

Environmental Health Liaison Meeting
5-23-2008

Present: Nathan Douglas, Stan Walls, Susan Plum, Pat Fulmer, Lock Johnson, Brad Cochran, Gail Harris, Mike Trantham, Kay Shamblin, Clarence Christian.

Absent: Bill Kearns, Randy Curtis, Jennifer Walls, Warren Elmer, Arletta Lancaster, Barb Taylor, Jeff Smith, Walt Ivey, Bob Hart

*A moment of silence was observed in honor of Steve Bayer, R.S., Environmental Health Program Chief with Mid-Ohio Valley Health Department, Parkersburg, WV and a longtime member of this group. Steve passed away suddenly on May 13.

* Gail Harris offered to take minutes for the meeting.

*Old Business: status of A-4. At the last meeting Brad requested counties to respond to the proposed changes which would reflect a change from the 1983 memo that allows counties to permit septic systems not exceeding 3000 gallons with sub-surface discharge. The state does not have a mechanism in place to charge for the permits but would like some oversight on the design of said systems.

Brad will send out the draft A-4 which will reflect state oversight with the county issuing permit. Counties with strong objections need to contact Brad as soon as possible.

* Engineering says DW-23 will be out by end of month

* New well forms on website

*Mobile home park rules and design standards need to be revised. May be the oldest rule still in use (1971) A committee is being formed (chaired by Fred Barley). Those who have expressed interest in serving on the committee are Pat Fulmer, Ryan Harbinson, Susan Kader, Chuck Fisher, and William Herold. Brad has spoken to Kevin Wilfong, VP with manufactured Housing Institute to be an industry member. Kevin is also a mobile home park owner and dealer. Discussions include Fire Marshall and Department of Labor also is included. Comments included change of number of mobile homes that make a park, reduce # of inspections per year, some states do not perform routine inspections, only original permitting of park and then on complaint basis. Everyone agrees that rules need to be looked at and not eliminate the program

- Mike Trantham-WVU discussed the Virginia Grahme Baker Spa and Pool Safety Act. This is a federal rule with some repercussions to pools we regulate and some questions to how it may affect even private pools. Additionally how will a federal

rule be enforced by the states? This rule which became effective 10-07, concerns swimming pools, and possible entrapment hazards. Persons periodically get trapped and hurt in pools. Some when their hair gets trapped other when their body covers a drain and they are unable to remove themselves from the suction. What we do in WV now: 2002 Recreational water code said main drains must meet the ANSI standard. Spas/pools 1999 version had requirements to bring drains up to safety standards with some grandfathering. Any pools built or renovated after this date should meet standards. Some play areas are being built with water spray fountains which contain less than 12" of water that is circulated and must be provided with a grate large enough to keep a person from covering the entire drain. 18 x 24 sizing should keep a person from being able to be held in place. Suction outlets (not just main drains) skimmer boxes, something with an equalizer line may not be a safety hazard unless it has suction force. Any changes or renovation of pools must be approved by EED.

- Brad Cochran- OEHS updates: Nathan Douglas is now the Chemical and biological Safety Officer for Marshall University. Nathan's old position of Assistant Director is open and may be posted after the new fiscal year.

*Legislative update: Food code implemented by July 1, 2008. Effective date was April 2, 2008; they plan to fully implement the rule on July 1, 2008, after completion of district training on the changes. Some changes include: Hot holding reduced to 135 degrees, number of uncorrectable violations necessary for closure reduced from 5 to 3, additional responsibilities for the PIC, addition of the Consumer Advisory, and norovirus has been added to the original Big-4.

*WVBORS: HCR92 which requests that the Joint Committee on government and Finance authorize a study of the law governing the Board of Registration for Sanitarians has been assigned to the Joint Standing Committee on Government Organization during the interim session. The committee has met once and a subcommittee was formed and is in the process of setting up a meeting with BOR members potential changes to the law.

*Water Well Regulations and Design Standards were also revised. Old rules were developed in 1984. New applications and well completion reports as well as pump completion report and variance application have been sent to the printer. They hope to have those forms available by the end of June. Fact sheets have also been developed and will be made available.

*RTIA had the new clandestine lab remediation rule which will require those performing cleanup be licensed with OEHS and cleanup must meet certain requirements prior to reoccupancy, All of the new rules are available on the PHS website which will link you to the SOS rules.

*SEWAGE TRAINING: The first round of training courses on onsite wastewater concluded May 7th. 116 sanitarians throughout the state have taken part in

training, recommended to the Commissioner by the SAB. While this portion was really a refresher for most, he applauds the great turnout. The second course on alternative systems will be scheduled for sometime in the fall.

