MEMBERS PRESENT:
Jeff Burrows
Katie Scholl
Roger De Haan
Dr. Wayne Chilcote
Mick Turner

Members Absent:

STAFF PRESENT:
Chris Taggart, minutes
John Palacio, RCEH
Angelia Allen, PHN

STAFF Absent:
Carol Calderwood, PHN
Neoma Greenfield, PHEP
Lyndsay Stover, Tobacco Free

Guests Present:
Brad Miller
Cheri Miller

The meeting was called to Order at 3:02 pm by Chairman Jeff Burrows.

I. January 10, 2018 draft minutes
Katie made a motion to approve the January 10, 2018 minutes as read. Seconded by Roger.
Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

II. January 19, 2018 draft Special Meeting minutes:
Roger made a motion to approve the special meeting January 19, 2018 minutes as read.
Seconded by Katie. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

III. CORRESPONDENCE:
Email from Neoma Greenfield.
Roger received American Water Resources Association request looking for groundwater projects.

IV. AMENDMENTS TO THE AGENDA:
None.
V. DEPARTMENT REPORTS:
Health Officer: Dr. Carol Calderwood
ABSENT

Public Health Nurse: Angie Allen
Flu season is here with 202 confirmed cases. Last week there were 47 cases of flu reported. The month of January was very busy with 3 outbreaks: one nursing home had flu A, Noro in another nursing home and one day care had flu A. There has been one death in the nursing home. Tama Flu is semi effective. There is lots of strep going on along with lots of flu like illnesses going around. Schools are experiencing high peaks in absences. Flu A typically is a fall winter strain and Flu B is a spring time strain. Other counties in Montana have been hit really hard.

Lt. Jon Moles and Angie have been speaking with Howard Recht regarding the dog bite ordinance and tightening up the language within it.

RCEH: John Palacio
John handed out his monthly stats. The office is still slow compared to summer of last year. Septic permits are mostly being issued for Subdivisions. Office staff is trying to get food establishment inspections done before spring and summer events. He did interview 2 candidates for RCEH open positions. He is also working on tightening up Standard Operating Procedures (SOP’s) for septic permit issuance, for training purposes, for the upcoming busy season. John is finishing up the Word draft of RCEH regulations to allow for easier tracking of changes. He is projecting to have ready by March or April BOH meeting a department manual draft for review.

Tobacco Coordinator Report: Lyndsay Stover
ABSENT

VI. OLD BUSINESS:
1. Back Up Health Officer – Carol and John (insurance requirements review from Civil Counsel)
Waiting to see what happens with BOH by laws update and MOU. Continue to have on agenda.

2. “Camping” / possible dwelling in Stevensville without Septic Permit P#816500 (M Parker) Compliance Order Update – John
John stated that the lady that lives in the house did pick up a copy of the letter and John re mailed it out to Mr. Parker. His office has not received any sort of response. Agenda item is now closed; remove from agenda.

VII. NEW BUSINESS:
1. Variance Request: Bradley & Cheryl Miller P#1366120 Sundance Lane

Present:
Bradley Miller
Cheryl Miller
Staff Report and recommendation: John Palacio, RCEH

The property consists of 20 acres in Florence, which was created in 1979. A previous variance was applied for back in 2015. At that time BOH denied the request. Further groundwater monitoring was completed after that. This request is to install a new elevated sand mound with a new source, with less than 48” of natural soils as required by DEQ 4 and ARM. The proposal is to construct an elevated sand mound with additional sand to provide 54” of separation between seasonally high groundwater and the bottom of the absorption trench. There is a pump house on the parcel currently. All variance criteria in ARM must be met in order to pass a variance request. RCEH recommends that the request be denied by the BOH.

He gave a brief a PowerPoint presentation to show locations. John said the state does have a list of approved type 2 systems and a list of criteria which must be met for special type 2 systems.

Applicant presentation:
Brad Miller stated that the re doing of groundwater monitoring did provide some better areas but still he could not meet the 48” requirement. After he purchased of property, Mr. Miller leveled off the property and farmed it. He did perform a nitrate sensitivity analysis and a Phosphorus breakthrough analysis.

He gave his background and stated that he is a PE which includes being a sustainable design professional. He then gave a PowerPoint presentation on various types of type 2 systems.

Katie pointed out the system Mr. Miller is attempting to install is experimental in Florida. Florida and Montana are not the same and comparing the Florida studies to Montana are just too different.

Variance is to install a new wastewater treatment system with less than 48” of natural soils between seasonally high groundwater and the bottom of the absorption trench.

Mr. Miller explained that he has looked at other counties, Flathead and Gallatin. Flathead has adopted MDEQ 4 but with modifications. In Flathead County, elevated sand mounds will not be considered for new construction where the high groundwater level, bedrock or other impermeable layer is within 36” of the natural ground surface. Four feet of suitable soil must be maintained between the modified site and the limiting layer. Suitable soil is considered native soil and the sand media meeting specifications of Section 6.7.3.4.

