

Board of Health Special Meeting Minutes

Valley County Health Department
500 4th Ave South
Glasgow MT 59230

This Zoom meeting will allow 100 participants. All participants will be muted upon entry to Zoom. Participants who comment during public comment will "raise their hand" in the Zoom meeting, state their name, and will be limited to two (2) minutes.

May 16, 2023

Roll Call The special meeting of Valley County Board of Health was called to order by Darcel Wesen on Tuesday, May 16, 2023, at 5:15PM via Zoom with in-person attendance optional. Board members present were Pam Lee, Cori Radakovich, Maggan Walstad, and Darcel Wesen. Others in attendance were Lynn Miller RN, Cam Shipp RS, Michelle Merritt, and Douglas Clark.

Sanitarian Subsurface Wastewater Treatment System Variance Request

The Clarks purchased property at #9 Canal Rd, Glasgow. (Maps attached) This area has an existing homestead (house and outbuilding). The Clarks are proposing to locate a new house in this area. Due to the proximity of the floodplain of the Milk River, the Clarks hired Great West Engineering to conduct an encroachment analysis of the area. The analysis has been reviewed by DNRC and all areas of the analysis had been found to be met.

The analysis established an area that is elevated to accommodate the proposed house. This area is identified in the drawing provided. This area will be elevated 2.5 ft above the modeled base flood elevation of the Milk River.

To provide a septic system on this elevated site, the Clarks are requesting a deviation for the setback of the septic system to the floodplain. The location of the septic system on the drawing is approximate.

The request is for approximately a 70 ft setback vs a 100 ft setback from the floodplain with the drain field.

All maps and documents that are attached were distributed to the Valley County Board of Health in a email on 3/13/23 and again via email on 5/15/23.

The recommendation from the Valley County Sanitarian is as follows:

Under ARM Title 17, Chapter 36, subchapter 918 (1) sealed components (treatment tanks- septic tank) require no set back; other components (drain field) set back is 100 feet.

Based on the limited space within this location and set back distance closer than 100 ft (approximately 70 ft), an aerobic treatment system is proposed on this site for the house.

The location of the treatment (septic) system would be an additional two feet higher than the site, and all safeguards will be implemented for the system.

An environmentally safe aerobic treatment system allows for treatment of the waste with chlorination disinfection prior to disposal through subsurface drain field.

Based off the system being proposed for treatment, this deviation would be very unlikely to cause pollution of state waters. The deviation would not adversely affect public health, safety, and welfare based upon the conditions that will be required under the deviation.

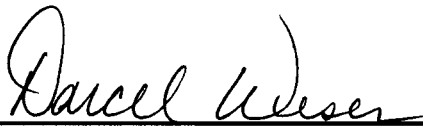
County attorney Dylan Jensen states in his email correspondence dated 3/14/23 and shared at the 3/15/23 BOH meeting, "... it isn't just an ad hoc decision, but that the statute requires that we have regulations in place that "describe standards for granting variances from the minimum requirements that are identical to standards promulgated by the department of environmental quality and must provide for appeal of variance decisions to the department of environmental quality." So, in making any decision the Board needs to be mindful of those standards, inquire into them, and make findings regarding them. The Board could always, if they prefer, punt by denying the variance and advising the applicant of the appeal process so the department (DEQ) itself can make the determination."

Public comment Doug Clark provided comments about the system they will be putting in with his deviation request approved. He thanked the Board for considering his request.

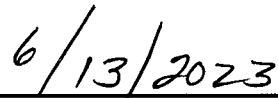
Cori moved to approve the deviation request from the Clarks with the conditions (see attached) that have been outlined now required. Maggan seconded and the motion passed.

Adjourn With no further business, Pam moved for the meeting to be adjourned, Maggan seconded, and the motion passed.

The next regular meeting of the Board of Health is on Tuesday, June 13, 2023.



