

BOARD OF HEALTH PROCEEDINGS

July 7, 2005

Chairperson Lynda Ring Erickson called the meeting to order at 10:02 a.m.

Attendance: Commissioner, Lynda Ring-Erickson; Commissioner, Jayni Kamin; Commissioner, Tim Sheldon.

ATTENDANCE

Dr. Diana T. Yu, Health Officer
Steve Kutz, Health Department Director
Debbie Riley, Environmental Health Director

CORRESPONDENCE – None.

APPROVAL OF MINUTES

Cmmr. Ring Erickson requested the approval of the regular meeting minutes of April 7 and May 4, 2005 be deferred until the next meeting.

ADMINISTRATIVE ISSUES

HEALTH OFFICER'S REPORT:

Dr. Yu, Health Officer reports for April, 2005 Communicable Diseases as 2 cases of Camphylobacter and 2 cases of Giardia, 1 case of Acute Hepatitis A, 6 cases of Chronic Hepatitis C, 1 case of Chronic Hepatitis B w/Lab – WCC, 2 cases of Chronic Hepatitis C w/Lab – WCC.

Dr. Yu, stated there was a potential West Nile Virus (WNV) case reported in Spokane, WA. The person that is being tested has not left the state and could not have gotten it anywhere else, if it is indeed WNV. The test results have not been confirmed. It could be a St. Louis Virus, which is similar to WNV and has been reported in the eastside of the state.

Dr. Yu stated there was a physician in Lewis County that lost his license for over prescription and potential contribution to the death of a number of patients. There were a number of his patients that were chronic pain patients but there were also a number of them seeking drugs. She said there are patients from his practice that are going to emergency rooms seeking prescription narcotics. Dr. Yu stated she has been working with Mason, Thurston and Lewis County physicians for the last few months in regards to prescription drug abuse. The issue of prescription drug abuse is actually in epidemic proportions at the time, and unfortunately it has led to more deaths recently.

WEST NILE VIRUS:

Dr. Yu gave a powerpoint presentation on West Nile Virus (WNV). She explained that WNV is a mosquito born disease. The mosquito is the carrier that brings it from bird to bird. Birds are the primary animals that are infected with WNV. Crows, Jays and Ravens are the most common because they are the most susceptible to die from the virus. Chickens can get infected with the virus but they don't die from it. Humans and horses are the unintentional hosts, because they get in the way of the mosquito as it is flying from bird to bird. The risk in catching the virus is very rare. The birds that have been sent for WNV testing in Washington State have all come back negative. The complete presentation is on file at the Health Department.

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ENVIROMENTAL HEALTH APPEAL

10:30 – APPEALS (The staff has twenty minutes to present a staff report, the appellant has five minutes to question the staff and then twenty minutes to present their information to the Commissioners. The staff then has five minutes to question the appellant, the hearing is then closed. The Commissioners will make their decision away from the Board of Health and both parties will be notified in writing.)

APPEAL OF THE HEALTH DEPARTMENT DETERMINATION REGARDING SUN BEACH MOBILE HOME PARK:

Ms. Arlene Hyatt, Environmental Health Specialist II, presented a timeline packet to review the background information on Mr. Hunt's Sun Beach Mobile Home Park, which is the appealed case.

Ms. Hyatt explained that Mr. Hunt is the Sun Beach Mobile Home Park owner. He has requested a health department determination regarding replacement mobiles at the park. At the time the file was reviewed, the park had five mobile homes and one A-Frame home connected to a Group B water system. The county became aware in 1997 that the water system in question was an existing unapproved Group B water system. Mr. Hunt was notified in writing on three separate occasions that the mobile home park water system was out of compliance and the steps necessary to bring the system into compliance. In May of 1998 the Health Department issued a Notice and Order to correct the violation.

Mr. Hunt made a request to review the water adequacy regulations, which states exemptions are permitted for replacement structures for mobile home parks or recreational parks. A review of the file indicated that there were still six connections to the water system and there were no additions to the connections since 1997.

Deputy Prosecuting Attorney, Darren Nienaber's advice was sought in the case and a determination was made based on his advice. The determination was that the seven-year lapse of use was considered an abandonment of use and therefore would not qualify for the exemption as addressed in the water adequacy regulation.

Ms. Hyatt cited parts of the Mason County Code, Title 6 Chapters 6.64.050, 6.68.020, and 6.64.090.

Ms. Hyatt stated that Mr. Hunt was notified in 1997 and again in 1998 that his system was unapproved. Mr. Hunt did apply for a well site inspection in 1998, which was one of the requirements listed in the letters and the Notice and Order. The well site inspection indicated that a variance would be necessary for well site approval. There are no records that the variance was ever sought.

Mason County Department of Health Services has determined that the seven year lapse of use does not qualify for the exemption for replacement structures, under the Mason County Code, Title 6, Chapter 6.68.020. Ms. Hyatt noted that there is not a timeline restriction between the removal of an original structure and the replacement structure. Ms. Hyatt stated that it is in the best interest of the public health to require the Group B Water system be approved and in compliance with the regulations prior to allowing additional connections to the water system.

