

**Island County Board of Health
Special Session - Tuesday, May 1, 2007
Minutes**

Members Present: Commissioners: Mike Shelton, John Dean and Mac McDowell; Barbara Saugen, WGH Commissioner; Patty Cohen, Mayor of Oak Harbor; Roger S. Case, MD, Executive Secretary to the Board; Captain Colin Chinn, Medical Corps, U.S. Navy, Ex-Officio Member.

Members Absent: No members were absent.

Call to Order: Chairman Shelton called this Special Session of the Island County Board of Health to order at 1:30 p.m.

Additions or Changes to the Agenda: As this is a special session, the agenda is set.

On-Site Sewage Systems (OSS) Management Plan Workshop #3:

Tim McDonald, Health Services Director, told the Board that he may have promised a proposed draft of the ordinance by this meeting but staff is still working on it and asking for the Board of Health's direction. Keith Higman, Environmental Health Director, advised that staff does have a draft plan but that it contains voids and he will be seeking the Board of Health's direction to fill those voids. This is the third workshop. Staff will present some recommendations today and looks forward to the Board's comments on subjects including: 1) shoreline delineation; 2) inspections in Category II areas; 3) identify primary funding methods; 4) penalties as part of compliance; implementation phases; and 5) future schedule with the remaining milestones. Mr. Higman told the Board that the map has been amended to indicate a Category III area for within 100' of the shoreline and he summarized the category classifications again. Categories II, III and IV are included on the map. Category I would be a 'marine recovery area'.

Mr. Higman continued with the objectives of this OSS Workshop #3. Open issues from Workshops #1 and #2 include: 1) revisions to designations of Category II and III areas; 2) Category II 'Sensitive Area' inspections; 3) identify a primary funding method; 4) determine if or what penalties would be a part of compliance regime; and 5) identify implementation phases.

Staff recommended a conventional system inspection could be done by a trained homeowner but that every other inspection (every 6 years) be conducted by a professional. A discussion followed on inspection requirements. Commissioner McDowell recommended that a professional inspection be required at the time of sale, which the lender requires most of the time anyway, and the homeowner inspect at other times. Both Barbara Saugen and Commissioner Dean voiced support for Commissioner McDowell's recommendation. A discussion followed on inspections in Category III and IV areas.

The discussion moved to funding methods. The OSS plan must identify a primary funding approach for July 1, 2007 and on. Staff has recommended General Fund support from July 1, 2007 through December 31, 2008 with a Utility or district developed from January 2009 forward. Commissioner Shelton was supportive of identifying the General Fund from 2007 – 2008 but wanted to define the continuing timeframe more broadly such as "an alternative source, if necessary, will be developed" and not reference a Utility or district. Commissioners Dean and McDowell both agreed. Mayor Cohen noted that, as a Board of Health member, she was comfortable advising on policy but uncomfortable drafting funding which she thought was a Board of County Commissioners function.

The Board was generally not supportive of fees to achieve compliance. Staff recommended applying a 30-60-90 day concept that lenders use. A letter would be sent to an OSS owner 30 days after a reminder; after 60-days the owner would receive an Administrative Notice of Violation which would reference a monetary penalty; after 90 days the owner would receive a Notice of Violation advising of the penalty, and finally, a penalty would be issued through an administrative process by the Health Officer or his designee. Commissioner Shelton stressed that the outcome of compliance with the OSS inspections is a positive one, which will assist clean drinking water, unpolluted marine environments and healthier functioning septic systems, ultimately costing homeowners less. Commissioner Dean would like to consider a year of education or a year when only warnings are issued. Commissioner Dean could support a penalty for non-compliance but would also like to see a safety net for individuals who can't

afford to pay for an inspection. Commissioner Shelton suggested that a penalty for non-compliance would be necessary to achieve compliance. Mr. Higman will move forward with the Board's input for future consideration.

Tim McDonald said that staff supports a phased implementation. Keith Higman detailed the list of requirements of the Health Department in implementing the code changes and advised the Board that staff will work towards having a draft plan available for the Board review by 5/8 and draft code/regulation change by May 11. He also advised the Board of the need for a 4th Workshop to review the draft plan and regulations. At the May 21, 2007 Board of Health meeting, staff will make a request to set a public hearing date for the plan. On July 1, 2007 the State requirements will be in effect regardless of whether Island County has adopted the new ordinance. The Board set Monday, May 14, 2007 at 1:30 p.m. for a Special Session to hold Workshop #4. At Commissioner McDowell's suggestion, both draft documents will be posted to the Health Department's website and copies will be available at our Environmental Health counter in Coupeville.

The Chair asked the audience if there were members of the public who were interested in making comments on the OSS issue to the Board and several indicated their desire to do so. Sherwood Minkler, 989 Silver Lake Road, Oak Harbor, suggested that a draft was unnecessary and thought the plan goes beyond what we need. Pete Grady, 355 Olympic Bay Lane, thinks government is trying to impose a massive system without any science behind it. He suggests adding a category that would be "no inspections" and thinks the state mandate should be interpreted as narrowly as possible and that this represents taxation without justification. Pat McKinnon, 1525 W. McKinnon Drive, OH, seconded Commissioner McDowell's comment to phase in inspections. He also supports minimal enforcement and recommends system inspections be done at the time of pumping.

Nick Carter, 681 SW Waterloo Ave., OH, commented that the July 1 deadline should not be considered hard and fast. Funding should not be taken for granted as this money comes from the taxpayers and he feels this program will grow beyond the estimated budget. Additionally, he feels there is no reason to inspect a working system. Rick Schultz, 174 Blazer Court, OH, feels that 70% of homeowners will willingly attend education so that they can do their own inspection but doesn't think that they can be trusted to actually perform the inspection. Also, he is concerned that tools are required to correctly perform the inspections and current O&M's are not being enforced. Reed Tacia, Reed's Construction, feels the septic inspection rules are here to stay and necessary. He said that guidelines for septic inspections should have been defined long ago and that the Health Department should already have an inventory of septic systems in Island County. Mr. Tacia then read a list of twenty-four (24) failed systems that he is aware of.

Dean Thiem, Manager of Penn Cove Water and Sewer District, would like the Board to consider that existing sewer customers should not have to pay for this program. John Merrill, 2200 Wellman Pl, OH, introduced himself as a consulting engineer and geologist from Southern California and has had experience with this process in other communities and suggested that the money should be put towards fixing the most egregious problems. He also recommended not adopting a policy that is too restrictive.

Adjourn: There being no further business, Commissioner Shelton adjourned the meeting at 1:45 p.m. The next Board of Health will be a Special Meeting held on Monday, May 14, 2007 at 1:30 p.m.

Submitted: _____
Roger S. Case, MD, Executive Secretary to the Board

Minutes approved this 21st day of May 2007

ISLAND COUNTY BOARD OF HEALTH

Mike Shelton, Board Chair