

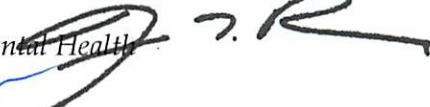





Memorandum

Date: October 26, 2017

To: SOUTHERN NEVADA DISTRICT BOARD OF HEALTH

From: Daniel LaRubio, Jr., P.E., REHS *Environmental Health Engineer/Supervisor* 
Paul Klouse, REHS, *Environmental Health Manager* 
Jacqueline L. Reszetar, M.S., REHS, *Director of Environmental Health* 
Joseph P. Iser, M.D., DrPH, MSc, *Chief Health Officer* 

Petitioner: Fabian Villa, Owner

Subject: Variance Request to Permit an existing Individual Sewage Disposal System (ISDS) on an undersized lot served by a Domestic Well to utilize an existing Septic Tank and an existing Shallow Absorption Field within Eight (8) Feet of a Structure and Ten (10) Feet of the Property Line (APN 140-16-201-009)

BACKGROUND

Fabian Villa, Owner is requesting a variance to permit an existing individual sewage disposal system (ISDS) on an undersized lot served by domestic water. The lot is approximately 0.62 acre gross, which includes one-half ($\frac{1}{2}$) of the adjoining Ringe Lane located in Las Vegas, Nevada where one acre gross is required for installation of an ISDS on a lot served by a domestic well. The lot is located at 2962 Ringe Lane legally described as a portion of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 16, T 20 S, R 62 E, M.D.B.&M. as shown in the office of the County Recorder, Clark County, Nevada APN 140-16-201-009, Clark County, Nevada (see attached SNHD Public Notice signed by Jacqueline Reszetar on October 2, 2017 and Land Assessor's Map).

The owner of the property, Fabian Villa, obtained the property in July 2003 (see attached Clark County Assessor's Ownership History) and now wishes to have the existing septic system permitted to be in compliance (See attached justification letter dated February 10, 2017). Mr. Villa will be permitting a Commercial ISDS (See attached Plot Plan).



Handwritten signature or initials in the left margin.

Main body of the document containing several paragraphs of text, which is extremely faint and mostly illegible.

DISCUSSION

Section 5.1 of the *District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* requires that a septic tank or soil absorption system not be located within ten (10) feet of any property line.

Section 5.2 of the *District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* requires that the horizontal separation from the foundation of a building or structure ... shall be eight feet (8') from a shallow absorption system. In this case Mr. Villa is requesting to maintain a minimum of 2' between the leach field and structure.

Section 5.3 of the *District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* requires that the septic tank and shallow absorption system shall not be within 100' of any well.

Section 11.20.1 of the *District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* requires a minimum of one acre (43,560 sq. ft. including public streets or easements) for the installation of an ISDS where the water supply is from a well serving only that property.

Section 19.5 of the *District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management* requires the Board to consider the relative interests of first, the public; second, other property owners likely to be affected; third, the applicant; in that order. No variance shall be granted in the absence of showing that:

- (1) The variance would not endanger or tend to endanger human health or safety.
- (2) Compliance with regulations from which the variance is sought would produce serious hardship without equal or greater benefit to the public.
- (3) The applicant shall comply with all other provisions of the applicable law and Regulations in the installation and maintenance of the sewage disposal system and/or septic tank pumping contractor permits.

Staff is of the opinion that the granting of this variance will not endanger or tend to endanger human health provided the applicant agrees to and complies with the four (4) conditions recommended by staff and subject to Board of Health approval.

The ISDS density map also shows 20 Lots with a traceable permit for a septic system and 11 wells within a square mile of APN 140-16-201-009. The offsite water quality is not being affected by the existing septic system, as shown in the attached water analysis, dated January 23, 2017. The closest neighboring building to the existing ISDS is a distance of one hundred fifteen (115) feet, which is more than the normal twenty (20) feet minimum required separation and acceptable.

