West Virginia State Environmental Liaison Meeting
Date: May 18, 2012
Location: DHHR Building, Flatwoods, WV

PRESENT

Brad Cochran, Judy Vallandingham. Steve Hinerman, Tom Ong, JD Douglas, Ryan Harbison, Donnie Haynes, Lock Johnson, Chad Bundy, Mike Trantham, JJ Rose, Greg Young

CALL TO ORDER

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

MINUTES

Ryan Harbison moved and Mike Trantham seconded and the minutes were approved as presented.

OLD BUSINESS

Record Retention

Brad Cochran provided the members with a copy of the A-22-Guidelines for Filing and Posting Sanitation Records and the SG-74 Index of Environmental Health Forms. Brad will ask OEHS-Environmental Engineering Division to review and update forms for their programs. Brad gave background information to the committee on the forms and record retention schedule.

Brad went through the list of forms included in the A-22. He state that these forms can be retained electronically.

Specific forms were discussed:

SG - 58 Animal Encounter Form: Brad ask if LHD’s were still using this form. JJ Rose indicated that the LHDs were still using the form, this form is what the medical providers use to collect information on individuals that come to their facilities with an animal bite and the medical facility then submits this form to the LHD. Brad stated the current retention schedule indicates to keep this record permanently – is this still necessary with the information from this form going in to the WVEDDS system. Question was posed on how long it would be necessary to keep this information for legal action. Lock Johnson indicated that the statute of limitations for legal actions is 2 years. JJ asks if the form needs to be modified to more resemble WVEDDS format. Brad indicated that PHS staff will work with DIDE staff to answer these questions.

SG-59 Notice of Animal Quarantine: Brad asks if LHDs were using this form. Committee indicated the form may need to be revised. OEHS-PHS staff will work with DIDE staff on revisions.

SG-61 Sanitarian’s Monthly Report: Committee discussed how long to keep this form it was the consensus of the committee to keep this form for 1 year.
**SG-63 Daily Check Out Sheet:** Brad asks if LHDs are using this form. LHD representatives indicated that this form is not being used. Consensus of the committee was to delete this form.

**SG-66 Sanitarian’s Daily Report:** Discussion by the committee on the time frame for keeping this form. It was the consensus of the committee that the time frame for retention of this form be changed from two (2) years to one (1) year.

**SG-71 Individual Monthly Program:** The committee discussed and it was the consensus of the committee to delete this form.

**SG-92 Inspection Report – General Environmental Control:** Brad asks if LHDs are using this form. It was the consensus of the committee that LHDs are not using this form and to suggest it be deleted.

**Milk forms:** Brad asks Tom Ong if the forms listed are the forms that the lab provides to LHDs and PHS. Tom indicated that there are two forms not listed one for PM-98 – Pasteurized Milk Samples Collected and one RM-02 - Raw Milk Samples Collected. Tom indicated that he will provide these form to Brad. OEHS-PHS staff will add those forms to the A-22 and SG-74. Brad indicated that all milk forms not used by LHDs will be removed from the A-22. Brad indicated that he will have Richard Peggs review both lists to see if any other forms are no longer in use.

**SS-182 Application for a Permit to Install a Water Well or Small Sewage Disposal System:** The committee discussed the need for this form and it was the consensus of the committee that this form be deleted and phased out by use at the LHDs.

**SW-253 Request for Water Analysis:** Brad asks the committee how long the LHD should retain this form. It was the consensus of the committee that this form should be kept for one (1) year.

**SW-263 Water Well and Pump Construction Inspection Form:** Brad indicated that it will be added to the PHS Intranet web site.

**PM-98 Pasteurized Milk Sample Collection Form:** Brad will add to the A-22 and SG-74.

Brad asks the committee members that he would like their comments on the narrative portion of the A-22 - Guidelines for Filing and Posting Sanitation Records w/PHS comments. He will send the document to the committee members for their comments.

**Manufactured Home Community Rule and Inspection Sheet**

Brad stated that there were no comments received on the Manufactures Home Community Inspection Report. The draft copy of finalized and has been sent to the printer. Each district office will receive packages of inspection forms to distribute to LHDs. He also stated the final rule 64 CSR 40 Manufactured Home Community Rule is on the WV Secretary of State website. OEHS-PHS asks that all LHDs make this rule effective July 1, 2012. Comments from the Sanitarians Mid-Year meeting regarding the MHC Rule - were to let MHC owners know if there community will no longer require a permit; LHDs does not have to refund any portion of the permit fee paid for 2012, because MHP Rule in effect on
January 1, 2012 required the MHP to obtain permit; and any MHC that would apply for a permit after July 1 2012- fee would be prorated as per 64 CSR 30 Fees for Permits Rule.

