

**HEALTH AND ENVIRONMENT REGULATIONS**  
**CHAPTER 1: Control of Air Pollution**  
**Subchapter 1: General Provisions**

Revised 12 April 2017

**75.1.101**        **INTENT:**        The purpose of this chapter is to achieve and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and property, and facilitate the enjoyment of the natural attractions of Lincoln County.

**75.1.102:**        **SCOPE:**        Unless otherwise indicated, the rules of Chapter 1 apply to activities and sources within the Air Pollution Control District.

**75.1.103**        **DEFINITIONS:** As used in this chapter, unless indicated otherwise, the following definitions apply:

- (1)        "Air Contaminant" means dust, ash, fumes, gas, mist, smoke, vapor or any particulate matter or a combination thereof present in the outdoor atmosphere.
- (2)        "Air Pollution Control District" means the geographical area designated on the attached map and as defined by the following Universal Transverse Mercator (UTM) coordinates:

Begin, 600000mE, 5370000mN; east to 620000mE, 5370000mN; south to 620000mE, 5340000mN; west to 600000mE, 5340000mN; north to 600000mE, 5370000mN.

- (3)        "Department" means the Lincoln County Environmental Health Department.
- (4)        "DEQ" means the Montana Department of Environmental Quality.
- (5)        "Emission" means a release into the outdoor atmosphere of an air contaminant.
- (6)        "EPA" means the US Environmental Protection Agency.
- (7)        "MAAQS" means Montana Ambient Air Quality Standards.
- (8)        "NAAQS" means National Ambient Air Quality Standards.
- (9)        "Person" means an individual, a partnership, a firm, an association, a municipality, a public or private corporation, the state or a subdivision or agency of the state, a trust, an estate, an interstate body, the federal government or an agency of the federal government, or any other legal entity and includes persons resident in Canada.
- (10)       "PM10" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 10 micrometers.
- (11)       "PM2.5" means particulate matter with an aerodynamic diameter of less than or equal to a nominal 2.5 micrometers.

**75.1.104**        **SELECTION & IMPLEMENTATION OF CONTINGENCY MEASURE PROGRAMS:**

(1)        Upon notification by DEQ or EPA that the Air Pollution Control District has failed to attain NAAQS/MAAQS or make reasonable further progress in reducing emissions, the Department shall determine the source(s) contributing to the violation and designate the associated contingency measure(s) to be implemented. The Department shall identify sources of contribution based upon documented observations of emission sources and corresponding EPA reference method monitoring data.

(2)        Unless otherwise provided by Section 75.1.104(2)(d), and within 60 days of notification from DEQ or EPA, the Department shall implement the following contingency measure(s) to reduce emissions from a source(s) identified as a contributor.

- (a)        If residential wood burning is determined to be a contributing source, the Department shall implement Section 75.1.208.

(b) If re-entrained dust is determined to be a contributing source, the Department shall implement Section 75.1.307.

(c) If industrial facility emissions are determined to be a contributing source, DEQ shall initiate contingency measures to reduce emissions.

(d) The Department shall address failure to attain NAAQS or to make reasonable further progress in reducing emissions attributable to natural events or impacts generating activities occurring outside state or local jurisdictional control according to EPA policy while initiating interim contingency measures at the local level.

(e) If no emission source(s) can be identified as a contributor, the Department shall conduct a comprehensive review, including chemical and microscopic filter analysis. Until such time as the review and analyses have been completed, the Department shall implement at least one of the above contingency measures on an interim basis. Any selected interim contingency measure(s) shall remain in effect until the Department completes a comprehensive review and determines whether a permanent contingency measure is necessary.

(3) Early voluntary implementation of a contingency measure shall not result in a requirement to develop additional moderate area contingency measures if the area later fails to attain the NAAQS/MAAQs or make reasonable further progress in reducing emissions. However, redesignation could necessitate additional control measures including Best Available Control Measures (BACM), Best Available Control Technology (BACT) and/or additional contingency measures.

**75.1.105 ENFORCEABILITY:**

The provisions of the regulations in this ordinance are enforceable by the Lincoln County Environmental Health Department authorities and/or appropriate law enforcement officials.

**75.1.106 CONFLICT OF ORDINANCES:**

(1) In any case where a provision of these regulations is found to be in conflict with a provision of any zoning, building, fire, safety or health ordinance or code of any City of, Town of, or of the County of Lincoln, the provision which, in the judgment of the Health Officer, established the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(2) If any portion of these regulations should be declared invalid for any reason whatsoever, such decision shall not affect the validity of the remaining portion(s) of the ordinance and such portions shall remain in full force and effect.

**SUBCHAPTER 2: SOLID FUEL BURNING DEVICE REGULATIONS**

**75.1.201 INTENT:**

(1) A regulation reducing the levels of particulate air pollutants to or below levels of the NAAQS/MAAQs.

(2) This regulation is necessary to preserve, protect, improve, achieve and maintain such levels of air quality as will protect the health and welfare of the citizens of Lincoln County.

**75.1.202 SCOPE AND EFFECTIVE DATE:**

(1) This regulation applies to all persons, agencies, institutions, businesses, industries or government entities living in or located within the Air Pollution Control District except for sources exempt from local regulation under 75-2-301(5), MCA.

(2) The effective date of this sub-chapter is January 1, 2007.

**75.1.203**        **DEFINITIONS:** As used in this subchapter, unless indicated otherwise, the following definitions apply:

- (1)        “Opacity” means a measurement of visible emissions defined as the degree expressed in percent to which emissions reduce the transmission of light and obscure the view of an object in the background.
- (2)        “Operating Permit” means a permit issued by the Department that allows the use of a solid fuel burning device within the boundaries of the Air Pollution Control District.
- (3)        “Pellet Fuel Burning Device” means a solid fuel burning device that burns only automatically fed biomass, pelletized fuels.
- (4)        “Solid Fuel Burning Device” means any fireplace, fireplace insert, wood stove, pellet stove, pellet furnace, wood burning heater, wood-fired boiler, wood or coal-fired furnace, coal stove, or similar device burning any solid fuel used for aesthetic, cooking, heating or other purpose.
- (5)        “Standard Catalytic Device” means a solid fuel burning device with a catalytic emissions control system that has been certified by EPA test method as having emissions <4.1 grams/hour.
- (6)        “Standard Non-Catalytic Device” means a solid fuel burning device with a non-catalytic emissions control system that has been certified by EPA test method as having emissions <7.5 grams/hour.

