

<b>Description</b>	Gallatin City-County Health Department, 215 W. Mendenhall, Bozeman, MT - Education Room		
<b>Date</b>	05/18/2010	<b>Location</b>	Board of Health
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<a href="#">6:59:01 AM</a>		Board Members: Present: Robin Cory, Berk Knighton, Laura Larsson, Brian Leland, Bill Murdock, Buck Taylor, Carson Taylor Excused Members: Barbara Vaughn, Gretchen Rupp Staff: Toni Lucker, Tom Moore, Stephanie Murphy, Tim Roark, Liz Wildman Public: MIke Ellerd, Alex Fox, Justin Houser, Jenifer Reese, Brett Tudsbury, Bayliss Ward	
<a href="#">7:01:58 AM</a>		<b>Meeting Called to Order</b>	
<a href="#">7:02:08 AM</a>		<b>Public Comment on Non-Agenda Item</b> - none	
<a href="#">7:02:26 AM</a>		<b>Consent Agenda</b>	
<a href="#">7:02:38 AM</a>	Motion	Buck made a motion to approve the April 22nd minutes.	
<a href="#">7:02:41 AM</a>	Second	Bill seconded the motion	
<a href="#">7:02:47 AM</a>	Vote	(Berk arrived) <u>Roll Call:</u> Robin - yes Berk - yes Laura - yes Brian - yes Bill - yes Buck - yes Carson - yes  The motion passed unanimously	
<a href="#">7:03:26 AM</a>	Motion	Brian made a motion to approve the contracts on the consent agenda	
<a href="#">7:03:28 AM</a>	Second	Robin seconded the motion.	
<a href="#">7:03:33 AM</a>	Vote	Roll Call: Robin - yes Berk - yes Laura - yes Brian - yes Bill - yes Buck - yes Carson - yes  The motion passed unanimously.	
<a href="#">7:03:41 AM</a>		<b>Regular Agenda</b>	
<a href="#">7:03:47 AM</a>	Laura, Board Vice Chair	Laura proposed changing the order of the agenda items.	
<a href="#">7:05:04 AM</a>		<b>BOH Letter to Montana Department of Environmental Quality regarding Bozeman Solvent Site Remediation</b>	
<a href="#">7:05:37 AM</a>	Jeni Reese of Moore, O'Connell & Refling	Jeni, outside counsel for the City of Bozeman, requested that the Board send the letter to DEQ, which asks that the participating residents be informed on the results of the indoor air study and DEQ's future plans.	

<a href="#">7:07:18 AM</a>	Mike Ellerd, ATC Associates	Mike addressed the Board's question regarding when the residents were last contacted. Mike contacted the residents with the results of the study in early April and expects to be copied on any DEQ correspondence to residents.
<a href="#">7:07:48 AM</a>		Matt distributed a copy of a letter from DEQ Project Officer, Kate Fry that discussed DEQ's plans for the Bozeman Solvent Site, the Off-site Soil Vapor Survey Report and a plan for a public meeting in June or July.
<a href="#">7:10:03 AM</a>		Board discussion with Jeni and Mike regarding the letter to DEQ.
<a href="#">7:13:51 AM</a>	Motion	Buck made a motion to send the letter as soon as possible.
<a href="#">7:14:04 AM</a>	Second	Brian seconded the motion.
<a href="#">7:14:16 AM</a>	Vote	<u>Roll Call:</u> Robin - yes Berk - yes Laura - yes Brian - yes Bill - yes Buck - yes Carson - yes  The motion passed unanimously.
<a href="#">7:14:33 AM</a>		<b>Variance Request #2009-010 and #2010-004, Tracy Cowdrey</b>
<a href="#">7:14:52 AM</a>		<b>Staff Report</b> The variance was publicly noticed in the Bozeman Chronicle published on May 9th & 17th.  Tim provided information on the variance request that seeks permission to 1) install a septic disposal system in an area with groundwater within 48-inches and 2) not immediately monitor groundwater when evidence of water is found at less than 7-feet from natural ground surface. This parcel had two previous variances to overcome high groundwater in 2001 & 2004 that were denied.
<a href="#">7:16:18 AM</a>		Tim discussed an evapotranspiration system that is proposed in this variance. It is an accepted technology in DEQ4 but the system is not established in Gallatin County. The system requires operation & maintenance due to an impermeable liner and the method of disposal is evaporation, plant uptake and transpiration.
<a href="#">7:18:07 AM</a>		Tim added that written comments were received and referred the Board to an email from Ron Kaiser dated May 6, 2020. Another neighbor, Bayliss Ward, was present at the last BOH meeting held April 22, 2010 and is here today (May 18, 2010).
<a href="#">7:19:03 AM</a>		<b>Questions by the Board</b> - none
<a href="#">7:19:26 AM</a>		<b>Comments by Petitioner &amp; Questions by the Board</b>
<a href="#">7:19:53 AM</a>		Toni swore in Justin Hauser
<a href="#">7:20:00 AM</a>	Justin Hauser, PE, Morrison- Maierle, Inc.	Justin passed handouts, presented information about the evapotranspiration system to the Board and addressed some of the concerns of staff.
<a href="#">7:28:49 AM</a>		Justin addressed questions by the Board.  The Board asked how solids were disposed.
<a href="#">7:30:28 AM</a>		The Board asked about what maintenance was required for the vegetation over the ET bed?

