

West Virginia State Environmental Liaison Meeting

Date: February 15, 2013

Location: Davis Square Building, Charleston, WV

PRESENT

Brad Cochran, Judy Vallandingham, Steve Hinerman, Donnie Haynes, Mike Trantham, JJ Rose, Denny Taketa, Dr. Don Thimsen, Jimmy Casdorph, Tim Miller,

CALL TO ORDER

Brad Cochran called the meeting to order at 10:34 am.

MINUTES

Tim Miller moved and Denny Taketa seconded and the minutes were approved as presented.

OLD BUSINESS

Environmental Health Procedures

Brad stated that A-22 Guidelines for Posting and Filing of Sanitation Records has been completed and posted on the PHS Web site. Also WW-22 Sewage Tank Cleaning - the procedure regarding the use of hydrated lime has also been completed and posted on the PHS website.

Environmental Health Electronic Reporting

Brad gave an update from Fred Barley on the Environmental Health Electronic Reporting Project with the Local Health Departments:

- Work continues on the Land Development module. We are currently finalizing forms to use, such as PERMIT, and FINAL INSPECTION. The state geologists are working with the individual water well section. We are adding tables for PUMP INSTALLATION and for GEOTHERMAL WELLS. The indoor air quality module is still on hold until all other modules that were in the original RFQ (Request for quotation) have been finalized.
- Phase II kicked off with a teleconference on January 24, 2013. They held their first GoToMeeting on February 13, 2013, and will hold weekly GoToMeetings until the first week of March. On-site training will be conducted in each district from March 5-11, 2013. There are fifteen LHDs in Phase II. This brings the total

of LHDs to 25, which is slightly more than half of the forty-nine (49) LHDs and represents thirty-one (31) of our fifty-five (55) counties.

- Phase III will roll out sometime after this, hopefully late spring or early summer. We were projected to start Phase III in September of 2013, so this puts us slightly ahead of schedule.
- Central Office is exploring the use of this program for their district sanitarians. Costs have not been finalized, but this endeavor will not affect grant monies as it will be independent of the grant. This will be for state facilities only, such as correctional facility kitchens.

A Clean Indoor Air Module will be added after all of the requirements of the RFQ have been met at no additional cost.

On-site training for the Phase II local health departments will be March 5-11, 2013 and Anna Marie Taves will be the on-site trainer. At this time the deployment of software and hardware is ahead of the schedule that was stipulated in the contract with HealthSpace.

The District Sanitarians will be using the Health Space Program also for the Food Establishment Inspections at the state institutions. The source of funding for this is through a FDA grant.

Brad stated that at the last meeting the question of does the HealthSpace program have a method to automatically track the time spent on an inspection: the answer to this question is no the program cannot automatically track the time spent on an inspection. HealthSpace representatives indicated that the reason for the time tracking to be entered manually is that the time spent for travel to a facility, time spent going over the inspection with the manager and other factors needed to be taken into account to complete the total time spent on that activity.

JJ Rose asks: what are the proposed means of funding the user fees for this software beyond the grant funding.

Brad indicated either Legislative or OEHS funding to continue the project. Brad stated that BPH realizes that the cost to the LHD's is a legitimate concern.

JJ suggested that an ample notice be given of the cost for an individual license fee to the LHD's if the individual LHD's are going to be paying for each user of this program.

Brad indicated that the cost of future license fees cannot be established until the RFQ is completed.

Mike Trantham indicated that if the software is unique that a bidding process may not be required if it is determined that the software is "sole source" software.

Brad indicated that OEHS intends to relay information on funding for the software as soon as the information becomes available. Brad stated that the intent is for the state to pay for the software license fees and not to pass these fees along to the local health departments.

Steve Hinerman stated that he would like to know about the hardware warranty and replacement.

Brad stated that the computers were purchased under the State of WV computer contract and has a 4 year warranty. The printers were purchased through a purchase order and have only a 1 year warranty. It will be the responsibility of the LHD to replace the equipment when necessary after the warranty on each item expires.

Brad told the group that the Training, Billing and PAC Manuals have been put on the PHS Intranet. And that OEHS is ordering 6 additional computer and 6 additional printers to accommodate new positions at LHD's that were not part of the original number of sanitarians in each county when OEHS worked on the original figures for the grant.

NEW BUSINESS

Construction of a dwelling prior to obtaining an onsite sewage permit

Brad posed a question to the group from Lock Johnson, representative from the Wheeling district. How are other health departments handling the situation when a dwelling is constructed prior to obtaining a septic system permit?

Steve indicated that the counties in his district with building commissions have found it useful to work with the building commission to resolve this situation occurring. Also in situation where this issue has been taken to court the judge will say to work with the owner to get onsite sewage system for the dwelling. But he cautioned the group that if the onsite system does not meet design standards then you need to state this fact on the inspection form.