**75.1.204**        **OPERATING & EMISSION LIMITS:**

- (1)        No person may install or operate any type of solid fuel burning device without a valid Operating Permit issued by the Department.
- (2)        No person may burn any material in a solid fuel burning device except uncolored newspaper, untreated wood and lumber, and products manufactured for the sole purpose of use as a solid fuel. Products manufactured or processed for use as solid fuels must conform to any other applicable provisions of this subchapter.
- (3)        In the absence of an Air Pollution Alert, no person operating a solid fuel burning device may cause or allow the discharge of visible emissions greater than twenty percent opacity. The provisions of this section do not apply to visible emissions during the building of a new fire, for a period or periods aggregating no more than twenty minutes in any four-hour period.
- (4)        During an Air Pollution Alert, no person operating a solid fuel burning device that is permitted for use during an Alert may cause or allow the discharge of visible emissions greater than ten percent opacity. The provisions of this subsection shall not apply during the building of a new fire, for a period or periods aggregating no more than twenty minutes in any four-hour period. No person may operate a standard catalytic or non-catalytic solid fuel burning device during an Air Pollution Alert.

**75.1.205**        **SOLID FUEL BURNING DEVICE PERMITS:**

- (1)        Prior to installing or operating a solid fuel burning device in any residential or commercial property, a person shall obtain from the Department a permit based on the following information:
  - (a)        the owner/operator of the device;
  - (b)        contact information for the device owner/operator;
  - (c)        location of the device;
  - (d)        device manufacturer & model;
  - (e)        type of device (rating); and
  - (f)        any other relevant information for the Department to determine whether it satisfies the requirements of this regulation.
- (2)        The Department may issue Operating Permits only for the following types of solid fuel burning devices:
  - (a)        **Standard catalytic devices.** The Department may issue an Operating Permit for a catalytic solid fuel burning device. Standard catalytic devices may not be operated during an Air Pollution Alert. Implementation

of the contingency measure in 75.1.208 would automatically invalidate the operating permit for this type of device.

(b) **Standard non-catalytic devices.** The Department may issue an Operating Permit for a non-catalytic solid fuel burning device. Standard non-catalytic devices may not be operated during an Air Pollution Alert. Implementation of the contingency measure in 75.1.208 would automatically invalidate the operating permit for this type of device.

(c) **Pellet fuel burning devices.** The Department may issue an operating permit for a biomass pellet fuel burning device. Pellet fuel burning devices may be operated during an Air Pollution Alert. Implementation of the contingency measure in 75.1.208 would not invalidate the operating permit for this type of device.

(3) Unless otherwise invalidated by implementation of a contingency measure or future changes in solid fuel burning device regulations, Operating Permits are valid until the named owner/operator changes or the device is removed or modified in any way. Permits may not be transferred from person to person or from place to place.

(4) An Operating Permit for a solid fuel burning device may be revoked by the Department for non-compliance with these regulations or Operating Permit conditions.

#### **75.1.206 AIR POLLUTION ALERTS:**

(1) The Department may declare an Air Pollution Alert to be in effect whenever ambient PM concentrations, as averaged over a four hour period, exceed a level 20 percent below any state or federal ambient 24-hour standard established for particulate matter; and when scientific and meteorological data indicate the average concentrations will remain at or above these levels over the next 24 hours.

(2) The Department may also declare an Air Pollution Alert to be in effect whenever scientific and meteorological data indicate that the ambient PM concentrations over any four-hour period within the next twenty—four hours may reasonably be expected to exceed a level 20 percent below any state or federal ambient 24-hour standard established for particulate matter.

(3) No person shall be subject to any violation of 75.1.204(4) for three hours after the Department declares an Air Pollution Alert and makes that information reasonably available to the public.

#### **75.1.207 ENFORCEMENT PROCEDURES & PENALTIES:**

(1) Whenever the Department determines that there is probable cause to believe that a violation of any provision of 75.1.204 or a condition or limitation imposed by an operating permit has occurred, the department shall document any evidence and issue a "Notice of Violation" and, unless the notice of violation is issued as a warning, as described below, issue a "Notice to Appear and Complaint"/citation to appear. The notice of violation and citation shall be served:

- i. in person to the violator,
- ii. by leaving the documents at the premises where the violation occurred,
- iii. by first class mail to the address where the violation occurred, allowing three business days for receipt by violator, or
- iv. by certified, return-receipt mail on the violator or his/her agent

The first notice of violation issued shall be considered a warning to the violator and shall include educational and compliance information on air pollution regulations.

All notices of violation shall specify the provision(s) of the ordinance or permit condition alleged to have been violated and the facts alleged to constitute the violation.

(2) For any violation observed after the first notice has been served, the Department shall serve a notice to appear and complaint citation along with a notice of violation as specified in 75.207.1.i-iv.

(3) Any person in violation of a provision of 75.1.204 is guilty of a misdemeanor and, upon conviction, is subject to a fine of not less than \$25.00 or more than \$500 for each offense. Each provision, condition or limitation violated shall be considered a separate offense.

No person may be cited for the same violation more than once in any calendar day. However, the Department may serve a notice of violation and notice to appear and complaint citations for each calendar day of violation and each such notice is considered as a separate violation.

**75.1.208 CONTINGENCY MEASURES:**

(1) If compliance with NAAQS/MAAQs are not achieved or compliance levels are not maintained, and the Department determines that solid fuel burning device emissions are a contributor to non-compliance, the Department shall implement the following control measure:

(a) No person may operate a solid fuel burning device except a biomass pellet fuel burning device with a valid operating permit issued by the Department.

**SUBCHAPTER 3: DUST CONTROL REGULATIONS:**

Control Measures For Roads, Parking Lots And Commercial Lots

**75.1.301 INTENT:** Regulations enacting an emission control plan within the Air Pollution Control District to meet NAAQS for particulate matter by requiring dust abatement and control.

**75.1.302 SCOPE & EFFECTIVE DATE:**

(1) This regulation applies to all persons, agencies, institutions, businesses, industries or government entities living in or located within the "Regulated Road Sanding and Sweeping District."

(2) The effective date of this subchapter is January 1, 2007.

**75.1.303 DEFINITIONS:** As used in this subchapter, unless indicated otherwise, the following definitions apply:

(1) "Areas of Public Safety Concern" means specific areas that may include, but are not necessarily limited to: roadways with steep grade hills; roadways around public school facilities; and parking areas for medical, senior or public school facilities.

