

**Lincoln County**  
**City-County Board of Health Agenda**  
**5:00 PM, December 11, 2019**  
**Lincoln County Courthouse**

**1. Call to Order**

**2. Approval of Minutes**

- 11/13/2019

**3. New Business**

- Board Appointments
- Chronic Wasting Disease
- Kootenai Cross Country Ski Club variance request
- Notices of Violation/Abatement Order Review Process

**4. Program Reports:**

- **Public Health**
  - Influenza update
  - Meadowlark Initiative
- **Environmental Health**
  - AFDO grants
  - 2020 DPHHS-FCSS Cooperative Agreement
- **Solid Waste and Recycling**
- **ARP**
  - O&M Update
  - Public Comment for Institutional Control Implementation and Assurance Plan (ICIAP) Document
  - Status of EPA Cooperative Agreement

**5. Focus Area Liaisons:**

- **Superfund Sites**
  - Asbestos Site:
    - Response to Board Motion for EPA & DEQ Re: comment periods
    - IC Manual comments

**6. Health Officer Report**

**7. Old Business**

**8. Public comment**

**9. Adjourn**

<b>Board Members Present:</b> George Jamison, Laura Crismore, Sara Mertes, Maggie Anderson, Mark Peck, Deb Armstrong (by phone), Jan Ivers (arrived after ARP report)
<b>Absent:</b>
<b>LCHD Staff:</b> Kathi Hooper, Jake Mertes, Dustin Webb, Maranda Davis, Dorey Rowland, Bryan Alkire, Jinnifer Mariman, Dr. Brad Black
<b>ARP Staff:</b> Virginia Kocieda
<b>Public:</b> Kathleen Sheffield, Arlene Elletson, Cheri Dunbar, Martin Dunbar, Ray Stout (Kootenai Valley Record)

<b>Agenda:</b>	<b>Discussion:</b>	<b>Action Item:</b>
1. Call to order	Called to order by George Jamison at 6:01pm	
2. Approval of Minutes	<b>October minutes approval:</b> Board reviewed the minutes. K. Sheffield asked to change "for hospitals" under item 8 to read "for healthcare professionals." G. Jamison asked to change item 5 to remove the word "controlled" before groundwater site and add "of the ROD" after 5-year review. Laura Crismore made a motion to approve the October 9 <sup>th</sup> , 2019 Board of Health minutes; Maggie Anderson seconded. Motion passed unanimously.	
3. New Business	<b>Board of Health Member Terms:</b> Board discussed current term limits. George Jamison's term is up at the end of the year. Other members are staggered for three-year terms. Question about terms for city and county appointed members. Jinnifer Mariman suggested that those appointed representatives should be renewed every three years also. Jake Mertes mentioned public notice for board vacancies and was it a requirement.	Jinnifer will review terms  Kathi will ask C&R to post vacancy
4. Program Reports:		
Public Health	Dorey Rowland discussed her current work with the Zero to Five program. Some of her activities include hosting a collective impact training and distribution of books in many different areas of the county. Also, the program has participated in a variety of outreach activities (CARD Rally, Trunk-or-Treat), as well as engaging a variety of stake holders.	
Environmental health	Introduced new employees of the Health Department to the Board: Maranda Davis, Environmental Health Tech. and Dustin Web, S.I.T. Maranda has been doing various administrative tasks, public service, and enforcement. Dustin is taking on the licensed establishment program.	
Solid Waste and Disposal	DEQ Public Comment for the Class IV landfill expansion has ended as of 11/10/19. CWD Update – FWP sampled nine deer at the landfill and eight tested positive for the disease. Additional testing is planned. Eight more animals were taken last week but results of testing are not yet available.	Schedule FWP to present CWD info to Board

