

**BOARD OF HEALTH
MINUTE SUMMARY**
December 14, 2016
3:00 PM

MEMBERS PRESENT:

Jeff Burrows, minutes
Dr. Wayne Chilcote
Roger De Haan
Katherine Scholl

Members Absent:

Michael Turner

STAFF PRESENT:

LuAnn Burgmuller, PHN
John Palacio, RCEH
Dan Browder, Civil Counsel
Angelia Spooner

Staff Absent:

Carol Calderwood, MD, HO

Guests Present:

Mark Brusso
Susan Brashears
Daryl Stevenson

The meeting was called to Order at 3:07 pm by Chairman Burrows.

I. November 09, 2016 draft minutes:

Katie made a motion to approve the November 09, 2016 minutes as read. Seconded by Roger. Public comment on motion: none. Discussion: none. **All voted "aye" (4-0).**

II. CORRESPONDENCE:

Chris handed out packets of emails and attachments for new business item #2 below.
Jeff thanked the BOH members for reapplying and being reappointed for 3 year terms.

III. DEPARTMENT REPORTS:

Health Officer:

None per LuAnn.

Public Health Nurse: LuAnn Burgmuller

Not much flu activity. LuAnn introduced Angie Spooner, the new RN.

Commented [JP1]: She's been there for almost a year...

RCEH: John Palacio

John handed out November 2016 stats. Permits are still being issued and systems are being installed. SEA's and Subdivisions are still going on. The office has issued 9 permits above this time last year. He is still working on a junk vehicle hauler. They are taking requests from BOH regarding pump controls, etc., anything that the BOH would like more information on.

Mr. Daryl Stevenson of Stevensville spoke to the BOH about a potential variance to allow him to continue living in an RV without septic. John stated that if this is not a public health issue, RCEH can work with him on the variance process. Mr. Stevenson stated that the lot is part of the Legacy Ranch, which he purchased in late May/June 2016. In mid-June, he dug his test hole. In July, he discovered a natural gas line going right through his property. He has hired an attorney and has been working on contacting property seller, selling agent, NW Energy, title company, etc. Mr. Stevenson will work with RCEH in order to file for a variance.

John explained to the BOH that RCEH is investigating a property in Corvallis for placing a dwelling unit on a lot with sanitary restrictions.

IV. OLD BUSINESS:

1. Long Avenue **continued** – status

Dan Browder finished his complaint today and will file it tomorrow. He decided to charge criminally in justice court because he thinks he has to and is contemplating doing another civil action in district court to recover the costs associated. He then said that there are still over 500 counts on remaining actions and which will include fines which it is possible to recover fines through a civil action. He will keep BOH posted and he thinks it would be a good idea to amend regulations pertaining to the penalty section at some point.

2. Smoking Shelter at The Remington – Luanne

Luanne spoke with Lyndsay Stover who requested that this be tabled to next meeting. BOH ok

V. NEW BUSINESS:

1. Cooperative Agreement between DPHHS and the BOH

John said the newest information included is to physically go to another County to train or pay Ravalli County to host training. All else is basically the same. Jenny will be working with Helena to square things up.

Roger moved to approve the cooperative agreement between DPHHS and the BOH, as presented. Seconded by Katie. Public comment on motion: none. Discussion: none. All voted “aye” (4-0).

2. MDEQ Environmental Assessment of septage land application site

John gave a staff report. In May 2016, the State received a septage land application from Eckert's Patriot Pumping to use 160 acre site in Stevensville area. John explained that Rod Daniel completed a site inspection. RCEH has received correspondence from adjacent land owners and neighbors in the area and all are in opposition to this request. He presented a power point.

John then explained he has spoken with MDEQ. He referred to Rod's written report. John asked MDEQ what RCEH is responsible for on a site visit. One of the photos indicated a yellow area that MDEQ is considering for the proposed septage site. The actual site may be broken down to a 10 or 20 acre area. The permit needs to be issued and then the details would be hashed out by MDEQ.

Dan explained the BOH should consider public health and safety and referred to his memo. BOH could structure their decision stating BOH does not have enough information to consider this request. Katie said she wants to hear from the Bugli's and the Eckerts. Susan Brashears explained that 7 property owners were notified of this. John said MDEQ sends notices to immediately adjacent land owners only. Susan showed John yesterday that there is a deep slope with several expensive homes in the area. All those people were not notified. Mark Russo was not notified. Lots of neighbors are upset that they were not notified and are all opposed to this request. Wild Sky Road access easement is the path the Bugli's want to use. Six or more property owners use this easement for access to their properties and all are required to assist in the maintenance of this road, which is owned by the Bugli's. This road is dangerous, icy and muddy. The easement states they cannot use this easement for industrial purposes, which is recorded. The road situation is a health and safety issue.