RECOMMENDATIONS

Therefore, staff recommends approval with the following conditions:

1. The petitioner agrees to maintain the existing ISDS limited to the existing 2,000 gallon septic tank and existing shallow absorption leach field by pumping the septic tank every five years and provide SNHD with a pump receipt.
2. The petitioners agree that the leach field will not be located in an area subject to vehicular traffic, any area to be paved or within ten (10) feet of any tree. The septic tank is working very well and will remain in the drive area.
3. The petitioner and his successor(s) in interest shall abide by all local governmental regulations requiring connection to community sewage systems. Use of the ISDS shall be discontinued and the structure it serves shall be connected to any community sewage system constructed in the future to within four hundred (400) feet of the applicant's property line when connection can be made by gravity flow and the owner(s) are notified and legally required to do so by the public entity owning and operating the community sewage system.
4. Use of the well shall be discontinued and the structure it serves shall be connected to any community water system constructed in the future to within one hundred eighty (180) feet of the applicant's property line when connection can be made and the owner(s) are notified and legally required to do so by the public entity owning and operating the community water system. Until then, the property owner will obtain a Commercial Water Right for the existing well within twenty-four (24) months after the Variance is approved.

Attachments:

- A. SNHD Public Notice
- B. Assessor's Map
- C. Clark County Assessor's Ownership History
- D. Justification Letter by Mr. Fabian Villa dated February 10, 2017.
- E. Wetlab Laboratory Analytic Report dated January 23, 2017.
- F. ISDS Density Map
- G. Overall Plot Plan
- H. Enlarged Plot Plan

Attachment A: SNHD Public Notice



PUBLIC NOTICE

The Southern Nevada District Board of Health will conduct a PUBLIC HEARING on Thursday, October 26, 2017 at 8:30 a.m. during its regular monthly meeting in the Red Rock Conference Room at the Southern Nevada Health District; 280 S. Decatur Blvd., Las Vegas, Nevada, to approve or deny a Variance Request filed by Fabian Villa, Owner, to permit an existing individual sewage disposal system on the property a portion of the SW ¼, NW ¼ of Section 16 as shown in the office of the County Recorder, Clark County, Nevada APN 140-16-201-009, Clark County, Nevada.

The District Board of Health Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management Sections 5.1 and 5.2 requiring that no septic tank or shallow absorption field be located within eight (8) feet of any building and that no septic tank or shallow absorption field shall be located within ten (10) feet of any property line; AND Section 5.3 requiring that the septic tank and shallow absorption system shall not be within 100' of any well; AND Section 11.20.1 requiring a minimum of one acre (43,560 sq.ft. including public streets or easements) for the installation of an ISDS on a lot served by a water supply served by a Domestic Well. Section 19.5 requires the Board to consider the relative interest of first, the public; second, other property owners likely to be affected; third, the applicant; in that order. No variance shall be granted in the absence of showing that: (1) The variance would not endanger or tend to endanger human health or safety. (2) Compliance with regulations from which the variance is sought would produce serious hardship without equal or greater benefit to the public. (3) The applicant shall comply with all other provisions of the applicable law and Regulations in the installation and maintenance of the sewage disposal system and/or septic tank pumping contractor permits.

The variance application request is available for review at the Southern Nevada Health District 280 S. Decatur Blvd., Las Vegas, Nevada. Please contact Bonnie Archie at (702) 759-0572 to schedule an appointment to review the application request during normal business hours of 8:00 a.m. to 4:30 p.m. All interested persons may appear at the hearing and state their positions. Written comments will be considered by the District Board of Health and must be forwarded by October 15, 2017 to:

Daniel LaRubio, Jr., Environmental Health Engineer/Supervisor
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127

All written and oral submissions will be considered by the District Board of Health of Clark County.