Chairperson

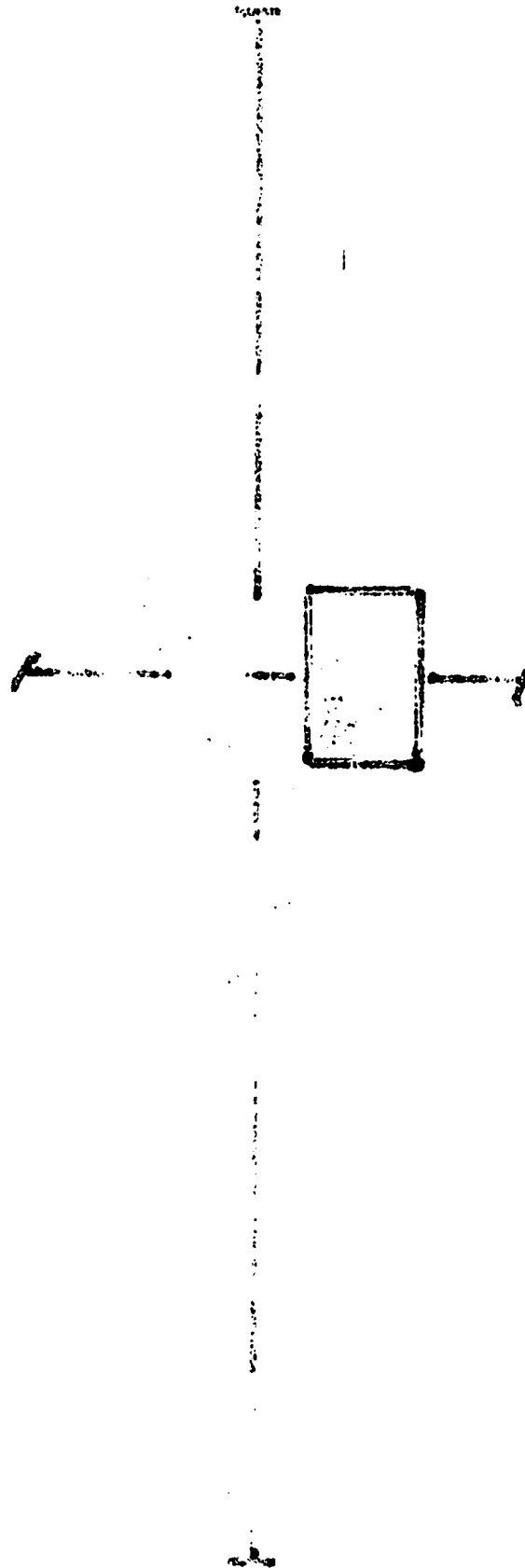


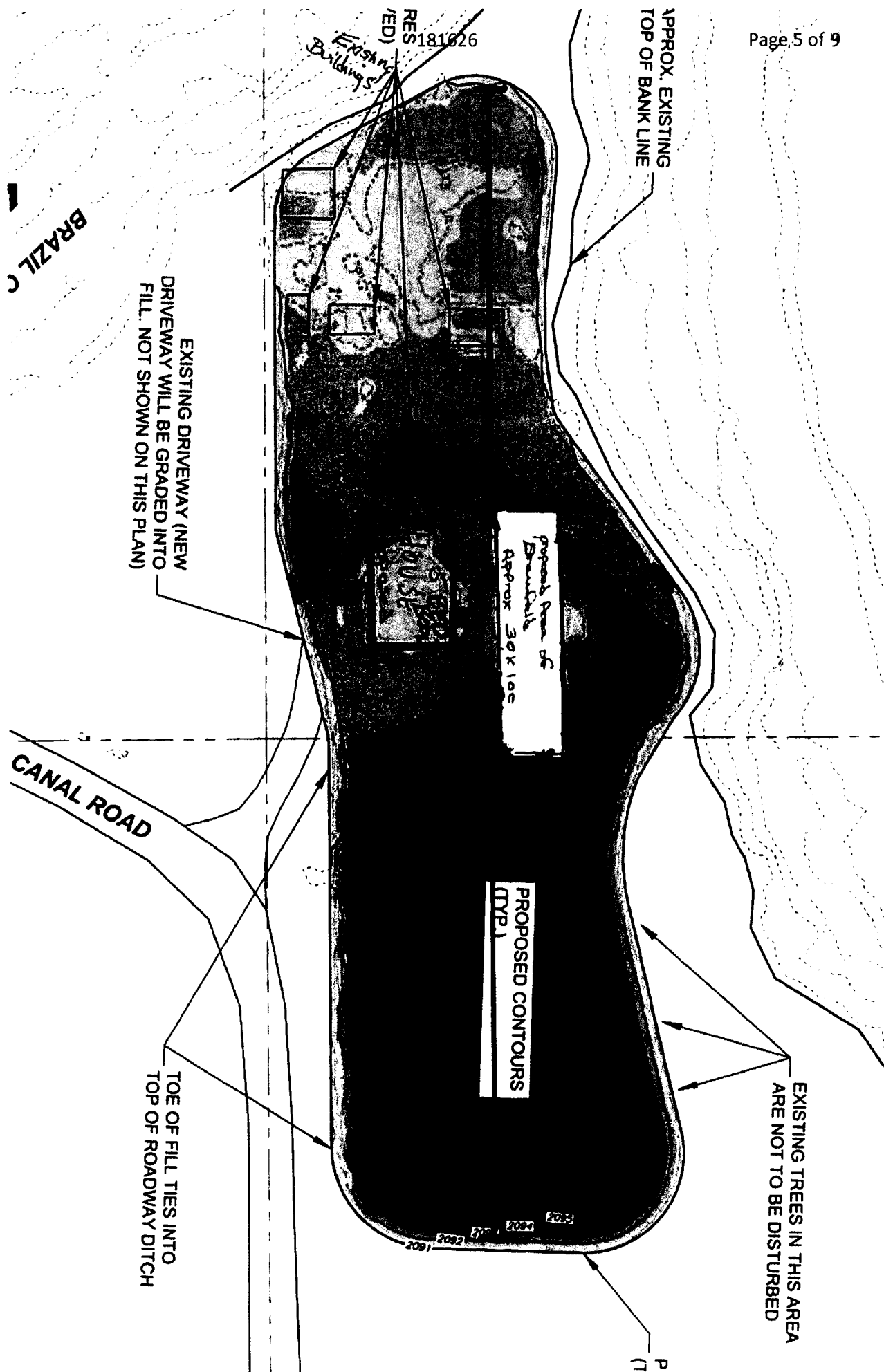
Date

Approved at the 6/13/23 meeting.

The conditions for the deviation request include:

- The Aerobic Wastewater Treatment Unit (ATU's) must meet the requirements of Chapter 7.4 of Circular DEQ-4, 2023 edition.
- Inspection of ATU performance should be conducted at a regular interval as recommended by certified ATU technician.
- A notarized statement indicating that an ATU technician continues to conduct regular interval inspections of the system upon transfer of ownership.
- An on-site subsurface wastewater treatment system permit must be obtained through the Valley County Sanitarian prior to installation of the system.
- The deviation must be filled with the clerk and recorder's office.





DEVIATION REQUEST

The undersigned as owner(s) of the following described property hereby request a deviance from DEQ-4 2023 Edition requirements.

Legal Description of Property: SW ¼ SW ¼ of Section 10 & NW ¼ NW ¼ of Section 10 of township 28

Address: 9 Canal Rd, Glasgow, MI

59230

Size of Proposed Parcel or lot (Area & Dimensions): Approx 2 Acres

Covenants or Deed Restrictions on Property: Yes No X If yes, please attach to application.

Deviance Requested: deviation for setback distance of septic system

Facts of Hardship: The proposed fill area will be just a bit too narrow to meet the distance requirements noted on the setback chart. We hope that won't be a problem since we are wanting to use an aerobic septic system that can be fully enclosed in the event of a flood. The nature of aerobic septic systems (which are used in floodplains across the country) means there will be no sewage in the leach lines as it comes out clean after the aerobic process. This guarantees only clean water would be entering the soil. We could not build anywhere elsewhere on the property due to the base elevation requiring an unreasonable amount of dirt needed to elevate a home above the floodplain. Where we plan to build was partially out of the floodplain already. We were told that the original settlers of this farm had their home somewhere else on the property but had to move to this location because it was the only dry spot. Thank you for your consideration.

Attach a narrative describing the following:

1. What is your need for the proposed variance?
2. How will the variance impact public health, safety, or welfare of adjoining property?
3. Are there any physical characteristics of the property which creates an undue hardship on the owner for strict compliance of the regulations?