Steve Hinerman had a question about UIC permits for MHCs that have septic systems. Brad stated that LHDs contact DEP with UIC concerns and permitting, indicating it was DEP’s responsibility to determine if UIC would be required.

Chad asks if the LHD was to issue permits to existing MHCs if the MHC did not have a UIC permit from WVDEP. Brad suggested that the LHD can issue MHC permits it existing facilities, but new MHCs would be required to get a UIC permit (if required) from WVDEP prior to the LHD issuing the MHC a permit to operate.

There was discussion by the group about UIC permits for campground and that WVDEP has unofficially indicated that a UIC will be required for a campground with 6 or more units and a ground water protection plan is also required for all campgrounds. Lock indicated that his office has not received anything in writing regarding this issue from WVDEP. Lock indicated that part of the ground water protection plan can be a dump station at the campground or the requirement that the waste tank on the RV is dumped prior to admittance to the park and proof by receipt be presented and on file at the campground.

**Environmental Health Electronic Reporting**

Brad reported the Phase I of the project is underway – all LHD participating in Phase I have received computers and printers; the software and program have been installed on the computers by regional IT staff and training by HealthSpace is ongoing this week in each PHS district.

Phase II of the project the computers and printer have been ordered and will be distributed to the LHDs participating in the Phase II when the equipment is received by OEHS.

Phase III of the project the computers and printers have been ordered.

It had been proposed to try for a June 1, 2012 date to “go live”, but the date of July 1, 2012 is more realistic.

It is hopeful that the Phase II LHDs can begin using the system in an abbreviated time frame. All field sanitarians are getting a Tablet/laptop computer and portable printer; software for field sanitarians, office staff and administration. Training will consist of “Go to Meetings” with HealthSpace and face to face training with HealthSpace before the LHDs participating in each Phase go “live”.

**Legislative Report**

Brad gave an overview of the WV Legislative session the ended March 2012. He stated that there were 6 bills that would have had some effect on LHDs. Two bills – one regarding Tattoo Studios and one regarding Tanning Saloons had some movement in each body of the legislature, but did not pass because of differences in the House and Senate versions of the bills. Brad did state that is was his opinion that the LHDs would be regulating Tanning Salons within two years.
JJ Rose asks if there was a permit fee stated in the legislation regarding tanning salons. Brad indicated that initially there was no permit fee in the legislation. Brad indicated that if the tanning salon legislation does pass that OEHS-PHS would be required to promulgate a rule and the permit fee would be specified in the rule.

Chad Bundy asks what the legislation requires of the LHD with regards to the inspection of the tanning salon.

Brad indicated that the legislation mentioned cleanliness, use of tanning beds according to the manufacturer’s instructions, proper bulbs, operational procedures for cleaning the tanning beds and restroom facilities.

JJ asks if it would be required the rest of the facility i.e.: existing beauty shop. Brad indicated that only the parts of the facility that are to be used for the purpose of tanning and other requirements of the rule would need to be inspected.

Brad stated that existing facilities would be given a grace period to come into compliance after a rule was promulgated i.e.: 6 months from date rule goes into effect.

Other bills that may have elected LHDs: one bill would have allowed persons with certain medical conditions to use a restroom in a facility that does not have public restroom. PHS had concern that this may allow these persons to go through a food preparation area. PHS asks for a modification regarding this but the bill was not amended. This bill did not pass in the 2012 session. This bill will be introduced in next year’s session as a carryover bill. Mike Tranatham adds that the BOCA code requires public restrooms. Second bill was the Good Samaritan Food Act would require BPH to write guidelines that would allow foods prepared in a non-commercial kitchen to be donated to facilities like homeless shelters. The other was the Exotic Animal bill this bill did pass the legislature, but was vetoed by the Governor due to technical issues. This would include a role for the LHDs. The other bill was the bill that requires Carbon Monoxide detectors in hotels/motels and child care centers that are under permit by LHDs – effective September 1, 2012 these facilities are required to have Carbon Monoxide detectors. This is a State Fire Marshall Rule and there has been no opinion from that office about the use of plugin type CO detectors or that CO detectors will need to be hardwired. For existing facilities if plug-in CO detectors are allowed would that be temporary or permanent or if all CO detectors will have to be hardwired at a certain date.