Ms. Hyatt requests that the Commissioners deny Mr. Hunt's appeal and instruct the water system to come into compliance with the regulations.

Cmmr. Kamin asked what the problem was with the current water system and why Mr. Hunt would need a variance.

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Ms. Hyatt stated the variance was for the well site only. The well site inspection was to determine if the well meets regulations. Mr. Hunt's well site does not meet the current regulations. The water system has never been approved, so in order to obtain approval there would be two ways the system could go. Existing system approval for his current connections could be sought. The state regulations allow for a reduction of requirements for existing systems. It is also a fairly simple process and cost effective, however if approved, additional connections can't be added. If Mr. Hunt wanted to continue with the additional connections he would need to seek approval as a new Group B Water System, by meeting all current state and local regulations. New systems take much longer for approval and have proven to be much more expensive.

Mr. Hunt did not have any questions for Ms. Hyatt.

Mr. Hunt, owner of Sun Beach mobile Home Park, purchased the park in 1996. He described the location of his mobile home park in Belfair. In an effort to clean up the sight after purchasing it he had the mobiles removed from the property and had the timber thinned out. He hired Mike Davis of Davis Drilling to come out and redo the underground water system. He then moved five new replacement trailers back into the park. As of now these five units and the A-frame home still remain in the park.

He stated his goal for today was to find out what he needed to do to make his water system correct. He has not had good advice and is willing to do what is necessary for the project to be done properly. He referred to a letter in 1998 when he was notified that he could be prosecuted if he did not repair and make corrections to his water system within fifteen working days. He brought a copy of a letter and a fax that he sent to Mr. Davis in 1998 stating that he needed assistance to be compliant with the Group B water system requirements. Mr. Davis replied to him that it was not a big deal, because everyone was out of compliance with the new regulations. He explained that once the Group B compliance system was developed everyone had either a nonconforming system, or if expansions were sought they would have needed a conforming new system installed. Mr. Davis stated to Mr. Hunt that nothing needed to be done, he would just be a nonconforming old system.

Mr. Hunt received a letter in March of 2005 from Ms. Hyatt after she had reviewed his file. Ms. Hyatt came to the park and did a site visit. Ms. Hyatt informed him that the well looked good and the set backs were not a problem if they were accepted under the pre existing nonconforming system. He reviewed his plans to replace three more units that were removed when he first bought the park, and explained they would be located exactly where previous units were.

Mr. Hunt stated he was appealing the denial made by Ms. Hyatt in March 2005 for an exemption for replacement structures to mobile home parks. He stated that in her letter it stated "it is the opinion of the Mason County Department of Health Services that the 7 year lapse of use is an abandonment of the use and would not qualify for the replacement exemption". Mr. Hunt said everyone is entitled to an opinion, and he felt that because there is not a RCW or Mason County Code that states a timeframe he should be granted the replacement exemption.

Mr. Hunt requested a determination from the Commissioners whether or not he would be entitled to go ahead and replace the three mobile homes and hook them up to the existing water system as replacements under the preexisting structure exemption. His only concern with having to be approved with an expanded Group B water system is the contingency that is required to have satellite management. Satellite management would cost him \$800-\$900 per year for a service that he would be capable of doing.

Ms. Hyatt stated that Group B water systems do require satellite management, however Group B regulations allow for an application for a variance from the regulations to the Health Officer, to reduce the satellite management agency requirement.

Mr. Hunt clarified that the acceptance of the waiver request would be based on the plan of approach.

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Mr. Hyatt asked Mr. Hunt if he had contacted the Environmental Health Department at the time Mr. Davis had told him he didn't need to seek system approval.

Mr. Hunt replied he did not have record of calling to verify if Mr. Davis was correct or not. He relied on the knowledge that Mr. Davis had because he was a certified and recommended person from the health department.

Cmmr. Ring Erickson questioned the year in which Mr. Davis did the work for Mr. Hunt and if a permit was issued to do the work.

Mr. Hunt replied that a permit was issued and an asbuilt set of plans was submitted to show the existing connections and the areas where the replacement structures would be connected.

Cmmr. Kamin asked if the main purpose of the hearing was to determine if Mr. Hunts water system was an abandoned use. She stated she did not see evidence of abandoned use.

Ms. Hyatt stated Mr. Hunt requested a determination based on the water adequacy regulations, which stated there is an exemption for replacement structures in mobile home parks. Mason County Department of Health made the determination that Mr. Hunt's desire to place three mobile homes in the park would be considered an exemption under the water adequacy regulations. That determination was made in a letter written to Mr. Hunt in March 2005. It was determined that a seven year lapse of use would be considered an abandonment of use and to bring in three new mobiles to the site he would have to meet current regulations.

Cmmr. Ring Erickson clarified that Mr. Hunt had never abandoned his Group B water system. She asked if the system had been used for some units consistently or without more than a two year lapse.

Mr. Hunt stated he does not have a Group B water system, he has a nonconforming water system. When he purchased the mobile home park he had thirteen hook ups on the existing well that is there now. When he removed and replaced some of the mobile homes he reconnected six and would like to replace an additional three to make nine connections. He is seeking approval of the expansion and will do what he needs to do in order to bring the water system into compliance.

