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

Members Absent:
None.

STAFF PRESENT:
Chris Taggart, Minutes
Angelia Allen, PHN
John Palacio, RCEH
Neoma Greenfield, PHN
Carol Calderwood, Health Officer
Dan Browder, Civil Counsel
Kelly Arnold, RCEH
Lyndsay Stover, MTUPP

STAFF Absent:
None.

Guests Present:
Judy Hoy
Jocelyn Brown
Rod Daniel
Skip Chisholm
Jim Cotton
Janene Cotton
Denise Edwards
Laura Craig

The meeting was called to order at 2:00 PM by Chairman Jeff Burrows.

I. Approval of meeting minutes: May 08, 2019

Mick moved to approve the May 08, 2019 meeting minutes as presented. Seconded by Katie.
Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

II. Correspondence:
Effects on Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer – Judy Hoy email

Present:
Judy Hoy

Roger explained that he has been following this issue for many years. In the past, the County worked with the Ravalli County Weed Department to change procedures and chemical use. Making the connection between animals and pesticides is very hard for him. Coincidentally, Monsanto has recently been sued and lost. Obviously this issue is way bigger than what this board can take on.

Katie doesn’t have a problem with any of the studies except that the South Dakota study states that the study was contaminated. Discussion ensued about the EPA statement being issued. The symptoms found from those contaminants, with animals and people after ingesting toxic water, are the same as found in South Dakota. This is a legislative issue and suggested that Judy Hoy speak with any of the Montana legislators to discuss this and request possible regulations. BOH sent all correspondence received from Ms. Hoy, along with a cover letter (May 2016) to EPA. Jeff read the response received from Ms. Blackwell from EPA (June 2016)

Mick said there are so many variables which makes it difficult for the BOH to evaluate, with differences in concentrations, exposures, etc.

Judy Hoy asked if the BOH would ask the Governor to ask EPA to ban pesticides which are killing the bees and all other insects. Katie stated that the Governor cannot make regulation changes.

Judy said legislators asked FWP to respond and FWP comments the same each time stating “there are no birth defects”.

Jeff asked BOH if there was any interest write a letter to the Governor requesting an investigation on this matter: Katie, Mick, Wayne and Jeff NO; Roger YES.

Judy asked if the study shows that deer have had birth defects since 1997, if the BOH now believes these are birth defects and not birthing variables as told by FWP.

Roger stated that he just does not know. He wants to get to the bottom of this. It would be nice to have an independent study done.

Roger offered to draft an in general letter to the Governor for next month’s BOH consideration.

Public comment: Laura Craig suggested that the letter is sent to all Montana legislators.

**BOH consensus**: BOH ok with Roger drafting a letter to the Governor, to be reviewed and considered at July 10, 2019 BOH meeting and if approved by BOH, letter shall be sent to all Montana legislators.
III. AMENDMENTS TO THE AGENDA:
None.

IV. DEPARTMENT REPORTS:

Public Health Nurse: Angie Allen
Pertussis activity is slowing down in Missoula and Ravalli County. Ravalli County has had 4 cases in 2019. The most recent place was Stevensville High School, our nursing staff worked diligently to reduce spread by using wide spread prophylactic treatment of close contacts. We hit the contacts hard with treatment in efforts to reduce the likelihood of having a widespread outbreak. With school out for summer the pertussis trend should decrease.

Preliminary budget for PHN: Angie has included a request for a PHEP coordinator and also requested a part time nurse to help with work load and management of disease. Discussion ensued regarding the potential of a new part time nurse. Katie suggested looking at hiring an LPN.

Measles is still out there and 2 confirmed cases were in Idaho. CDC map shows measles all around us (Montana). They continue to work with partners.

The Sheriff’s Office is asking for an animal control officer which would be very helpful for her office.

Summertime illnesses are coming around injury burns, coughing, a few tick-borne illnesses,

She has applied for a $5,000.00 grant to secure more bike/skateboard helmets (Rapp Family Foundation).

Public Health Nurse: Neoma Greenfield
OP exercise tentatively scheduled for October 17, 2019 at the Fairgrounds, and shall include participants from the Living Center and RML. She is encouraging County employees to participate as well.

