

**BOARD OF HEALTH
MINUTE SUMMARY
March 12, 2014**

MEMBERS PRESENT:

Jeff Burrows
Paul Carlson
Dr. Wayne Chilcote
Renaë Harding

Members absent: Dr. Michael Turner

STAFF PRESENT:

Chris Taggart, Minutes
John Palacio RCEH
Dan Hooten RCEH
Judy Griffin, PHN

Staff absent: Carol Calderwood

GUESTS PRESENT:

George Montgomery, Fred Salmonsén, Carol Salmonsén, Dennis Falk, Teren Falk and Pat Earnest.

January 08, 2014 draft minutes:

Paul made a motion to approve the January 08, 2014 minutes as read. Wayne seconded the motion. All voted "aye". (4-0)

CORRESPONDENCE:

None.

DEPARTMENT REPORTS:

Public Health Nurse:

Judy Griffin provided hand-outs which came from DHPPS, regarding the plan to improving the health of Montanans. The hand-outs also include her minutes, statistics and activities from January and February 2014. Also provided is a copy of the influenza up to date graph which appears to be low for this time of year. Judy stated that it has been a pretty normal season with just a few hospitalizations. Immunizations with WIC are coming up but they are approaching it a bit different than years past to hopefully increase immunizations.

RCEH:

Dan Hooten provided a hand-out pertaining to the number of permits issued since the new year and stated that the numbers are down due to amount of snow.

Renaë asked about the subdivision complaints. Dan explained that the complaints received were mainly about a trailer court's septic system failure. He then said not much can be done with a frozen ground. The Department thought there were only 3 units attached to the system but in reality it was found that there are actually 22 connected units.

OLD BUSINESS

875 Bowman Road:

Dan Hooten explained that he has visited the site a number of times. He assumed it was a single family residence but found out that it is actually a duplex. There is sewage running across the ground. A replacement permit has never been applied for nor issued. The persons living within the second unit has moved out but the problem remains and the system needs to be replaced. He talked about pumping the tank but to date, it has not been pumped. He goes out there every couple of weeks to check on things. So far, the sewage is 3" below the tank top and system is barely holding on. Jeff explained that he has been in contact with the County Attorney and as of now an attorney from Beaverhead County has been assigned to prosecute. Jeff then stated that the Board of Health can request that the tank be pumped or that the toilets be removed or that the occupants move out. If the residents cannot afford to pump the tank, Jeff didn't know how things would work. County Attorney Dan Browder was looking into it but Jeff has not heard back yet. Dan Hooten said in essence if the tank was pumped, it would just postpone things for a few weeks. A new system would cost approximately \$2000, which would include the installation of a drainfield, since there is not currently a drainfield there now (seepage system). With the installation of a proper drainfield, situation would be taken care of. Most cost effective "fix" would be to install a drainfield versus pumping the tank every few weeks. Jeff said he did not think that would be an option for the BOH due to potential liability. Paul asked if the Board requested that the property be vacated, would it be for a 6 month period. Jeff said he was not sure. Dan said the system is currently working but at the time he sees that it is not, he would like to be able to call someone to take care of it.

Public comment:

George Montgomery, 882 Bowman Road, said he lives across the street and downhill from the site in question. He recapped the history of this problem, which has been going on since August 2012. He met with a potential property buyer in November 2012 at which time the realtor said the system has failed. In February 2013, there was another potential buyer, via another realtor, but the property was no longer listed for sale due to the septic problem. In August 2013 it was mentioned that the tank was pumped and Dan said at that time tank would need to be pumped every two weeks or so. It is a serious situation and silly that this has gone on so long. October 2013 it was noted the tank was $\frac{3}{4}$ full and as of November 2013 it was still $\frac{3}{4}$ full. Dan explained that the system is a two tank system and the second tank is an open bottom tank, a seepage system without a proper drainfield. Due to weather conditions, the ground cannot absorb fast enough. George said he is very concerned and this problem effects the whole neighborhood. George said that a renter lives there, not the owner. He then asked if each time a failed system is inspected, is there an inspection log kept. One is definitely needed especially if court action is going to happen. He then asked who is responsible for groundwater contamination and/or who is who is liable. Jeff thanked George for his comments and said the Board shares his frustration. Wayne said if place was vacant the contamination would decrease and asked does this fall under this Board's prevue that the occupants be asked to vacate Renae asked who is responsible for enforcement to have residents vacate. Jeff took short break to call Howard Recht (County Attorney) and get his opinion.

