

**BOARD OF HEALTH  
MINUTE SUMMARY**

December 09, 2015

3:00 PM

**MEMBERS PRESENT:**

Jeff Burrows  
Michael Turner  
Roger De Haan

**STAFF PRESENT:**

Carol Calderwood, MD, HO  
John Palacio, RCEH  
LuAnn Burgmuller, PHN  
Chris Taggart, Minutes  
Dan Browder, Deputy County Attorney

**Member/staff absent:**

Dr. Wayne Chilcote  
Katherine Scholl

**Guests Present:**

Norma Gilmore  
Michael Howell  
Salima Witt  
Mark Heller  
E. Burt  
Eric Clements  
Suzanna McDougal

November 04, 2015 draft minutes:

**Mick made a motion to approve the November 04, 2015 minutes as read. Roger seconded the motion.** Discussion: none. Public Comment: none. **All voted “aye”. (3-0)**

**CORRESPONDENCE:**

None.

**DEPARTMENT REPORTS:**

Health Officer: Carol Calderwood MD,

Carol stated that the flu season has been quiet. Acute gastro intestinal issues have been going on and there has been a lot with 2 hospitalizations. Office has been investigating trying to find the diagnosis. They have ruled out food sources and they are thinking neuro. Everyone has been cooperative.

Monkey business: the office is working on processing a request to expand road side menagerie for non-primate species. FWP approved the permit last year. Carol is unclear if further licensing

will be needed. She would like to obtain input from CDC vets before she comments and there is no timeline for this request to her knowledge. Carol to email out information to BOH. Dan Browder stated FWP issues permits with County input. Agenda Item for update in January 13, 2016.

Public Health Nurse: LuAnn Burgmuller

LuAnn spoke again about the gastro intestinal outbreak and her office is working with RCEH and will report back as more information becomes available. More immunizations happening in schools and office. She has completed child care provider inspections. She attended Helena orientation with DPHHS and they (DPPHS) would like to make a presentation to Ravalli County BOH, BCC, Sanitarian and Emergency Services. Potentially March. LuAnn will work on.

RCEH: John Palacio

John stated that the office has slowed down in septic permitting and installs. October surge was mostly finish ups before weather. Both Jenny & Rod are in Helena for training.

**OLD BUSINESS:**

1. Public Health issue Florence – continued from 11/04/15 - John Palacio

John explained timelines from last meeting to now and said some items have been completed but not all. BOH had requested a presentation on deg/non-deg. John presented the information via a PowerPoint and handouts. Ex 1: using hypothetical 1.0/mg/L would equate to 4.79 which stays below the cap of 5.0; Ex 2: using hypothetical 2.0mg/L equates to 6.77, over 5.0 cap and Ex 3: using Mr. Burt's number 8.0/mg/L equates to 10.18 over 5.0 cap. The information received to date, there is no potential to issue a permit. His office needs better information to complete a proper, real analysis. In conclusion, RCEH has determined the following:

1. The converted shop cannot remain as an apartment, and cannot even have a bathroom, because it would be considered "increased use" of an existing septic system, of which the mixing zone is located wholly on the neighboring property.
2. The main house, permitted for two bedrooms only, cannot become (or remain as) a duplex because: a) There is not enough room for a drain field of sufficient size for two dwellings; b) the increase in use would not pass NSA; and c) there is not enough room for the required 500' mixing zone.
3. The main house could only be permitted for three bedrooms (increase from current two bedroom permit), if the background nitrate sample were less than 2 mg/L. If the background nitrate sample is 2/mg/L or more, no increase in use is possible.

Roger asked what action the BOH should take. John asked for a compliance order to be issued because this has dragged on. John gave a brief history. Mr. Burt handed out a copy of an email received by RCEH on 12 08 15.

Jeff asked why the site inspection has not occurred. Mr. Burt said the only thing that needs to be inspected is the shop. Dan Browder explained the 3 non-compliance / violations issues. He did state that a cess pool was also an item but has since been remediated. Roger said based on evidence available today, compliance order should be issued. The Burt's can come back to BOH at a later date. Mick said if County has information and does not issue compliance order, what happens when the next person comes in. Dan asked BOH to consider the plumbing in the shop

(kitchen & bathroom) which were installed without a permit. BOH needs to determine if any sanctions should be placed for illegal work done to the shop. I.e.: plumbing to be removed in the shop, or the Burt's submit for a permit to at least have a bathroom in the shop. Mr. Burt stated the lease one Trailer A is up in spring 2016 and that trailer will be removed, thus making that system compliant. Mick asked about the mixing zone on the neighbors' property. Dan explained the system was installed prior to state law changing and is considered grandfathered. John explained an alteration permit applies to any change made to a septic system. Roger proposed issuing compliance order but leave it open until next month so that the Burt's can come back to BOH with a solid proposal for compliance. The BOH can consider their proposal and adjustments. Dan stated that there are continuing violations on property: a non-licensed trailer court and an illegally connected shop. The house converted to a duplex is also a violation. That is why an on-site inspection was requested by the BOH (inside buildings and outside of buildings). Mrs. Burt stated they bought property as it is. Mr. Burt said he thought their attorney had arranged for the site visit. John said this has been going on for just under one year. John handed out a draft compliance order. Roger suggested that the Burt's come up with a comprehensive plan and proposed timeline and present it to BOH.