(2) "Commercial Yard/Lot" means a parcel of land located off the public right-of-way with uses that may include, but are not necessarily limited to, logging yards, bus lots, store and shopping parking areas, construction firms, trucking/transportation firms, and industrial facility sites.

- (3) "Emergency Situation" means a situation when:
- (a) Liquid de-icing agents and/or de-icing salts become unavailable due to circumstances beyond the control of the person, government or private entity maintaining a roadway, alley, parking lot or commercial yard/lot or;
  - (b) due to extreme weather conditions, or hazardous roadways, liquid de-icing agents and/or de-icing salts do not provide adequate traction for public safety.
- (4) "Parking Lot" means a parcel of land located off of the public right-of-way which is not less than 5,000 square feet in size and which is primarily used for the temporary storage of motor vehicles. A parking lot as used in this regulation does not include lots for the storage of special mobile equipment as defined in 61-1-101(59), MCA.
- (5) "Prioritized Street Sweeping and Flushing" means a schedule of street sweeping and/or flushing which cleans streets with the highest traffic volumes first and proceeds in descending order of traffic volume to streets with the lowest traffic volume. When all ice-free streets have been cleaned the cycle is immediately repeated.
- (6) "Reasonably Available Control Technology" means
- (a) During winter, prioritized street sweeping and flushing of streets with accumulated carry-on or applied materials shall commence on the first working day after the roadbed becomes ice-free and temperatures remain above freezing.
  - (b) During summer, street sweeping and/or flushing which is accomplished on an as-needed basis to remove any accumulated carry-on or applied materials, with priority given to streets with the highest traffic volumes.
- (7) "Regulated Road Sanding and Sweeping District" means the geographical area designated by the attached map, wherein the regulations of this sub-chapter apply, and defined as follows:  
 Point of beginning: intersection of Pipe Creek Road and Highway 37 North, follow Highway 37 south to Thomas Road then west-northwest along the Kootenai River to the west end of Jay-Effar Road; then west-southwest across Highway 2 to Parsnix Way; then south-southeast along the base of the foothills, crossing Flower Creek Road and Main Avenue, to Reese court; then south along Cabinet Heights Road and Westgate to Snowshoe Road; then North-northeast on Shaughnessy Road to Highway 2; then east to Libby Creek; then north following the streambank of Libby Creek to the Kootenai River; then west-northwest along the Kootenai River to Highway 37; then north on Highway 37 to the point of beginning.
- (8) "Road" means any road or alley which is greater than 50-feet in length and which has or is projected to have an average traffic volume greater than 50 vehicles per day.
- (9) "Summer" means the months of May, June, July, August, September and October.
- (10) "Winter" means the months of November, December, January, February, March and April.

**75.1.304 LIMITATION ON USE AND ON APPLICATION OF MATERIALS:**

- (1) No person may allow vehicular operation on any road, parking lot or commercial yard/lot that is not paved or otherwise surfaced or treated to prevent vehicular carry-on and wind-borne entrainment of dust.
- (a) If an emergency situation arises that requires vehicular operation in/on an untreated area, the Department may authorize utilization of the area during the course of the emergency provided alternative methods are implemented to minimize carry-on or entrainment.
- (2) With the exception of "Emergency Situations" and "Areas of Public Safety Concern", sanding materials may not be applied. Only liquid de-icing agents and/or

de-icing salts may be used on roads, parking lots and commercial yards/lots.

(3) No person may place any sanding or chip seal material on any road, parking lot or commercial yard/lot which has a durability, as defined by the Montana Modified LA Abrasion Test, of greater than 7, and a fines content of material smaller than 200 mesh, as determined by standard wet sieving methods, that exceeds 3 percent oven dry weight.

(4) A person, prior to application, shall test materials proposed for use as sanding or chip seal material and provide the Department laboratory test data demonstrating that the material meets the specified requirements for durability and fines content.

**75.1.305 STREET SWEEPING & FLUSHING:**

(1) Any person responsible for the maintenance of a road shall implement and maintain a schedule of prioritized street sweeping and flushing.

(2) Reasonably available control technology shall be utilized to assure timely removal of carry-on or applied accumulations from all roads.

**75.1.306 SPECIFIC MEASURES FOR COMMERCIAL YARDS/LOTS:**

(1) Operators of all commercial yards/lots shall implement measures to prevent the collection and deposition of dust from equipment wheels and chassis.

(2) Operators of all commercial yards/lots shall implement dust suppression measures (chemical dust suppressants, dust oiling, watering, etc.) in bare, undeveloped areas of the property(ies) to eliminate fugitive air-born dust.

(3) Operators of all commercial yards/lots shall clean carry-on material generated from their facility from adjoining roadways in a timely manner.

**75.1.307 CONTINGENCY MEASURES:**

(1) If compliance with NAAQS is not achieved or compliance levels are not maintained, and the Department determines that re-entrained dust emissions contribute to non-compliance, the Department shall implement the following control measure:

(a) The Regulated Road Sanding and Sweeping District shall be extended to the boundaries of the Air Pollution Control District.

(b) Control measures in place for the Regulated Road Sanding and Sweeping District shall apply throughout the entire Air Pollution Control District.

**75.1.308 MATERIALS APPLICATION OUTSIDE THE DISTRICT:**

(1) For all areas of the Air Pollution Control District that lie outside of the Regulated Sanding and Sweeping District, each person or government or private entity is strongly encouraged to reduce the amount of sanding materials applied, taking into consideration public safety and air quality.

(2) Outlying areas and low traffic volume roads should have a low priority.

(3) Residential areas may receive less sanding material because of lower speeds.

(4) Adding salt compounds to conventional sanding materials reduces the total amount of sand applied.

(5) Vehicles used for winter driving should be equipped with winter tires or traction devices.

**75.1.309 ENFORCEMENT PROCEDURES & PENALTIES:**

(1) Whenever the Department determines that there is probable cause to believe that a violation of any provision of 75.1 subchapter 3 has occurred, the Department shall document any evidence and issue a "Notice of Violation" and "Notice to Appear and Complaint"/citation to appear. The notice of violation and citation shall be served:

- i. personally to the violator,
  - ii. by leaving the documents at the property where the violation occurred,
  - iii. by first class mail to the address where the violation occurred, allowing three business days for receipt by violator, or
  - iv. by certified, return-receipt mail on the violator or his/her agent.
- (2) Any person in violation of any provision of 75.1 subchapter 3 is guilty of a misdemeanor and shall be, upon conviction, subject to a fine of not less than \$25 or more than \$500 for each. Each provision, condition or limitation violated shall be considered a separate offense.