Neoma is working on a spontaneous volunteer manual and working with OEM as well.

Health Officer: Carol Calderwood
No further Pertussis in Ravalli County. Measles is still spreading in country and she is making preparations through the hospital for if/when Montana gets measles cases.

Tobacco Coordinator Report: Lyndsay Stover
Lyndsay visited Hamilton Middle School 6-8 grades (May 2019); she met with the Health Teacher to work on next year’s program for coordination which will include E cigs; the 8th grade transitions were held in Florence, Stevensville, Lone Rock and Darby. Darby transition included a mock DUI trial. She will be going to Darby June 24-26, 2019 for an impaired driving course and addiction. She has applied for a $25,000.00 State Farm grant. Lyndsay did receive $2,500.00 grant from the Rapp Family Foundation and a $5,000.00 grant from MDOT. She explained that she had sent an email to Jeff from the Stevensville Police Department (Officer Kevin and Chief Marble) about the
rise in use of E cigs. Six MIP citations have been issued since November). Chief Marble wants to know if there was any way to receive funding for support to perform a sting operations of stores who sell the E cig products. Katie requested that Lyndsay place her schedule on line for the home schoolers that could potentially participate in her events.

**RCEH: John Palacio**

John handed out his monthly stats: Permits are up, site evaluations are up and ground water monitoring is continuing. The office has gotten new ground water monitoring applications, the office has also dropped some sites and some sites have already failed.

The subdivision review contract with MDEQ has been approved and is good until 2021. Air Quality contract has also been approved and the public water survey contract is coming before BCC soon. Junk vehicle contract is around $87,000.00. RCEH was contacted by the Forest Service to host a table at their Smokey the Bear 75th birthday in August. John is hopefully going to send two sanitarians to the summer institute in July in Missoula, John cannot attend. Kimberly Mills with Department of Revenue (DOR) to be on July 2019 BOH agenda for discussion of property values and use types. John encouraged Board members to have questions regarding buildings (what is a bedroom, etc.).

**V. NEW BUSINESS:**

1. **Review with possible decision: Outbacks, Inc. Septic Tank, Cesspool and Privy Cleaner MDEQ Application**

Present:
Jocelyn Brown, applicant

John explained that his office received this application last week. Outback Inc. is applying for a pumper’s license and the plan is to dump at the Missoula Municipal dump site. Jocelyn Brown explained that in order to get their MDEQ license, she needs a health officer certification signature. She then explained that Brown Septic and Outback Inc. were combined at one point but now she is separating them back to individual businesses. Outback will only be working with portable toilets (drop off, pick up, service, etc.).

Roger moved to approve that the Health Officer certify and sign the application as requested. Seconded by Mick. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

**VI. OLD BUSINESS** (taken out of agenda order):

3. **Sample Collection and Transportation Checklist L1 LAB – Neoma**

Katie moved to approve the sample collection and transportation checklist L1 Lab as presented. Seconded by Mick. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).
1. CONTINUED from 5/8/19: Possible decision of Appeal of denied connection to existing septic system for 2703 Eastside Highway (J King)

John gave a brief re-cap and stated that on Friday June 7, 2019, Jeff Burrows, Roger DeHaan, Rod Daniel, Denise Edwards, and he toured the duplex.

RECAP:
1. 3-bedroom house from 1926 previously existed on the Property.
2. In 2016, Department of Revenue visited the Property and confirmed that it was a 3-bedroom house.
3. In July 2017, a replacement SE done by RCEH and found prohibitively high groundwater depth and setback to surface water. Required an ESM and not allowed for increased use from the 3-bedroom house.
4. In August 2017, a 4-bedroom Installation Permit for an elevated sand mound was issued.
5. In October 2017, RCEH observed a squirt test of the mound and did not inspect anything else on the system.
6. A 2 2-bedroom duplex was constructed to replace the single-family house and connect to the elevated sand mound.
7. J&J multiple times, stated to RCEH that the structure is a 4-bedroom single-family dwelling.
8. The ESM designed, Jake Kammerer, was not contacted by J&J Excavating for the installation of the system and Mr. Kammerer is not able to provide as-builts as required by Regulations.