*FOOD CODE TRAINING: With the adoption of the 2005 FDA Model Food Code during this year's legislative session, training will be provided for all Sanitarians in each district with the first class scheduled today at the Boone County Health Department. The other dates and locations are: May 30-2008, Mid-Ohio Valley @Institute of Technology, St. Mary's; June 6, 2008-Hampshire County Health Dept.; June 13, 2008 Monongalia General Hospital; June 27, 2008 Beckley-Raleigh County Health Dept. Classes will begin promptly at 8:30 and Linda advises everyone to bring a copy of the 2005 Food Code with them. Cost of the new food code is \$59.00 and a link is on the PHS website to order your copies.

*FDA Managing Retail Food Security course will be conducted July 8-10, at the Holiday Inn Fairmont. Pre-registration is requested and no registration fee will be charged. Enrollment is limited to 50 persons and as of today we have 24 participants. This training is designed to explore various ways that risk-based inspections can be applied in retail and food service establishments. A great room rate of \$62.00 was secured. Registration deadline is June 13, 2008

*Environmental Engineering will be conducting Water Well Regulation and Design Standards Training at the locations listed below. The training will outline the changes to the Rule and Design Standards with recent Legislative actions. For more information contact Scott Rodeheaver at 558-6713. These are evening classes. Dates and locations are as follows:

June 2, 2008 RESA VII, 1201 North 15th Street, Clarksburg

June 3, 2008 Wayne County Health Department

June 4, 2008 James Rumsey Technical Institute, Martinsburg

June 9, 2008, Monroe County Health Department, Learning Resources Center-20 person limit

June 10, 2008 Cedar Lakes Conference Center, Environmental Training Center

*NEHA Annual Conference is scheduled for June 22-25 in Tucson Arizona. The agenda and other pertinent information can be found at the NEHA website.

*62nd Annual Interstate Environmental Health Seminar is scheduled to be held at the Sheraton New Bern Hotel & Marina in New Bern, North Carolina on July 23-25, 2008. Registrations must be postmarked July 15th to avoid late fee. Information can be found on the WVAS website.

*Sanitarian Training Class for 2008 is scheduled to begin August 11, 2008 with week one being in Charleston and weeks 2-3 in Morgantown before returning to Charleston for weeks 4-6 then concluding with the final two weeks in Morgantown followed by OJT. The course is scheduled to end before Christmas.

Currently we have six sanitarians enrolled and expect a few more before class starts. Remember if anyone would like to audit a portion of the course, please contact Linda or Jessica. If space is available you will be welcome.

*FDA has granted WV another food course for 2009. A new “Plan Review” course will be conducted. It will be significantly different than the previous course taught several years ago.

- Marshall University- Nathan Douglas: New dorms open by fall and a new recreational center open by May
- Clarence Christian: Upper Guyandotte Project, 70 home subdivisions on Wyoming County border, will now be looking at a system which utilizes surface discharge (originally planned to utilize sub-surface discharge).

*Fred Cox, a septic installer, wanted Clarence to discuss that if a job is under \$1000.00, a contractor’s license is not required. Fred doesn’t believe that we should have contractors license section required on septic applications. First, because some jobs may be under \$1000.00 and second, checking contractor’s license is not our job. Some discussion ensued, involving, why we are asking for contractors license. Most believed the Contractors Licensing Board asked us to do so several years ago. Brad is contacting the Dept. of Labor for some clarifications.

*64SCR states that a perpetual maintenance contract is required on HAU’s. Home owner cannot perform their own maintenance or be their own service provider unless they have been certified by the company that sells their particular unit. Sanitarians can find the DEP approved list on the web (Check Policy Memo H-12 for info).

*64SCR 9.9.11.2 Homeowner policy to install own septic system: Question related to church members or family members installing their own system and how many are they allowed to install. . Homeowner must take test, and only one system installed per test. If a person wants to install more than one system, is it really for their own home, or are they creating (by act of construction) subdivided lots? Most have allowed church, businesses to install their own septic system. Some discussion ensued pertaining to church members actually being the “homeowners”.

- Stan Walls-Beckley District: Regional Epidemiologist has resigned. Raleigh

County has hired a new sanitarian, Michelle Trickett. She has completed two weeks of training school. They have considered working 10 hour days, and rotating staff. They believe they would get 10 hours a week extra for public contact. Raleigh Co. is raising their home loan fees to \$120.00 an hour, paid upfront.

- Pat Fulmer- MOVHD: New Epidemiologist for their district. Replacement for Steve Bayer will probably be a Sanitarian Chief position, with TP no longer part of the job description. Their board meeting was to be on 27th, with position posted after that.

