

Description	311 W Main, Bozeman, MT 59715, Third Floor County Courthouse, Community Room		
Date	7/23/2015	Location	Board of Health
Time	Speaker	Note	
6:51:02 AM		Board Members Present: Steve Custer, Richard Damon, Becky Franks, Jane Mahlow, Gretchen Rupp, Joe Skinner, Carson Taylor, Excused Members: Robin Cory, Buck Taylor Staff: Chris Gray, Matt Kelley, Toni Lucker, Denise Moldroski, Tom Moore, Tim Roark, Dustin Schreiner, Theresa Sevareid Public: Anna Andrechak	
7:03:33 AM		Meeting Called to Order	
7:03:43 AM		Audio Broadcasting Disclaimer	
7:04:05 AM		Consent Agenda	
7:04:06 AM	Gretchen Rupp, Chair	Gretchen brought attention to some typos found in the letter to State DPHHS	
7:04:34 AM	Joe Skinner	Joe requested to pull the letter from the consent agenda for discussion	
7:04:45 AM	Motion	Becky made a motion to approve the consent agenda without the letter	
7:04:55 AM	Second	Steve seconded the motion	
7:04:58 AM	Vote	Roll call: Steve: yes; Richard: yes; Becky: yes Jane: yes; Gretchen: yes; Joe: yes; Carson: yes the motion passed	
7:05:03 AM		Regular Agenda	
7:05:45 AM		Comments on the Medicaid Expansion Plan - Draft Application for the HELP Program	
7:05:48 AM	Joe Skinner	Joe thought Medicaid expansion had been approved and was confused why the letter was being sent to the state.	
7:05:58 AM	Gretchen Rupp	Gretchen discussed that the letter is a comment on the state's application.	
7:06:23 AM	Matt Kelley	Matt described the process for states that expand Medicaid and this letter is in response to the public comment period for Montana's application.	
7:07:38 AM		Board comment continued.	

7:08:45 AM	Jane Mahlow	Jane referred to the last correction in the last paragraph of the letter and suggested to remove the first 'is'
7:09:50 AM	Motion	Becky made a motion to send the letter forward.
7:09:56 AM	Second	Steve seconded the motion
7:10:00 AM	Vote	Roll call: Steve: yes; Richard: yes; Becky: yes Jane: yes; Gretchen: yes; Joe: yes; Carson: yes the motion passed
7:10:12 AM		Regular Agenda
7:10:36 AM		Second Reading of the Proposed Health Rule 2015-1: Revision of Gallatin City-County Health Code Chapter 3 Regulations for Wastewater Treatment Systems
7:10:56 AM	Tim Roark	Reading Affidavits Notice was published in the Bozeman Daily Chronicle on July 12th and 22nd and posted
7:12:16 AM	Gretchen Rupp	Proposal is Read Gretchen summarized the proposal.
7:13:07 AM		Gretchen also noted two provisions that are more stringent than state rules: pressure distribution requirements and the requirement that installers in Gallatin County be registered.
7:13:55 AM	Steve Custer	Steve made a correction: these are not rules but proposed regulations
7:14:23 AM		Health Department Comment
7:14:40 AM	Matt Kelley	Matt highlighted several updates to the document: it's a streamlined document, a framework to evaluate systems that were built prior to 1966, and to assess the public health risk of these older systems.
7:15:42 AM		Stringency issues related to percolation rates and the registering of installers sets a standard.
7:16:23 AM	Tim Roark	Tim added that the stringency for installer registration is added because the state is silent on the issue.
7:17:08 AM		Public Written Comments - none
7:17:16 AM		Public Oral Comments - none
7:17:38 AM		Board Discussion
7:17:58 AM	Dr. Damon	Dr. Damon is abstaining since he has not been a part of prior discussions.
7:18:12 AM	Joe Skinner	Joe appreciates the flexibility the regulations allow for health risk assessment solutions on a case-by-case basis.