Jeff explained that per Howard, Dan Hooten would have the authority to have the tank pumped, if he felt there was a sense of urgency. This Board can reinforce that authorization via a motion. Howard also said that the County Attorney's office is looking for some sort of recommendation from this Board (pumping tank, installing new drainfield, removal toilets, vacate the premises) Renae referred to ARM regulations pertaining to pumping the tank and said if a system is found to not be working properly, she would like to see residents vacate until there is a functioning system. Jeff suggested that the Board send a written recommendations to the County Attorney. Wayne said that removing toilets would not solve the problem in his opinion. Vacating the premises is the only way to guarantee that the system gets fixed or to allow the tank to drain properly.

Concurrent of the Board: Send written recommendation to the County Attorney:

- 1. Ask occupants to move out until there is an approved and working system is in place.**
- 2. Attorney to determine property ownership and that they be properly notified.**
- 3. Allow Dan Hooten to have the tank pumped in the case of emergency with reimbursement requested from the property owner or a possible lien on the property**

Paul moved to allow Dan Hooten to have the authority to call for an emergency pumping of the system when warranted due to the potential of an environmental hazard. Renae seconded the motion. Discussion: Wayne said if a bank has retained the property back, they may be interested in correcting the problem. Public comment: none. **Paul amended his motion to include the potential of placing a lien against the property for reimbursement costs of emergency pumping. Renae seconded the amendment. All voted “aye”. (4-0)**

Dan asked if the situation arises and pumping of the tank is required, which pumping company should be used. Jeff said in an emergency situation, Dan has the authority to call whomever he feels would be best and use his best judgment on choosing a pump company.

Sapphire Lutheran Home roach problem:

Judy Griffin explained that she has spoken with Cole Hardin, Sapphire Manager. Sapphire has switched extermination companies within the last two weeks. There is no increase in incidents, no problems. Said extermination company is still spraying and using bait trap and some people have moved out, so it sounds like the problem is under control. Judy then said that their office did visit the site and attempted to provide in service for the residents in January, but there was a poor turn-out.

Patricia Ernest, a resident of Sapphire, said she believes in the integrity of Sapphire Lutheran Homes. She gave a brief history and said that per her doctor’s recommendation, she came to this Board. She has not seen any roaches at all and Sapphire is also being very pro active to make it a healthier environment for residents. AS of May 2014, it will be a no smoking facility. She then thanked Judy and Carol for all their hard work, as well as thanked the Board.

Board discussion: none.

Luby Lane:

Dan Hooten gave a brief background which started with a phone call last fall. A septic system was being installed without a permit for a mobile home. An actual septic tank has been in the ground, which obviously has been there for a very long time. Owners wanted to just hook into said existing old tank. Dan told them no due to there not being a permit issued and also, the system must be partially exposed to verify the type and shape of said tank/system. Once the system was exposed completely, Dan inspected it and said the system was ruined via the contractor (son in law). Sand and gravel filled in the pipe line. The residents said they would move out. Months later, he received a call stating there was someone living back in the home. He re visited the site and spoke with a woman who was living there. She had no other place to go. Currently the parts and pieces have been purchased and work to the replace the system should be in place by next week.

Dan then explained that the neighbors also have complained about burning and garbage but it is now open burning season. He did issue a warning prior to burning season being open. He also said that Susan Bowden of MDEQ was out on site took pictures and talked with folks about various piles of debris on the property. Susan did write the owners a letter which said the septic system issue is the first priority.

Public comment:

Dennis Falk, 276 Luby Lane, lives approximately 2000 feet downstream of Bass Creek and within the vicinity of the subject property. Dennis questioned the location of the tank to the creek. Dan explained that the tank must be 50' from any open water source. Dennis then asked if the tank has cracks and leaks and it flows downstream, how is the tank inspected. Dan said tank is filled with water and watched for 24 hours and then measured. Dennis then said all the debris on the property is currently worse. He asked a fence can be required to be built around this property. Dan explained that Missoula County has a debris ordinance but Ravalli County does not. Dennis then stated that the piles of debris lowers values of surrounding properties when this sort of issue gets out of hand. Financially for him, it is taking away value of his property. Dan explained the junk vehicle laws and how all tags must be current. Dennis asked how much burning is one property allowed and he suspects that the property owner brings junk onto his property and burns late at night. Dennis asked if the property owner was allowed to burn for job related reasons, by hauling 'stuff' from another property to his and burning it. Dan asked Dennis to report that when it happens as that is not allowed. Dennis said that is pretty hard to prove.

Board discussion: Wayne said he is looking forward to next month's meeting to hear about all the hopeful progress being made. Jeff said he is glad to hear there is movement forward on the septic tank issues.

NEW BUSINESS

Approval of Montana Health Co-op (MHC) Contract:

Judy said we have not received a contract yet and requested to leave it off future agendas until she notifies us. Board concurred.

OTHER BUSINESS - None.

PUBLIC COMMENT - None.

NEXT MEETING - April 09, 2014

MEETING ADJOURNMENT

Paul made a motion to adjourn the meeting at 4:27 PM. Renae seconded the motion. All voted "aye". (4-0)