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

Members Absent:
None.

STAFF PRESENT:
Chris Taggart, minutes
Angelia Allen, PHN
Lyndsay Stover, Tobacco Free
Carol Calderwood, PHN
John Palacio, RCEH
Dan Browder, Civil Counsel

STAFF Absent:
None.

Guests Present:
Christin McGillivary
Kay Bourbough
John McGillivary
Laurie Quinlan

The meeting was called to order at 3:03 PM by Chairman Jeff Burrows.

I. April 11, 2018 draft minutes
Katie made a motion to approve the April 11, 2018 minutes as corrected. Seconded by Roger.
Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

II. CORRESPONDENCE:
Lockhart letter.

III. AMENDMENTS TO THE AGENDA:
None.

IV. DEPARTMENT REPORTS:
Health Officer: Dr. Carol Calderwood
Her office has been very busy in the hospital and they are seeing spring time illnesses (ticks). Less infrequent flu cases. There are still secondary infections going around with lots of strep.

**Public Health Nurse: Angie Allen**
There have been a few GI illnesses and possible tick borne illnesses (2 this week). There has been a lot of dog bites but flu is slowing down.

**RCEH: John Palacio**
John provided hand-outs for April. New, replacement, and alteration permits are down by 4 from last year. It has, however, been a busy month for final inspections after a busy March of writing permits. Mick asked how long it takes someone when they get a permit before the inspection is completed. John said it depends and it’s a mix and explained. Groundwater monitoring: we have 31 total properties with 87 total pipes which are visited weekly. So far there has been no peak in the season. Subdivisions are up with 2 major subdivision submittals (Corvallis and Florence). Mostly his office is working SEA’s. Also, the American Lung Association (ALA) published the 2018 State of the Air Report. He a copy of the report and pointed to Ravalli County’s ranking. Ravalli County is ranked #9 and Missoula County is ranked #22 nationally, in the 2.5 micron particulate matter (PM2.5) short-term particulate pollution (24-hour PM2.5) for Counties, with a grade F. These are just the locations which actually have air monitors. Angie asked John if the County has tried to go through an Asthma program. John said no. John has spoken with DEQ Air Quality and per DEQ, the ALA includes wildfire smoke events in their assessment.

John then stated that the Sheriff Department delivered the compliance order for the Fish Hatchery area. John has spoken with the owner, Matthew Parker, and Mr. Parker stated that he has evicted the residents of the Property and is in the process of cleaning up the place. John visited the Property and showed pictures taken from the road that the place appears to be getting cleaned up, showing a shipping container-sized trash bin. He is quite sure that the neighbors will keep RCEH informed.

The Junk Vehicle contract is out for bid.

U of M has reached out to RCEH to conduct a study regarding health effects on PM2.5 in Hamilton (air quality).

**Tobacco Coordinator Report: Lyndsay Stover**
Lyndsay provided a hand out report. Most recently, the program assisted in the 8th grade transitions. She has visited all schools up and down the valley. She provided a rotating classes which has reached over 7000 students. Also, she has worked with PFLAG, WMMH to talk about diversity training, which 6 student attended. This last Tuesday, Lone Rock School District passed a Comprehensive Tobacco Free Policy which included E cigs. To date (from July 01, 2017 through today) 2,551 students have been reached via her program. Upcoming events include the Job Corps, Victor School and Florence School.

V. OLD BUSINESS:
1. **DRAFT Preliminary MOU - review**

**Consensus:** TABLE to June 11, 2018 meeting.
2. Replacement Septic Systems Policy – John, Katie & Roger

John explained that he and Roger met and reviewed this Policy. Provided is a synopsis page. The suggested policy is for existing homes hooked into existing septic systems, installed after January 1, 1972, that are not permitted, and cannot pass for a new system under current regulations and standards. Roger suggested a third time line to be included for 1983 through 1993.