7:18:45 AM	Carson Taylor	Carson asked a procedural question to Chris Gray about making findings - can we take into account information from previous hearings?
7:19:14 AM		Minor Changes to Proposal
7:19:29 AM	Tim Roark	Tim stated that the word "Proposed", on the first page regarding 'Proposed Regulation', would be removed upon adoption.
7:20:09 AM	Gretchen Rupp	Gretchen asked Chris to help the Board establish findings of facts for the two stringency issues.
7:20:23 AM	Chris Gray	Chris advised the Board that the stringency issues need specific findings pursuant to state statutes, which are outlined in the new regulations.
7:21:03 AM	Gretchen Rupp	Gretchen asked Chris what form the findings must take?
7:21:18 AM	Chris Gray	Chris summarized Section 3.2, the criteria for the findings, of the proposed Chapter 3 Health Code, which need to be addressed.
7:21:47 AM		More Board Discussion
7:21:50 AM	Carson Taylor	Carson agrees with Commissioner Skinner regarding the degree of flexibility and noted the stringencies make sense.
7:22:38 AM	Gretchen Rupp	Gretchen also agrees with Commissioner Skinner about the flexibility issue and is pleased about the process whereby the department can evaluate older systems on a case-by-case basis by looking at circumstances and the environmental settings.
7:23:33 AM		Gretchen listed the possible Board actions that could be taken at this time: 1) approve the regulations as they stand and, if so, would go into effect in 30 days; 2) send back for major revisions; 3) make minor revisions; or 4) abandon.
7:24:13 AM	Motion	Steve made a motion to approve the regulations, striking the word "Proposed"
7:24:34 AM	Carson Taylor	Carson stated he would second the motion if Steve added the word "adopt"
7:24:39 AM	Amended Motion	Steve made a motion to approve and adopt the regulations, striking the word "Proposed"
7:24:48 AM	Second	Carson seconded the motion
7:24:50 AM		Discussion of the motion - none
7:24:55 AM	Findings	<p>Carson Taylor provided the findings:</p> <p>Included within the motion are the following findings -</p> <p>The portion of the proposed Gallatin City-County regulation set forth in sections 3.2 A and B are more stringent than the comparable state regulations, but those sections as written will protect the public health and environment and mitigate harm to the public health and the environment. I also find that those two sections are achievable under current technology.</p> <p>The basis of these findings is the un-rebutted information provided to the Board from the Health Officer and Environmental Health Director in the memoranda dated May 1, 2015, which was included in our materials; and then all the other information and evidence we received during the public hearings on this matter.</p>

7:26:00 AM		<p>For the proposed requirement that will require pressure distribution on sites with percolation rates of less than 10 minutes per inch for coarse soils, the finding is that the basis of this regulation is the 2002 EPA publication for onsite wastewater treatment systems that states pressurizing distribution systems are a "significant improvement over gravity flow systems."</p> <p>In addition, the State of Montana's own regulations, namely DEQ-4, show a preference to pressure distributed systems. The Board's new regulation moves the requirement for pressure distribution to soils that have a slightly different permeability than the state regulation. The necessity for this change is seen in the EPA document which states that pressure dosing whenever used encourages an aerobic environment and breakup of waste products. The additional costs for pressure dosing are set forth in the staff memorandum on this issue and I adopt those as part of my findings as the costs are necessary for the protection of the public health and the environment.</p>
7:27:20 AM		<p>For the proposed requirement that will require septic installers to pass a test to demonstrate knowledge of septic design and requirements, I find that the basis of this regulation is the 2002 EPA publication for onsite wastewater treatment systems, the federal Food and Drug Administration model food code and the Journal of Food Protection which all come to the conclusion that the education and demonstrated proficiency in public health matters protect the public health.</p> <p>The necessity that a septic system be installed in accordance with state regulations prevents the pollution of drinking water and the potential of surfacing effluent. The testing of septic installers will attempt to ensure that persons installing systems stay current with the often changing regulations. The additional costs for the testing requirement is set forth in the staff memorandum on this issue and I adopt those as part of the findings as the costs are necessary for the protection of the public health and the environment.</p>
7:28:45 AM		Discussion
7:28:50 AM	Chris Gray	Chris advised the Board that an affirmative vote on the motion as it stands would be an affirmative adoption of those findings also. And we meet the requirements of Chapter 1 in adopting the regulation.
7:29:19 AM	Vote	<p>Roll Call: Jane - yes Becky - yes Gretchen - yes Carson - yes Steve - yes Dr. Damon - abstain Joe - yes</p> <p>The motion passed</p>
7:30:03 AM	Gretchen Rupp	Gretchen noted that the Board has adopted the revision to Chapter 3 of our local health code and that it will go into effect no earlier than 30 days from today - August 23, 2015, Sunday
7:30:29 AM	Matt Kelley	Matt acknowledged Tim and his staff - Tom, Denise, and Theresa - as well as the County Attorney, for their time and energy on this document.