<p>ARP</p>	<p><b>Operations &amp; Maintenance (O&amp;M) Planning Activities:</b> Virginia Kocieda updated the Board on O&amp;M planning activities:</p> <ul style="list-style-type: none"> <li>(1) Virginia is writing up the Scope of Work for the County and MT Department of Environmental Quality (DEQ) O&amp;M Cooperative Agreement.</li> <li>(2) Continuing to work on draft O&amp;M Manual</li> <li>(3) George and Virginia held meetings with the DEQ and discussed the draft Property Evaluation Notification (PEN) Ordinance and what funds would pay for what projects. Virginia had copies of the draft PEN Ordinance with DEQs comments available for BOH members and public.</li> <li>(4) Draft OU4/OU7 Institutional Control Implementation and Assurance Plan (ICIAP) is currently in public comment period. All BOH members received a paper copy of the document for their review. George stressed the importance of comments in this process and encouraged everyone to take time to review the materials and provide feedback.</li> <li>(5) Virginia and Mark met with the US Environmental Protection Agency (EPA), DEQ, United States Forest Service (USFS) and the County to discuss air monitoring in OU3 during a wildland fire event. USFS will still collect samples from aircraft. Group is unsure where funding will come from in the future for the community-based monitoring. Current equipment is outdated and unreliable; needs to be replaced. Virginia is working with CDM Smith to understand what costs are associated with community-based monitoring. Virginia will continue to pursue answers/funding for this project.</li> <li>(6) <b>MOTION to be sent to DEQ and EPA</b>              “The Board of Health requests that DEQ and EPA provide public comment periods for the ICIAP, the O&amp;M Plan and the O&amp;M Manual, and not finalize them until a public informational meeting has been conducted and input related to all documents can be considered.” So moved by Mark Peck, Seconded by Sara Mertes. Motion passed unanimously.</li> </ul>
<p>5. Focus Area Liaisons</p>	<p>Laura received copy of letter from Allan Payne re: City of Libby’s negotiations with International Paper. BOH was not CC’d. Jinnifer will review to determine if BOH should provide comment.</p>
<p>6. Health Officer Report</p>	<p><b>None</b></p>
<p>7. Old Business</p>	<p><b>Panoramic View</b>              Abatement was vacated by Judge Cuffe. The Judge did not make any ruling on the merits of the abatement but ruled that the process was flawed and must include an internal review</p>
	<p>Jinnifer will draft revised abatement procedure for December agenda</p>

11.13.2019 BOH meeting minutes  
6:00 PM Courthouse

	<p>process by which the defendants may appeal the decision of the BOH. Jennifer will research the proper process and make a recommendation at the next board meeting.</p> <p><b>Strategic Plan</b> Motion to adopt the Health Department Strategic Plan. Moved by Mark Peck, seconded by Sara Mertes. Passed unanimously</p>	
8. Public Comment	<p>Mr. Dunbar felt that other users of Panoramio View Drive should be included in any further abatement actions. Jennifer will pass comment on to County Attorney.</p>	
9. Adjournment	<p>Next meeting December 11th</p> <p>Meeting adjourned at 7:31 PM Moved to adjourn: Laura Crismore Seconded: Sara Mertes</p>	

Chair, Board of Health

Date

Secretary, Board of Health

Date



### VARIANCE REQUEST FORM

Name: Ben Scott Business: Kootenai Cross Country Ski Club, Inc.

Phone: 406-293-2933 Email: jbenscott@hotmail.com or jbenscott@frontier.com

Mailing Address: 402 Montana Ave City: Libby, Zip: 59923

Regulation from which a variance is requested: 75.1.205.2 Solid Fuel Burning Device Permits for standard catalytic, non catalytic and pellet fuel burning device.

Location of property where variance would apply: South Flower Creek ski trails area (W1/2 SW quarter of section 21 township 30N range 31W).

Explain why compliance is not justified and describe alternatives considered (attach additional pages and supporting documents if necessary):

In the front part of the building is the warming hut which is insulated and has an EPA approved stove. In the back part of the building we have our maintenance equipment, not insulated and a wood burning Fisher stove. It would only be fired approximately 3-4 times in the winter season while and only if there is no air quality alert in affect.

Signature of applicant:

A large, stylized handwritten signature in black ink, appearing to be 'Ben Scott', written over a horizontal line.

Date: 10/24/2019

FOR BOH USE

Health Department recommendation:

*APPROVE FOR 2019-2020 SEASON ONLY.*

A handwritten signature in blue ink, likely from a health department official, written below the recommendation text.

BOH determination (circle one):    Approve    Deny    Approve with conditions

Conditions:

BOH Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**HEALTH AND ENVIRONMENT REGULATIONS**  
**CHAPTER 7: Lincoln County Notices of Violation & Abatement Order Review Process**  
Effective 12/11/2019

**SUBCHAPTER 1: GENERAL PROVISIONS**

**7.1.101 INTENT:** The purpose of this City-County Board of Health for Lincoln County Regulation is to establish a review process for notices of violation and abatement orders.