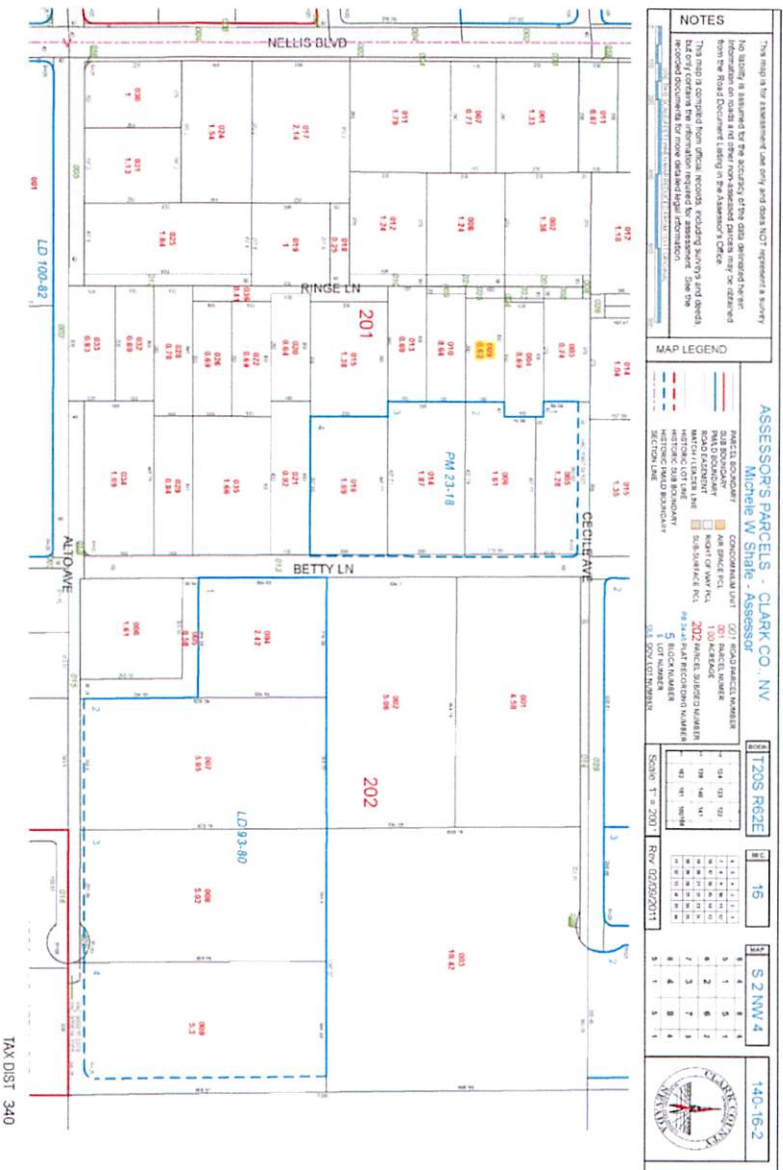
SIGNED:

-S-
Jacqueline L. Reszetar, MS, REHS
Environmental Health Director

DATED:

October 2, 2017

Attachment B: Assessor's Map



Attachment C: Clark County Assessor’s Ownership History

Michele W. Shafe, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map Aerial View Comment Codes Current Ownership New Search

ASSESSOR DESCRIPTION
PT SW4 NW4 SEC 16 20 62

CURRENT PARCEL NO.	CURRENT OWNER	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
140-16-201-009	VILLA FABIAN		20030707:00222	7/7/2003	HS	340	.62 AC	.07A TO RD 20040324:896;SF 136-44

PARCEL NO.	PRIOR OWNER(S)	%	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DIST	EST SIZE	COMMENTS
140-16-201-009	LAS VEGAS WROUGHT IRON INC		20030605:00134	06/05/2003	HS	340	.6900 AC	
140-16-201-009	FOSTER SR FAMILY TR # 511019573		19941005:01017	10/05/1994	HS	340	.6900 AC	C-950426:1499
260-280-006	FOSTER CHESTER E SR & JEWELL R		19870319:00214	03/19/1987	JT	340	.69 AC	
260-280-006	FOSTER CHESTER E & JEWELL R		0095:0079218	11/11/1111	JT	340	.69 AC	
260-280-006	FOSTER CHESTER E & JEWELL R		0095:0079218	11/11/1111		340	.69 AC	INITIAL

Note: Only documents from September 15, 1999 through present are available for viewing.

NOTE: THIS RECORD IS FOR ASSESSMENT USE ONLY. NO LIABILITY IS ASSUMED AS TO THE ACCURACY OF THE DATA DELINEATED HEREON.

