



Board of Health Agenda

Tuesday - July 14, 2020 5:30 PM

Community Room, City County Complex, 414 E Callender Street, Livingston, MT
Call in: 571-748-4021 Code: 668 1791#

BOH ADMIN

Call to Order/Roll Call

Conflict of Interest

Public Comment for Items not on the agenda (5 minutes)

Approve BOH Emergency minutes for April 14, 2020 meeting.
[April 14 2020Board of Health Meeting.docx](#)

Approve BOH Emergency minutes from the April 23, 2020 meeting.
[BOHApril23EmergencyMeeting.docx](#)

Approve Emergency BOH minutes from the May 13, 2020 meeting.
[BOH May 13 Emergency Meeting.docx](#)

Approve Emergency BOH minutes from the May 29, 2020 meeting.
[BOHMay29EmergencyMeeting.docx](#)

Public Comments (5 Minutes)

OLD BUSINESS

NEW BUSINESS

Discussion/Decision Pine Creek Lodge variance request for replacement holding tank.
[Pine Creek_full.pdf](#)

Discussion/Decision 2020 Amended cooperative agreement with MDPHHS.
[2020 Amendment and Checklist 6_23.pdf](#)

REPORTS

Environmental Department-Kaleb Pearson
Suggested Action: Department Updates



Health Department Director-Julie Anderson
Suggested Action: Departments Updates

Health Officer-Dr. Desnick
Suggested Action: Covid-19 Updates

New staff introductions: Anna Buckley, Molly O'Neil, Brian Beckner

BOH CLOSING

Public Comments (5 Minutes)

Adjourn



Board of Health Meeting

Tuesday April 14, 2020 5:30 PM

Community Room City County Complex

414 E. Callender St. Livingston, MT 59047

Attendance: Kaleb Pearson; HD Sanitarian, Trish Fievet; HD, Quintin Schwartz; City Commissioner, Via Phone-Caleb Minnick, Marj Shinn, Mike Inman, Mary Beebe, Bill Berg, Julie Anderson, Kris Pierson. Public- Steve Woodruff, Barb Kingery, Will Aiken, Charlie Aiken, Chuck Aiken.

Conflict of Interest: None

Public Comments Items not on agenda: None

Approval of Minutes: Minutes from: Mary motioned to approve all minutes. Marj seconded the motion. All in favor motion passed.

01.14.2020
03.25.2020
03.27.2020
04.01.2020
04.07.200

Old Business: Bill Berg motioned to approve Mary Beebe application for the BOH. Caleb seconded the motion. All in favor motion passed.

New Business:

Aiken Variance request was postponed to later time.

Waldron Variance request was approved with conditions. Kris moved to approve variance. Mary Seconded the motion. All in favor motion passed.

Reports:

Kaleb-We are working remote and state suggested us to stop license but we still have received some septic permits.

Interviewing Brian Beckner who was previously employed with the County for the vacant sanitarian position.

Julie-Gave brief on the COVID in Park County. Working close with DPHHS and Fema. Working with long care facilities, Hospitals, business, Community members ect.

Talked about all the grants coming and help from the community.

Talked about some summer school programs.

A lot of different things happening with COVID epidemic.

Dr. Desnick- Talked a lot about the tourist season.

Judy Roy- Not available

BOH Closing:

Public Comments (5 Minutes)-None

Adjourn: 7:15 P.M.



Board of Health Emergency Meeting

Thursday April 23rd 2020

The Park County Board of Health passed the Emergency Health Rule/Order 2020-3. The guidance for the phased reopening of Montana and establishing conditions for phase one.



Board of Health Emergency Meeting

Wednesday May 13, 2020

Attendance: Present-Dr. Desnick; Health Officer, Julie Anderson; Director of Health Dept. Kaleb Pearson; HD Sanitaria, Brian Beckner; HD Sanitarian, Shannan Piccalo; County Attorney, Bill Berg; County Commissioner, Mike Inman; Chair, Marj Shinn; Vice Chair; Kris Pierson. Via Phone-Caleb Minnick, Mary Beebe.

New Business: Travel restrictions to Cooke City – Shannan – The county doesn't have the means to lift the restrictions of travel until the governor's office lifts travel restrictions. County's cannot pass rules/orders that are less strict than the state's restrictions.