**7.1.102 AUTHORITY:** Authority for Regulations promulgated in this rule is provided for in MCA 50-2-111 through 50-2-124 to ensure public health and safety and to preserve and protect the quality of life and the environment in Lincoln County.

**7.1.103 DEFINITIONS:** The following definitions apply to this Regulation unless terms are otherwise defined under a specific Regulation.

- (1) Board: the City-County Board of Health for Lincoln County
- (2) Department: the Lincoln County Health Department
- (3) Facility: a business, residence, structure, system, area or location
- (4) Health Officer: the Lincoln County Health Officer or a designated representative
- (5) DEQ: the Montana Department of Environmental Quality
- (6) Person: any individual, partnership, firm, association, municipality, public or private corporation, subdivision or agency of the state, trust, estate or any other legal entity.

**SUBCHAPTER 2: ISSUANCE OF ORDERS & PENALTIES**

**7.2.101 POWERS AND DUTIES OF THE DEPARTMENT**

- (1) When the Department determines that a violation of the Board's Regulations has occurred or when an Abatement Order is issued pursuant to sections 50-2-116 or 50-2-118, MCA, the Department or Health Officer may issue written notice to the offender or an agent of the offender, either personally or by certified mail. Such notice shall specify the provision or provisions of the Regulations alleged to have been violated or authority for Abatement Order along with a short and plain statement of the facts that constitute the violation. The notice shall include an ORDER TO TAKE CORRECTIVE ACTION or ABATEMENT ORDER requiring compliance within a reasonable time as stated in the Order. The Order is final unless, within five days after the Order is received, the offender submits a written request for a hearing before the Board, as provided for in 7.3.101(1). The Director of the Department may extend the timeframe for requesting a Board hearing at his/her sole discretion. A request for hearing does not stay the effectiveness of the Order on the date stated in the Order.
- (2) This Regulation does not prohibit the Department or Health Officer from issuing an Order that becomes effective immediately in response to a situation wherein immediate action is necessary to protect public health and safety. The offender still has review rights as stated in this Regulation, however, the Board, Department, or Health Officer may take necessary actions in the interim.
- (3) Action under this part shall not bar enforcement of the Regulations by injunction or other appropriate remedy.
- (4) This section does not prevent the Board or Department from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.

**7.2.102 PENALTIES:** Any person who violates any Regulation or Abatement Order shall be subject to penalties as stated in the given Regulation or as provided by sections 50-2-123 and 50-2-124, MCA. Those penalties include a misdemeanor, if convicted, and a fine of not less than \$10 or more than \$200 per offense or \$500 per offense pursuant to section 50-2-124, MCA. Each day of violation constitutes a separate offense. Additionally, the Board, Health Officer, or Department may seek expenses incurred to effect compliance pursuant to section 50-2-123, MCA.

### SUBCHAPTER 3: REVIEW PROCESS

#### 7.3.101 BOARD HEARINGS

- (1) Persons subject to a Department Notice of Violation and Order to Take Corrective Action or an Abatement Order issued pursuant to sections 50-2-116 or 50-2-118, MCA, may submit a written request for a hearing before the Board within five days of receipt of the Notice and/or Order. The Director of the Department may extend the timeframe for requesting a Board Hearing at his/her sole discretion.
- (2) The Board shall schedule a hearing within 45 days of this request.
- (3) Notice of hearing shall be given by the Department to persons requesting a hearing at the address stated on the request for hearing or at the last known address, by personal service or by mail, not less than five days before the hearing is scheduled. Notice is complete on the date of delivery or mailing.
- (4) The Department shall publish a notice of the hearing in the same manner as the Board agenda is publicly posted.
- (5) At the hearing, the Board shall first hear the staff report, if any, on the Notice of Violation and Order to Take Corrective Action or Abatement Order. Second, the person who requested the hearing may present relevant information to the Board. Third, the Board may hear any person who has relevant information regarding the Notice of Violation and Order to Take Corrective Action or Abatement Order. The hearing may be conducted informally and need not follow rules of evidence or procedure applicable to judicial hearings. The Board chair may impose rules for the orderly conduct of the hearing.
- (6) The Board shall affirm, modify, or revoke the Notice of Violation and Order to Take Corrective Action or Abatement Order, in writing, following completion of its review. A copy of this decision shall be sent by certified mail or delivered personally to the person who requested the hearing. The Board shall maintain a written record of the hearings and document its final decision in the record.

