

<b>Description</b>	Courthouse Community Room, 311 W. Main, Bozeman, MT		
<b>Date</b>	02/23/2012	<b>Location</b>	Board of Health
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:58:11 AM</a>		<i>Members Present:</i> Robin Cory, Becky Franks, Berk Knighton, Steve Custer, Buck Taylor, Carson Taylor, Laura Larsson, Gretchen Rupp, <i>Excused:</i> Bill Murdock <i>Staff:</i> Matt Kelley, Toni Lucker, Tom Moore, Tim Roark, Jill Steeley, Liz Wildman <i>Public:</i> Justin Houser, Roger Terwilliga	
<a href="#">6:59:39 AM</a>		<b>Meeting Called to Order</b>	
<a href="#">6:59:52 AM</a>		<b>Disclaimer for Audio Broadcasting</b>	
<a href="#">7:00:24 AM</a>		<b>Public Comment on a Non-Agenda Item</b> - none	
<a href="#">7:00:41 AM</a>		<b>Consent Agenda</b>	
<a href="#">7:01:56 AM</a>	Motion	Steve made a motion to accept the Consent Agenda	
<a href="#">7:01:57 AM</a>	Second	Carson seconded the motion	
<a href="#">7:02:02 AM</a>	Vote	Roll Call: Robin - yes Steve - yes Carson - yes Buck - yes Laura - yes Gretchen - yes Berk - yes Becky - yes  The consent agenda passed.	
<a href="#">7:02:07 AM</a>		<b>Regular Agenda</b>	
<a href="#">7:02:21 AM</a>		<b>Discussion and Decision on Revisions to Criteria for Granting Variances from State &amp; Local Wastewater Treatment Regulations</b>	
<a href="#">7:02:47 AM</a>	Motion	Laura made a motion to adopt the rules as presented	
<a href="#">7:03:10 AM</a>	Second	Robin seconded the motion.	
<a href="#">7:03:14 AM</a>	Vote	Roll Call: Robin - yes Steve - yes Carson - yes Buck - yes Laura - yes Gretchen - yes Berk - yes Becky - yes  The motion carried.	
<a href="#">7:03:53 AM</a>		<b>Variance Request 2011- 004 &amp; -005, Janet Recor</b>	

<a href="#">7:04:20 AM</a>	Tim Roark	<b>Staff Report</b> Tim presented the staff report for this variance request proposing to install a septic system in an area that has groundwater within 48 inches of the ground surface, and to not complete a seasonal groundwater monitoring
<a href="#">7:05:12 AM</a>		<b>Proof of Notice:</b> The variance request was published on February 12th & 22nd of the Chronicle
<a href="#">7:05:42 AM</a>		The proposed system would consist of a septic tank, an aerobic treatment unit providing level 2 treatment and an elevated sandmound with 4 feet of sand underneath.
<a href="#">7:07:25 AM</a>		Staff believes the variance requirements listed in ARM 17.36.922 (2)(a) are satisfied
<a href="#">7:08:03 AM</a>		Board questions: Tim responded to the Board's question about groundwater monitoring - if the groundwater comes within 7 feet of the ground surface, DEQ requires monitoring for a season (springtime). In this case, this was not done. The groundwater comes to 32 inches below ground.
<a href="#">7:09:17 AM</a>		Tim provided clarity for the Board about the design of the system.
<a href="#">7:09:40 AM</a>		Tim responded to the Board's concern about areas of high groundwater - he stated the benefits of installing a level 2 treatment unit in front of an elevated sandmound. He is also satisfied with the non-degradation analyses.
<a href="#">7:11:23 AM</a>		The Board asked about the distance of the property to the nearest public system? Tim stated the nearest public system it is prohibitively distant from the property.
<a href="#">7:11:44 AM</a>		Tim assured the Board that the system was large enough to service the proposed 7-bedroom home.
<a href="#">7:12:02 AM</a>		Tim deferred the Board question about how under-loaded aerobic systems work to Justin Houser, PE.
<a href="#">7:12:31 AM</a>		DEQ requires level 2 treatment units to have continual monitoring & maintenance contracts along with annual monitoring & testing service
<a href="#">7:13:04 AM</a>		<b>Comments by Petitioner</b>
<a href="#">7:13:59 AM</a>		Toni swore in the commenters
<a href="#">7:14:05 AM</a>	Justin Hauser, PE	Justin answered earlier Board questions and noted the house would be a full-time residence. He added that level 2 treatment systems, as well as septic systems, do not work well intermittently.
<a href="#">7:14:54 AM</a>		He addressed non-degradation. The intent of the groundwater monitoring is to ensure there are 48 inches between the bottom of the trench and the groundwater. The 4-foot elevated sandmound is to create that separation between the existing ground and bottom of the trench. The intent of such a large structure is to not go through the groundwater monitoring period. The construction schedule for the house would be on hold until June or July when the groundwater monitoring data would be available. Also, the groundwater monitoring has already failed the 48 inch requirement. Therefore, the variance request.
<a href="#">7:16:00 AM</a>		The other non-degradation issue is the level 2 treatment device that cleans water to non-degradation levels and surpasses EPA's requirement for nitrogen.
<a href="#">7:17:11 AM</a>		The Operation & Maintenance is required on this level 2 treatment device and is part of the deed restriction on the lot. This treatment device is constructed in Butte.
<a href="#">7:18:27 AM</a>		<b>Questions by the Board:</b>