Attachment D: Justification Letter from Owner

Justification/Hardship Letter

February 10, 2017

To: Southern Nevada Health District
280 S. Decatur Blvd.
Las Vegas, NV. 89107

From: Mr. Fabian Villa
2962 Ringe Lane
Las Vegas, Nevada 89156-3527

Re: Parcel # 140-16-201-009

To Whom It May Concern:

I hereby make application and petition the Southern Nevada District Board of Health for a variance to the Regulations Governing Individual Sewage Disposal and Liquid Waste Management Sections 11.20.1, requiring a minimum of one (1) acre (43,560 sq. ft.) for the installation of an individual sewage disposal system (ISDS) on a lot served by a domestic well; and Section 5.1, requiring that no septic tank or leach field be within 10' of a property line; Section 5.2, requiring that no leach field be within 8' of a building or a deep absorption field be located within 20' of a building without a Cone of Influence Letter submitted by a State of Nevada registered professional engineer and Section 5.3 requiring that a septic tank and shallow leach field shall not be less than 100' to any well.

This variance request is made to permit construction of an ISDS on a 0.62 acre lot (27,007 sq. ft). The leach field is located two (2) feet from the proposed structure and no closer than two (2) feet from the nearest property line.

The legal description of said property is APN # 140-16-201-009, further described as a portion of the SW $\frac{1}{4}$, NW $\frac{1}{4}$ of Section 16 as shown in the office of the County Recorder, Clark County, Nevada APN 140-16-201-009, Clark County, Nevada.

I have owned the property since July, 2003 and I wish to permit an existing Commercial Septic System to be in compliance with the Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management.

Thank you for Your Consideration,



Fabian Villa

Variance Request – Mr. Fabian Villa
October 26, 2017

Attachment E: Wetlab Laboratory Analytic Report dated January 23, 2017.



www.WETLaboratory.com

Specializing in Soil, Hazardous Waste and Water Analysis

1/23/2017

Fabian Villa
2959 Ringe Ln
Las Vegas, Nevada 89156
Attn: Fabian Villa

OrderID: 1701380

Dear: Fabian Villa

This is to transmit the attached analytical report. The analytical data and information contained therein was generated using specified or selected methods contained in references, such as Standard Methods for the Examination of Water and Wastewater, online edition, Methods for Determination of Organic Compounds in Drinking Water, EPA-600/4-79-020, and Test Methods for Evaluation of Solid Waste, Physical/Chemical Methods (SW846) Third Edition.

The samples were received by WETLAB-Western Environmental Testing Laboratory in good condition on 1/18/2017. Additional comments are located on page 2 of this report.

If you should have any questions or comments regarding this report, please do not hesitate to call.

Sincerely,

Andy Smith
QA Manager

Page 1 of 4

SPARKS

475 E. Greg Street, Suite 119
Sparks, Nevada 89431
tel (775) 355-0202
fax (775) 355-0817
EPA LAB ID: NV00925 - ELAP No. 2523

ELKO

1084 Lamoille Hwy
Elko, Nevada 89801
tel (775) 777-9933
fax (775) 777-9933
EPA LAB ID: NV00926

LAS VEGAS

3230 Polaris Ave. Suite 4
Las Vegas, Nevada 89102
tel (702) 475-8099
fax (702) 622-2868
EPA LAB ID: NV00932

Attachment E: Wetlab Laboratory Analytic Report dated January 23, 2017.

Western Environmental Testing Laboratory
Report Comments

Fabian Villa - 1701380

Specific Report Comments

None

Report Legend

- B -- Blank contamination. Analyte detected above the method reporting limit in an associated blank
- D -- Due to the sample matrix dilution was required in order to properly detect and report the analyte. The reporting limit has been adjusted accordingly.
- HT -- Sample analyzed beyond the accepted holding time
- J -- The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit
- M -- The matrix spike/matrix spike duplicate (MS/MSD) values for the analysis of this parameter were outside acceptance criteria due to probable matrix interference. The reported result should be considered an estimate.
- N -- There was insufficient sample available to perform a spike and/or duplicate on this analytical batch.
- NC -- Not calculated due to matrix interference
- QD -- The sample duplicate or matrix spike duplicate analysis demonstrated sample imprecision. The reported result should be considered an estimate.
- QL -- The result for the laboratory control sample (LCS) was outside WETLAB acceptance criteria and reanalysis was not possible. The reported data should be considered an estimate.
- S -- Surrogate recovery was outside of laboratory acceptance limits due to matrix interference. The associated blank and LCS surrogate recovery was within acceptance limits.
- SC -- Spike recovery not calculated. Sample concentration >4X the spike amount, therefore, the spike could not be adequately recovered.
- U -- The analyte was analyzed for, but was not detected above the level of the reported sample reporting/quantitation limit.