John showed pictures of the property. Zack Bugli informed John on-site that the road will be maintained. Mr. Russo said last year Zack sold lots of top soil off this parcel so he doubts future road maintenance will occur. One perk test was done on top which is not sufficient due to soils being varied from place to place. Mr. Russo spoke about the proposed site lot layout and this request. He and all neighbors are very nervous and they want MDEQ to answer all their concerns in writing.

Wayne asked if a 20 acre area is big enough to handle request. John explained MDEQ stated that the max discharge could occur on 10 acres. Solids would need to be picked up or screened before placed on the ground and tilled or that lime be applied. Again, the details get hashed out after the permit is issued, which including concerns on weather, time of year, slopes, etc. MDEQ would have Patriot Pumpers apply in the winter to the 1-3% slope areas and in summer apply up to 6% slope areas

Mrs. Brashears said the EA has not addressed the wind in the area. If the ground has not been tilled, all will fly down to her property.

Roger said there is a lot that the BOH is missing, information wise. Dan said MDEQ considers local input first. Dan said the options that the BOH have, that if a hard comment deadline is stated, BOH can tell MDEQ that the BOH does not have enough information to make a recommendation or assessment. John said the way the State has been working with pumpers is there are two surprise inspections per year. When any regulation is broken, someone can lose their site and permit.

Commented [JP2]: I think this was per Susan and that should be stated on there that she said it.

Commented [JP3]: Lime application is an alternative to tilling the ground, not an alternative for handling solids.

Katie wants more information on the access easement. Jeff asked if the access be considered as a public health and safety factor that that BOH should consider. Dan said yes. Potentially BOH could consider but may be a grey area. The critical parties are not here to answer questions and that seems very odd. BOH cannot get their questions answered.

Jeff suggested creating a list of concerns pertaining to health and safety, send it to Tim Stepp at MDEQ and copy Bugli and Eckert. All agreed

1. Easement Access - existing status of and plan for improvements & future maintenance
2. Screening of solids and debris – plan and frequency
3. Sloping issues and boundaries
4. Tilling of crops frequency
5. Soil testing frequency
6. Winter application – type & location
7. pH treatments – type and frequency
8. When is septage to be placed and how (rotation of application sites)
9. Any special treatments for grease loads
10. Dan's suggestion on public comment deadline.

Mrs. Brashears said no basic testing has been done on air, soils and water when applying lime. The State should do a base line test and re test in six months to see if things have changed. She also said the grease traps will be dumped on site as well.

Mr. Russo asked how long this dump site will go on. Land will be dead for 17 month minimum. Or is this to be done once and move around. Roger said he thinks it would be a feed crop which takes 30 days.

Roger wants confidence on knowing the applicants know what they are doing beforehand. It is important that the BOH looks at these issues/items.

Mr. Russo asked if contamination runs down into the creeks and wells, who will fix it. Jeff said if the permit is violated, the property owners and state should be contacted. Discussion ensued about property values and nuisances.

Roger said there are a lot of septage sites around. This is not reinventing the wheel. Mrs. Brashears said this area is not a remote area any longer.

Mr. Russo said he spoke with Lolo and they (Lolo) do dump but they treat septage first. John explained City of Hamilton system is not equipped to receive bulk pumpings. Mrs. Brashears asked why don't the applicants continue to take to it all to Missoula. Roger said it is a county jurisdictional issue and it is very expensive.

Roger moved to reject the application now due to the lack of information provided and that the BOH request an operation plan to include the following items listed, but not limited to

items listed, prior to further BOH discussion and consideration, with input given from the landowner, the proposed operator and an MDEQ representative at the January 11, 2017 BOH meeting. The BOH also is requesting an extension of public comment period from MDEQ, to at least 30 days from December 19, 2016, which is the deadline named by MDEQ.

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Seconded by Wayne. Public comment on motion: see write up. Discussion: BOH, John and Dan. **All voted “aye (4-0).**

VI. Public comment
None.

VII. Next Meeting: January 11, 2017 at 3:00 PM

VIII. Adjournment:

Katie made a motion to adjourn the meeting at 5:00 PM. Seconded by Roger. All voted “aye”. (4-0)