Bill/Shannan – when the governor lifts the travel restrictions Park County BOH will need to reconvene to adopt similar guidelines.

Mike – Item is considered moot because BOH cannot modify Governor's orders to be less strict than state rules.

Mike – Letters to community.

Laurel – Received calls from community members to have letters to approve or deny certain events... "stamp of approval" templates, etc. about a dozen requests for letters.

Shannan – Rules/orders have different ways of enforcement, will need a BOH meeting to sign the letters.

Laurel – What's the simplest way to have an approval letter?

Mike – Staff should have the ability to determine if events meet or don't meet the Governor's requirements, the board has adopted policy staff should be able to interpret policy and say yes or no to questions.

Laurel – Counties can have discretion when approving/denying certain events via the Governor.

Add vacation rentals as an agenda item for next BOH meeting.

EHR 2020-04 motioned to approve by Kris Pierson, seconded by Marj, all members voted to approve.



Board of Health Emergency Meeting

Friday May 29th, 2020

City County Building

Attendance: Present-Bill Berg; County Commissioner, Shannan Piccolo; County Attorney, Molly O’Niel; PC Health Dept. Brian Beckner; PC Health Dept. Trish Fievet; PC Health Dept. Julie Anderson; PC Director, Via Phone- Kris Pierson, Mary Beebe, Mike Inman.

New Buisness: Phase 2 June 1, 2020- Governors Directives. COVID EHR 2020-04

There will be a few changes in our Counties order. The governor did not put a cap on event size of people. After reviewing the CDC guidelines and discussions with Dr. Desnick and the Health Dept. they have decided to have groups no larger than 250.

Due to the inherently unstructured and socially-focused nature of certain gatherings - such as wedding receptions, live music concerts without assigned seating, festivals without assigned seating, and fairs - such events cannot be conducted with appropriate physical distancing and pose a condition of public health importance. As a result, such events should be limited to 50 people or fewer. Events greater than 50 people may be held only if the inherent nature of the events allows predictable and manageable social interactions through a structured physical layout, identified seating arrangements, and controls for ingress and egress, such as at a school graduations or religious service.

Structured events, such as spectator sports and auctions, may have more than 50 people only if groups up to 50 can be isolated and the groups of up to 50 are kept separated and do not mingle.

The assembly of groups larger than 250 persons are prohibited as larger gatherings offer more opportunities for person-to-person contact and therefore pose a greater risk of COVID-19 transmission and go against CDC recommendations.

If you are planning an event with more than 50 people you should consult with the Park County Public Health Department to have their event plans reviewed. So we can provide direction.

Bill moved to adopt the EHR 2020-40. Mary seconded the motion. Motion passed.



PARK COUNTY ENVIRONMENTAL HEALTH

414 East Callender Street, Livingston, MT 59047
406-222-4145 parkcounty.org

June 17th, 2020

To: Park County Board of Health

RE: Variance application for replacing a failed holding tank at Pine Creek Lodge

Introduction:

The applicant, Pine Creek Lodge, LLC (Owner, Chip Hurt), is requesting a variance from the Board of Health that, if granted, would allow the replacement of a failed 600 gallon holding tank with a new 2,000 - 4,000 gallon holding tank. The tank serves the bathhouse which is used by its lodging guests.

Background

The tank that is currently serving the bathhouse has been used most likely since the 1960s. The Health Department has no records of the installation. The current owner wishes to replace this tank with a new larger tank to improve ground water quality in the area and to reduce the amount of times that it needs pumped throughout the season. The existing tank is in poor condition and upon inspection appears to have been constructed out of concrete blocks. It is most likely the case that the tank leaks untreated wastewater into the surrounding areas. This was a common way of building septic tanks in around the time that it was constructed, the concrete blocks do not seal completely and over time untreated wastewater leaks out the unsealed areas which reduces the amount of time the tank needs pumped. After having a conversation with the owner I believe this is most likely the case, as the amount of times needed to be pumped vs. the small size of the tank and its use does not support the idea that the tank is water tight. The vegetation in the area is overgrown compared to other areas of the property which is evidence that nutrient-rich wastewater is being discharged in the area around the septic tank. During a site visit the owner pointed out trees that were planted at the same time, but the tree in the area by the tank is currently 3-4 times of the size of the tree not planted in the general vicinity of the tank. Because of these reasons the owner wishes to replace the current tank with a new, water tight holding tank. This is the only option for the area as structures, nearby surface water, and a roadway prohibit the construction of a drainfield disposal area.