Roger explained that per the site visit this site is small and the mound is not going anywhere. If each duplex only had one bedroom each, the septic design standards would be ok. If the inside were reconfigured to have only one bedroom and an additional tank was added, that would be acceptable. Also, the agreement would need to include a deed restriction of sorts which states that this structure can never be expanded upon and include that the drain field would have to be brought up to standard and inspected at John’s discretion. The electric box issue is fine (1 box for each unit plus one for irrigation system).

Roger recommended the following:
1. Convert the structure from one four bedroom home to two, one bedroom units (one upstairs and one downstairs)
2. Remove interior bedroom walls
3. Keep electrical box as is
4. Require a deed restriction
5. Provide proof septic and mound are legal and inspected.

Mick said the contractor installer is not fulfilling his requirements of the septic permit and that the current permit is invalid.

Denise Edwards looks at this as a single family home as her son will always live here.
Kelly Arnold explained all the phone calls and emails she received in preparation of the installer applying for the septic permit.

Mick stated that Denise and her son could move away and the building could become a duplex in the future. The situation is that this was built as a duplex and the permit was issued for a single family residence. Whomever applied did lie.

Rod Daniel stated that this structure clearly was built as a duplex and the septic permit says single family residence but this could be remedied today by allowing a duplex, each with one bedroom. He asked that the BOH get past the fact that the permit issued is invalid. To deal with the permit issue today, and that the contractor fines are a separate issue.

Jeff explained that the problems and discussion on potential fines go hand in hand.

Mick asked how is the way of taking care of the final set up due to lack of being inspected. John said the installer may contact the engineer to uncover and create certified as built.

Rod suggested when additional tank is added, the existing installed, un-inspected tank and lines be exposed for inspection.

Dan Browder said the permit is void per regulations. Procedurally, if the BOH wants to levy a fine, as a condition of accepting this appeal, they could. Otherwise applying a fine is cumbersome. The BOH could accept this appeal, contingent upon corrections and payment of fine.

Public comment:
Skip Chisolm: suggested when a professional installer/designer/contractor/engineer in cahoots/too much monkey business, that they get a letter of probation that this will not happen again in Ravalli County.

Mick asked if someone can design a system without having credentials. John said PE or Sanitarian only can design.

Public comment:
Skip Chisolm: suggested that the BOH look at the rules and regulations and stick to them and that John P be the final inspector, thus, making sure people realize septic treatments and environment needs shall to be handled very seriously.

Dan explained that there will not be a deed restriction, it would be more like a voluntary covenant. (Grantor is owner/Grantee is Ravalli County).

**BOH discussion on potential Fine/Penalty:**
Contractor/Installer: $500.00 per violation per day maximum (per fee schedule)
Owner: $1,000.00 per violation per day maximum (per fee schedule)

**Dates of Importance for BOH fine determination:**
1. February 27, 2019 was when RCEH was informed that this structure is a duplex and not a single family residence
2. RCEH sent violation letter out on April 12, 2019.
3. Future Occupant and representative (Denise Edwards) did appear before the BOH on May 8, 2019 to present their appeal.

February 27, 2019 through April 12, 2019 = 45 days.

MAXIMUM fine for 45 days could be $67,500.00

Public comment:
Skip Chisolm suggested that the letter state the maximum fines be included as letting the parties involved what the BOH could have fined and that a copy be sent to the newspapers.

Katie suggested $100/day for the contractor/installer and $200/day for the owner.

Mick suggested implementing $1,000/first day for the owner and $500/first day for the contractor/installer; and then 44 days at $100 per day for the contractor/installer builder and $200 per day for the owner.

Roger stated that the property owner is Mid Valley Eastside Storage, LLC.

Wayne thinks we should apply the fine consistently and not have one day at the higher amounts but just go with $100 per day and $200 per day.

Mick explained his reasoning behind his suggested one day at higher amounts.