7:31:28 AM		Board Officer Elections
7:31:50 AM		Chair and Vice-Chair nominations
7:32:07 AM	Motion	Gretchen made a motion to elect as Board Chair Becky Franks and Vice Chair Buck Taylor
7:32:22 AM	Second	Jane seconded the motion
7:32:29 AM		discussion
7:32:35 AM	Carson Taylor	Carson asked Gretchen if she wanted to step down, thanked her for years of excellent and incredibly competent chairing of the Board and stated it was a pleasure to serve with her.
7:33:17 AM	Becky Franks	Becky stated she is grateful for the nomination and seconded Commissioner Taylor's comments regarding Gretchen's leadership qualities.
7:34:01 AM	Vote	Roll Call: Jane - yes Becky - yes Gretchen - yes Carson - yes Steve - yes Dr. Damon - yes Joe - yes The motion passed.
7:34:12 AM		Subcommittee Reports
7:34:34 AM	Steve Custer	Steve described that the Environmental Health Subcommittee Department is working in collaboration with Local Water Quality District on a small grant to look at the Bozeman creek watershed for water quality as influenced by septic systems.
7:35:28 AM	Matt Kelley	Matt suggested that when the committee is ready, staff is ready to do an update on the systems of concern lists and their status.
7:35:55 AM	Steve Custer	Steve noted the food chapter is ready to be updated
7:36:05 AM	Tim Roark	Tim described Chapter 2 Food Service Establishments and Chapter 4 inspections of public accommodations, pools/spas, and body art to be worked on next. In the future, Chapter 1- the administrative issues of the health code - will be addressed.
7:37:12 AM	Matt Kelley	Health Officer Report Matt seconded Carson's thank you for Gretchen's service, described her accomplishments and thanked Gretchen on behalf of the staff .
7:38:26 AM		Matt summarized his Health Officer report
7:40:34 AM	Jane Mahlow	Jane asked Matt about the Ebola monitoring process.
7:44:19 AM	Steve Custer	Steve referred to the Health Officer report and asked Matt to describe the situation in West Yellowstone regarding physician coverage.
7:48:21 AM		Steve shared his concern about providing health care related to summer visitors to the park as well.

7:49:49 AM	Gretchen Rupp	Requested the Board brainstorm about its next year activities. Some ideas included:
7:50:34 AM		<ol style="list-style-type: none"> 1. Updates to Chapters 1, 2, and 4 of the Health Code 2. Update to the list of wastewater treatment systems of concern 3. Hear the summary reports of completed studies by Local Water Quality District (re: subdivisions, trailer parks, etc.)
7:51:18 AM	Matt Kelley	Matt added that next year is the time for the Board and the staff to collaborate on the renewal of the strategic plan.
7:51:53 AM	Steve Custer	Steve added he would like to see the Board find a grant source to implement adding septic systems into GIS or to review them in order to understand where systems are located and discover unpermitted systems and their characteristics.
7:53:23 AM	Gretchen Rupp	Meeting adjourned

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