<a href="#">7:30:54 AM</a>		How large is the ET system?
<a href="#">7:31:08 AM</a>		What evidence do you have of the integrity of the liner with the temperatures we get here and the duration of our cold season?
<a href="#">7:32:29 AM</a>		Is the liner a single piece or is it spliced together?
<a href="#">7:33:02 AM</a>		The Board asked Justin to speak about long-term viability and why EPA studies of this type of system have been less than impressive?
<a href="#">7:35:26 AM</a>		After 20 years, what do you do? If it fails in 20 years, what do you do? 5 year sunset for public services and relook at holding water or not. If fails in 20 years? replace liner
<a href="#">7:36:20 AM</a>		The Board asked Justin to speak about the EPA study document that reports that this system is not well suited for our environment?
<a href="#">7:37:56 AM</a>		The Board asked who would install the system.
<a href="#">7:38:14 AM</a>		Justin requested adding the following to the conditions of approval on the permit: 1) a 20-year minimum liner requirement; 2) a PE certification or manufacturer certification requirement for the liner installer; 3) a letter to the Board of Health and sanitarian that the liner was installed in accordance with the manufacturer's recommendations; 4) water testing to ensure the liner is not leaking once installed.
<a href="#">7:39:33 AM</a>		The Board asked if it was important to the evaporation process what materials are placed inside the liner?
<a href="#">7:40:35 AM</a>	(this discussion is difficult to hear)	The Board asked for clarification on the transpiration process. Does the pond fill to 2/3 full then evaporation occurs? Transpiration occurs when plant roots penetrate into the rock layer. Plants will pull the water out and so will evaporation.  How many years does the system have to be established until transpiration works? Depends on the plants but evaporation works continuously.
<a href="#">7:43:04 AM</a>		The Board asked about the precipitation modeling used to anticipate levels within the bed.  The worst rainfall in 10 years (2006-2007) was used and modeled as if it occurred every year.
<a href="#">7:45:17 AM</a>		The Board asked for clarification as to which tracts this shared system would serve.
<a href="#">7:46:30 AM</a>		Justin continued his presentation by discussing how an approved variance request would comply with the regulations.
<a href="#">7:52:17 AM</a>		More questions by the Board.  The Board asked why that portion of the property was selected for the system?
<a href="#">7:54:07 AM</a>		Can the bed withstand mowing?
<a href="#">7:55:06 AM</a>		What is the assurance that the maintenance & operation of the system is consistent through a change of ownership
<a href="#">7:58:20 AM</a>		The Board discussed their concern with the possibility of damage to the rim of the system that could cause pollution of the nearby ditch (state waters).
<a href="#">8:03:59 AM</a>	Laura Larsson	<b>Written Comments</b> from Ron Kaiser.