Mr. Miller is proposing an elevated sand mound system but instead of providing 48” of natural soils, he proposes to have 54” of natural and suitable soils. He referred to Gallatin County for variances approved from 2015-2017, for allowing systems having less than the 48”, which included 8 varying type 2 systems.

Board Discussion:
Roger asked Mr. Miller why this property is unique compared to other properties who cannot meet the 48” rule. Mr. Miller explained that this 20 acres is unique since it has been in their ownership for 25-30 years, it has never been subdivided, he wants to have his daughter live on it, and they have tried getting another type of system installed. Mr. Miller stated that he would be willing to go with a level 2 system but he would prefer to go with the passive denitrification system. Mr.
Miller is unaware of other passive systems in Montana. Roger agrees with the experimental systems but there has to be some criteria such as having an existing home. This scenario is bare land and this would be a new system for a site that does not meet the 48” requirement.

Jeff said a study would not be performed on a property that requires a variance. Roger asked if the BOH wants to discuss reducing the depth to groundwater requirement and if the BOH does, what kind of requirements the BOH would want to place on those various systems. Roger does not understand why the state decided on 48” depth to groundwater. There are hundreds of parcels out in the County that have been denied a variance to have less than the 48” requirement. John spoke about hardships and extraordinary conditions. Mick said BOH has a responsibility to Ravalli County and to the water in the County, compared to an individual. If 48” is required then that is what needs to be maintain as the standard.

Findings of Fact:
Staff report FOF 1-29
FOF 1: BOH concurs with staff report
FOF 2: BOH concurs with staff report
FOF 3: BOH concurs with staff report
FOF 4: BOH concurs with staff report
FOF 5: BOH concurs with staff report
FOF 6: BOH concurs with staff report
FOF 7: BOH concurs with staff report
FOF 8: BOH concurs with staff report
FOF 9: BOH concurs with staff report
FOF 10: BOH concurs with staff report
FOF 11: BOH concurs with staff report
FOF 12: BOH concurs with staff report
FOF 13: BOH concurs with staff report
FOF 14: BOH concurs with staff report
FOF 15: BOH concurs with staff report
FOF 16: BOH concurs with staff report
FOF 17: BOH concurs with staff report
Amend FOF 18 BOH concurs with staff report with amended to “property owner did perform his own perc test and non-deg analysis” and to remove the last sentence.
FOF 19: BOH concurs with staff report
FOF 20: BOH concurs with staff report
FOF 21: BOH concurs with staff report
FOF 22: BOH concurs with staff report
FOF 23: BOH concurs with staff report
FOF 24: BOH concurs with staff report
FOF 25: BOH concurs with staff report
FOF 26: BOH concurs with staff report
FOF 27: BOH concurs with staff report
FOF 28: BOH concurs with staff report
Amend FOF 29: BOH concurs with staff report with amended to “The requirement of four feet of natural separation between the ground surface and the highest level of groundwater in order to
obtain a septic permit for a new system is a requirement for all properties by the state of Montana and does not place an exceptional burden on the applicant”, ADD FOF 30: “Rational for variance request by applicant is his undue hardship in denying this variance would not allow for his daughter to build home. BOH concurred with adding FOF 30.

Conclusions of Law:
Staff report COL 1-5
COL 1a: BOH concurs with staff report that this criterion is not satisfied (remove FOF 18)
COL 1b: BOH concurs with staff report that this criterion has been satisfied
COL 1c: BOH concurs with staff report that this criterion has been satisfied
COL 1d: BOH concurs with staff report that this criterion is not satisfied (remove FOF 18)
COL 1e: BOH concurs with staff report that this criterion is not satisfied (remove FOF 18)
COL 1f: BOH concurs with staff report that this criterion is not satisfied (remove FOF 18)
COL 2: Amend to include requirement of the State of Montana; BOH concurs with amendment and with staff report that this criterion is not satisfied
COL 3: BOH concurs with staff report that this criterion is not satisfied
COL 4: BOH concurs with staff report that this criterion has not been met.
COL 5: BOH concurs with staff report that this criterion has not been met.

BOH Decision:
Roger moved that based upon the Findings of Fact and Conclusions of Law, as amended here today, that the variance be denied. Seconded by Mick. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

2. E8 RC CDSR Checklist 2017-2018 – Angie Allen/Neoma Greenfield
Tabled to March 14, 2018 BOH meeting.

3. L1 RC LAB Checklist 2017-2018 – Angie Allen/Neoma Greenfield
Tabled to March 14, 2018 BOH meeting.

4. Preliminary By-Laws
Tabled to March 14, 2018 BOH meeting.

5. Preliminary MOU
Tabled to March 14, 2018 BOH meeting.

VIII: PUBLIC COMMENT
None.

IX. NEXT MEETING:
March 14, 2018 at 3:00 PM

X. ADJOURNMENT:
Roger made a motion to adjourn the meeting at 5:00 PM. Seconded by Wayne. All voted “aye” (5-0).