General Lab Comments

Per method recommendation (section 4.4), Samples analyzed by methods EPA 300.0 and EPA 300.1 have been filtered prior to analysis.

The following is an interpretation of the results from EPA method 9223B. A result of zero (0) indicates absence for both coliform and Escherichia coli meaning the water meets the microbiological requirements of the U.S. EPA Safe Drinking Water Act (SDWA). A result of one (1) for either test indicates presence and the water does not meet the SDWA requirements. Waters with positive tests should be disinfected by a certified water treatment operator and retested.

Per federal regulation the holding time for the following parameters in aqueous/water samples is 15 minutes: Residual Chlorine, pH, Dissolved Oxygen, Sulfite.

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Attachment E: Wetlab Laboratory Analytic Report dated January 23, 2017.

Fabian Villa - 1701380

**Western Environmental Testing Laboratory
 Analytical Report**

Fabian Villa
 2959 Ringe Ln
 Las Vegas, Nevada 89156

Date Printed: 1/23/2017
 OrderID: 1701380

Attn: Fabian Villa
 Phone: 702-591-7402 Fax:
 PO/Project: 2962

Customer Sample ID: Rental Property Collect Date/Time: 1/18/2017 08:30
 WETLAB Sample ID: 1701380-001 Receive Date: 1/18/2017 12:15

Analyte	Method	Results	Units	DF	RL	Analyzed	LabID
<u>General Chemistry</u>							
Total Nitrogen	Calc	12	mg/L	1	0.70	1/23/2017	NV00925
<u>Microbiological Analyses</u>							
Total Coliform	SM 9223B (IDEXX Colilert)	0	/100 mL	1		1/18/2017	NV00932
Escherichia Coli	SM 9223B (IDEXX Colilert)	0	/100 mL	1		1/18/2017	NV00932
Fecal Coliform	SM 9222D	ND	cfu/100ml	1	1.0	1/18/2017	NV00932
<u>Anions by Ion Chromatography</u>							
Nitrate Nitrogen	EPA 300.0	12	mg/L	2	0.20	1/20/2017	NV00925
Nitrite Nitrogen	EPA 300.0	ND	D mg/L	2	0.10	1/20/2017	NV00925
<u>Flow Injection Analyses</u>							
Total Kjeldahl Nitrogen	EPA 351.2	ND	mg/L	1	0.40	1/23/2017	NV00925

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

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Fabian Villa - 1701380

**Western Environmental Testing Laboratory
 QC Report**

QCBatchID	QCType	Parameter	Method	Result	Actual	% Rec	Units
QC17010538	Blank 1	Total Coliform	SM 9223B (ID)	ND			/100 mL
		Escherichia Coli	SM 9223B (ID)	ND			/100 mL
QC17010565	Blank 1	Nitrate Nitrogen	EPA 300.0	ND			mg/L
		Nitrite Nitrogen	EPA 300.0	ND			mg/L
QC17010577	Blank 1	Fecal Coliform	SM 9222D	ND			cfu/100ml
QC17010623	Blank 1	Total Kjeldahl Nitrogen	EPA 351.2	ND			mg/L

QCBatchID	QCType	Parameter	Method	Result	Actual	% Rec	Units
QC17010565	LCS 1	Nitrate Nitrogen	EPA 300.0	1.99	2.00	99	mg/L
		Nitrite Nitrogen	EPA 300.0	0.476	0.500	95	mg/L
QC17010623	LCS 1	Total Kjeldahl Nitrogen	EPA 351.2	1.07	1.00	107	mg/L