JJ indicated that if there is a dwelling built and completed prior to an onsite sewage application being received by his office he would treat this situation as a failing sewage system and will work with the owner to put in an onsite sewage system, if the site is not suitable for an on-site sewage system in any capacity or an onsite sewage will inevitably fail his office will deny issuing an onsite sewage system permit.

Brad expressed to the group that an onsite sewage permits should not be issued. These instances should go through the legal process. This would comply with the Sewage Rule (64CSR9).

Tim Miller indicated that he has a situation of this type that has been continuing for 2 ½ years and the contractor was convicted in magistrate court, still no resolution.

JJ indicated that he has had a similar situation go to court and both the husband and wife were convicted and still no resolution to the situation.

Revising the onsite sewage rule and design standards

Brad told the committee that PHS is looking at revising the Sewage Rule (64CSR9) and the Sewage Design Standards (64CSR47), currently internal staff and the sewage advisory committee are looking at the current rule and design standards for the topics that may need to be revised this will include at enforcement.

Brad stated that if counties have sewage installer(s) that they are having a problem(s) with that PHS must have documentation of the issues before any enforcement action can be taken.

Denny Taketa stated that in his district there is an area - that is a business area – all of the onsite sewage systems for the businesses are failing and the only option for correction is surface discharge.

Brad advised that DEP is reluctant to issue permits for HAU w/surface discharge, especially when clustered together, but DEP may be more likely to consider a peat system w/surface discharge. He would advise to look into the use of a cluster onsite or surface discharge system.

Holding up a water well permit if no onsite sewage application received

Brad advised the committee that a legal opinion was given that stated you cannot hold up an individual water well permit if you have not received an application for an onsite sewage system.

WV DOP Plans Project – JCQ's

Brad read an email submitted by Stan Mills regarding the proposed new classifications for Sanitarians. There are only 4 classifications for Sanitarians – Sanitarian 1 (entry level), Sanitarian 2 (1 year experience or R.S.), Sanitarian Supervisor, Chief Sanitarian. There is no classification for Registered Sanitarian. The Plans Project classifications do not agree with the classifications in 20CSR4 State Board of Sanitarians Rule. Brad stated that this

information was sent to the Human Resource Person and Administrators of the Local Health Departments. He wanted to make the LHD boards and administrators aware so they could bring this to the attention of WVDOP that the proposed classifications for Sanitarians conflict with what is required by the State Board of Sanitarians Rule.

Several members ask who at the LHD's received this information.

JJ stated that it went to Human Resource person and Administrator.

Steve asks if Band could send his comments to the LHD Administrators.

Brad indicated that he would have to get approval to send out that information.

JJ stated that he thinks it would be beneficial to send this information to the LHD Administrators.

UIC Permitting by WVDEP – what facilities are required to get a permit.

Brad brought up the issue of UIC Permitting by WVDEP that was proposed by Stan Mills : In a previous memo (2001)(issued by Ron Forren) that states that WVDEP would like LHD's to submit the form, Additional Information Class V Injection Wells, on all on-site sewage system applications - other than a single family dwelling. A similar memo was issued by Brad in 2010 – this memo stated the same provision in regards to on-site sewage system application for other than a single family dwelling.

Brad stated that PHS staff will communicate with WVDEP to work out a standard operating procedure (SOP) as soon as possible. After the SOP is in place then PHS staff will work up a procedure manual policy and submit it to the Liaison Committee for review.

REPORTS

Beckley District Report

JJ told the group that a District In-service meeting is scheduled February 22, 2013.

District Sanitarian Report – No Report

Division of Local Health Departments

Environmental Engineering Division Report –No Report

Fairmont District Report – No Report

Local Health Department Association Report – No Report

Kearneysville District Report

Denny indicated that the Public Service Districts (PSD) in his area will call the health department to verify a problem that has been reported from an individual, if the problem is from the home to the tap to the PSD sewer line. This is time consuming for the LHD personnel.

Brad indicated that the LHD would have jurisdiction if there was sewage surfacing on the ground from the house to the tap to the public sewer line, but not if the problem was a plumbing issue within the dwelling or the problem is within the public sewage system. The PSD should respond to problems with the public sewage system.

Marshall University Report – No Report

Mid-Ohio Valley Report –

Tim indicated that he is down 1 Sanitarian – he indicated that he is having trouble filling positions.

Denny commented that the problem in his area is the pay scale for Sanitarians is low compared to the public health nurses pay scale, private industry and other neighboring states.

