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

Members Absent:
Jeff Burrows

STAFF PRESENT:
Chris Taggart, minutes
Angelia Allen, PHN
Carol Calderwood, Health Officer
John Palacio, RCEH
Kelly Arnold, RCEH

STAFF Absent:
Lyndsay Stover

Guests Present:
Commissioner Chris Hoffman
Rod Daniel, Consultant for Two Sisters Variance
Trel Sidoruk
Ron Matthews, Freedom Vapes

The meeting was called to order at 3:03 PM by Vice Chairman Mick Turner.

I. June 13, 2018 draft minutes
Katie moved to approve the June 13, 2018 minutes as amended. Seconded by Wayne. Public comment on motion: none. Discussion: none. All voted “aye” (4-0).

II. CORRESPONDENCE:
Chris T. handed out Lyndsay staff report (Lyndsay absent).

III. AMENDMENTS TO THE AGENDA:
BOH concurrence: After Department reports, jump to New Business Item #2.

IV. DEPARTMENT REPORTS:

Health Officer: Dr. Carol Calderwood
Summer stuff is over. There has been lots of injuries and a few GI issues but no outbreaks.
Public Health Nurse: Angie Allen
There has not been any outbreaks, there has been an uptick in GI issued but only isolated cases, lots of dog bites and she trying to make things more efficient with regard to dog bites. Her office is attending public health training next week.

RCEH: John Palacio
Handed out stats. May is high point for permits at 42, June was at 40. Humming along with permits and site evaluations. There are twelve properties left with total of 34 pipes for groundwater monitoring. Lots of failed site letters have been sent out.

McGillivray site is still being monitored and is still in shallow cap range.

Neumayer system was installed and inspected.

Trailer court licensing in Darby is done. Compliance Order issued has been satisfied.

Junk vehicle contract has been rolled over and renewed for next year (FY 19-20). May have to re think advertising strategies for future.

Tobacco Coordinator Report: Lyndsay Stover
ABSENT

New Business:
2. Variance request: Two Sisters Ranch LLC, 5718 Ellison Lane, Florence

Present:
Rod Daniel, Consultant
John Palacio, RCEH

John gave brief history including legal ad notifications. Basically within the Ravalli County Regulations, 3.1F, “if a valid permit is issued and the installer hits groundwater or a limiting layer during the installation process, RCEH must be contacted immediately and the permit becomes VOIDED until another site has been located.” Per Civil Counsel, instead of just voiding the system type in the issued permit and issuing a replacement system automatically, have the property owner go through a variance process for findings of facts and have a decision on record.

There is an existing single family residence, from 1969, constructed without MDEQ review, it was never monitored for groundwater and the property borders the Bitterroot River. In November, 2017 a site evaluation was done by Rod Daniel (then with RCEH) for a new wastewater system at northern end of the property. No sign of seasonal high groundwater was noted. A non-deg analysis was done and passed for a two bedroom single family residence. A permit was issued for that system. In May 2018, a certified installer started construction but found groundwater and contacted RCEH. On June 1, 2018 Kelly Arnold of RCEH went on site and met with installer and measured groundwater 32” from ground level.
Kelly noted that the house was just about completed. RCEH then notified the property owner and stated that they now need to apply for a variance in order to get a valid permit with an elevated sand mound system.

Roger asked about relative elevations of where they started and the proposed site. Rod Daniel stated that there is approximately 1’ elevation difference. The second site is a better site with regard to elevation. Roger asked if any elevation shots were taken at the river level. Rod explained the river was at flood stage when he started excavation. MDEQ Circular 4 says sand mounds may be used to meet depth to groundwater level requirements for replacement system. Roger pointed out the well is within 150’. John explained that said well is an irrigation well per Rod’s consultant report and not a potable water well which can be noted as a conclusion of law, but said well will not be applicable for a drainfield mixing zone overlapping with its 100’ isolation zone (since it is irrigation well). Rod said the river does move off to the northeast and if it were to parallel the river, it would barely miss the ISO zone and if convergence occurred, it would still miss the ISO zone. Roger thinks an elevated sand mound at a higher elevation site, is a good idea. Roger thinks that an intermittent sand filter would be a better system to treat nitrates, rather than an ESM. John explained that BOH has authority to include that an intermittent sand filter be required. Roger asked Rod if he would agree that an intermittent sand filter would be a better system. Rod said Ravalli County very few of those filters. The issue here is depth to groundwater for short period of time during the year. In fact the week after Kelly was on site, it dropped 14”. Rod explained that the design would give 24’ of sand above ground which would be more than the 48”. This area is generally 42” in flood stage (based on his observation at the time). Roger thinks this is a decent solution whether anything will get into the irrigation well or not is speculative. As river rises and falls, things will vary. Good news is there is probably a lot of flowing groundwater. Wayne asked what the regulations say about irrigation wells and if a little bit of leakage is acceptable. John explained.