**New Business**

Brad informed the committee that an Emergency Rule of the General Sanitation Rule is in place and the revised final rule has been filed with the WV Secretary of State’s office and is currently in the public comment stage. Comments will be accepted until June 4, 2012. The rule has changes requested by the WV Department of Corrections, but PHS included 2 definitions: one for primitive camping and one for bed and breakfast inns. Steve commented that there are spacing issues in campground with the units
that have “slide outs”. Brad encouraged him to make comments to this fact so they can be addressed. PHS will be promulgating a new General Sanitation Rule in the next legislative session.

A LHD posed concerns regarding hotels/motels that rent units as apartments either on a short term lease or for long term rentals and how to handle situations involving public health concerns at these units. Hotels/motels are permitted and inspected under the jurisdiction of 64CSR18 General Sanitation Rule. Brad received an opinion from BPH legal staff and it was determined that those room that are rented as apartments should involve a lease and would not be considered a part of the facility regulated under 64CSR18. Tenant complaints would be handled under Policy H-7 relating to the Landlord and Tenant Act. If garbage generated by those tenants is handled with the hotel/motel waste, LHDs would handle those concerns as part of the hotel/motel inspection. Those rooms rented by construction companies for extended periods would be considered a part of the hotel/motel inspection.

**WVU- report**

Mike Trantham stated that all facilities will have to obtain a permit from the WV Department of Labor for installation of these lifts and the Department of Labor will have to inspect the installation. Brad advised that LHDs may want to make the pool operators aware of this fact. Brad stated that PHs will put a link to the WV Department of Labor in Recreational Water Facilities web page. All equipment including lifts at a recreational water facility must be properly installed and maintained according to 64 CSR 16 Recreational Water Facility Rule including egress, distance requirements and other hazards.

CPO classes have been completed for 2012.

Septage haulers pumping porta johns at construction sites on the WVU campus had a question about the use of “chlorinated lime” to change the pH of septage, discussion by the group of what type of lime was meant by this it was decided that the choice would be hydrated lime.

**WV State Lab – report**

Tom Ong reported that the Organic Lab will be with an onsite audit in September. If a LHD has a request for environmental chemistry water samples the LHD needs to contact the Environmental Chemistry Lab and they will provide the bottles for collecting the water sample. Tom stated the lab is receiving more samples than in the past.

**Environmental Engineering Division – report**

JD Douglas reported that the EED Compliance and Enforcement are in the process of sending out letters of non-compliance to water systems, which include the notice that the facility’s food service permit could be suspended if the water system does not come into compliance. JD thanked the LHDs for the cooperation with the facilities and EED to obtain compliance by the water systems. Mike asks how food
establishments may have individual water systems. JD indicated that it was between 150 – 200 food establishments have their own water systems.

New monitoring of the Monongalia and Cheat Rivers for conductivity. Increase in conductivity may indicate that the brine from Marcellus Shale drilling has been introduced into the water. This monitoring will be real time. Both RAIN group and EPA are involved in this monitoring.

During the 2012 legislative session, Water and Sewage Operator Rules were updated. Public water rules were also updated and it will now include facilities like hospitals and schools that retreat the water. Most of the facilities of this type so far identified are in the eastern panhandle. These facilities will be in Class 1-R and will require testing – will have more information for the group in the future.

**Beckley District – report**

JJ Rose reported from Fayette County that the Boy Scout officials are not being forth coming with information about the plans for the site. Brad reported that representative from the Boy Scouts have been working with EED and PHS on the plans for the water and sewage systems. At this time plans submitted have been approved, but no permits have been issued as of today. The sewer system will consist of treatment tanks to a storage pond to spray irrigation.

Greenbrier County would like volunteers to help with food inspection at the PGA Golf Tournament at the Greenbrier July 2-8, 2012.

JJ stated that a county had a question regarding an individual purchased a piece of property that has a community collection line in a small old coal camp community on it and wants the collection line moved. The collection line is for all the houses. Brad indicated that this would be a legal issue.

Chad indicated that there was a similar situation in Harrison County that the health department was involved in on a complaint. Brad suggested that the prosecuting attorney be contacted and the individual may be allowed to connect to the same collection line by other means.