Holding Tank

The applicant desires to install a 2,000 to 4,000 holding tank depending on the available space to serve the bath house at Pine Creek Lodge. Holding tanks are non-discharging, and will be constructed of non-corrosive material with water-tight lids and equipped with a high water alarm set at 75% of the tank's capacity. If the variance is approved, the applicant will have a signed pumping agreement with a licensed septic pumper. Holding tanks are prohibited in the Park County Septic regulations without obtaining a variance from the Park County Board of Health.



PARK COUNTY ENVIRONMENTAL HEALTH

414 East Callender Street, Livingston, MT 59047
406-222-4145 parkcounty.org

Approval of a variance by the Board of Health may only be granted if the criteria of ARM 17.36.922 are met.

Discussion of ARM 17.36.922 Criteria

The Board of Health may grant a variance from a requirement only if it finds that all the criteria of ARM 17.36.922 are met.

The Department offers comments (bold) on the following criteria:

- (a) Granting the variance will not:
 - a. contaminate any actual or potential drinking water supply;
 - i. **Department Comment: Holding tanks are non-discharging and do not contaminate actual or potential drinking water supplies**
 - b. cause a public health hazard as a result of access to insects, rodents, or other possible carriers of disease to humans;
 - i. **Department Comment: The proposed holding tank will be constructed of non-corrosive material which will not allow access to insects, rodents, or other possible carriers of disease to humans**
 - c. cause a public health hazard by being accessible to persons or animals;
 - i. **Department Comment: The proposed holding tank will be equipped with water-tight lids that are used for pumping access and will not cause a public health hazard by being accessible to persons or animals**
 - d. 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;
 - i. **Department Comment: The proposed holding tank is allowed pursuant to a variance through Park County Regulations 8.21**
 - e. pollute or contaminate state waters, in violation of 75-5-605, MCA;
 - i. **Department Comment: Holding tanks are non-discharging and do not pollute or contaminate state waters, in violation of 75-5-605, MCA. Furthermore, all septage from the proposed holding tank will be removed by a licensed septic hauler and disposed in accordance with state regulations**
 - f. degrade state waters unless authorized pursuant to 75-5-303, MCA; or
 - i. **Department Comment: Holding tanks are non-charging and do not degrade state waters**
 - g. cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration;
 - i. **Department Comment: Holding tanks are sealed and buried below the surface and do not cause a nuisance due to odor, unsightly appearance, or other aesthetic consideration**
- (b) compliance with the requirement from which the variance request would result in undue hardship to the applicant (this also addresses 6.7(D)(1) of Park County Septic Regulations);



PARK COUNTY ENVIRONMENTAL HEALTH

414 East Callender Street, Livingston, MT 59047
406-222-4145 parkcounty.org

Public Health and Human services and inspected by the local health department. Pine Creek Lodge holds a valid MDPHHS license and is inspected on an annual basis by the Park County Health Department.

Department Position

It is the Department's position to approve the variance request. The risk to public health, safety, and the environment at this location are such that a new, water tight, replacement holding tank is the most protective system.

The Department recommends approval of the proposed system with these following conditions:

- (1) the owner maintains a contract with a septic pumper to service within 24 hours of a high water alarm (set to sound when tank is 75% at capacity), and,**
- (2) the owner keeps records of pumping and will provide upon request to the Department within 7 days, and,**
- (3) allows the Department to perform 24-hour leak tests within 7 days of request, and,**
- (4) the holding tank will serve only the connections that it is currently serving, any additional connections will need to be approved by the Department, and,**
- (7) and the permit application meet the requirements of ARM 17.36.916, 17.36.918(4) and DEQ-4, and,**
- (8) any deviation from these conditions will be considered a violation of the terms of approval and will be considered a violation of Montana and Park County Onsite Wastewater Treatment regulations, and will result in the revocation of the permit.**

Please review the attached documents that I believe meet all the requirements of ARM 17.36.922 and forward any questions you may have to myself.

Sincerely,

A handwritten signature in blue ink that reads "Kaleb Pearson".