**7.3.102 JUDICIAL REVIEW:** Except as otherwise provided, persons subject to a hearing decision of the Board may appeal the decision to the district court pursuant to the contested case provisions of the Montana Administrative Procedure Act after the Department's appeal process is exhausted. If a Board Hearing is requested pursuant to this Regulation, then once the Board issues its written decision, the Board, Department, and/or Health Officer may proceed with any judicial remedy. If no Board Hearing is requested pursuant to this Regulation, then the Board, Department, and/or Health Officer may proceed with any judicial remedy.

### SUBCHAPTER 4: SEVERABILITY AND CONFLICT OF ORDINANCE

**7.4.101 CONFLICT:** In any case where a provision of this Regulation is found to be in conflict with a provision of any other Regulation of Lincoln County, the provision which establishes the higher standard for the protection of public health and safety shall prevail.

**7.4.102 SEVERABILITY:** If any provision of this Regulation is declared invalid by any court or tribunal, the remaining provisions of this Regulation shall not be affected thereby.

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Board Chair  
City-County Board of Health for Lincoln County

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Date

## **Cooperative Agreement**

Between  
**Montana Department of Public Health and Human Services**  
And  
**Board of Health**

### **Identity of Parties and Purpose Statement**

This **Cooperative Agreement** (Agreement) is between the **Montana Department of Public Health and Human Services** (DPHHS), and the Lincoln County **Board of Health** (BOH).

The purpose of this Agreement is to establish a payment schedule for maximizing the disbursement of funds to the BOH to support inspections of licensed establishments and to determine which optional programs the BOH will conduct.

A failure to sign this agreement may result in the inability of a local health jurisdiction to maximize funding. Each completed inspection will result in a payment equal to the license fee or the portion of that fee designated in the applicable statute.

### **Period of Performance and Termination of this Cooperative Agreement**

This Cooperative Agreement is effective from **January 1, 2020 through December 31, 2020** and cannot be terminated except by written notification from one of the parties with a minimum of 30-day notice. This agreement may not be extended.

### **Sole Agreement**

This is the only Agreement between the parties with respect to payments for inspections for licensed establishments. This Agreement replaces any previous Cooperative Agreement(s) entered into by the parties with respect to payments and responsibilities for inspections of public establishments as defined in this agreement.

### **Alterations or Amendments**

The parties may amend this Cooperative Agreement by mutual agreement. Any amendment is effective only when in writing and signed by both parties.

### **Responsibilities of the parties:**

#### **The BOH agrees:**

1. To inspect the following types of licensed establishments within its jurisdiction on an annual basis:
  - a) Inspections required to be performed by local health jurisdictions
    - i. Retail Food Establishments

- ii. Wholesale Food Establishments
- iii. Trailer Courts & Campgrounds
- iv. Public Accommodation (see 2a for exceptions)

- b) The BOH agrees to conduct the following activities (please check all that apply):
- i. Pools, Spas and Other Water Feature Inspections – Seasonal establishments must be inspected once per calendar year. Year-round establishments must have one full facility inspection and one critical point inspection conducted per year.
    - Yes
    - No
  - ii. Body Art Establishment Inspections
    - Yes
    - No
  - iii. Body Art Establishment Plan Review
    - Yes
    - No
  - iv. Peer to Peer Inspector Training (see Appendix Band Table 3)
    - Yes
    - No
  - v. Perform joint wholesale food establishment food processing and product labeling reviews with the department.
    - Yes
    - No
- c) If the BOH chooses not to perform inspections and/or plan or process reviews of pools, spas, and other water features, wholesale food establishments, or body art facilities, they will be conducted by the Department or its designee. A designee may include a neighboring county under contract with the Department.
- d) If the BOH opts out of Pool and Body Art inspections, the BOH gives DPHHS the authority to sign Pool, Spa, and Body Art licenses for the county.
- e) If the BOH opts into Peer to Peer Inspector Training, they agree to have Trainers host a trainee, travel to the trainee's county, or a combination of the two, to perform routine inspections of licensed establishments (See Appendix B and Table 3). Only DPHHS-standardized or FDA-standardized inspectors may provide the Peer to Peer inspections of retail food establishments. Opting into this program means that you are only obligated to assist counties as time allows. It does not mean that you are expected to prioritize neighboring county trainings over your own.