No person may be cited for the same violation more than once in any calendar day. However, the Department may serve a notice of violation and notice to appear and complaint citation for each calendar day of violation and each such notice is considered as a separate violation.

#### **SUBCHAPTER 4: OUTDOOR BURNING REGULATIONS**

**75.1.401 INTENT:**

- (1) Local geographic features and concentrations of populations in Libby and the immediate surrounding area necessitate rules and regulations concerning the outdoor burning of waste materials.
- (2) Experience has demonstrated that air quality degradation and public health problems are often associated with the improper burning of waste materials in both urban and suburban areas.
- (3) The purpose of this regulation is to improve air quality and meet NAAQS/MAAQS for particulate matter by restricting non-essential outdoor burning, promoting alternative disposal methods and recycling, and setting standards to minimize emissions when outdoor burning is required.

**75.1.402: SCOPE AND EFFECTIVE DATE:**

- (1) This regulation applies to all persons, agencies, institutions, businesses, industries or government entities living in or located within the boundaries of the Air Pollution Control District and Impact Zone L and to all licensed landfills within the boundaries of Lincoln County.
- (2) The effective date of this sub-chapter is April 15, 2006.

**75.1.403 DEFINITIONS:**

- (1) "Best Available Control Technology" (BACT) means those techniques and methods of controlling emissions of pollutants from an existing or proposed outdoor burning source which limit those emissions to the maximum degree which the Department determines, on a case-by-case basis, is achievable for that source, taking into account impacts on energy use, the environment, and the economy, and any other costs.
- Such techniques and methods may include the following: scheduling of burning during periods and seasons of good ventilation; applying dispersion forecasts; utilizing predictive modeling results performed by and available from DEQ to minimize smoke impacts; limiting the amount of burning to be performed during any one time; using ignition and burning techniques which minimize smoke production; selecting fuel preparation methods that will minimize dirt and moisture content; promoting fuel configurations which create an adequate air to fuel ratio; prioritizing burns as to air quality impact and assigning control techniques accordingly; promoting alternative treatments and uses of materials to be burned; and selecting sites that will minimize smoke impacts. BACT for all residential and management



outdoor burning includes burning only as authorized by and during the time periods specified by the Department.

- (2) "Bonfire" means a ceremonial fire or small recreational fire, in which the materials burned are cordwood or clean untreated dimensional wood and which is conducted by an educational, fraternal or religious organization for the purpose of celebrating a particular organization-related event or for a social gathering, picnic, campout, fireside singalong, etc.
- (3) "Christmas Tree Waste" means wood waste from commercially grown Christmas trees left in the field where the trees were grown, after harvesting and on-site processing.
- (4) "Conditional Open Burning Permit" means a permit issued to conduct outdoor burning at a licensed landfill.
- (5) "Emergency outdoor burning" means an event beyond individual control that necessitates the use of outdoor burning in order to dispose of a substance that poses an immediate threat to public health and safety, or plant or animal life, and for which no alternative method of disposal is reasonably available.
- (6) "Impact Zone L" means all of the land within the following boundaries: Beginning at Kootenai Falls, going southeast to Scenery Mountain, then south to Indian Head, then south to Treasure Mountain, then south to Mount Snowy, then east to Double N Lake, then across Highway 2 going northeast to McMillan Mountain, then north to Swede Mountain, then northeast across Highway 37 to the Vermiculite Mine, then west to Sheldon Mountain, then west-northwest to Flagstaff Mountain, then southwest to Kootenai Falls, the point of beginning.
- (7) "Libby Outdoor Burning Control Area" means all of the land included with the boundaries of the Air Pollution Control District and Impact Zone L, including the City of Libby.
- (8) "Licensed Landfill" means a solid waste disposal site that is licensed for operation by DEQ.
- (9) "Licensed Landfill Outdoor Burning" means burning at a licensed landfill pursuant to a conditional outdoor burning permit.
- (10) "Major Open Burning Source" means any person, agency, institution, business or industry conducting any outdoor burning that, on a statewide basis, will emit more than 500 tons per calendar year of carbon monoxide or 50 tons per calendar year of any other pollutant regulated under ARM 17.8.101 et seq., except hydrocarbons.
- (11) "Management Burning" means any person, agency, institution, business or industry conducting any outdoor burning for any purpose except residential burning, including forestry/wildlife management, licensed landfill management, firefighter training exercises, commercial film productions, or fuel hazard reduction which is designated as necessary by a fire protection agency.
- (12) "Outdoor Burning" means the combustion of any material directly in the open air without a receptacle, or in a receptacle other than a furnace, multiple chambered incinerator, or wood waste burner, with the exception of unexploded ordnance, small recreational fires (including bonfires), construction site heating devices used to warm workers, or safety flares used to combust or dispose of hazardous or toxic gases at industrial facilities, such as refineries, gas sweetening plants, oil and gas wells, sulfur recovery plants or elemental phosphorus plants.
- (13) "Residential Burning" means any outdoor burning conducted on a residential, farm or ranch property to dispose of vegetative wastes.
- (14) "Salvage operation" means any operation conducted in whole or in part to salvage or reclaim any product or material, except the silvicultural practice commonly referred to as a salvage cut.
- (15) "Trade wastes" means solid, liquid or gaseous material resulting from construction or operation of any business, trade, industry or demolition project.

Wood product industry wastes such as sawdust, bark, peelings, chips, shavings, branches, limbs and cull wood are considered trade wastes. Trade wastes do not include Christmas tree waste or wastes generally disposed of by residential outdoor burning or management outdoor burning, as defined in these regulations.

**75.1.404 OUTDOOR BURNING CONTROL AREAS:**

- (1) Outdoor burning regulations shall apply to all outdoor burning activities within the boundaries of the Air Pollution Control District and/or Impact Zone L. The Department may issue restrictions and prohibit outdoor burning activities within these boundaries.
- (2) Restrictions and permitting regulations for Licensed landfills shall apply throughout the boundaries of Lincoln County.

