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

Members Absent:
None.

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

STAFF Absent:
John Palacio, RCEH

Guests Present:
Ron Beckman
Rod Daniel
Skip Chisolm
Ron Marshall
Chris Palin

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

I. Approval of meeting minutes: June 12, 2019

Roger moved to approve the June 12, 2019 meeting minutes as correct. Seconded by Katie. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

II. Correspondence:
Three informational pieces received from Judy Hoy
Wood Burning Stoves from EPA – future agenda item

III. AMENDMENTS TO THE AGENDA:
None.
IV. DEPARTMENT REPORTS:
Health Officer: Carol Calderwood
Fairly quiet with bug bites and animal bites; two pertussis cases, no measles but is increasing nationally with 28 states affected. Working with hospital on making plans.

Public Health Nurse: Angie Allen
Two of cases pertussis (one child and one adult); starting to decrease in the region. Rabies is up 7 people (via Marmot and dogs) who PHN recommended to get rabies shot, with some people getting them and some have not. Looking into rabies protocol and a possible task force. Working with the Humane Society as well and Angie invited BOH member to be involved Katie and Wayne). PHN secured a Rapp Family grant of $5,000.00, to be used to purchase helmets. They intend to hold upcoming trainings to properly fit kids with helmets. PHN will be purchasing dual purpose helmets. Diseases are down.

RCEH: Kelly Arnold
Handed out RCEH monthly stats. They are down a few permits but still busy. Half of original groundwater monitoring sites are down and the remaining are fluctuating. The high ground water peak was in June. Jenny is working hard on fair food vendors.

Tobacco Coordinator Report: Lyndsay Stover
Lyndsay held an event July 25-27, 2019 with the DUI Task Force, which included Probation and parole talking with the youth, which was a fun 3 day events. She gave her resignation as the Ravalli County Tobacco Prevention Specialist as she is moving to New York and leaving July 22, 2019.

V. NEW BUSINESS:
1. Effects of Neonicotinoid Insecticides on Physiology and Reproductive Characteristics of Captive Female and Fawn White-tailed Deer (J Hoy email) – DRAFT response letter prepared by Roger

Roger presented the draft letter he and Katie worked on and thinks it will be a long shot to ask the State to get involved but we should send the request letter regardless.

Discussion ensued.

Mick moved to approve the amended letter as presented, to be signed and executed with Chairman Burrows’ signature and to send copies to Ravalli County Legislators and MDEQ. Seconded by Wayne. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

3. Possible discussion with decision: Agreement for 2703 Eastside Highway (J King/R Daniel)

Present:
Dan Browder, Civil Counsel
Kelly Arnold, RCEH
Rod Daniel
BOH consensus:

- Remove references to all attachments referred to within the Draft Agreement.
- Amend 2.6 to state that Owner will execute a voluntary Negative Easement Agreement and Real Property Covenant recorded with the Ravalli County Clerk and Recorder, naming Ravalli County as Grantee, that this structure shall remain as either 1) two, one-bedroom apartments or 2) a single family three-bedroom residential structure in perpetuity, and shall not be modified to increase the number of bedrooms.
- Kelly to email septic permit # to Chris (#SP1708010803)
- Agreements (2) to be sent to property owner and a copy sent to John King.

Rod stated that John King is not present as he did not know that this was going to be discussed.

Roger moved to approve the Agreement for 2703 Eastside Highway as amended here today. Seconded by Mick. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

Roger moved to have Civil Counsel create the Negative Easement Agreement and to be signed and executed by Chairman Burrows. Seconded by Mick. Public comment on motion: none. Discussion: None. All voted “aye” (5-0).

4. Review with possible decision on the issuance of a Compliance Order for 647 Dusty Trail, Corvallis (Beckman)

Kelly gave a brief history of this property. The parcel has a 3 bedroom home which has been in existence prior to permitting. The son Ron Beckman lives in the camper while helping his ailing parents. The camper (5th wheel) does not have a permitted system. RCEH suggests having a certified pumper come and pump the camper once a week, which was not agreeable by son Ron.