		The Board asked if the elevated sandmound needs protection with a fence but Justin states no protection is needed. Loamy soil and grass on top.
<a href="#">7:19:13 AM</a>		When the owners bought the property in mid-90's, fill systems were allowed. They had planned to build in 1995 and prepared a raised area for a fill system. Currently, fill systems are no longer allowed but the owners did not know the regulations had changed.
<a href="#">7:20:45 AM</a>		Justin answered the Board's question: what does "level 2 systems do not work well intermittently" mean? The system needs continuous feeding. If you stop feeding the system for 30 days or more, the bugs will die. DEQ does not allow level 2 systems to be used with intermittent use. The system can be unused for up to 3 weeks. If the system lies dormant, it takes 6 weeks to start up.
<a href="#">7:24:20 AM</a>		The Board asked if the Butte-made device has an operating history in the state? Steve Anderson started manufacturing in 1996 to deal with short mixing zone challenges. It was approved by DEQ in 2010. There are 11 systems in the state.
<a href="#">7:27:02 AM</a>		The Board asked Tim about experience in Gallatin County with aerobic package plans? There are few of them, the challenge is the O&M. Tim brought to the Board's attention the sunset permit for 5 years in order to determine if the a maintenance contract is involved and followed before renewing the permit.
<a href="#">7:28:53 AM</a>		If the house sales and someone is snow birding, do we know the water quality that comes out of the sitting system? Justin stated the wastewater still meets non-degradation for phosphorous and nitrate even with the aerobic treatment device removed.
<a href="#">7:30:43 AM</a>		The Board was concerned about the well zone of influence so close to the sandmound. Justin assured the Board that the well is upstream and also the output is clean enough to drink.
<a href="#">7:32:23 AM</a>	Matt Kelley	The Board will consider whether or not the variance request results in an undue hardship on the applicant and also whether extraordinary conditions exist that the applicant could not reasonably prevented
<a href="#">7:32:59 AM</a>	Justin Houser	The intent of the owner was to build the home in 1995 and prepared a raised area for a fill system. The property owner is ready to build but now the fill system is not allowable per the regulations
<a href="#">7:35:09 AM</a>	Chris Gray	Chris followed up and Justin acknowledged that the groundwater was the characteristic of the property that created the hardship.
<a href="#">7:35:29 AM</a>		Justin acknowledged that it was the groundwater that created the extraordinary condition that required the variance request.
<a href="#">7:35:42 AM</a>		Justin added there are no alternatives other than connecting to a public system that would address this groundwater issue as well as the proposed system. City system is over 2 miles away.
<a href="#">7:38:40 AM</a>		<b>Written Comments</b> - none
<a href="#">7:39:06 AM</a>	Motion	Laura made a motion to grant a variance to Janet Recor from ARMs 17.36.914 and 17.36.325 with the following conditions: that the system be installed as outlined by staff recommendations including the Operations & Management schedule.
<a href="#">7:39:28 AM</a>		Laura supports the motion because the following criteria are satisfied:  1)The variances will not:

		<p>Contamination of any actual or potential drinking water supply [17.36.922 (2)(a)(i)];</p> <p>Cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans [17.36.922 (2)(a)(ii)];</p> <p>Cause a public health hazard by being accessible to persons or animals [17.36.922 (2)(a)(iii)]</p> <p>Violate any law or regulation governing water pollution or wastewater treatment and disposal, including the rules contained in this subchapter except for the rule that the variance is requested from [17.36.922 (2)(a)(iv)];</p> <p>Pollute or contaminate state waters, in violation of MCA 75-5-605 [17.36.922 (2)(a)(v)];</p> <p>Degrade state waters unless authorized pursuant to MCA 57-5-303 [17.36.922 (2)(a)(vi)];</p> <p>Cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration [17.36.922 (2)(vii)];</p> <p>Compliance with the requirement from which the variance is requested would result in undue hardship to to applicant [17.36.922 (2)(b)];</p> <p>The variance is necessary to address extraordinary conditions that the applicant could not reasonably have prevented [17.36.922 (2)(c)];</p> <p>No alternatives that comply with the requirement are reasonably feasible [17.36.922 (2)(d)];</p> <p>The variance requested is not more than the minimum needed to address the extraordinary conditions [17.36.922 (2)(e).</p>
<a href="#">7:40:46 AM</a>	Second	Steve seconded the motion.
<a href="#">7:40:50 AM</a>		Discussion
<a href="#">7:41:18 AM</a>	Chris	In response to a Board question, Chris advised that the findings can support the last criteria in that the applicant is doing more than the minimum required for the purposes of satisfying the regulation. Based on the record, this is appropriate.
<a href="#">7:42:17 AM</a>		As an exercise for the new paradigm, Chris discussed how the record supports the findings and meets the criteria.
<a href="#">7:46:27 AM</a>	Tim	Tim is open to the Board's needs and suggestions when it comes to amending the staff report to assist the Board in their deliberation.
<a href="#">7:46:57 AM</a>		Board discussion.
<a href="#">7:48:15 AM</a>	Vote	<p>Robin - yes</p> <p>Steve - yes</p> <p>Carson - yes</p> <p>Buck - yes</p> <p>Laura - yes</p> <p>Gretchen - yes</p> <p>Berk - yes</p> <p>Becky - yes</p>