Kaleb Pearson, MS, REHS/RS
Lead Sanitarian, Park County Environmental Health



Amendment to the 2020 Cooperative Agreement

June 23, 2020

As a result of the 2020 COVID-19 global pandemic, local and state health departments have been unable to complete licensed establishment inspections due to establishment closures, limits on travel, efforts to reduce exposure to other people, and the need to divert resources to local COVID-19 response. Although facility inspections have been limited, extensive outreach to licensed establishments has been conducted. This document is intended to amend the 2020 Cooperative Agreement between DPHHS and the _____ Health Board to reimburse jurisdictions for the COVID-19 related work conducted with licensed establishments in their jurisdiction.

This amendment does not modify the inspection types being conducted by _____ Health Board. Jurisdictions that have already opted into body art and/or pool inspections will maintain that responsibility for the remainder of 2020.

Reimbursements for inspections this year will be based on two metrics – the number of traditional inspections or virtual site visits and the amount of COVID-19-related work that a jurisdiction completes.

- If a jurisdiction did not engage licensed establishments in COVID-19 related activities, then they will be paid at the rates agreed upon in the 2020 cooperative agreement.
- Regardless of the number of traditional inspections completed, local Health Boards will be reimbursed 100% of the Local Board Inspection Fund (LBIF) available for their jurisdiction, if they document that they made reasonable efforts to complete facility inspections as time, resources and COVID-19 related conditions allowed, and the time typically spent on inspections was diverted to COVID-19 related activities as described below.

Traditional Inspections

Traditional facility inspections must be documented through entry into the licensing database. Reasonable efforts must be made to conduct traditional facility inspections whenever possible. In situations where completion of traditional facility inspections is not possible, jurisdictions should:

- focus inspections on high risk behaviors and issues,
- prioritize inspections of higher risk facilities,
- investigate complaints about licensed establishments,
- attempt virtual site visits or consultations.

COVID-19 related work

COVID-19 related work must be documented by providing a quarterly report as described below. The Local Board Inspection Fund will be disbursed to jurisdictions on a quarterly basis for up to 100% of available quarterly funding. Quarterly funding will be disbursed after providing a quarterly report to the Department. Upon receipt of all quarterly reports for 2020 any remaining funds available to the jurisdiction will be disbursed at the end of the licensing year.

Quarterly reports must document the following:

- Commitment to protecting their communities from the spread of COVID-19 by:
- providing outreach and education to licensed establishments regarding how to implement best practices for prevention of virus spread in their establishments,
- conducting on-site, virtual site visits, or consultations with licensed establishments, as needed, to ensure that state and local requirements are being followed,

- responding to complaints regarding violations of the state or local requirements, and/or
- creating and/or distributing guidance to licensed establishment operators.

Quarterly reports documenting COVID-19 related outreach and reimbursement will be kept on file at DPHHS and made available upon request.

The combined reimbursement for inspections and COVID-19 related activities shall not exceed the total amount of licensing fee money available in the LBIF for 2020 in any jurisdiction.

Liaisons:

These persons serve as the primary contacts between the parties regarding the performance of the task order.

1. Ed Evanson is the liaison for DPHHS (phone: 406-444-5309)
2. Liaison for the BOH: _____
(Print name and title)

For: Montana Department of Public Health and Human Services

Signature: _____
 Printed name and title: Todd Harwell, Division Administrator
 Date: _____

For: _____ County Board of Health

Signature: _____
 Printed name and title: _____
 Date: _____

Please mail signed Agreement to: Ed Evanson, Supervisor
 DPHHS-Food & Consumer Safety Section
 P.O. Box 202951
 Helena MT 59620-2951

Quarterly Report for 2020 Cooperative Agreement Amendment

Date _____

Quarter _____

Submitted By _____

Jurisdiction _____

For each of the categories listed below provide a brief narrative of the COVID 19 related outreach activities conducted during the last quarter. Include the approximate number of establishments each activity reached. Estimates may be used to when conducting outreach such as virtual community meetings or conference calls where the exact number of participants are not known

-Retail Food

-Wholesale Food

-Body Art

-Public Accommodation

-Pool

-Trailer Court/ Campground

This narrative of work related to COVID-19 is equivalent to or greater than the normal inspection work conducted by this jurisdiction during a normal quarter.

Signed by the Health Officer or their designee

Date