Mick asked if an illegal system is a system that RCEH does not have a record of. John said yes. John said between the years of 1983-1993 a septic permit was fairly easy to obtain. Roger said there are still some “tools in the tool box” to require a different system other than a standard system and/or the sand mound system. Discussion ensued about varying types of systems. Roger said the point of this is if there are sites which are questionable, additional requirements could be added. There are going to be “variance” issues that fall through the cracks. Mick asked about an amended situation. John said that would be an alteration permit and there is a process for that. If no permit was ever issued for the original situation, owner would have to start from scratch for review and meet current regulations. Mick asked about tracking the sale of septic tanks. Roger explained. Mick and Jeff agreed that tracking the sale of septic tanks cannot happen due to difficulty in tracking out of county/state sales. Discussion ensued about licensed, certified installers.

Roger thinks this needs to be written up as a formal policy. John said Dan Browder may say something different. John will write up a new policy draft and send it to Dan Browder for review.

Consensus: TABLE until John receives comments from legal counsel.

3. Discussion & Possible Approval: Clean Indoor Act – Electronic Tobacco Products AMENDED DRAFT– Lyndsay

Katie asked about the Evidence of Smoking section and stated we cannot list “smells like smoke” as that statement is definitive. Lyndsay stated this is for her when she goes to investigate. Katie said that a smell is not measurable. Wayne agrees with Katie. The nose is subject to error. Consensus of BOH: remove “smells like smoke”. Wayne suggested changing evidence of smoking to Evidence of Violation.

All BOH Concurrence: to remove smells like smoke and change to Evidence of Violation.

Jeff is hesitant to act right now with regulating businesses and E-Cig use. Katie said both MTUPP and US State of Health and Human Services does address secondhand e cig or vaping smoke. Lyndsay stated that the E Cig laws change in 2022 for tobacco companies to conform. Mick asked why doesn’t Ravalli County just make E Cigs illegal. Katie said the purpose of this is to say vaping products cannot be used in businesses. Mick said he would rather see other counties create regulations first. We don’t want to be the first or the last to create these rules. Lyndsay said Ravalli County is not blazing a trail on this. Jeff does not support this right now but will not oppose the passage of the Policy. He is not ready to pull the trigger yet or ready for this fight. Lyndsay is confused that this BOH is built to protect the people. She disagrees with Jeff. Jeff pointed out that there is free will. Katie thinks where E cigs are used, those locations should be
Roger said he sees very little difference between vaping and smoking. Lyndsay said this is not about restricting people, it’s about public places.


VI NEW BUSINESS
1. Rabies Protocol, Ordinance and new quarantine form - Angie

Angie spoke about the quarantine and rabies per (ARM) 37.114.571. These requirements are not feasible to this County. After a 10 day quarantine, her office does not have the time or man power to visit an animal and release them. She is strongly requesting that a licensed veterinarian be required to check and release the animal from quarantine. And, a BOH Resolution is required for that change.

She reviewed the existing animal bite form, proved her updated and more thorough form. This new form is being used in Cascade County. Katie suggested that the form should include domestic animal bite. Carol disagreed as police officers may get confused. Angie will ask about that and possibly include that in training. Dan Browder explained that state statute says dogs only. As long as the ordinance is clear, that is the most important issue for law enforcement. Roger pointed out the “other” category available.

Mick thinks the form looks fine.

Mick moved to approve the BOH Resolution #2. Seconded by Roger. Discussion: Jeff asked who pays vet at owner of quarantine. Angie & Dan said owner. PC none. All voted “aye” (5-0).

Recess 4:19 PM to 4:31 PM.

2. MacGillivray Appeal regarding RCEH’s decision to deny a replacement system for 383 North Gold creek Loop, Hamilton - John

Present:
Christin McGillivary
Kay Bourbough
John McGillivary

Mr. John McGillivray stated that he is trying to purchase 383 Gold Creek Loop. In an effort to get a septic permit, a site evaluation was completed by Rod Daniel. The evaluation yielded high water and the site was abandoned. Another site was dug east of the existing septic, which still showed high water mark. Right before Rod showed up to the property, Mr. McGillivray uncovered an existing septic tank. Once Rod became aware of this tank, he informed Mr. McGillivray that if he could prove this septic was in place prior to 1972 it could allow the property to meet the requirements for a replacement system. He showed a 1972 photo which included a building, and a previous photo of property was dated 1964 which showed the lot was bare. A suggestion made
by Rod Daniel was that Mr. McGillivary locate an “old timer” in the area to confirm there was a house with bathroom facilities. Mr. McGillivary provided an affidavit from Mr. Jeff Mueller of 438 N. Gold Creek Loop, property owner south & west of subject property, who moved there in 1971. Mr. Mueller’s affidavit said there was a house at 383 Gold Creek Loop with the previous owners named Mr. Rubel. Mr. McGillivary is hoping between the physical evidence of the existing septic and the affidavit, that that is enough evidence to grant approval for a replacement system.

