

West Virginia State Environmental Liaison Meeting

Date: May 17, 2013

Location: DHHR Coop Facility, Flatwoods, WV

PRESENT

Brad Cochran, Judy Vallandingham, Steve Hinerman, Tom Ong, JD Douglas, Lock Johnson, Mike Trantham, JJ Rose, Denny Taketa, Jimmy Casdorff, Judy Ashcraft, Elizabeth Greene

CALL TO ORDER

Brad Cochran called the meeting to order at 10:35am.

MINUTES

JJ Rose moved and Denny Taketa seconded and the minutes were approved as presented.

OLD BUSINESS

SF-74

Judy Vallandingham that the SG-74 was completed and asks for any comments from the group. The SF-74 will be posted on the PHS internet web site next week.

Policy Memorandum or SOP – DEP Class V Injection Well Permits required by WVDEP UIC Program

Brad stated that the previously issued memo (January 27, 2010) stated that Local Health Departments were to submit form to WVDEP for all septic system applications received - other than septic system applications for a single family dwelling to the WVDEP UIC Program for determination for classification as a Class V Injection Well and the requirement of a permit with the WVDEP-UIC Program. PHS Staff will be working on a Policy Memorandum/SOP in conjunction with WVDEP and will send a copy of the draft Policy Memorandum/SOP out to Liaison Committee members by email prior to the next scheduled meeting.

Steve Hinerman asks who should fill out the UIC permit application. Brad stated that the application should be filled out by the homeowner/property owner and septic tank installer.

Lock Johnson stated that WVDEP is not requiring a UIC permit for a campground with 6 or fewer sites – campers only. He stated that for a campground with 6 sites or fewer and a Laundry a UIC permit would be required. He also stated that more than 6 sites for a campground would require a UIC permit.

Brad added that in the past the WVDEP has used the number of 20 individuals as the number of individuals allowed before a UIC permit is required.

Brad stated the communication with WVDEP has not been consistent on this issue.

Elizabeth Green indicated that when Connie Anderson with WVDEP spoke at the Sanitarians Mid-Year conference that she did have specifications for classifying a septic system as a Class V Injection Well.

Brad and Elizabeth both indicated that WVDEP has accepted a groundwater protection plan from the property owner/operator instead of requiring a UIC permit.

Brad stated that instead of a memorandum the document will be made into a policy for the procedures manual.

Environmental Health Electronic Reporting

Brad presented a report from Fred Barley:

- Phase II of the project is well under way. Weekly GoToMeetings are held with this group. Bi-weekly GoToMeeting are held with the Phase I group.
- The Land Development Module is now being used by some LHDs. All modifications made PHS staff are now being deployed to all LHD databases.
- The animal encounter module is also being used by LHDs. Training for Phase I and II LHDs has been conducted. The Division of Infectious Disease Epidemiology has been actively involved with the development of this module to meet their requirements as well as LHDs needs.
- Training for Phase II participants took place during March 6-11, 2013. All districts received on-site training except for the Kearneysville District. This training was cancelled due to heavy snows. It will be completed when we begin on-site training for the Phase III LHDs.
- Phase III should kick off late summer. We want to hold on-site training before inclement weather this fall.
- Online training videos are now available. The links for these as well as manuals for general use, PACs, and billing are located on the Public Health Sanitation Intranet website.

- The indoor air quality module continues to be on hold until all other modules that were in the original RFQ (request for quotation) have been finalized.
- Some LHDs are now taking advantage of the web-based portal for inspection reports for public view. It is not just limited to food inspections. Citizens can now review hotel/motel inspections, recreational water facilities, etc.
- The Sanitarian's Monthly Report has now been finalized and is available for use for the LHDs.

Central Office is in the process of obtaining field licenses for the district sanitarians. Monies for this will come from a separate account and will not come from the CDC Infrastructure Improvement Grant.

DOP Position Update

Jimmy Casdorff asks if there was an update of the proposed DOP position classifications for Sanitarians.

Brad indicated that he had not received any information on the new DOP position classifications. He hoped that the comments DOP received from OEHS and the LHDs were considered. He also mentioned that there is a way to appeal the classification given a position.