**75.1.405 PROHIBITED MATERIALS & ACTIVITIES:**

- (1) 40 Code of Federal Regulations (CFR) Part 261, which identifies and defines hazardous wastes, is hereby incorporated by reference.
- (2) Except as specifically provided under ARM 17.8.604 for firefighter training, commercial film production and licensed landfills; the following materials may not be disposed of by outdoor burning:
  - (a) any waste moved from the premises where it was generated;
  - (b) food wastes;
  - (c) styrofoam and other plastics;
  - (d) wastes generating noxious odors;
  - (e) wood and wood by-products that have been treated, coated, painted, stained, or contaminated by a foreign material, such as papers, cardboard, or painted or stained wood;
  - (f) poultry litter;
  - (g) animal droppings;
  - (h) dead animals or dead animal parts;
  - (i) tires;
  - (j) rubber materials;
  - (k) asphalt shingles;
  - (l) tar paper;
  - (m) automobile or aircraft bodies and interiors;
  - (n) insulated wire;
  - (o) oil or petroleum products;
  - (p) treated lumber and timbers;
  - (q) pathogenic wastes;
  - (r) hazardous wastes as defined by 40 CFR Part 261;
  - (s) trade wastes;
  - (t) any materials resulting from a salvage operation;
  - (u) chemicals;
  - (v) Christmas tree waste;
  - (w) asbestos or asbestos-containing materials;
  - (x) standing or demolished structures; and
  - (y) paint.
- (3) The burning of stumps, the burning of grass clippings and leaves, and overnight smoldering of burns is prohibited.
- (4) Burning on any city or county street, road or alley is prohibited.
- (5) The use of burn barrels, or other unapproved devices, is prohibited.

**75.1.406 OUTDOOR BURNING PERIODS:** Various types of outdoor burning activities are limited to the following time periods:

- (1) **Residential burning – April 1 through April 30:**
  - (a) Residential Outdoor Burning may be conducted during the month of April.

- (b) In the event of unduly wet or wintry weather conditions during the month of April, the Department may extend the residential burning season into the month of May.
- (c) No person may conduct residential outdoor burning at any other time during the year.
- (2) **Management Burning – April 1 through October 31:**
  - (a) Management burns may be conducted throughout the management burning season of April 1 through October 31.
- (3) **Closed Burning Periods – November 1 through March 31:**
  - (a) No person may conduct outdoor burning during the months of November, December, January, February and March.
  - (b) The Department may authorize exceptions for emergency outdoor burning after receiving the following information:
    - (i) facts establishing that alternative methods of disposing of the substance are not reasonably available;
    - (ii) facts establishing that the substance to be burned poses an immediate threat to human health and safety or plant or animal life;
    - (iii) the legal description or address of the site where the burn will occur;
    - (iv) the amount of material to be burned;
    - (v) the date and time of the proposed burn; and
    - (vi) the date and time that the spill or incident giving rise to the emergency was first noticed.
  - (c) Management burning in closed burning periods may be conducted based on a written demonstration of need from a fire protection agency and approval from the Department prior to each ignition.

**75.1.407 GENERAL COMPLIANCE & PERMITTING REQUIREMENTS:**

- (1) Outdoor burning is allowed only on days with good ventilation/dispersion forecasts. The Department will make this determination based on available interagency meteorological information and local ambient particulate concentrations.
- (2) All residential burners shall apply for and receive an Air Quality Permit from the Department prior to initiating any outdoor burn.
- (3) All burners shall apply for and receive any necessary fire permit(s) from the jurisdictional fire protection agency prior to initiating any burn.
- (4) All burners shall use alternative disposal methods when reasonably available.
- (5) All burners shall utilize BACT.
- (6) All residential burners shall call the Air Quality Hotline (currently 293-5644) prior to ignition and comply with established burning hours and any burning bans or other announced restrictions.
- (7) All management burners shall contact the Department and receive approval prior to ignition of a planned burn. The Department may authorize, restrict, or prohibit proposed burns after reviewing meteorological dispersion forecasts and local conditions.
- (8) Prior to conducting any outdoor burning, all major open burning sources shall apply for and receive an air quality major open burning permit pursuant to ARM 17.8.610.

**75.1.408 SPECIAL COMPLIANCE & PERMITTING REQUIREMENTS:**

- (1) **Firefighter Training:**
  - (a) Prior to conducting outdoor burning sessions as part of their training program, Fire Departments shall apply for and receive a Firefighter Training Permit issued by DEQ.
  - (b) Any person planning Firefighter Training outdoor burning shall contact the Department and receive approval prior to conducting the training

burn. The Department may authorize, restrict, or prohibit proposed burns after reviewing meteorological dispersion forecasts, local conditions and annual emissions limitations.

(c) Any person planning Firefighter training outdoor burning shall provide at least three weeks advance notice to all residents within a 1/4-mile or four-block radius of the proposed training site. The Department and County Health Officer shall evaluate any concerns about environmental or health impacts presented by surrounding residents prior to authorization or denial of the outdoor burning.

(2) **Commercial Film Production Burns:**

(a) Anyone planning to conduct Commercial Film Production outdoor burning shall apply for and receive a Commercial Film Production Permit issued by DEQ.

(b) Anyone planning Commercial Film Production outdoor burning shall contact the Department and receive approval prior to conducting outdoor burning. The Department may authorize, restrict, or prohibit proposed burns after reviewing meteorological dispersion forecasts, local conditions and annual emissions limitations.

(3) **Fuel Hazard Reduction:**

(a) Any proposed burn for fuel hazard reduction must be designated as necessary by a fire protection agency.

(b) Anyone planning Fuel Hazard Reduction outdoor burning shall contact the Department and receive approval prior to conducting outdoor burning. The Department may authorize, restrict, or prohibit proposed burns after reviewing meteorological dispersion forecasts, local conditions and annual emissions limitations.

(4) **Licensed Landfill Burns**

(a) All licensed landfills within the boundaries of Lincoln County must:

(i) Have an approved burn site, as designated in the solid Waste Management System License issued by the DEQ, pursuant to ARM Title 17, chapter 50, subchapter 5, before a Conditional Air Quality Open Burning permit may be issued.

(ii) Obtain a Conditional Air Quality Outdoor Burning Permit from the Department before burning. A new permit must be obtained for each burn.

(iii) Comply with all conditions of the permit.

(b) No licensed landfill within the boundaries of Lincoln County shall cause or allow the burning of untreated wood waste unless they have first applied for and received a permit for such outdoor burning from the Department.

(c) The Department may issue a conditional air quality open burning permit if the Department determines that:

(i) alternative methods of disposal would result in extreme economic hardship to the applicant; and

(ii) emissions from open burning will not endanger public health or welfare or cause or contribute to a violation of any NAAQS/MAAQS.

(d) The Department must be reasonable when determining whether alternative methods of disposal would result in extreme economic hardship to the applicant.

(e) Conditional outdoor burning must conform with BACT.