2. To inspect public sleeping accommodations within its jurisdiction as follows:

- a) Inspect each hotel, motel, rooming house/boarding house/hostel before initial license validation, upon complaint, and routinely inspect at least once annually;

- b) Inspect each bed & breakfast and tourist/vacation home/condominium before initial license validation and upon complaint;
  - c) Complete follow-up inspections as determined necessary by the sanitarian; and
  - d) Make a reasonable effort to license all operating establishments, including tourist homes.
3. Inspections of licensed establishments must be performed by the local health officer, sanitarian, or sanitarian-in-training;
  4. To enter inspection dates into the Department's database, after inspection or within two weeks after the end of each quarter;
  5. A minimum of one person in the County will obtain access to the Department's licensing database, receive training, and enter the date and name of person performing each inspection;
  6. On a minimum of a quarterly basis, to notify the Department of any status changes to establishment licenses (i.e. out of business; change of ownership);
  7. To provide copies of inspection reports to the Department for auditing purposes, upon request;
  8. To notify the Department when a sanitarian or the BOH takes enforcement action that may impact a license; and
  9. To be eligible for payment from the Local Board Inspection Fund (LBIF), the County must maintain a functioning local board of health as required by Title 50 of the Montana Code Annotated.

**The Department agrees:**

1. To pay the percentage required by statute of each licensing fee received by the Department into a Local Board Inspection Fund. Fees paid into the fund will be collected from licensees of retail food establishments, wholesale food establishments, public accommodations, trailer courts and campgrounds, and, if applicable, body art establishments (see Table 2), pools, spas, and other water features;
2. To pay the BOH the license fee or fees associated with an establishment from the local board inspection fund, so long as the licensed establishment is inspected or reported as permanently closed and the license fee or fees have been paid by the establishment;
3. If the BOH inspects licensed establishments in program categories covered by this agreement before the end of the licensure year, payment from the Local Board Inspection Fund will be made at the rates according to statute using the payment

schedule in Table 1. Payment rules to be applied to the percentages can be found in Appendix A;

4. To provide copies of plan review correspondence to the county sanitarian;
5. The amount available from the local board inspection fund is solely dependent upon fees paid by licensed establishments within the relevant jurisdiction. The percentage paid to the BOH under the schedule is intended to be a percentage of the actual amount available in that fund based on amounts paid in from licensees. Under no circumstances will the Department be obligated to pay an amount larger than has been paid into the Local Board Inspection Fund. Payment is also dependent on statutory authority available to the State to make payments from the Local Board Inspection Fund;
6. To provide training, education, technical assistance and information to staff of local board of health;
7. To maintain a record of inspections submitted by the staff of the local board of health as required in rule; and
8. To provide analytical support through the Laboratory Services Bureau to the BOH's environmental health program regarding food safety. When necessary, support to environmental health programs may include food and environmental sampling for *Salmonella*, *Listeria*, and Shiga-toxin producing *E.coli*, along with clinical (human) testing for the analytes listed in the [public health laboratory manual](#).

The laboratory maintains and provides sample collection kits and technical support when food or water samples need to be collected and tested for contamination. This includes food sampling kits and drinking water emergency sampling supplies. Examples include assisting with *Listeria* swabbing or collecting and shipping samples of food for *Salmonella* or *E.coli* analysis.

The Laboratory Services Bureau is certified by Region 8 of the EPA and can provide water analysis for pesticides, herbicides, volatile organics, industrial chemicals, nutrients, enteric bacteria, oxygen demand, metals, mercury, as well as lead in paint and dust wipes. The laboratory not only tests drinking water, but also wastewater, groundwater, sediment, solid wastes, and plant and fish tissues.

In an outbreak or emergency where the Department cannot provide laboratory support through the Laboratory Services Bureau, it will work closely with relevant regulatory agencies and their laboratories including the CDC, FDA, and USDA.