Roger asked if Mr. McGillivary knew when the old structure was removed. Mr. McGillivary said is unsure but that Ravalli County Treasurer Dan Whitesitt is currently looking back through old records to show when improvements were made on the Property, and if those records would show documentation of a house being built.

John said per the staff report, the appeal Findings of Fact (1-13) requesting a replacement system would be ok IF it was definitively proved that an existing system was in use prior to 1972. There is no septic permit on record for this property. The site is currently going through the groundwater monitoring process and per this week, it has not failed. The staff report Conclusions of Law (1-4) refers to the lack of concrete evidence provided.

Mick asked if groundwater monitoring passes, this request is moot. John said he would still have to perform a non-deg analysis to determine if the site can be permitted for a new system. RCEH recommends that BOH deny the appeal (along with denial of the replacement system).

Dan Browder, Civil Counsel, said what weight the BOH wants to give to the provided affidavit is not a legal issue. An affidavit VS a witness testifying is different.

Roger asked what ditches and streams are active above this property. John McGillivray said North Gold Creek Loop is heavily covered by various waterways which are all running right now.

Wayne asked, based upon evidence, how close are we to seeing a groundwater monitoring pass. John said there is at least approximately 1 foot before the pipe fails. But there have not been any peaks in the season yet. There are no other pipes in the area to compare to. Wayne stated that he leaning favorably now to approve the appeal. Waiting to hear BOH member comments.

Mick feels there is the potential for a replacement system due to the monitoring area as opposed to the unknown system. He suggests waiting on the groundwater monitoring completion.

Katie agrees with Mick.

Roger said the affidavit does not impress him and we are lacking evidence of when tank showed up in the ground. We have no history of when the old building disappeared. He would like to see if groundwater monitoring passes. If the groundwater monitoring fails, he would be interested in seeing the pipes from the old building site and any feeder pipes being located.

Jeff tends to agree with Roger. He then asked Mr. McGillivary what his time frame is on purchasing the property. Mr. McGillivary said as soon as it is practical.
Mr. McGillivary agreed to try and find feeder pipe and/or wait and see how groundwater monitoring results turn out and complete a non-deg analysis.

John requested that as soon as any portion of a feeder pipe is located, Mr. McGillivary call RCEH to verify via an on-site inspection.

Roger said more evidence could include remnants of the old house. Mr. McGillivary said there was a wooden foundation and he will search.

Mick moved to continue this request with possible decision to June 13, 2018 BOH meeting. Seconded by Roger. Discussion: Roger said if BOH did determine this could have a replacement system, would groundwater monitoring still have to be completed. John said no. If BOH over turns RCEH denial, BOH would have their own Findings of Fact and Conclusions of Law for their decision to overturning of denial. Mr. McGillivary agreed with BOH. Public comment on motion: Lori Quinlan of Grantsdale stated she has a very similar situation on her property. House was moved off property 20 years ago. She has .49 acres and cannot get septic due to required distances. She wants to culvert the ditch. All voted “aye” (5-0).

3. Health Officer Representative Document - John

John explained that there are two main programs in RCEH: DPHHS and Wastewater. Wastewater includes a clear delegation within the County regs for RCEH to administer. On DPHHS there is an annual Cooperative Agreement between DPHHS and the BOH to perform duties but there is not a clear delegation for RCEH to perform DPHHS duties. John said next month there will be more documentation and a draft policy on being able to shut down temporary food establishment on site which comes back to this request. John requested a BOH member to work with him on this. Katie agreed to help.

Consensus: Continue to June 13, 2018 meeting.

VII: PUBLIC COMMENT
None.

VIII. NEXT MEETING:
June 13, 2018 at 3:00 PM

IX. ADJOURNMENT:
Roger made a motion to adjourn the meeting at 5:26 PM. Seconded by Wayne. All voted “aye” (5-0).