Tom Ong commented that the project deadline is June 30, 2013 because the contract with the Hay Group is expiring.

Brad stated that a pay grade will be assigned to each classification and as he has been informed that there will be no salary changes with this project.

NEW BUSINESS

DW-17 Sodium-ion in Public Water Supplies

JD Douglas spoke to the committee about EH Procedure DW-17 Sodium-ion in Public Water Supplies, this procedure requires OEHS-EED to report Public Water System Sodium-ion levels greater than 20mg/l sodium-ion to the LHD and that the LHD report to the physicians in the area. The policy is for the concern for individuals on the sodium restricted diet of 500mg/sodium. JD asks the group for suggestions on how best to inform the LHD of the public water systems that exceed the guidelines of 20mg/l sodium-ion.

The LHD representatives in the group agreed that email would be the best way for the sanitarians and the members of the Health Alert Network (HAN) network to receive this information.

JD ask how to obtain a list of the HAN members the suggestion was made that Donnie Haynes the OEHS Readiness Coordinator would already have or could get this list from Center for Threat Preparedness.

Jimmy Casdorph asks if this was something that a public water system may get a “out of parameter” result that would not be a consistent issue with the water system. JD explained that the EPA only requires surface water systems to monitor this annually and the ground water systems to monitor this once every three years.

The group ask why the difference in the testing requirements and why the test just required at those intervals and not more often. JD explained that the EPA has evidence that the level does not fluctuate that often to require a more frequent monitoring.

Several LHD members expressed concern that when a report of a high sodium-ion level gets out in the community and/or people are told not to drink the water then calls will come into the LHD from the general public and the news media. JD indicated that his office also receives the same type of calls and concerns.

Brad asks JD if the reporting mg/l numbers that are in the current procedure are correct. JD indicated that the current procedure DW -17 is correct.

JD also told the group there are approximately 1013 public water systems in WV and about 1/3 of the systems are surface water systems. He indicated that about 25% of the public water systems have results that are above the 20mg/l threshold. He indicated that the water systems add sodium to the water by several different methods (softening, filtering, etc.) JD indicated that he will work with OEHS Divisions and his staff to get the information and email LHD the results for the water systems in the county(s) when necessary. He indicated that the information received would be something that the LHD could pass along to the physicians. JD & Brad indicated that a revision of the procedure may be necessary.

JD thanked the group for their input.

REPORTS

Fairmont District Report

Steve Hinerman reported that Karol Wallingford had submitted an email to him asking the liaison committee for clarification on the requirements for mobile units, pushcarts, and temporary food establishments. Items for clarification were: issuance of permits for mobile units at a temporary event verses an annual permit; what are the requirements for a mobile unit or pushcart to obtain a permit to operate (annual) v/s the requirements for the mobile unit or pushcart to obtain a temporary permit; is a commissary required

for mobile unit or pushcart and what are the requirements for the commissary; what are the requirements for dumping sanitary waste for a mobile unit; and what are the requirements for food establishments set up in tents at a temporary event.

Brad stated that a temporary event was an event that was an event that occurs for no more than 14 days. He stated that food establishments at temporary events can include mobile, pushcarts and a facility set up in a tent. Mobile units and pushcarts can obtain an annual permit, if the unit meets the requirements.

Elizabeth stated that MOVHD requires the mobile unit or pushcarts that want an annual permit to have a commissary and the commissary is in a proper facility and is inspected at the time the mobile unit/pushcart is inspected.

Brad stated that the commissary can be in a private home if the area used for the commissary is physically separate from the areas used for the private residence.

Brad stated that PHS staff will look at SF-71 which was repealed when the 1999 FDA Food Code was adopted; along with the CFP (Conference for Food Protection) Recommended Guidance for Mobile Units document. PHS staff will write a new policy addressing the requirements for mobile units, pushcarts and temporary food establishments.

JJ asks if this will be in rule or will this be a policy.

Brad stated that this will be a policy in the Environmental Health Procedures Manual.