**Table 1: Payment Schedule- Applies to Retail Food Establishments; Wholesale Food Establishments; Public Accommodations (except Tourist Homes and Bed & Breakfasts \*see note) Trailer Courts/Campgrounds; Body Art Establishments; Pools, Spas and Other Water Features (if applicable):**

Percent of Licensed Establishments Inspected by the County during the licensure year	LBIF Disbursement by Percentage
90% - 100%	100% (of paid licenses)
< 90%	1 Payment per Paid License per Inspection

\* Note: All license fees for Tourist Homes and Bed & Breakfast will be paid annually to the county and are not subject to Table 1.

**Table 2: License fees reimbursed to counties performing inspections of Body Art Establishments:**

License type	License fee	Reimbursement per inspection
Tattooing	\$135	\$121.50 (90%)
Body Piercing	\$135	\$121.50 (90%)
Ear lobe piercing only	\$75	\$67.50 (90%)

**Table 3: Peer to Peer Retail Food Inspector training:** Counties will be reimbursed for mileage, meals and lodging for their employees who may be either trainers or trainees and travel outside of their home counties for the purpose of peer to peer training. Counties who host a trainee will also be given an additional \$50 per training inspection. Please note that opting into this portion of the cooperative agreement does not obligate you to provide this service. Peer to peer trainings will only be done when both counties have time (See Appendix B).

Lodging*	State Rate (Approx. \$96/Night)
Meals	Up to \$30.50 Per day
Mileage	\$0.279 Per mile
Additional Inspection Reimbursement	\$50.00 Per Inspection

\* Note: Lodging will be reimbursed at the state rate unless preauthorization is granted by DPHHS; every attempt should be made to obtain state rates.

**Both parties agree that:**

1. The responsibilities of the parties are governed by the Montana Code Annotated and

the Administrative Rules of Montana and nothing in this agreement is intended to contradict or supplant relevant provisions of the laws of Montana; and

2. The following process is to be used in the event of a disagreement between the BOH and the Food & Consumer Safety Section (FCSS) about the terms of this agreement.
  - a. If the BOH is unable to resolve their disagreement with FCSS, a written notification from the BOH must be provided to the Communicable Disease Control and Prevention Bureau Chief. The BOH shall provide in writing specific details about the remaining issues that are in dispute. The Bureau Chief shall attempt to resolve the dispute. If unable to resolve the dispute, the reasons for the department's position on the issues in dispute must be presented to the BOH in writing.
  - b. If resolution of the disagreement is not obtained, the BOH may request a review and written determination to be made by the Public Health and Safety Division Administrator.
  - c. The decision of the Division Administrator may be appealed to the Department Director, whose decision is final.

**Liaisons:**

These persons serve as the primary contacts between the parties regarding the performance of the task order.

1. Ed Evanson is the liaison for DPHHS (phone: 406-444-5309)
2. Liaison for the BOH: Kathi Hooper, Director  
(Print name and title)

**For: Montana Department of Public Health and Human Services**

Signature: \_\_\_\_\_  
Printed name and title: Todd Harwell, Division Administrator  
Date: \_\_\_\_\_

**For: \_\_\_\_\_ County Board of Health**

Signature: \_\_\_\_\_  
Printed name and title: \_\_\_\_\_  
Date: \_\_\_\_\_

Please mail signed Agreement to: Ed Evanson, Supervisor  
DPHHS-Food & Consumer Safety Section  
P.O. Box 202951  
Helena MT 59620-2951

Appendix A:

Payment Rules for Licensed Establishments

The following scenarios describe how credit for an inspection will be applied to the percentage described in Table 1 of this Agreement. Any scenarios not covered by these business rules will be evaluated on a case by case basis.

