

**LEWIS AND CLARK CITY-COUNTY HEALTH DEPARTMENT
BOARD OF HEALTH – PUBLIC HEARING MINUTES
400 N. Kalispell, EAST HELENA, MONTANA 59635
December 20, 2012**

Members Present

Ken Wallace, chair
Susan Epstein, vice-chair
Commissioner Andy Hunthausen
Mayor Anthony Strainer
Kelly Parsley
Anne Weber
Jennifer Lowell

Staff Present

Melanie Reynolds
Jolene Helgerson
Kathy Moore
Gayle Shirley
Deb Tillo
Jan Williams

Members Absent

Mayor Jim Smith
Kent Kultgen

Guests Present

James Schell
Shawn Otheim
Tony Prothero

Ken Wallace, chair, called the meeting to order at 1:35 p.m. A quorum was established.

REVIEW OF AGENDA

Susan Epstein requested that the Board combine agenda items 2 & 3.

HEARING OF DELIGATION

Ken Wallace gave an explanation of the procedures for a variance request before the Board of Health. Ken introduced the application for a variance on pages 11-15; on-site wastewater treatment system permit on page 16 as exhibit “A”; soil description form on page 18 as exhibit “B”; Canyon Store replacement drianfield site plan on page 19 as exhibit “C”; memorandum of agreement on pages 20-21 as exhibit “D”; staff report on pages 4-6 as exhibit “E”; on-site wastewater permit #102828 on pages 7-8 as exhibit “F”; site plan dated July 2012 on page 10 as exhibit “G”.

Frank Preskar, registered sanitarian with the Environmental Services Division, stated that Shawn Otheim is requesting a variance to Section 4.3 Table 4A of the 2011 Lewis and Clark Onsite Wastewater Regulations, which requires a separation between a treatment field and property lines, and the separation distance between a treatment field and a well. Frank noted that a variance was granted in July of 2012 for this property. A condition of that variance was to abandon the current wastewater system and connect to a community wastewater system once it was made available. Frank stated that Holly Manning engineer of the wastewater system for the Wolf Creek District indicated the community of Wolf Creek has 31 to 35 of the 51 necessary individual agreements to connect to a community wastewater system. Beth Norberg, registered sanitarian with the Environmental Services Division, has sent out septic notices to all property owners in the community. Five properties have yet to respond to her notice. The Division is working with property owners regarding their specific systems and their options regarding connecting to a public system. Frank noted that the deadline to have the required signatures is flexible but federal funding will be dispersed elsewhere if the signatures are not received in an appropriate time. Frank stated the parcel of land in question is located at 175 Recreation Road, Wolf Creek, MT. The parcel is currently developed with a commercial facility, single family residence and private garage. The current wastewater treatment system (a replacement) was permitted and installed in September of 2003. This system has failed. In July of 2012, Mr. Otheim was granted a variance by Board of Health to place a bed system in an area that will

be subject to vehicle traffic, and less than 10 feet from a property line. Mr. Otheim has become concerned with the durability of the system located in the area subject to traffic. The variance granted in July will still be in effect if this current variance request is denied. A permit has not been issued by the Division regarding the July variance. The July variance will expire in July 2013. The new proposal will be located less than 10 feet from the western property line and less than the required 100 feet (approximately 66 feet) from the domestic well located at 215 Recreation Road.

Tony Prothero, representative for Paul Bister previous owner of 175 Recreation Road, Wolf Creek, MT, stated, Mr. Bister is in agreement with Mr. Otheim to resolve the issues of the current wastewater system. Mr. Prothero briefly explained the location of the proposed drainfield from the July variance. Mr. Prothero noted the concerns of Mr. Bister and Mr. Otheim regarding the connection to a community wastewater system. Mr. Prothero stated the reason for the proposed variance is to situate another drainfield, presented in Exhibit "C", away from vehicle traffic. The small lots in Wolf Creek pose a problem to the required setback and separation regulations. The new location of the drainfield which would be less than the 100 feet required separation has groundwater flowing northeast which is away from the current well location. The proposed drainfield will be further away from the well than the estimated location of the failed drainfield. Mr. Prothero highlighted the memorandum of agreement, Exhibit "D", between Mr. Otheim and Lucas J. Andrews.

In answer to questions from Susan Esptein, Mr. Otheim stated that Mr. Andrews well has been tested for coli forms and is clean. Mr. Prothero stated that vehicle traffic can cause compaction to a drainfield which is the location for the proposed drainfield from the July variance. There are few alternatives for parking than what is presented in the site plan. The proposed drainfield will be barricaded from traffic.

In answer to a question from Commissioner Hunthausen, Mr. Prothero stated that a life span of a drainfield subjected to vehicle traffic varies based on the drainfield construction. The proposed July variance drainfield could last up to 10 years.

In answer to questions from Jennifer Lowell, Mr. Prothero stated that the drainfield for the July variance would see minimal if any damage since a community system would be in place within a year. With that date coming to a close, the drainfield may not handle the 10 to 15 years of vehicle traffic. Mr. Prothero also stated that he does not for see the direction of the groundwater flow changing away from an easterly direction.

After no further public comment, the hearing adjourned at 7:43 p.m.

Ken Wallace, Chair

Melanie Reynolds, Secretary