Brad told the committee that the earliest a new food rule would be promulgated would be in the 2015 Legislative Session. Brad stated he would discuss with Linda Whaley the adoption of the CFP Guidelines for Mobil Units as part of the new food rule. He stated that this would be a matter for the Food Safety and Defense Task Force to take up as part of the revision of the new food rule.

Lock stated that his LHD will issue an annual permit for a mobile unit if the same mobile unit is going to be used at multiple temporary events in the LHD's jurisdiction. He said that food establishments set up in tents would only get a temporary food establishment permit.

Discussion by the group regarding if restrooms would be required and circumstances that would require restrooms.

Brad asks the committee if they would be ok with a policy to be issued on this topic. The committee agreed to the formation of a policy. He stated that PHS will write a policy

and put a copy on the PHS Intranet page for review prior to the next meeting in August 2013.

Beckley District Report

JJ Rose asks Mike Trantham what type of pool kit that he suggested for purchase by LHD's. Mike said that he would suggest a Taylor Pool kit. Taylor pool kits have components that can be replaced as necessary and reagents that can be replaced on an annual basis and are the best value. He told JJ that he would email him the model that he uses at WVU.

JJ asks to committee if there were any regulations or guidance documents on the selling of salvage food. He had a phone call from a person interested in opening a store to sell salvaged food (i.e. salvaged from truck accidents, and other sources). JJ indicated that there will be no potentially hazardous food sold in the store.

The discussion among the committee decided that this establishment will not be regulated by the LHD.

Mike pointed out that a complaint may be filed with the LHD if the establishment is selling adulterated food.

Brad indicated that he will consult with the food program manager and FDA regarding this topic.

JJ inquired if there is any consideration of changing the distance between the well and the septic system to less than 100 feet.

Brad indicated that there is a method of requesting a variance of this distance when drilling new individual water well. Brad and JJ discussed the distance requirement and Brad indicated that the sewage advisory committee is in the process of reviewing the sewage rule and design standards – he suggested that a recommendation be made to this committee to review the distance requirements. Brad added that he did not see the distance requirements changing in the new sewage rule.

JJ told the committee that Tim Davis a sewage installer from West Virginia is on the cover of the May issue of Installer Magazine.

WV Office of Laboratory Services Report

Tom Ong informed the committee that the Director of OLS and the administrative secretary are retiring in June 2013. He said the Dr. Kraner with the Medical Examiner's office will be the signature authority for OLS until the Director position is filled.

He told the committee that the Chemistry Lab is revising some of the forms and the Chemistry Lab as put into service some new equipment.

Wheeling District Report

Lock Johnson reported that Ohio County is dealing with questions regarding the installation of a fracking facility being built in the county. Howard Gambell of Ohio County HD has been attending the open meetings being held in the community regarding this issue and has told the public that the LHD has no regulations that will affect the building or operation of this facility.

Some of the hotels/motels in the northern panhandle area rent rooms to a company for an extended period of time, but the occupants in the rooms change – weekly or biweekly. Should these rooms be included in the routine inspections? The committee agreed that these rooms, although rented to one entity for an extended time, the occupants change so these rooms are to be included in the routine hotel/motel inspection.

He stated that the Consumer Product Safety Commission has visited some of the pools in the area to determine compliance with the Virginia Graeme Baker Act (VGBA).

Mike added that drain covers and other items, especially plastic and fiberglass, items put into service to meet VGBA have a limited life expectancy and the facility must keep records on installation dates and replacement dates.

Brad discussed with the group the need for sanitarians to notify PHS district sanitarians if they are aware of any gas well sites in their area. He informed the almost all the sites have sewage holding tanks for the office and staff trailers on the site(s). Drilling companies in the Northern Panhandle counties are submitting applications for holding tank permits, but there are very few companies from other areas where gas drilling is occurring submitting applications for holding tank permits.

Steve mentioned that he has had contact with new sewage pumping company that is pumping the holding tanks in Harrison County; he will give the information on this company to Karol Wallingford.