**Fairmont District – report**

Steve Hinerman reported that Jamie Moore had a question about backflow on frost free hydrants being used a water connections at campgrounds and requests a resolution to this issue. Brad suggested that a LHD can be more restrictive than the rule, but he is not sure that the rule disallows this type of faucet. If the PSD requires a backflow prevention device on the water line feeding the entire campground the risk to the public water supply would be minimized. Brad would recommend a discussion by OEHS sanitarians and engineers on this issue.

**Local Health Department Association - report**

Chad Bundy reported that Kanawha-Charleston Health Department has withdrawn from the association over grant funding.
OEHS Readiness Program – report

Donnie Haynes reported the OEHS will be having a COOP exercise in late summer/early fall at the COOP facility in Flatwoods. WVRWA is holding mobile water unit training if anyone is interested in this training the information is available from Rural Water. OEHS will be holding Radiological Awareness Training Course in June 2012, if there is interest there may be a possibility of 2 courses – there are 50 spaces for the first course. Environmental Health will be the lead in Radiological Incidents.

JJ reported that there was a white powder incident at the prison in McDowell County. There was a letter received by an inmate and there were 2 prison employees and the inmate in a room where the letter was being opened by prison staff. The facility was locked down and a call was made from the prison to the 911 center in McDowell County. The 911 Center contacted JJ and he contacted Jerry Rhodes at the WVDHHR Center for Threat Preparedness and a Hazmat team for Charleston was sent to the prison. The white powder was found to be a harmless substance. The problem with the response was the length of time it took the team to reach the facility.

OEHS staff will participate in Beaver Valley Power training in June 2012.

OEHS is still awaiting training on the radios purchased for use in emergency situation. JJ asks about training on radios for LHD staff. Donnie suggested that LHDs contact the Department of Emergency Services to obtain training. Donnie indicated that he will be attending Sanitarian Training Class this year.

Saint Albans District – report

Ryan Harbison - no report, Gail Harris has retired and the district has no representative at this time.

West Virginia Association of Sanitarians – report

Ryan Harbison reported that Mid-Year Conference was finished for 2012, attendance was down slightly. IEHS will be held July 17-20, 2012 at Fontana Village in Fontana dam, NC and encourages everyone to attend. The agenda is posted on the PHS website. WVPHA Conference will be held at Oglebey Park in September 2012 the agenda is being finalized and will be out soon. Due to the WVAS Bylaw changes voted in by members last year there will be no election of officers this year. Award nominations are due by August 1, 2012 and the forms can be found on the WVAS website.

Wheeling District – report

Lock Johnson reported that Marshall County is having trouble in getting information on the composition of the fracking fluid used by the Marcellus Shale drilling companies. But the drilling companies are trying to be good neighbors.
The counties in this district are having issues with everyone wanting to put in campground for drilling company employees, but the general public does not understand that there are several agencies and several permits needed for the operation of a campground.

**Kearneysville District – No Report**

**Environmental Update – report**

Brad Cochran reported that OEHS is being proactive on issuance of holding tank permits. Permits will be issued for 6 months and the permit fee will be $1000.00. If there is a request for renewal of a permit there will be an additional $1000.00 fee for the renewal. PHS District Sanitarians are looking at the installation of the holding tanks for which PHS has issued permits. Brad encouraged everyone to let the District Sanitarian or Rick Hertges know about holding tank installations in your area.

PHS Personnel Changes: Judy Vallandingham has taken the position of Assistant Director, Judy Ashcraft has taken the position of Sanitarian Chief for Bottled Water and Infectious Medical Waste Programs, and Ryan Pethel has taken the position of Milk Sanitarian for the Fairmont and Kearneysville districts. Currently PHS has a vacancy for the General Sanitation Program Manager.

Sanitarian Training Class Agenda has been finalized and the first week will begin on August 13, 2012. Please contact Linda Whaley if you have anyone needing to attend the class.

Jessica and Nathan Douglas have a new addition to their family Luke Nathaniel was born on Monday May 14th.

HAU course is being held in Morgantown in June 2012 and is open to any sanitarians who would like to attend a reduced registration fee of $95.00 is offered to sanitarians.

**NEXT MEETING – August 24, 2012 – tentatively at the OEHS COOP facility in Flatwoods**

Submitted by: Judy Vallandingham
Date: June 5, 2012