Additional information:

1. Map or drawing depicting variance request.

Owner(s): WILLIAM J. JAMES

Address: 9 Canal Rd, Glasgow, MI Phone: 517-222-1111

59230

I attest that all the information presented herein is factual and correct.

Signature: William J. James

(Recorded Owner)

Date: 5/16/22

Download Data (Free)

Soil Map

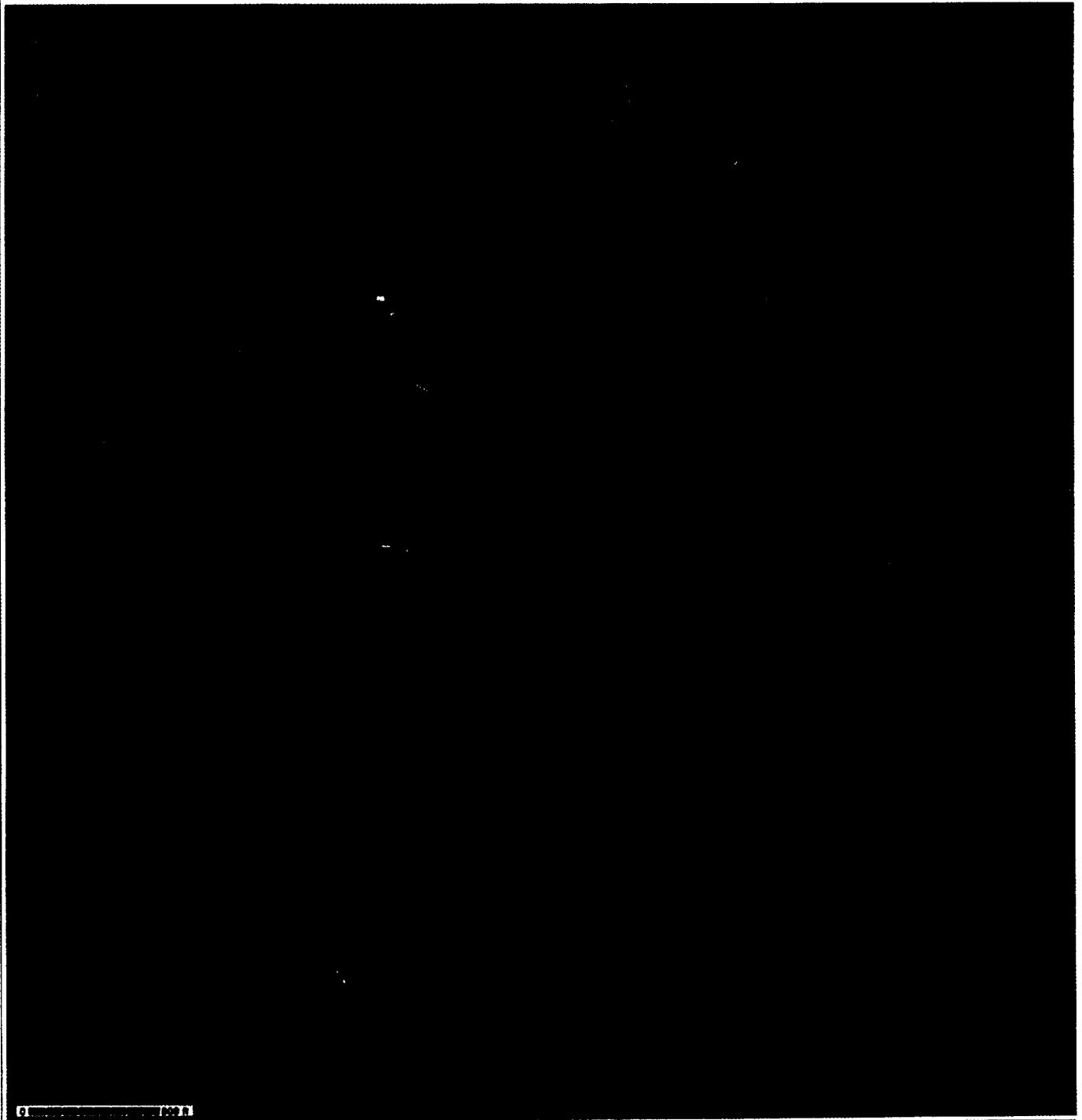
Soil Data Explorer

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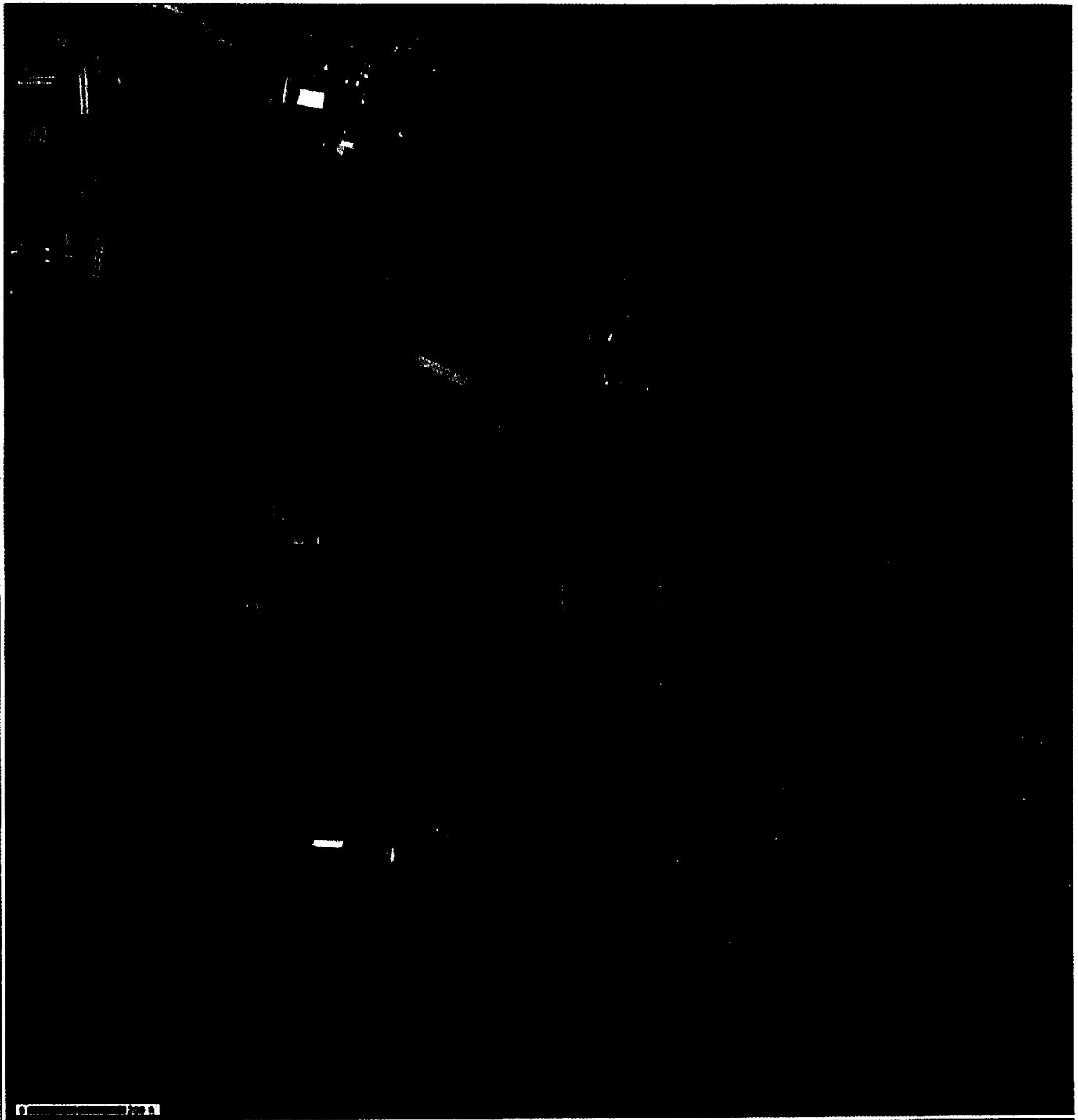
View Extent

Contiguous U.S.



Scale

(meters to scale)



181626

Name
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Soil Map—Valley County, Montana