Discussion of BOH:

***1. Keep as is but add deadline of December 16, 2015 and include an on-site inspection of the inside and outside of the building, with consent of the property owner and with 48 hour notice to tenant's.***

***To read: Permanently convert the two-story duplex to a single-family, two bedroom dwelling. This may require removing fixtures if there is a second kitchen facility in the house, for example. The deadline to comply with this item is December 16, 2015, which shall include an on-site inspection for the interior and exterior of the building.***

***2. Add to "either" that an alteration permit application be submitted by December 23, 2015.***

***To read: Either remove the northernmost trailer and obtain an alteration permit for the shop apartment, application to be submitted to RCEH by December 23, 2015 OR abandon and permanently remove the plumbing from the shop apartment and submit an application for licensure of the two mobile homes as a trailer park through DPPHS.***

***3. To read: Trailer A must be removed by April 07, 2016. The shop cannot be occupied until the north trailer "Trailer A" is removed and may be inspected as required from time to time, with reasonable notice. An on-site inspection with consent of the property owner with 48 hour notice to tenants on trailer removal.***

**Roger moved to approve issuing the Compliance Order as drafted and as amended above (items 1-3). Mick seconded the motion. Public comment on motion: none. Discussion: none. All voted "aye" (3-0).**

2. Back up Health Officer: LuAnn & Dr. Calderwood  
Carol requested tabling this item to research contacting another county for trade services.  
TABLED to January 13, 2016 BOH meeting.

3. Additional Vendor Fees  
TABLED to January 13, 2016 meeting.

#### 4. Judy Hoy Study – Jeff

Jeff stated Judy requested a letter stating BOH concerns with Judy's findings within studies. Mick said it is his understanding the State of Ag is in charge of pesticides. This is not BOH purview and is a state matter not a Ravalli County matter, as pesticides are governed at the state level. Jeff read Wayne Chilcote's email stating this matter is not BOH purview and is a state environmental health issue. Roger said this is a very complex issue with lots of aspects intertwined. Very hard to see how all is interconnected. He has not heard in Ravalli County that that we have more or less problems than other counties. Jeff said there are experts refuting these findings and that there are issues here. The issues are not unique to Ravalli County.

Judy Hoy asked, because all of the studies that BOH ask Federal EPA to do testing of soils, snow, rain, air, foliage and potential urine tests on animals. Mick asked Judy if she has contacted the Federal EPA. She said yes via Max Baucus and the Denver office, who contacted the MT FWP who said there is no problem. There is a high prevalence of malformed deer. Jeff said it seems like a simple request and is not opposed to send letter. Roger agreed. Mick asked if Judy has spoken with state EPA. She said yes but is always told to go away. Utah has exact same issues and has created a website.

#### Public comment:

Susanna McDougal: everything is connected. Appreciates Jeff calling for a letter and hopes BOH will send a letter. It is important and pesticides cause huge issues.

Mark Heller: wanted to listen as there are many health issues in the valley. U of M professor is collecting samples. The Feds will take a long time and we don't have a long time. There is so much material to review. A master's grad, working in the Health Department, Christy Corrus, is under the impression that neurological issues in newborns need to be studied as well. If a body or board can get one study completed, that is a start. There are no baselines and Judy's research does not have a baseline. If we can get one study done, we would have a baseline. We have got to start somewhere and approves of the letter be sent.

Norma Gilmore: stated she is here for brain damage in children. BOH needs to know we started a program to help the children get better and do school work. 10 years ago, she worked at the University and she would see children having problems. She then spoke with superintendents and they wrote a grant to get help and the program is in its 9<sup>th</sup> year, running between September to Thanksgiving. We found the children related to so well to the program. She spoke about a few successful students. She then worked with Vicki Allsop to work with children, referring to one young man with a crossed eye which was due to his cheek bones not being the same. They worked on him and within a week, he was fine.

Consensus of BOH: Continue to January 13, 2016 meeting to review Draft letter.

#### **NEW BUSINESS:**

##### 1. Cooperative Agreement between DPHHS and Board of Health - John

John explained this is the same draft as BOH approved last year. If we opt out DPPHS would have authority to sign off on body art, pools & spas & other water features, wholesale food, public foods, among other things. Roger asked if Ravalli County wants to opt out. John said no and is good with the draft.

**Mick moved to approve the Cooperative Agreement, with BOH chair signature. Roger seconded the motion. Public comment on motion: none. Discussion: none. All voted “aye” (3-0).**

**PUBLIC COMMENT:**

None.

**NEXT MEETING:** January 13, 2016, 2015 at 3PM

**AGENDA ITEMS FOR 12/09/15:**

1. Back up Health Officer - LuAnn & Dr. Calderwood
2. Additional Vendor Fees - John
3. Federal EPA Letter draft - Roger

**MEETING ADJOURNMENT:**

**Roger made a motion to adjourn the meeting at 5:25 PM. Mick seconded the motion. Discussion: none. Public Comment: none. All voted “aye” (3-0).**