		The motion passed unanimously.
<a href="#">7:48:55 AM</a>		<b>Subcommittee Reports</b>
<a href="#">7:49:02 AM</a>	Prevention Alliance	Robin gave a report on their future involvement in the accreditation process.
<a href="#">7:50:26 AM</a>	Air Quality	Berk is now the only member of this Board subcommittee. He noted his activity with a new group in Bozeman will take on the idling issue: Idling Free Bozeman. March 8 is their first meeting and Berk will be a consultant in an advisory role.
<a href="#">7:52:16 AM</a>	Water Quality	The water subcommittee has not met. They are waiting for technical input from staff on chapter 3 updates and consultation with legal on proposed language. By April 1st, we expect to have the county attorney comments for the subcommittee to consider and bring before the full Board at the April meeting.
<a href="#">7:53:32 AM</a>		<b>Subcommittee Appointments - Discussion and Decision on Subcommittee Structure and Membership</b>
<a href="#">7:54:06 AM</a>		Gretchen led the discussion on what the Board needs for subcommittees and how to structure the subcommittees differently. Subcommittees consider issues in a committee forum. Air Quality subcommittee needs more members or needs to merge into a new committee.
<a href="#">7:54:17 AM</a>		Board discussion: subcommittee to consist of a minimum of 4 people; merge Air Quality and Water Quality subcommittees into one; Environmental Quality Subcommittee that merges both; keep fluidity at forming and dissolving committees as the needs ebb and flow and the Board expertise changes.
<a href="#">7:57:06 AM</a>		<b>Environmental Quality committee: Gretchen, Steve, Bill, Berk, Laura and Carson also volunteered</b>
<a href="#">7:58:21 AM</a>		Are Board members only on subcommittees or are other people invited? Ad hoc members contribute on issues, but only Board members vote to bring the issue to the full Board. Consider amending the Bylaws to clarify the makeup of subcommittees?
<a href="#">8:02:02 AM</a>		<b>Prevention Alliance: Robin, Laura, Buck &amp; Becky</b>
<a href="#">8:03:07 AM</a>		Board discussion on future subcommittee formation: ad hoc as issues come up; budget; Health Officer performance evaluation; and as communities identify the priorities for the Board to work on.
<a href="#">8:04:15 AM</a>		Board discussion on the committee structure.
<a href="#">8:11:40 AM</a>		The Environmental Quality subcommittee will meet in April after receiving legal feedback on Chapter 3 updates and create a work plan.
<a href="#">8:12:02 AM</a>		Formation of two short-term subcommittees will occur in the next few months: 2013 Budget and Health Officer performance evaluation subcommittees. Handouts include committee charter for each subcommittee that needs review and update.
<a href="#">8:13:10 AM</a>		<b>HO Report</b>
<a href="#">8:13:31 AM</a>		No CD to report!
<a href="#">8:13:37 AM</a>		The budget process is about to begin; county is working hard to meet audit challenges that in no way reflects upon the Health Dept; Matt acknowledged and thanked Liz Wildman's expertise in guiding the department through a clean audit.
<a href="#">8:14:29 AM</a>		Mid-year financial reports were distributed to the Board; one area of concern is

		EHS revenues - plan reviews and tourist homes are lower than expected.
<a href="#">8:15:16 AM</a>		A part-time public health nurse was hired - Lindsey Hayes. Her position is funded by a home visitation grant which focuses on parenting and pregnant teens.
<a href="#">8:15:53 AM</a>		Katherine Crevi is our new VISTA volunteer from New Jersey; working with Sarah on the community assessments.
<a href="#">8:16:23 AM</a>		The department is beginning the planning of the first community study circle in Three Forks in March as the beta test for future community meetings in Belgrade, Bozeman, Manhattan, West Yellowstone, Gallatin Gateway and Big Sky. The Prevention Alliance will be critical in both liaison and ears for the Board in the process and to help bring it all together into a strategic plan.
<a href="#">8:18:32 AM</a>		Meeting adjourned.

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Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date