Ron Beckman explained that in 2015 he came to take care of his family (both mom and dad are disabled). He, along with his wife and son, lived in his parents’ house for one year. He explained that there is permitted elevated sand mound being used, which is located on the south side of the driveway. He uses porta-totes (picture and information provided) to dump the septic waste from the camper (35-40 gallons per week) into this existing elevated sand mound system. Whether he lives in the home or camper, the entire site is still going to produce the same amount of waste. He claimed that he has not had any issues with this camper dumping septic issue until a neighbor turned him in over a fencing easement issue. He requested from Kelly if he could apply for a holding tank permit for the camper. He still showers and cooks inside the house. He is up and out by 4:00 AM and his wife goes to work at 8:00 AM. There is also an existing septic tank on north side of driveway but they do not use that septic at all.

Mick explained that this is a violation of the Wastewater Regulations and has been a violation for 3 years.
Kelly said a holding tank agreement states the holding tank can only be used for 120 days, meaning 120 total days maximum via ARM (state requirement).

Ron further explained that the existing house is a three (3) bedroom, the camper has 1 bedroom and 1 office. Ron asked for the code showing that says he is doing something illegal. Katie explained that the septic system is approved for a 3 bedroom and between house and the camper, there are 4 bedrooms.

Ron stated he has got to take care of his family so an agreement or understanding must be decided. He cannot use the groundwater monitoring area in the northeast corner of the property due to the easement issue.

Jeff said his 73 year old mom could stop smoking. Ron said he cannot force his parents to do anything.

Roger asked if there was monitoring for the current mound system. Kelly said no and that the house was constructed pre 1990.

Chris Palin, complainant, has lived next to this property since 2002 and has been neighbors with Beckman’s for a long time. The reason for the complaint was because on Father’s Day her husband was rototilling her garden and she thought he hit the septic. But he did not, it was the smell from Beckman dumping camper sewage into the elevated system. She should not be required to smell this. She also requested that Ron validate his father’s health. The Beckman’s bully the other neighbors. The easement is relevant due to that is where he wants to put the other septic system. This is a public nuisance. There are also covenants that state temporary residences, such as 5th wheels, are only allowed to be in place for 18 months. If she does not see them dumping, she smells it.

Roger asked how the waste gets transferred from the camper to the elevated mound system and how is any smell being produced. Ron referred to the picture of his proto tank. Wayne explained how unless there is some sort of pressurized system included, there will be odors emitted.

Katie said he admitted to violating the Wastewater Regulations for 3 years and the septic permit was issued for one 3 bedroom home. Wayne stated the BOH is constrained by the regulations via number of bedrooms VS the number of gallons produced.

Roger suggested getting rid of the odors and create some sort of agreement, stating the camper could be considered one of the bedrooms and exclude the use of one of the house bedrooms, for a specific amount of time. Mick said the situation has been like this for 3 years and nothing has been done to date, only now is it a problem due to a complaint being filed.

Katie said there has been a non-compliance issue for over 3 years but no one can just throw the regulations to the wind while everyone else is required to follow them. Mick is concerned with setting a precedence.
Wayne could consider an agreement that the camper could be used as a bedroom but that would be precedence setting. Air cleaners are relatively inexpensive which could be used within the home.

Discussion ensued.

Ron explained that he had purchased two Honeywell air scrubbers and they did not work. He is willing to remove a toilet from the second bathroom from within the house and plumb the camper to the existing elevated system and start the groundwater monitoring when the next season starts.

Katie said one bedroom must go away.

Rod Daniel said one requirement for a holding tank would be a high ground water alarm.

Chris Palin said she assumes the smell is coming from when the septic is opened to be dumped into.

Ron proposed having a composting toilet for the camper and or remove the toilet from the camper.

Jeff said this situation could be remedied right now since the groundwater monitoring pipe in the northeast corner of the property could be used, as the regulations allow someone to be 25’ away from the pipe to install the system, which would be outside the supposed easement issue.

Kelly suggested to Ron, via RCEH, that a holding tank be allowed to be used as a temporary fix while Ron worked with contractor on the raised mound system in NE corner. She was told no that is not an option.

Katie suggested setting a time limit for the Beckman’s to check on financing and an engineer. Ron said within 60 days. If financing cannot be obtained Ron said he will move into the house and produce waste in the house.

Chris Palin strongly urged that the BOH do not go against the covenants. Please make a decision accordingly.