* How long is “fill” considered fill? FILL SHOULD BE OUT! Discussion included that most fill areas are not suitable due to compaction, and soil composition. Rarely is good material used for fill dirt. If DOH compaction standards are met then soil will not percolate. Refer to Design Standards when considering fill material.

* Are septic tank replacement permits required? Yes. Discussion included referring to previous permits, if any. If no permit available, and there is no knowledge that the tank is directly discharging or a complaint filed on the property in the past, a septic tank modification permit and installation may occur. Careful documentation on the permit and final inspection should note “tank only”, leach system not evaluated (if no previous records are available), and approval is only for tank replacement, not an approval of the whole system. The question arose when an installer who now performs loan evaluations thought the health department should be making home owners to upgrade the entire system.

- *Kay Shamblin-Division of Local Health. Pay raises! LCHD's were requested to submit salaries of employees. If she has not received that info by May 30th, her team will assume the figures they had on April 15th was correct. They will be taking the data base, and calculate the raises for FTE's. If an employee makes equal to or less than \$23604.00, the state will be giving \$708; if an employee makes above \$23604.00, 3% raise may be given. Unfortunately the state budget line item only earmarked \$ 350,000 for this and only about ½ of the \$708.00 proposed raise will be budgeted to local health. LCHD's must then find the rest of the monies, including fringes to provide raises.

*Program plans need to be submitted. Stan stated that sectional categories for fees did not always fit. Admittedly the form needs tweaked and will be. Any questions or suggestions for improvement let them know. Kay said the new PO2 will be ready for this year. Talk to Tabitha, Amy is gone on maternity leave.

- Gail Harris-St. Albans District. No other county sent questions or updates. KCHD has hired Keith Lyons as a sanitarian. Keith started with KCHD on April 1, 2008. Keith worked in Putnam County for many years. Sean Carver is leaving KCHD on May 28, and Randi Neurman is retiring in August. Due to political

decisions, Dr. Kerry Gateley has resigned effective in July. Long time board member, Dr. Artz, has been removed from the board of health by the City of Charleston; as well as \$100,000 from our budget. Due to budget constraints KCHD will not be replacing Sean's position at this time. KCHD may be losing their home at 108 Lee Street. The current proposal is that we will be moved to a building located within the Charleston WV Power Ball Park on Morris Street.

- Arleta Lancaster- Kearneysville District was not able to attend. Jim Barnhart sent in a question relating to more food forms. Food inspection sheets are available from the district office. They will be provided but you may have to pick them up.
* Someone thought the day care inspection form needs updated. Rule is recent, and form was updated then. It is not known why the form should be updated, or what problems exist.

* Centralized index of forms is available on the internet. List may need to be updated.

*EED was not represented at meeting, but, Brad was asked to inform us that a Sanitarian Chief position is available in the Philippi District Office. They need applicants. If a sanitarian is not found who will take the position, they may have to make it an engineering position.

- Lock Johnson- Wheeling District: Marshall county, Pat Vargo SS and TP person leaving. District does not currently have an epidemiologist.

*Smoking ban continues to drag thru the courts. Ohio County won in circuit court, but it is now being taken to the Sate Supreme Court. Issues involved what type of recreational games and other equipment, etc could be in the video lottery room, other than slot machines. Lock suggested that if you have trouble with a video lottery food service that is out of compliance with our regulations; notify the ABC licensing board. The lottery license and ABC license are contingent on the establishment being in compliance with our codes.

*Piercing rule does not apply to ear piercing. Note: piercing in department stores, etc, must only be in the soft tissue of the ear.

*Schwan's trucks need to be under permit; one can require each truck which operates in your county to have a permit, separate from the warehouse permit required in their home county. Sanitarian should verify that warehouse in the home county is under permit.

*School in Marshall County has contracted their food service with an entity from Washington Pa. The sanitarian can require a copy of the food permit from Pa, a food permit for each school being serviced, and the food must be delivered at approved temperatures. The district sanitarian and county inspector may go to

Pennsylvania to inspect facilities and verify conformance and sanitation. Pennsylvania Department of Agriculture may be the permitting agency. State inspectors have gone to another state in the past for a similar inspection.

*Day Care Centers are to be lead free. If building built prior to 1978, a lead assessment must be done. DHHR runs an “unlicensed school age child care program”, which allows for 1 adult for every 16 children. The business owner wants to claim since DHHR lets them operate; our rules (local health) should not apply. Our rules apply, no matter what DHHR is calling her facility. CCC's with 7 or more for any part of day has to have our permit. Lead tests/assessments would be one of the conditions.

Next meeting date is August 15, 2008, 10:30 am, DHHR building, Flatwoods, WV