QCBatchID	QCType	Parameter	Method	Spike Sample	Sample Result	MS Result	MSD Result	Spike Value	Units	MS %Rec	MSD %Rec	RPD %
QC17010565	MS 1	Nitrate Nitrogen	EPA 300.0	1701434-005	0.573	2.70	2.66	2	mg/L	107	104	2
		Nitrite Nitrogen	EPA 300.0	1701434-005	ND	M 0.645	0.634	0.5	mg/L	NC	NC	NC
QC17010623	MS 1	Total Kjeldahl Nitrogen	EPA 351.2	1701380-001	ND	0.905	0.889	1	mg/L	90	89	2
QC17010623	MS 2	Total Kjeldahl Nitrogen	EPA 351.2	1701342-002	1.26	2.17	2.29	1	mg/L	91	103	5

DF=Dilution Factor, RL=Reporting Limit, ND=Not Detected or <RL

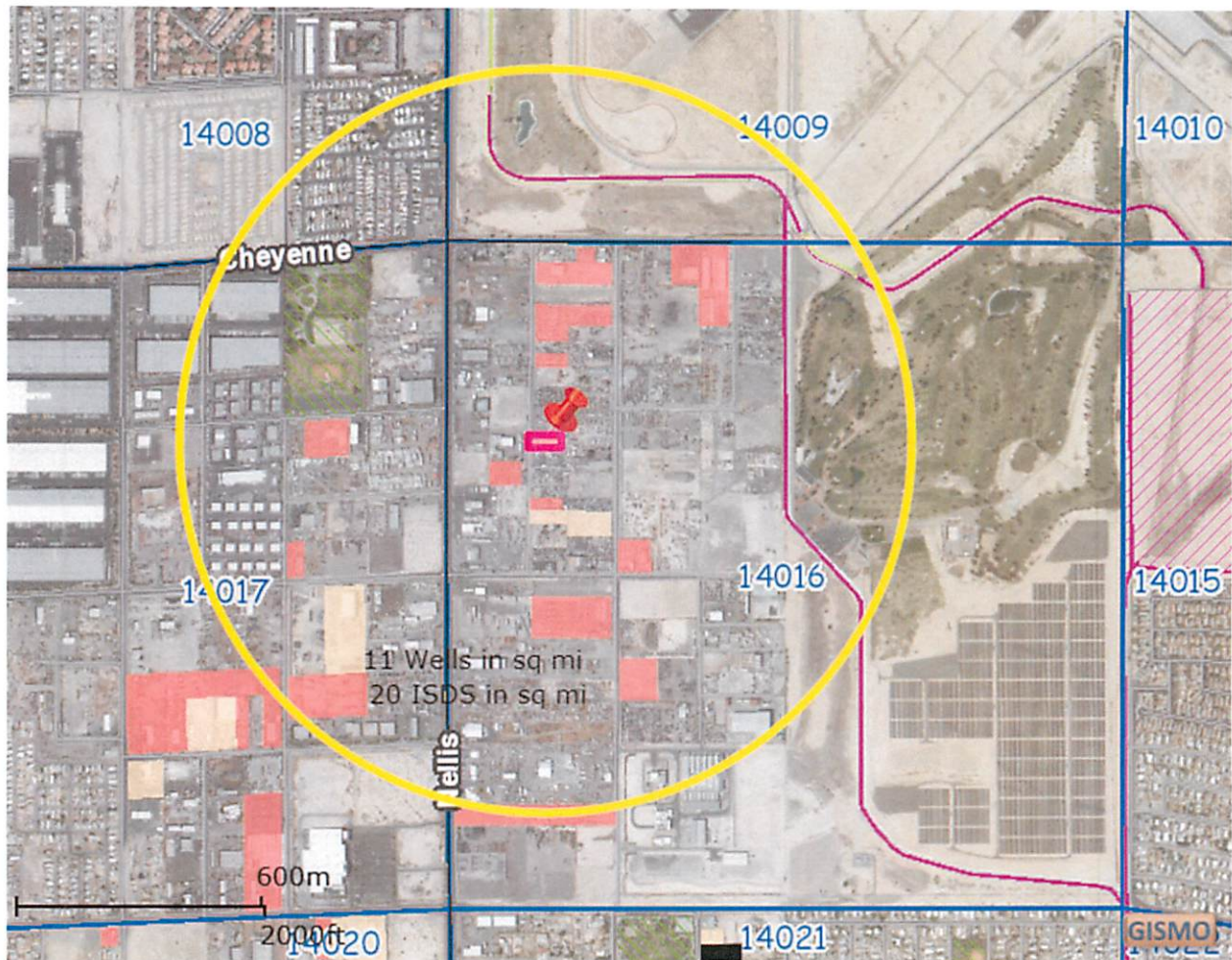
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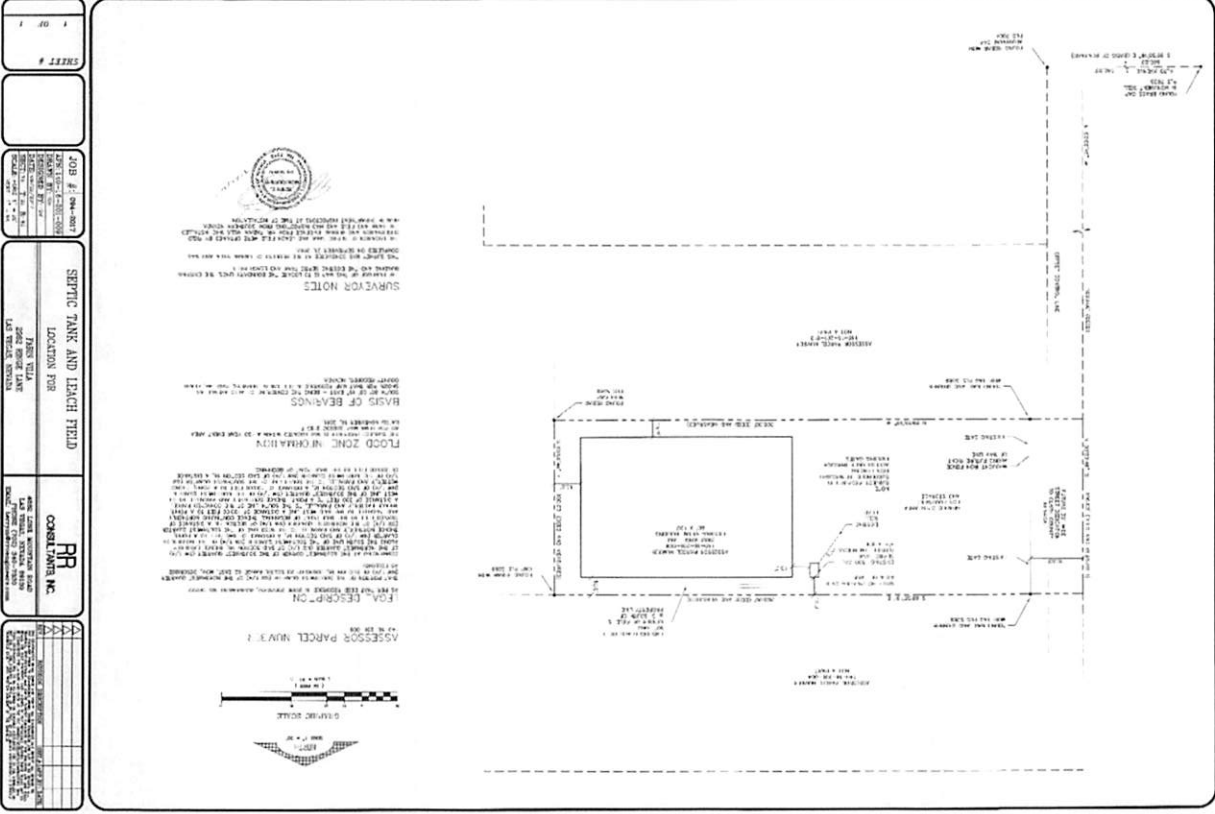
Attachment F: ISDS Density Map



Aerial View of Parcel (APN 140-16-201-009)

20 Parcels with a permitted septic system and 11 wells within a 1 circular square mile of the subject parcel

Attachment G: Overall Plot Plan (Page 1 of 2)



Overall Site Plan

Attachment H: Enlarged Plot Plan (Page 2 of 2)

