

**Island County Board of Health
Special Session - Monday, May 14, 2007
Minutes**

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

Members Absent: Roger S. Case, MD, Executive Secretary to the Board.

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 #4:

Tim McDonald, Health Services Director, opened the OSS Workshop by advising the Board that staff will go through the On-Site System Management Plan and staff hopes to receive specific direction from the Board to incorporate and move the Plan forward. Second, the Board of Health will have to adopt Island County Code changes to reflect the WAC requirements and staff has a draft for the Board's review. He reminded the Board that the State's regulations will go into effect on July 1, 2007 and the Health Officer must enforce the rule at least as stringent as the State rule. Island County Health Department's target is to have Island County Code changes to the State for review by the July 1st deadline.

Keith Higman, Environmental Health Director, reviewed the history of the OSS Management Plan that was revised in the summer of 2005. The most significant change was that Local Board of Health's must adopt Operations & Maintenance plans. The State regulations dictate local changes in permits, licensing, administration, and enforcement. Staff hopes to present the draft plan at the May 21st Board of Health meeting and will ask the Board to set the public hearing date at that meeting. Mr. Higman identified the Plan's four major areas: 1) Develop a process for data/database development; 2) Identify areas of greatest risk from on-site systems; 3) Compliance and enforcement; and 4) Implementation. A discussion of the details of these elements followed.

Staff has identified water quality impairment areas as Category II: 1) South Holmes Harbor Shellfish Protection District; and 2) the drainage basin surrounding Penn Cove. Commissioner McDowell suggested a wording clarification on page 25 to: "Most recent inspection has been completed within the required timeframe". Mr. Higman acknowledged that the Health Department knows that there will not be full implementation possible on 7/1 so an 18-month phase-in period is reasonable. He reminded the Board that they must also identify a future source of funding as the Board currently supports current expense funding for the initial phase. Commissioner McDowell asked that the reference to funding be worded as "Island County funds" rather than the more specific reference.

A discussion followed on administrative penalties and enforcement issues. Mr. Higman noted that Planning staff has made recommended corrections that had not been reflected in the document presented today. Following a discussion on the submission of inspection reports, Mr. McDonald advised the board that the WAC addresses gathering of data and the Health Department currently has only passive data and that the new WAC suggests active data collection. Commissioner Dean noted that page 24 that the Plan references that a filing fee could be charged by the Health Officer. Mr. McDonald asked staff to remove that reference as only the Board of Health has the authority to initiate fees. The Board asked that the sentence will be removed. Commissioner McDowell reiterated that he objects to the inspection report requirement as written. Commissioner McDowell also questioned the 100-foot to shoreline category on all Island County shoreline. Mr. Higman explained that the WAC directs that this 100' from the shoreline area "shall be given priority" as "shellfish growing area" as designated by Department of Health. This area would be given more outreach and education resources.

Mr. McDonald told the Board that Staff will revise the draft Plan with the Board's consensus today and will present that at next Monday's Board of Health meeting and will ask the Board to set a public hearing date for this Plan, perhaps the June 18, 2007 Board of Health meeting. Mr. McDonald suggested that the Board now address the May 14, 2007 draft of the ICC code revisions and suggested that workshops

might be scheduled. Mr. McDonald pointed out that the State code must be adopted and staff has included additional ICC code language for issues that are applicable to Island County. The Island County Board of Health must at minimum adopt a code as stringent as the State code.

Chairman Shelton recessed the Board at 2:55 p.m. for a break. The meeting was re-convened at 2:59 p.m.

Mr. Higman opened a discussion by saying that staff has agonized over the approach of the IC code changes required by the WAC changes. This new WAC is a significant change to the regulations across the board and prior to this time, IC regulation was more stringent than state regulation. Local jurisdictions must adopt the WAC and the Health Department is proposing additional local rule changes.

Commissioner Shelton pointed out a possible mistake on first page (page 3) regarding a reference to authorizing the Health Officer "to charge fees". Mr. Higman noted that the reference was directly from the WAC. Mr. McDonald clarified that this reference could be clarified to read "Island County Health Officer to collect fees adopted by the Island County Board of Health". Other similar references will be clarified to make sure the references indicate that potential fees can be "charged by the Health Officer as authorized by the Board of Health".

Mr. Higman reviewed various sections noting which was state code and the proposed changes. Commissioner Shelton pointed out that on 7/22, state legislative changes will be instituted that will make changes to the "Authority" section necessary. Staff is proposing the Board to consider adding a licensing requirement for maintenance service providers. Staff is also proposing changes to the bonding requirement. The bonding value is based on the estimated replacement value of an on-site system and the current value has been in place since at least 1995. Staff is proposing increasing that value to bring in line with current replacement costs. Per the Board's request, staff will check with other County's to get comparable bonding requirements.

Mr. Higman continued to walk the Board through the draft, noting additions and changes. In reference to language dealing with individual's opportunity to call pre-construction meetings, Commissioner McDowell asked for a wording change from "if necessary" to "if requested by". The Board agreed and staff will make this change wherever it appears. Commissioner McDowell also asked for a clarification to the state code language in the "Permit requirements" section to clarify what operations would change or alter a site to cause revocation of a permit and suggested the examples be prefaced with "may include". The Board agreed that item "d" be amended to say "operations that render a site unusable.....". Commissioner McDowell disagreed "100%" with item (9) of this section which says that "the health officer may stipulate that an existing system, that was permitted and unused prior to these regulations, be upgraded to meet the standards of this chapter" and does not want homeowners to be penalized for having installed a field 20-30 years ago and not using it. He would like to see the treatment language to be more specific and a fixed period of time to be defined. Commissioner Shelton understands the Health Departments concern for treatment but would like to see better language. Staff will change the wording to incorporate these points.

A discussion followed on the requirement for a "control point". Mr. Higman explained that the state audit recommended Island County require a control point be identified for future measurement reference. The Board asked for alternative language to clarify what that point could be.

Commissioner Shelton requested that, due to time consideration, the Board consider an additional workshop. Following a discussion on a possible date and time and public hearing protocols, the Board decided that community reports scheduled for the May 21st regular Board of Health meeting be postponed to a future Board of Health meeting and that a workshop be scheduled at the conclusion of the regular 5/21/07 Board of Health meeting. The Board asked staff to confirm public hearing protocols with Ellen and to develop both the Plan and Code documents for public notice.

Commissioner Shelton invited public comment. Janet Hall, WSU Extension outreach coordinator, said the public is aware of the 7/1 date and wants to know what is required of them. Given the public's

awareness of that date, she urged the Board to try to adopt the new rules by that deadline. She also urged that inspectors be certified so the public will have benefit of that standard. Steve Markle, owner of Septic Alert, confirmed that the Board had received his letter and asked that the Board respond to it. Ronald McDonald, CB Tara Oak Harbor, requested that the Board look at certifications for inspectors and to move away from accepting "seems to be functioning at this time." Also would like to see this done by the 7/1/07 date. He noted that the "NW MLS" has 26,000 agents and spoke of their hopes for statewide procedures and forms, and wanted clarification and definitions for "evaluation" and "certified".

Adjourn: There being no further business, Commissioner Shelton adjourned the meeting at 4:01 p.m. The next Board of Health will be a Regular Meeting held on Monday, May 21, 2007 at 1:15 p.m. At the conclusion of that meeting, there will be a Special Meeting for a workshop on the draft revisions to ICC 8.07C On-Site Sewage Systems.

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