- (f) The Department may issue a conditional air quality outdoor permit to dispose of untreated wood waste at a licensed landfill site, if the Department determines that:
- (i) the proposed open burning will occur at an approved burn site as designated in the solid waste management system license issued by DEQ pursuant to ARM title 17, chapter 50, subchapter 5; and
  - (ii) prior to the issuance of the air quality open burning permit, the wood waste pile is inspected by the Department or its designated representative and no prohibited materials listed in 75.1.405(2), other than wood waste, are present.
- (g) A permit issued under this rule is valid for a single burn of untreated wood waste at licensed landfill sites. A new permit must be obtained for each burn.
- (h) The Department may place any reasonable requirements in a conditional air quality open burning permit that it determines will reduce emissions of air pollutants or minimize the impact of emissions and the recipient of a permit must adhere to those conditions.
- (i) An application for a conditional air quality open burning permit must be made on a form provided by the Department. The applicant shall provide adequate information to enable the Department to determine whether the application satisfies the requirements for a conditional air quality open burning permit contained in this rule. Proof of publication of public notice, as required in section (j) of this rule, must be submitted to the Department before an application will be considered complete.
- (j) An applicant for a conditional air quality open burning permit shall notify the public of the application by legal publication, at least once, in a newspaper of general circulation in the area affected by the application. The notice must be published no sooner than 10 days prior to submittal of an application and no later than ten days after submittal of an application. Form of the notice must be provided by the Department and must include a statement that public comments may be submitted to the Department concerning the application within 20 days after publication of notice or filing of the application, whichever is later. A single public notice may be published for multiple applications.
- (k) When the Department approves or denies the application for a permit under 75.1.408(4), a person who is jointly or severally adversely affected by the decision may request a hearing before the Lincoln County Board of Health. The request for hearing must be filed within 15 days after the Department renders its decision and must include an affidavit setting forth the grounds for the request. The Department's decision on the application is not final unless 15 days have elapsed from the date of the decision and there is no request for a hearing under this section. The filing of a request for a hearing postpones the effective date of the Department's decision until the conclusion of the hearing and issuance of a final decision by the Lincoln County Board of Health.

**75.1.409            ENFORCEMENT PROCEDURES & PENALTIES:**

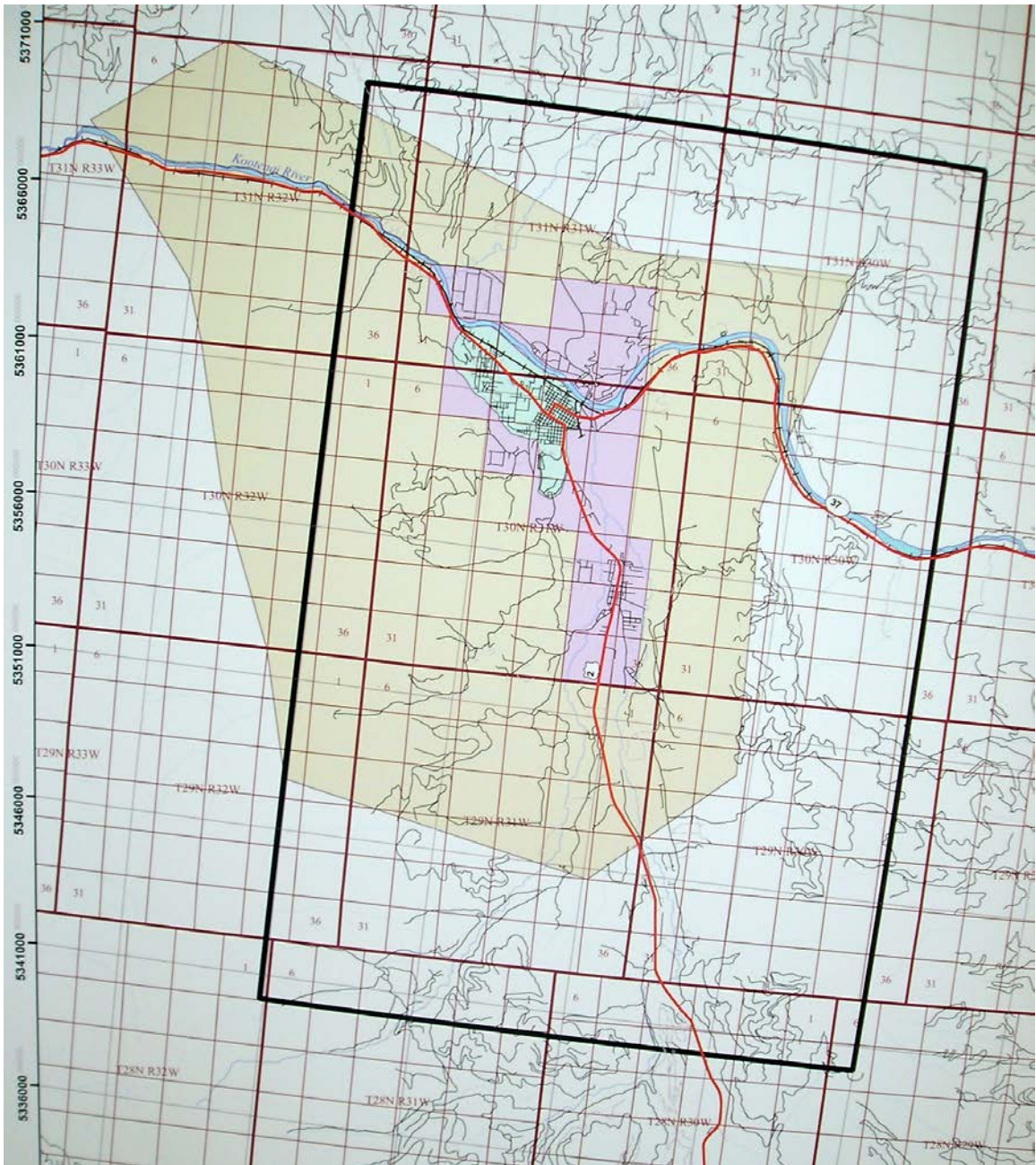
- (1) Whenever the Department determines that there is probable cause to believe that a violation of any provision of 75.1 subchapter 4 or a condition or limitation imposed by a burning permit or authorization has occurred, the Department shall document any evidence and issue a "Notice of Violation" and "Notice to Appear and Complaint"/citation to appear. The notice of violation and citation shall be served:
- i. personally to the violator or

- ii. by leaving the documents at the property where the violation occurred.