<b>Scenario</b>	<b>License Fee(s) paid</b>	<b>Inspection(s) completed</b>	<b>Credit(s) toward percentage</b>
1	License fee paid	1 or more inspection(s) completed	1 credit toward percentage
2	License fee paid	0 inspections completed	0 credit toward percentage
3	License fee paid	0 inspection completed due to business closing	1 credit toward percentage
4	0 fees paid	0 inspections completed	0 credit toward percentage
5	2 license fees paid on 1 establishment due to change in ownership	2 inspections performed because of change in ownership	2 credits toward percentage
6	2 license fees paid on 1 establishment due to change in ownership	1 inspection performed	1 credit toward percentage
7	License fee paid for pool or spa operated throughout the year	1 full facility and 1 critical point inspection performed	1 credit toward percentage
8	License fee paid for seasonal pool or spa	1 full facility inspection performed	1 credit toward percentage

## Appendix B:

### Peer to Peer Inspector Training

One of the tasks of Food and Consumer Safety is to provide or facilitate training to ensure consistent, high quality inspections across the state. Joint inspections with experienced county inspectors are one way to accomplish that. To minimize the impact to county budgets, Food and Consumer Safety will fund peer to peer inspection training up to \$10,000 per year (allocated total for the entire state).

These funds are available on a first-come, first-serve basis for counties with a new inspector, or an inspector needing additional training in a certain type of inspection or inspection components outside of previous training. This may be a Sanitarian in Training (SIT) or is a sanitarian that is moving into inspection types with which they have limited experience.

Training will be provided at the discretion of the counties. If a county opts into this program but time and/or resources change the county is not obligated to host training or send a trainer to a neighboring county.

#### Minimum requirements for trainers:

1. Currently employed by a county and determined by FCS to be qualified to provide training;

#### The following applies to food inspections:

- a. Trainers must be standardized in food inspections by the State Standard or FDA Standard.
- b. Minimum Facility Requirements
  1. Risk Level 2, 3, or 4
- c. Inspections by Risk Level (see Annex 5, Table 1 of the 2013 Food Code)
  1. Risk Level 2 - no more than 3 inspections
  2. Risk Level 3 or 4 - up to 12 inspections
  3. If possible, facilities should include
    - a. retail processing,
    - b. HACCP, and
    - c. Molluscan shellfish sales or service
  4. FCS currently does not have plans to approve more than 15 Peer to Peer inspections at a time.

#### Reimbursement:

1. Trainers may host the trainee and/or travel to the trainee's county to perform inspections.
2. Reimbursement to the county for mileage, meals and lodging for either trainers or trainees who travel outside of their jurisdiction.
3. An additional \$50 per inspection for a county hosting a trainee, due to the additional amount of time required for training.

**Projected Reimbursement per training:**

Lodging	State Rate (Currently \$96/night)	x5 nights	\$480.00
Meals	\$30.50/day	x5 days	\$152.50
Mileage	\$0.279/mile	x400 miles	<u>\$111.60</u>
		Total travel	\$744.10

Additional inspection reimbursement			
	\$50.00/inspection	x15	<u>\$750.00</u>

**Total per sanitarian trained                    \$1494.10**

All peer to peer training must be pre-approved by FCS. To receive pre-approval, send the section the following information:

- 1) The training inspector
- 2) The trainee
- 3) The establishments to be visited with the risk categories
- 4) The number of days and nights spent training
- 5) The projected lodging cost
- 6) The projected mileage cost

Matrix to identify where State funds might be used ...

Situation	Sampling Paid By			Cleanup Paid By		
	EPA	State	Owner	EPA	State	Owner
If a developer is proposing the work - *Based on reasonable expectations relative to timing and minimum cleanup requirements (not their desired end product).	No			Yes*		
If the property and/or engineered controls have not been maintained	No			No		
If the property is a refusal	No			No		
If insurance will pay for part or all of repairs and owner provides insurance contacts - *EPA will pay for the applicable portion not paid by insurance	Yes			Yes*		
If property owner will not provide insurance contacts	No			No		
If property undergoes a land use change - *if necessary	Yes*			Yes*		
If property is outside the Superfund boundary - *EPA may possibly pay if there is hard evidence that can tie the contamination back to the mine.	No*			No*		
If there is a 'miss' or 'unforeseen condition' - private property owner	Yes			Yes		
If there is a 'miss' or 'unforeseen condition' - developer	Yes			Yes		

# City-County Board of Health for Lincoln County

418 Mineral Ave  
Libby, MT 59923



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Motion from the 11/13/19 meeting of the City-County Board of Health for Lincoln County:

The BOH requests that DEQ and EPA provide public comment periods for the ICIAP, the O&M Plan and the O&M Manual, and not finalize them until a public informational meeting has been conducted and input related to all documents can be considered.

So moved by Mark Peck, seconded by Sara Mertes. Motion passed unanimously.