OEHS Readiness Program Report –

Donnie stated that the WV Rural Water Association is providing:

Mobile Water Plant Treatment Class- April 2 & 3, 2013

9:00 am to 4:00 pm - Crab Orchard MacArthur PSD WW Plant - Crab Orchard/MacArthur, WV

Speaker: WVRWA Water Circuit Riders

Water 12 Hours CEH

Boy Scout Jamboree Update

150 days and counting until the Boy Scout Jamboree – the leadership has identified 9 additional counties that will be impacted by the scouts, who will be doing community service projects in these counties. OEHS is holding a logistics planning meeting on March 4th to discuss staffing, equipment and other concerns. OEHS, Fayette, Raleigh and Nicholas LHD's have been meeting and planning for the BSA Jamboree and the increase in people

coming to the area during this time. BSA Jamboree will be July 15 – 24, 2013. The WV EOC will stand-up command 3 days prior to the event and will be operating until 3 days after the event. WVEOC will be located at the National Guard Amory at Glen Jean, WV. Bureau for Public Health Incident Command will also be operational during the same time period. DIDE will have surveillance teams on the Jamboree site during the event.

OEHS and Fayette County LHD continue to have meetings with BSA representatives to finalize, sewer, water, recreational water, food and general sanitation issues and concerns for the site.

RTIA Division Report – No Report

Saint Albans District Report – Nothing else Stan Mills only one submitted and group has discussed both issues.

West Virginia Association of Sanitarians Report – No Report

Wheeling District Report

WV Office of Laboratory Services Report – No Report

WVU Report

WVU Ropes Course at Chestnut Ridge is looking to expand and will be adding a campground for tent camping, restrooms & showers and maybe a 3 compartment sink. The facility will be an organized camp. The facility will need water supply and on-site sewage system. The facility is on the border of Monongalia and Preston Counties.

Mike ask who would make the determination of which facility is in which county; the group suggested that WVU approach both LHD's and let them make the determination on which has jurisdiction for the individual facilities. Suggestion was made to contact the Phillpi Office with EED and let the engineers make the determination if the organized camp will be a public water system.

Environmental Update

Staffing

Brad stated that currently PHS has 2 openings: Food Program Assistant in Central Office and District Sanitarian in the St. Albans District. The District Sanitarian Position will be posted for a candidate to be housed in the Wheeling District or in the St. Albans District.

Training

Water Well Drillers Association Trade Show at the Days Inn Conference Center in Flatwoods, March 5-6, 2013. There is no registration fee for Sanitarians.

Mid-Year Sanitarians Conference at Cedar Lakes Conference Center, April 30-May 3, 2013 – FDA Foodborne Illness Course May 1-3, and an alternate agenda May 1-2. Tuesday, April 30th will be Environmental and Legislative Updates and the WVAS Business meeting. Lodging and Registration information is posted on the PHS website. Registration for the FDA Foodborne Illness course must be turned into Linda Whaley by March 27, 2013.

2013 Sanitarian Training Class dates and tentative agenda have been posted on the PHS website. Please complete the application for any sanitarians attending the course and submit the applications to Judy Ashcraft, the new sanitarian training officer.

Denny ask if a Class II Sewage Installer Course has been scheduled for 2013. Brad said there are plans for a Class II Sewage Installer Course this spring, the dates for the course are not confirmed at this time, but we will let all Class I Installers and sanitarians know when firm dates for the class have been obtained. Brad also told the group that in the future PHS is planning to conduct 2 Class II Sewage Installer courses a year.

Legislative Report

Brad told the group that the WV Legislative Session begins on February 13, 2013. This session there are twenty-six (26) new members of the House of Delegates and seven (7) new Senators in the Senate chamber. The division between the number of Democrat member and Republican members are closer. OEHS will be tracking bills that are of interest to OEHS or Local Health Departments. He stated that normally carryover bills from last years session will be introduced early in the legislative session. As of this meeting the Tanning Salon legislation from last year's session has not been reintroduced. Other bills of interest include the bill regarding Tattooing minors; OEHS will support this bill and hopes that it will pass with the current provision for a penalty. There is a bill regarding requiring grab bars in the bathrooms of hotel/motels. Another bill would require the use of waterless urinals in schools and other venues when the urinals require replacement.

Mike pointed out that there have been problems associated with the use of waterless urinals for example pipe corrosion due to lack of water flow.

Other legislation of interest: a couple of bill regarding professional boards, and the Landlord tenant Act the add requirements for moisture and address mold. Christina Mickey will also be reviewing the legislation that will be introduced for issues with Clean Indoor Air and any other public health issues.

Brad told the group the will keep them informed of any legislation that affects local health departments.

The meeting was adjourned.

NEXT MEETING —Friday May, 17, 2013 10:30am at the OEHS COOP facility in Flatwoods

Submitted by: Judy Vallandingham

Date: 03/28/2013