Cmmr. Sheldon asked Mr. Hunt if he was more interested in the expansion than he was with complying with the existing water system regulations. He recommended Mr. Hunt to come into compliance with the water system to be able to provide good safe drinking water then address the issue with the expansion.

Mr. Hunt stated he would like to have a determination of the replacement trailers before he hires a company to do the water system upgrade.

Ms. Debbie Riley, Environmental Health Director stated that if Mr. Hunt would like to maintain the six connections as they are currently he would need to come into compliance as an existing system. If he wants to add an additional three units to his water system he would need to come into compliance by upgrading the water system to meet the new regulations. Ms. Riley stated that there was no guarantee as part of this hearing that upgrading the water system would allow his lots to have the trailers put on them.

Cmmr. Ring Erickson stated they would read the information presented and review his appeal letter then make a decision.

Hearing closed.

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PERSONAL HEALTH ISSUES

TOBACCO PROGRAM:

Ms. Heidi Iyall, Community Health Education Specialist and Mr. Ben Johnson, Program Coordinator gave a powerpoint presentation on tobacco use in Mason County. A strategic plan was presented which described the activities that would help the Mason County Department of Health and the Tobacco Free Mason County Coalition as a guide to tobacco prevention and control efforts in Mason County for the next three years (July 2005-June 2008). A complete copy of the presentation is available at the Health Department.

Ms. Iyall stated that twenty-one stores were checked for tobacco sales. Youth were sent into stores to purchase tobacco. Of the twenty-one stores checked only three of them sold tobacco to the youth. The three stores were Brad's Quick Stop in Shelton, T&C Gas & Food Mart in Grapeview, and Tobacco House in Shelton.

Mr. Johnson stated that there is an initiative I 901 that was being sent to the state to be on the voters ballot in November to ban smoking in bars, restaurants and all public places. He requested the Commissioners make policies that promote cessation in Mason County. He said that he would like to see smoking banned in all government buildings.

Cmmr. Ring Erickson requested that Mr. Johnson do a smoking statistic comparison of other counties that are comparable in size to Mason County. She also requested him to research the multi-strategy approaches to reduce smoking in other counties and make suggestions for a multi-strategy policy for Mason County.

Mr. Kutz stated that Mr. Johnson, Ms. Iyall, Mr. Hering, and Mr. Rutter have all engaged in meetings that pertain to smoking policies that involve the youth, public areas and the county buildings. The county employees and the Commissioners have an opportunity to effect how tobacco is accepted in the community and to set the stage that tobacco is not acceptable in our community. He gave an example of passing an ordinance that makes it illegal for tobacco companies to sponsor any events in Mason County, such as fairs, rodeos or concerts. Another idea would be to allow smoking or to limit it to a designated smoking area only where youth congregate. It would be ideal to only allow smoking in certain areas or ban it all together at the county parks and also at the fairgrounds where kids are.

Cmmr. Ring Erickson stated that research shows that changing public attitudes is very rarely a one or two measure thing, it usually requires a multi strategy approach. She would prefer the Board see a multi strategy approach that is a community-based plan that provides a broad public policy about tobacco before making any changes.

Cmmr. Kamin stated Lewis County did a readiness to change survey to assess the communities willingness and readiness to change. She would like Mr. Johnson and Ms. Iyall to review their study and look into doing the same survey in Mason County.

Dr. Yu, stated that she would be able to get a copy of the survey from Lewis County and would share it with Mr. Kutz.

Cmmr. Kamin stated she would also like to look at the survey. She feels that it would help target the approach of dealing with tobacco and the drug abuse among the community.

Dr. Yu stated that in Lewis County the Social Services Department did the assessment. She stated it was very valuable because it showed the areas that needed more work before the community would be ready for change.

ENVIROMENTAL HEALTH ISSUES

Cmmr. Sheldon questioned Ms. Riley about a letter from the State Department of Health about the new order reclassifying the approved commercial shellfish growing areas in Annas Bay making a change to prohibit shellfish harvesting. He questioned if the new prohibited zone would trigger a shellfish protection district.

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Ms. Riley stated she was not very familiar with all of the details, but she did know that it would trigger the shellfish protection district. The area that is effected is at the mouth of the Skokomish River going into Annas Bay. Because of all the efforts by the citizens, the health department staff, the conservation staff and the tribal staff on the area they are about a year ahead of the work that will need to be done to restore the area. Because of all of the resources that have been put in, there probably would not be a charge to the local people in that area to form the shellfish protection district. There is a twenty-eight day window to file an adjunctive proceeding to contest the downgrade. There are probably some shellfish growers that would contest it but the county would not.

ENVIROMENTAL HEALTH WAIVERS/VARIANCES:

Submitted to the Board by Environmental Health Director, Debbie Riley.

ADJOURNED

The meeting adjourned at 11:45 a.m. due to no further business.

BOARD OF HEALTH
MASON COUNTY, WASHINGTON

Lynda Ring Erickson, Chairperson

HEALTH OFFICER

Jayni Kamin, Commissioner

Diana T. Yu, MD MSPH
Mason County Health Officer

Tim Sheldon, Commissioner