(42) Any person in violation of any provision of these regulations or any provision of any directive, action, permit, or approval adopted pursuant to the authority granted by these regulations is guilty of a misdemeanor and, except for violations of Section 75.1.405(2)(r), shall be, upon conviction, subject to a fine of not less than \$25 or more than \$500 for each. Each provision, condition or limitation violated shall be considered a separate offense.

Any person who knowingly or purposely violates Section 75.1.405(2)(r), burning hazardous wastes as defined by 40 CFR Part 261, shall be, upon conviction, subject to a fine not to exceed \$10,000 per day per violation.

No person may be cited for the same violation more than once in any calendar day. However, the Department may serve a notice of violation and notice to appear and complaint citation for each calendar day of violation and each such notice is considered as a separate violation.



Board of Health Regulation No. 3  
A Regulation Governing Wastewater Treatment and  
Disposal in Lincoln County, Montana

Effective Date: January 20, 1982

Revised Date: June 1, 1993

Revised Date:

**SECTION 1: AUTHORITY AND PURPOSE**

A. Title and Enforcement

This regulation shall be known as "THE LINCOLN COUNTY WASTEWATER TREATMENT and DISPOSAL REGULATION" and shall govern the on-site subsurface treatment and disposal of wastewater and the design and construction of on-site wastewater treatment and disposal systems, other than municipal systems, within Lincoln County. Enforcement of this regulation is by the Lincoln County Board of Health.

Enactment of this regulation by the Lincoln County Board of Health is pursuant to the Revised Codes of Montana, Title 50, Chapter 2, Sub-Chapter 116. Powers and Duties of Local Boards of Health.

B. Purpose

The purpose of this regulation is to protect the health, safety and welfare of the people of Lincoln County by requiring that on-site wastewater treatment and disposal be accomplished in a manner that prevents the creation of health hazards, adverse environmental effects, the pollution of water, and the use and enjoyment of property.

**SECTION 2: DEFINITION OF TERMS**

For the purpose of this regulation the following words and phrases shall have the meaning ascribed to them in this section:

**ALTERED** means to have physically changed a wastewater treatment and disposal system.

**BOARD OF HEALTH** is the City/County Board of Health, Lincoln County, MT.

**COUNTY SANITARIAN** is the Supervising Sanitarian ~~and Director of the Department~~, or his-their designated representative.

**DEPARTMENT** is the Lincoln County Department of Environmental Health.

**LICENSED INSTALLER** is a contractor holding a current license, issued by the



Department, to install, alter or repair wastewater treatment and disposal systems regulated by the Lincoln County Board of Health.

**PERSON** is any individual, institution, corporation, association, or other private or governmental entity.

**PRIMARY TREATMENT** ~~is the initial process by which most suspended solids are settled out of the wastewater, such as in a septic tank. means a treatment system, such as a septic tank, that provides retention time to settle the solids in raw wastewater and that retains scum within the system.~~

**SECONDARY TREATMENT** is the further treatment of wastewater after primary treatment, such as in a subsurface drainfield.

**SYSTEM** is an on-site subsurface wastewater treatment and disposal system, such as a septic system, that provides primary and secondary treatment.

**WASTEWATER** ~~is a combination of liquids and solids including household wastes, washwater, human excreta, animal and vegetable matter, such as sewage and sewage effluent, that is not otherwise regulated by State or Federal law. means water-carried waste including, but not limited to, household, commercial, or industrial wastes, chemicals, human excreta, or animal and vegetable matter in suspension or solution.~~

### **SECTION 3: GENERAL PROVISION**

#### A. Prohibited Acts

It shall be unlawful to violate any provision of this regulation. It shall be unlawful for any person to install, construct, alter, extend, repair, or use a wastewater treatment and disposal system that is in violation of this regulation. It shall be unlawful to own or use a malfunctioning system, or to remove wastewater from a system and dispose ~~of it in~~ wastewater in or at an unauthorized location.

#### B. Adoption of A.R.M. Title 17, Chapter 36, Subdivisions/On-Site Subsurface Wastewater Treatment.

As required by M.C.A. 50-2-116 (1)(i), the Lincoln County Board of Health hereby adopts by reference A.R.M. Title 17, Chapter 36, Subdivisions/On-Site Subsurface Wastewater Treatment as a part of the Lincoln County Wastewater Treatment and Disposal Regulation.

### **SECTION 4: PERMIT AND LICENSE**

#### A. PERMIT

A valid permit issued by the County Sanitarian is required before a wastewater treatment and disposal system can be installed, constructed, altered, ~~or~~ extended, or replaced.

1. Permit Application. An application for a permit shall be made to the Department. The application shall be made by the owner of the property, or his authorized agent, on a form provided by the Department; signed and dated by the applicant and shall include the following information:
  - a. The name, address and telephone number of the applicant.
  - b. A legal description, size and address of the property on which the system is located or proposed.
  - c. A site plan. A site evaluation shall be made as required by A.R.M. 17.36.101(55) to determine if a site is suitable for the installation of a subsurface wastewater treatment system. The evaluation and site plan shall be made by the property owner or a licensed installer on forms provided by the Department, and shall include the information necessary to complete the forms and any additional information deemed necessary by the County Sanitarian to ensure compliance with this regulation.
  - ~~d. The name, address and signature of the system installer.~~
2. A permit shall be issued upon approval of the application by the County Sanitarian, and the payment of the permit fee. Once a permit has been issued by the Department, construction may begin.
3. Permit Fee. The permit fee shall be in accordance with current fee

schedule at the time of application. Fee schedule to be set by the Board of Health. Checks shall be payable to Lincoln County. This fee is non-refundable.

4. Reuse of an existing system. A new ~~home~~ or structure wastewater source may be connected into an existing system provided the system meets the following criteria:
  - a. The system has been described as to its location, composition, capacity and soundness in written notice provided to the department.
  - b. The system has adequate capacity to treat anticipated maximum daily wastewater discharges.
  - c. The system provides primary and secondary treatment.
  - d. The system generally complies with this regulation.
5. Replacement of an existing system. A permit shall be issued to replace a system provided the following conditions are met:
  - a. The existing system cannot be effectively repaired.
  - b. The replacement system complies with this regulation.
  - c. A variance has been granted by the County Board of Health in accordance with A.R.M. 17.36.922, if one is needed.
6. Permit Expiration. If a permit has not been used for its intended purpose, and the system has not been approved within twelve (12) months of the date the permit was issued, the permit shall expire and will be invalid.
7. Any changes in plans, details or specifications of construction not approved by the County Sanitarian, after the permit is issued, shall invalidate the permit and a new permit will be required for installation.
8. Permit Denial. The County Sanitarian shall disapprove an application for a permit if he determines that any of the following conditions exist:
  - a. The system will not comply with this regulation.
  - b. The application is incomplete.
  - c. The permit fee has not been paid in full.
  - d. The tract of land on which the system is proposed is being reviewed under the Sanitation in Subdivision Act.
  - e. The system would violate the provision of a Certificate of Survey (COS) plat approval.

