health and the Environment.” Instead, the Base/EPA/UDEQ went with a voluntary and seemingly haphazard process apparently intended to validate their assumptions rather than measure exposure probabilities threatening our valley.

Our Adviser strongly argued (see his reports and ours) for more and better testing. He detailed the Base’s testing inadequacies for decades and recommended improvements including on-going base-line testing to determine whether those threatened (especially the children) had absorbed, inhaled or ingested pollution from the Base. A problem, Coalition members could appreciate without our advisers help, was the often infrequent testing in areas where those conducting/evaluating the tests insisted that the results could vary greatly from hour to hour in flowing groundwater.

EPA guidance for conducting FYRs directs you (see Section 4.2) to determine whether the exposure assumptions made within the RODs are “still valid.” A positive answer is essential for you to make a conclusion that those assumptions are still safeguarding the health and welfare of those threatened by the Base’s pollution. Our Coalition maintains that assumptions adopted by the Base/EPA/UDEQ for making their decisions were never “valid.” The simple means of measuring their basic claims in the 1998 ROD (which promised total source containment and full remediation within 12 years) was to compare those promises against the same elements in 2010. This comparison showed that neither claim was realized. The sources leaked. The Base/EPA/UDEQ now agree, even in their very flawed 2015 ESD, that their supposition of full-remediation had to be extended from their failed 1998 ROD projection to some uncertain timeframe “estimated to be in the 2040s.”

When you interview others, I wonder if even one person (potentially impacted by the pollution from this Operable Unit) might consider full resolution sometime “in the 2040s” as somehow protective now of him/her, their families and their environment. If so posed, such a question would likely be construed as insulting and disrespectful. Moreover, such a prolonged time allowance for natural attenuation to supposedly work its magic is addressed in EPA’s Directive 9200.4-17P governing the use of natural attenuation as a remedial alternative. It says that EPA “does not view Monitored Natural Attenuation (MNA) to be a ‘no action,’ walk-away,’ ‘presumptive’ or a ‘default’ approach.” Nevertheless, the situation in this case reflects all of those negatives and more as the pollution at issue was first brought to Hill AFB’s attention in the 1960s. However, with cover provided by Congress (SARA - discretionary factor), EPA and UDEQ; the Base has indeed ‘walked away’ from real remediation of its pollution affecting our valley,

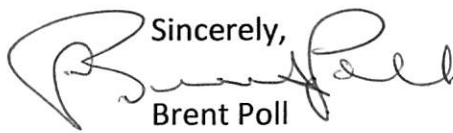
Unfortunately, the Base did not just “walk away.” It compounded its Superfund-sized danger to the public by creating supposed ‘plume maps’ and ‘fact sheets’ and providing them to the City of South Weber. City officials, so informed, made the mistake of trusting the Base. They used the Base’s misinformation to create land-use guidelines within their general plan. Therein, those maps and fact sheets were embraced as boundaries and/or limits to risk from the Base’s pollution. The result has been the approval of a number of major new subdivisions in the known pathway of leaking Superfund sites which will remain a major problem for decades.

When our Coalition confronted the Base's Environmental Directorate about the misuse of its misleading plume maps and fact sheets, it was quick to proclaim that it was not in the business of making land-use determinations. This responsibility correctly rests completely with the State, counties, cities and towns. The Base also said its supposed plume maps were generated by its contractors for "modeling" purposes relating to its remedial projections. The Base claimed, and defended this with a coinciding FOIA response in Sep 2013, that it had never produced a map which alleged limits to the uncontrollable movement of pollution in the western portion the South Weber valley. The Base also defended its claim that it considers most of the pollution found off-Base to be of the 'low-level' variety, but even this extremely misleading generality is far from reassuring when the 'uncertainties' portions of their Superfund records usually profess a total absence of reliable standards (especially for long-term low-dose exposures) for most of the chemicals and toxic heavy metals it dumped "all along" the hillside above our valley.

Therefore, the misconduct or thoughtlessness of the Base in providing misinformation (for land-use purposes) coupled with the mistake by the City of South Weber of relying on it for land-use purposes, created a huge problem. This will soon place about a thousand new potential human receptors in pathways of pollution which will continue to threaten the west-end of our valley until some 'uncertain time in the 2040s.' Furthermore, under Federal environmental law, the new owners of any polluted properties in those new subdivisions will be legally responsible for that pollution regardless of the obvious fact that they were not responsible for its creation or migration onto their properties.

Our last concern now, about the current 2018 FYR, involves the problems caused by the critical lost, destroyed or irretrievable misplaced history about this Superfund site prior to the early 1990s. When you ask (as your guidelines say you must) whether the assumptions are "still valid", we expect that with rare exceptions, the response will be: what assumptions? Turnover has been so high over the past almost three decades that you will have a difficult time finding people who can responsibly answer questions about assumptions, massive off-Base migration in the 1980s, etc. Your guidelines further show that you are authorized to have public hearings to obtain the feedback you require. If this becomes necessary, please afford me the chance to attend.

Contact me again if you have any questions about the above observations, and please include this letter with your records of the interview with me in conjunction with your 2018 FYR.

Sincerely,

Brent Poll
Executive Director
South Weber Coalition