Mick asked if BOH will look at the fact of 3 years’ worth of violations and referred to the Bowman Road issue which took months and months and months. If the system is not installed within a finite amount of time, what happens?

Kelly pointed out that the groundwater monitoring pipe in the northeast is not a completely approved site. The non deg needs to be done and a site evaluation needs to be completed.

BOH consensus:
- By the next BOH meeting (August 14, 2019) the NE corner system will be designed, along with providing a cost analysis.
• In the meantime, Ron will shut the water off to the camper and he and his family will use the bathing facilities within the parent’s house until Aug 14, 2019.

• Allow for the non-compliant issue to continue for 30 days, turn the water off for the camper. If he cannot find funding, he will move into the parents’ house.

Continue to August 14, 2019 BOH meeting.

FIVE MINUTE BREAK TAKEN – 4:15 PM to 4:20 PM

5. Review with decision: Cease of Occupancy with option Cease and Desist of Construction (Allen James & Roots Church) 869 Sleeping Child Road, Hamilton – Kelly

Present:
Dan Browder
Kelly Arnold

Kelly gave a brief history: The Church was to contact MDEQ directly and the complaint was received on the day she went to visit the site. The complaint was that the church is building a women’s pre-release center without having a proper septic system.

The Church informed Kelly that MDEQ said they are just fine which, is not the case. MDEQ was not given the complete picture. The current septic system is 390 gallons per day, for the church only. With the new construction, that limit will be surpassed.

Church said they will keep the system under 25 people per day but the newspaper article stated up to 32 additional people will use system per day. The owner of Roots is approved for a public water and sewer transient system but not until MDEQ approves. There is a big difference in using a church once or twice a week VS daily usage. The current permit says CHURCH ONLY by MDEQ.

Mick visited the site today and said the Camper was still there.

Kelly said a cease of occupancy will require that the camper is gone as well.

Kelly asked for BOH for guidance and stated that the owner is fine with a Cease of Occupancy, which means no one can use the system until it is completely approved for the new occupancy. A Cease and Desist is to stop all construction and use.

An MDEQ enforcement letter was sent and the owner is ok with a Cease of Occupancy but wants to continue to build.

Kelly said there is a well smack dab in the middle of the lot so there will be a whole bunch of reconfiguring required, along with a new septic system for the new construction before MDEQ gives them approval.
Katie moved to have RCEH issue a Cease and Desist Order until proper permitting is in place. Seconded by Roger. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

Continue to August 14, 2019 BOH meeting.

VI. OLD BUSINESS:

1. Voth complaint: Treece Gulch Rd., Hamilton – Update with Jeff and Dan Browder
   Jeff said the property was sold via a Sheriff sale. Completed - Removed from agenda.

2. Ober complaint: failed septic system – Update from Kelly
   Kelly said Mrs. Ober told her that the equipment is coming today and the system would be started tomorrow. Kelly will go check on this week. Contractor is a licensed installer.

Katie moved that if construction is not started by July 24, 2019, RCEH issue a compliance order. Seconded by Wayne. Public comment on motion: none. Discussion: none. All voted “aye” (5-0).

Continue to August 14, 2019 BOH meeting.

3. King Appeal update (2703 Eastside Hwy)
   SEE new business item 3 above (agenda mistake).

New Business (moved to bottom of agenda to see if Kimberly would arrive)
2. Kimberly Mills of Department of Revenue – discussion:
   Kimberly was not present.

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

   Rod Daniel stated that it seems like when someone wants to build a one bedroom home and they cannot pass non deg, due to the 225 gpd requirement, it seems unfair. He asked that the BOH rethink this and go back to 150 LF drain field requirement instead of the 225 gpd.

   Rod Daniel referenced the statement within the regulations “Ravalli County is unique as to not allow a mixing zone to be placed onto an adjoining parcel”. This could be argued against.

   Discussion ensued.

   Continue to August 14, 2019 BOH meeting.

VII: PUBLIC COMMENT:

None.
VIII. NEXT MEETING:

Regular meeting August 14, 2019 at 2:00 PM.

IX. ADJOURNMENT:

Katie moved to adjourn the meeting at 5:10 PM. Seconded by Wayne. All voted “aye” (5-0).