Katie agrees with Mick’s fine suggestion.

Roger said all misrepresentation was made by installer/builder, owner was not responsible.

Kelly Arnold explained that she was just trying to close out the permit process and RCEH cannot close out the permit process without obtaining as-builts.

John said the installer certification for this contractor/installer could be revoked per the Regulations.

Katie suggested a fine of $100 per day for the contractor/installer and $50 per day for the homeowner.

23 Findings of Fact within the Staff report plus the following:
Add FOF 24: RCEH staff first witnessed that the structure is a duplex on February 27, 2019
Add FOF 25: RCEH letter of ceasing construction was sent out on April 12, 2019
Add FOF 26: The site visit, by RCEH Department head and two BOH members was done by June 7, 2019
Add FOF 27: Two one bedroom apartments would produce 300 gpd (150 gpd per 1-bedroom living unit per DEQ-4) which would be within design limits of the existing mound system permit on the property.
Add FOF 28: At no time was the existing mound system used.
Add FOF 29: The purpose of assessing the fine is to encourage compliance with the regulations and to force people to face consequences for intentional misrepresentation.
Add FOF 30: The owner representative (Denise Edwards) was present with an owner’s Power of Attorney.
Add FOF 31: The contractor installer (J&J Excavator) did not provide a Power of Attorney.
Add FOF 32: The BOH estimates the maximum fine for 45 days could be $67,500.00 (45 days X $1,500) as per the regulations at $1,000 per day maximum for owner and $500 per day maximum for contractor.
Add FOF 33: The contractor’s installation license could be revoked per the regulations.

Agreement language:
- The existing duplex will be converted permanently into two, one bedroom apartments (one upstairs, one downstairs).
- Each apartment will be permanently converted to a single bedroom, via structural modifications (one upstairs and one downstairs).
- The existing septic system (onsite waste water system) will be modified to the satisfaction of RCEH.
- There will be a voluntary restrictive covenant recorded with the C&R, naming Ravalli County as Grantee, and that this structure shall remain as two, one bedroom apartments in perpetuity, and shall not be modified to increase the number of bedrooms at any time.
- The voluntary payment, in lieu of fines, as determined per the Regulations and by the BOH, shall be a total of $8,100.00 ($1,500 for first day then $150 x 44 days) (by way of BOH consensus).

Mick moved to approve the draft agreement, which shall include the 23 Findings of Fact within the Staff Report and the additional 10 Findings of Fact added today, and include the conditions as discussed here today. Seconded by Katie. Public comment on motion: none. Discussion: Rod Daniel, Jeff, Mick, Katie, John, Denise and Roger. All voted “aye” (5-0).

2. CONTINUED from 5/8/19: Review with possible decision on Sweet Pea’s MDEQ application for a land application site in Corvallis.

Completed and done per John, remove from agenda.

4. Voth complaint: Treece Gulch Rd., Hamilton – Update with John P and Dan Browder

John explained that Jeff and he visited this site on Friday, June 7, 2019. They were told that the trailer would be disconnected Monday or Tuesday. John went by today and nothing has been done. The structure is not occupied. Table to July 210, 019 BOH meeting to see if the Sheriff Sale gets completed. Jeff & John will perform site visits between now and the next BOH meeting.
John requested that it is noted that for similar issues in the future, that if there is an actual public health risk, tabling this complaint another month will not be used as setting a precedence.

Public comment:
James Cotton said there seems to be new vehicles there and Mr. Voth does live there. Mr. Cotton would like to see this issue completed.

5. Ober complaint: failed septic system – Update from John P

John said the installer will be there on Monday June 17, 2019. Continue to July 10, 2019 BOH Agenda.

6. CONTINUED REVIEW: Ravalli County DRAFT Subsurface Wastewater Treatment and Disposal Regulations

None.

VII: PUBLIC COMMENT:

None.

VIII. NEXT MEETING:

Regular meeting July 10, 2019 at 2:00 PM.

IX. ADJOURNMENT:

Mick moved to adjourn the meeting at 5:16 PM. Seconded by Katie. All voted “aye” (5-0).