<a href="#">8:04:57 AM</a>		<b>Public Comment and Questions by the Board</b>
<a href="#">8:04:58 AM</a>	Alex Fox	Toni swore in Alex Fox. Alex made himself available for questions on the liner as he installs pond liners for recreational purposes. He discussed the attributes of the liner.
<a href="#">8:09:13 AM</a>		The Board asked if welding was done on site?
<a href="#">8:11:43 AM</a>	Bayliss Ward	Toni swore in Bayliss Ward, property owner to the east and an architect. Bayliss discussed the wetness of the property and his experience with treatment systems. He is concerned with protecting the water.
<a href="#">8:14:25 AM</a>		<b>Staff Comments</b>
<a href="#">8:14:53 AM</a>		Tim discussed the 5-year sunset clause as a way to address the open-ended concerns, he agreed with Justin Hauser's recommendations, and Tim suggested the Operations & Maintenance requirements be added along with appropriate plants to cover the bed.
<a href="#">8:17:19 AM</a>		<b>Petitioner's Rebuttal Comments and Questions by the Board</b>
<a href="#">8:17:35 AM</a>		The Board asked more questions:  What was the highest recorded groundwater level at the proposed site?  Would that potentially cause any softening of the compacting sand?
<a href="#">8:19:49 AM</a>		The Board was concerned about making sure the rim would stay in place and Justin Hauser drew a cross-section to illustrate the groundwater level and the system construction.
<a href="#">8:22:19 AM</a>		The Board was concerned that over time the berms would settle. Mr. Hauser discussed angle of repose.
<a href="#">8:23:55 AM</a>	Alex	Alex Fox discussed the location of the drainfield.
<a href="#">8:27:09 AM</a>		<b>Factual Record Closed</b>
<a href="#">8:27:18 AM</a>		<b>Board Deliberation and Decision</b>
<a href="#">8:27:57 AM</a>	Motion	Bill made a motion to approve this variance request subject to the conditions by staff.
<a href="#">8:28:35 AM</a>	Second	Buck seconded the motion.
<a href="#">8:28:45 AM</a>		Bill expressed doubts about the effectiveness of the system for a single-family residence in an area of high groundwater. This system would work well for a municipal system where adequate maintenance and oversight could be provided. But he expressed doubts of its utility & effectiveness in a residential setting.
<a href="#">8:29:17 AM</a>		Berk expressed similar concerns, and posed the question: what if does not work?
<a href="#">8:29:59 AM</a>		Buck feels more confidence with this proven technology. The Health Department will monitor the system and keep the Board abreast of issues so Buck is inclined to support this variance.
<a href="#">8:30:36 AM</a>		Robin asked for clarification about who the parties would have to come before every 5 years - the Board or the Department? The sanitarian would re-issue the permit if approved and include a service charge at \$60/hr and in the write-up in O&M.
<a href="#">8:31:27 AM</a>		Brian stated his concerns with 1) the system's longevity, the ability to detect system failure, 3) the outcome of a failure, 4) the lack of oversight, and 5) the

		potential for property owner turnover. Brian expressed hesitance about supporting the system for those reasons.
<a href="#">8:34:23 AM</a>		Carson stated his concern with the lack of system monitoring in Gallatin County and will not vote for this.
<a href="#">8:36:51 AM</a>	Vote	Brian - no Robin - no Brian - no Buck - yes Berk - no Bill - no Laura - no  The motion did not pass.
<a href="#">8:37:50 AM</a>		<b><i>Decision to Approve the Proposed FY 2011 Gallatin City-County Health Department Budget</i></b>
<a href="#">8:38:21 AM</a>		Matt discussed the proposed budget.
<a href="#">8:39:57 AM</a>	Motion	Buck made a motion to accept the FY2011 budget as is
<a href="#">8:40:21 AM</a>	Second	Bill seconded the motion.
<a href="#">8:40:30 AM</a>		Bill discussed the budget subcommittee's decision.
<a href="#">8:41:50 AM</a>		Board discussion.
<a href="#">8:48:18 AM</a>		Brian stated his concern and why he would not support the budget
<a href="#">8:50:06 AM</a>	Vote	Brian - no Robin - yes Carson - yes Laura - yes Bill - yes Buck - yes Berk - yes  Motion passed.
<a href="#">8:50:52 AM</a>		Meeting was adjourned.

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Secretary

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Date