Mid-Ohio Valley Report

Elizabeth Greene reported that three (3) communities in Richie County are putting in a new sewer system the county commission said that the design had been signed off on by a PE and requested that the LHD do an assessment. Brad informed Elizabeth that the permit for the sewer system must first be submitted and approved by OEHS

Environmental Engineering Division. He advised here to check with Bill Herold with EED.

West Virginia Association of Sanitarians Report

Judy Ashcraft, President WVAS, reported that elections for 2 year board member and Vice President will be held in August 2013. Ballots for the election will be mailed to all members in August 2013. The winners will be announced at West Virginia Public Health Association (WVPHA) Conference in September 2013. She would like to encourage all district representatives to encourage sanitarians in their districts to run for office or to just join and be involved in WVAS. She thanked Elizabeth Green for her had work on the Mid Year Conference and announced that the agenda has been finalized for the WVPHA conference in September 2013 at Snowshoe Resort.

Also discussed were that nominations are now being accepted for WVAS awards: the coveted "Bubba" Award, Steve Bayer Award, Recognition Award, and Citizen Award. Nomination forms are on the WVAS website.

Kearneysville District Report

Denny Taketa said that the sanitarians in his district just wanted clarification on what they needed to make their Recreational Water Facilities aware of in regards to the new ADA Law.

Brad responded that if the facility is going to install a lift – the facility must get a permit through the WV Division of Labor and the lift must be installed and inspected by an installer certified with the WV Division of Labor.

Brad and Judy Ashcraft agreed that the sanitarian should inform the owner or operator of the ADA Law and document this on the inspection sheet.

Brad reminded the committee that the LHD cannot hold up the RWF permit to operate if the facility is not in compliance with ADA.

Mike reminded the group that there are no inspectors to check for ADA compliance and that and inspection for compliance with by compliant only.

WVU Report

Mike reported that the WVU Rec Center installed 3 new lifts to be in compliance with ADA. Each lift cost \$3500.00 and the lifts are battery operated. Installation cost was \$1500.00 per lift for installation by a certified installer. Then installation cost included attachment to the deck and bonding to the electrical system.

Mike had a question for the group regarding the extra fee that is charged to a food establishment facility that has an ABCC permit. Brad indicated the facility must have sit-down dining and sit-down non-intoxicating beverage sales to be charged the additional \$100.00 fee.

Saint Albans District Report – Jimmy No Report

Environmental Update

JJ ask a question regarding if a person wanted to hook a small camper trailer to the septic system for a single family dwelling, what would be required?

Brad said you would need to evaluate the existing septic system and see if there is capacity for the addition of the camper. This is a type of situation that would need to be submitted to WVDEP for consideration for a UIC permit.

Lock added that in the Northern Panhandle if there were 6 campers or less on a septic system the WVDEP was not requiring a UIC permit.

OEHS Readiness Program Report

Brad presented a report prepared by Donnie Haynes: the Boy Scout Jamboree Issues still remaining:

- Waste Water facilities construction is continuing on the site.
- Water system is almost complete – EED has determined that chlorine will need to be added to the water system – due to the retention time of the water, the BSA will be contracting with WV American Water to supply a certified water operator.
- A design criterion for the 4 on-site pools has been submitted to EED but the information was not complete.
- 4 lakes located on the site will need recreational water facility permits.
- Fayette County will coordinate Environmental Health duties with PHS staff and National Guard Medical Team.
 - National Guard Medical Team will assist with daily routine Environmental Health duties – MOU with Fayette County Health Department and permission from the State Board of Sanitarians.
- All Fayette County and DHHR staff that will be on-site must complete BSA Youth Protection Training.
- All DHHR staff must submit health questionnaire – which includes vaccine record.
- Center for Threat Preparedness Conference is next week in Charleston.

- WVRWA Mobile Water Treatment Plant Training "Hands-On" Workshop Training will be held in May, June, August and September 2013. Check WVRWA.org for dates and locations.

Barb Taylor was promoted to Health Protection Deputy Commissioner. She will oversee the Office of Environmental Health Services, Office of the Chief Medical Examiner, Office of Laboratory Services and Office of Emergency Medical Services.