John said this variance is to ask the BOH to not void the permit issued in November and as if it failed in June due to high groundwater.

Roger requested adding a finding of fact: that the groundwater map shows that the new mound system mixing zone does not overlap with the 100’ well isolation zone of a drinking water well.

All concurred with the additional Finding of Fact.

Roger moved that based upon the Findings of Fact and Conclusions of Law listed within the Staff report, and as amended here today, that the BOH grant the variance as requested. Seconded by Katie. Public comment on motion: none. Discussion: none. All voted “aye” (4-0).

V. OLD BUSINESS:
1. Health Officer Authorization Documents - John

John explained if this authorization is approved and signed by BOH, Ravalli County would have a formal document granting both EH and PH departments the ability to act on behalf of the RCEH, BOH and the Health Department.
BOH requested that the body of the draft be changes to read as follows:

*The authorized representatives for environmental health matters for Dr. Carol Calderwood, Health Officer of Ravalli County and the Ravalli County Board of Health are the Ravalli County Environmental Health Department Director and the authorized representatives of the Ravalli County Environmental Health Department. The Environmental Health Director shall work with the Health Officer and the Board of Health within the powers and duties outlined in the Montana Code Annotated and Administrative Rules of Montana.*

Katie moved to approve the Health Officer Authorization Document/Letter, as amended here today and to allow the BOH Chairman, Jeff Burrows sign on behalf of the BOH. Seconded by Roger. Public comment on motion: none. Discussion: none. All voted aye (4-0).

2. Replacement Guideline/Policy – John P

John explained that Civil Counsel was unable to attend today’s meeting but he was advised by them to ask the BOH if this should be a separate guidance policy or be addressed through regulations. Roger suggested that this should be within the regulations. John said Kelly Arnold of RCEH will be reviewing regulations and policies of RCEH and hopes to clear up ARM 300 series VS 900 series as well. Roger thinks we should not slow down the review process and thinks in the meantime, this is valuable until the regulations review is completed. John explained that next month a property is up for sale with 2 houses with only one permitted system and includes MDEQ approval for only one house. One house was supposed to go away and it did not. Mick said we do have shared systems out there but they are sized appropriately. Discussion ensued.

Consensus: BOH have John move forward with the public meeting process for August 08, 2018 BOH meeting and invite Dan Browder, Civil Counsel.

BOH rep to review public legal ad: Roger

3. DRAFT Preliminary MOU - review (tabled from 5/17/18)

* Paragraph 1, page 1: Add addresses (per Notice Section on page 3)
* Add E under Ravalli County BCC: BCC shall provide a county employee to act as BOH Secretary
* Paragraph 1 page 3: add 30 calendar days
* Arbitrator section page 3: ask who decides on the arbitrator or mediator
* Notice section page 3: fix type o: mailto to mail to

Questions per Roger’s list needing further discussion:
Budget
Grievance
Policy decisions must be made concurrently by BOH & BCC

Consensus: Continue to August 8, 2018
VI NEW BUSINESS

1. Establishment closure document – John
Currently John and RCEH write up any property issues on the inspection report forms for any food establishment, including closure of an establishment.

Katie moved to approve the form as presented. Seconded by Roger. Public comment on motion: none. Discussion: none. All voted “aye” (4-0).

VII: PUBLIC COMMENT
John spoke about the old Tolman Meats location north of Hamilton Bridge on the west side of Highway 93. The consensus at last BOH meeting was that Jeff was to speak with Trel (property owner) and John P. Trel was never contacted by Jeff.

Trel Sidoruk gave a history of the property and issues he is facing in order to develop.

John will arrange a meeting with the following people/County employees to try and assist Trel:
Roger DeHaan, BOH
Brian Wilkinson, Floodplain
Terry Nelson, Planning Director
John Palacio, RCEH
Trel Sidoruk, property owner
1 BCC member

Ron Matthews spoke about his recent purchases of property where septic systems were not approved. He was told to go back on the realtor and previous owner for any liability issues.

VIII. NEXT MEETING:
August 08, 2018 at 3:00 PM

IX. ADJOURNMENT:
Katie made a motion to adjourn the meeting at 5:11 PM. Seconded by Wayne. All voted “aye” (4-0).