The position for Office Director of the Office of Environmental Health Services will be posted.

Public Health Sanitation Division Update

- A hiring freezer issued by the governor is in effect until June 30, 2013. PHS has 2 Sanitarian Chief Positions vacant: 1 – Assistant Food Program Manager and 1-District Sanitarian Position. These positions have been designated as critical needs positions, but have not yet received the “ok” from the governor’s office to post the positions. Currently, Mike Waugh is covering all of the Saint Albans District.
- A new position for PHS will post on Monday May 20, 2013 – this position is a Health and Human Resource Specialist position funded by a FDA grant for Manufactured Food Program Standards. The grant funds are for 5 years.
- 2013 Sanitarian Class agenda is posted on the PHS web site. Anyone having new employees needing to attend class needs to send the application to Judy Ashcraft the “new” sanitarian training officer. Class starts August 12, 2013 in Charleston,
- Class II On-site Sewage Installer Course was held in Morgantown at the on-site center in April 2013. Twenty-five (25) people attended the course and twenty-three (23) passed the test.
- 2013 Interstate Environmental Health Seminar will be held at the Hilton Garden Inn in Kent Island, MD July 24-26, 2013. The committee would like to encourage all who can attend.

Legislative Report

Brad told the committee that there were a lot of bills introduced that would impact environmental health, but the majority saw no movement in either the house or the senate.

He stated the membership in the House of Representatives and the Senate was very different this session with twenty-six (26) new members in the House of Representatives.

He reviewed the three (3) rules that Public Health Sanitation Division had in this legislative session:

- **64 CSR 18 General Sanitation Rule** – this rule was filed as an emergency rule last year due to some changes that the Division of Corrections negotiated with DHHR to ease overcrowding in DOC facilities. This action caused PHSD to formally revise the rule. Other changes to the rule were additions (definition of primitive camping and bed & breakfast) and changes in some other definitions, and clarification to sections 14.8 and 17.3.
- **64 CSR 34 adopts the Pasteurized Milk Ordinance 2011 Revision**, which offering or selling raw milk is prohibited. An amendment to the bill was made a delegate in the House of Delegates which would allow raw milk sales in WV. The bill passed the House with the amendment. The Senate passed the bill as presented. The bill went to conference committee and the conference committee passed the bill without the amendment. The House membership said it was a decision of choice. We think that there may be a bill introduced next year to allow raw milk sales in WV, if so the milk would be considered Grade B and would be regulated by the Department of Agriculture.
- **64 CSR 51 Fees for Service Rule**- PHSD changed fees for Manufactured Food Producers actually lowering fees for the small producers. Section 9 was amended for LHD's proposing to charge fees for services and the lab made changes in the section that applies to lab fees.
- Other Legislation of interest to LHD's a bill amending Chapter 16 to include **Tanning Salons – Chapter 16 Article 45 Section 1-5 (Senate Bill 464 enrolled version)**
 - This Article gives the LHD the authority to inspect.
 - Does not require a permit by LHD or Inspection by LHD
 - Does not require promulgation of a Rule.
 - Only requires facility to have a signed disclaimer for all patrons and a signed consent form from a parent or guardian with a copy of photo IDs (parent/guardian and child) for all patrons 14-18 years of age.
 - No one under 14 can use facility, unless under orders a signed order from a physician – copy of order must be on file.
 - LHD would only inspect for compliance with the code. It will be up to each LHD how they will handle.

- There are penalties in the code.

Basically this is a self-regulating by the industry. This alternate legislation was offered by the industry representatives. LHD's could create a Fee for Service to re-coop time to determine compliance with the article. This article is effective July 12, 2013. The question was ask how would this article be enforced – a complaint would be filed with the Magistrate Court to get the penalty assessed.

- **Senate Bill 28** – “Relating to minors obtaining tattoos” this bill did not pass the sticking point is that no one under the age of 16 can get a tattoo even with parental consent.

The meeting was adjourned.

NEXT MEETING — August 23, 2013 10:30 am at the OEHS COOP facility in Flatwoods.

Submitted by: Judy Vallandingham
Date: June 4, 2013