A permit denial may be appealed to the Board of Health as provided in A.R.M. 17.36.922 Local Variances. The appeal must be made in writing and submitted to the Board of Health within thirty (30) days of the denial. The Board of Health shall act on the appeal within sixty (60) days. The applicant shall be notified, in writing, of the Board of Health's approval or denial of a variance. The Board of Health letter of decision will be delivered by registered mail. If a request for variance is denied by the Board of Health, the appellant may seek a variance from the State, according to the provisions in A.R.M. 17.36.924 Variance Appeals to the Department.

B. INSTALLER LICENSE

1. It shall be unlawful for any person, except as delineated in this section, to construct or alter a wastewater treatment and disposal system within Lincoln County unless that person holds a valid Lincoln County Wastewater Treatment and Disposal System Installer's License. A homeowner constructing, or altering an individual system for his/her own residence upon his/her own property is exempt from this requirement but remains subject to all provisions of this regulation, including permitting, and inspections as deemed appropriate by the County Sanitarian. Builders who may own several parcels of land and who build structures on these parcels for sale, rent or lease and not for the purpose of their residing in said structures, shall not be considered a "homeowner" and are not exempt from this requirement.
2. All first time applications for installer licenses shall be made to the County Sanitarian who may grant the license upon completion of the following:
  - a. Name, address and telephone numbers of the applicant.
  - b. Passing the required examination.
  - c. Receipt of the license fee payment which shall be found in the current fee schedule set by the Board of Health, payable to Lincoln County. This fee is non-refundable.

All applications for license renewal shall contain all the elements of a first time application except that the examination requirement may be waived if the applicant has demonstrated knowledge of good wastewater treatment and disposal system design and/or installation in the year immediately preceding the application.

3. Installer licenses shall be valid from January 1 of the first year through December 31 of the second year for the two years stated on the license unless revoked, and shall be renewable by March 1 of the year following expiration. Licenses are not transferable.
4. Installer licenses may be denied for any of the following reasons:
  - a. Having constructed or altered a wastewater treatment and disposal system without a valid permit, and/or,
  - b. Having a license revoked within twelve (12) months preceding the application, and/or,
  - c. Failure to meet the terms of the License Application.
5. Installer licenses are the property of the Department and may be revoked by the County Sanitarian at any time for the following reasons:
  - a. Installation of a wastewater treatment and disposal system prior to the issuance of a permit, and/or,
  - b. Failure to gain approval for a wastewater treatment and disposal system installation, and/or,
  - c. Having provided false evidence or information to obtain a permit or gain approval of an installation.
6. In the event that a revocation of the license is deemed appropriate, the

Department shall notify the licensee in writing that the license has been revoked. Reasons for the revocation shall be specified in the letter and it shall be given to the licensee by registered mail.

7. The term of revocation will be for a minimum of one calendar year from the date of violation or longer as determined by the Board of Health.

C. INSPECTION and OPERATION

All new or altered systems shall be inspected by the Department, or by a Department licensed installer, prior to backfilling, unless the County Sanitarian has determined that an inspection is not necessary.

The applicant shall notify the Department at least forty-eight (48) hours prior to backfilling, so that arrangements for an inspection can be made.

If the inspection shows that the system is not in compliance with the permit, the system cannot be backfilled until it is brought into compliance.

The Department inspector, or licensed installer, shall provide the Department with a signed endorsement attesting that the system has been installed in compliance with the permit.

The County Sanitarian is hereby empowered and authorized to enter upon private property for the purpose of inspecting a system that treats, discharges, or disposes of wastewater to determine compliance with this regulation.

## **SECTION 5: DESIGN and CONSTRUCTION STANDARDS**

On-site wastewater treatment and disposal systems shall be designed and constructed in accordance with the requirements described in A.R.M. Title 17, Chapter 36 and Montana Department of Environmental Quality Circular 4 which are included in A.R.M. Title 17, Chapter 36 by reference. Copies of the Regulation and Circulars can be obtained from the Department.

## **SECTION 6: VIOLATIONS, PENALTIES, and ENFORCEMENT**

### **A. NOTICE OF VIOLATION**

If the Department verifies that a violation of this regulation has been committed, the County Sanitarian shall present a written Notice of Violation to the owner of the property. The Notice of Violation shall include an Order for Corrective Action and shall specify the violation and a time for correction. The Notice shall be sent to the owner by registered mail.

If the property owner refuses or neglects to comply with the Order for Corrective Action in the Notice of Violation, the Department shall request that legal action be taken against the owner by the County Attorney.

### **B. FINES**

Any person found violating the provisions of this regulation shall, upon conviction, be punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00). Each day of violation will constitute a separate offense. The first day of violation shall be the date of the Notice of Violation.

## **SECTION 7: SEVERABILITY and CONFLICT OF ORDINANCE**

In any case where a provision of this regulation is found to be in conflict with a provision of any zoning, building, fire, safety or health regulation of Lincoln County, existing on the effective date of this regulation, the provision, which in the judgement of the County Sanitarian, establishes the higher standard for the protection of the health and safety of the people, shall prevail.

If any section, paragraph, sentence, clause or phrase of this regulation should be declared invalid for any reason, such invalidity shall not affect the remaining portions of this regulation, which shall remain in full force and effect, and to this end, the provisions of this regulation are hereby declared to be severable.

## APPENDICES

Appendix 1. A.R.M. Title17, Chapter 36, Subdivision/On-Site Subsurface Wastewater Treatment

Appendix 2. Montana DEQ Circular 4 Montana Standards for Subsurface Wastewater Treatment Systems



**LINCOLN COUNTY PUBLIC HEALTH**  
418 Mineral Ave | Libby, MT 59923  
(406) 283-2447  
www.lincolnmthealth.com

## **PATIENT PRIVACY POLICY**

*Effective Date: January 1, 2017*

THIS POLICY DESCRIBES HOW MEDICAL INFORMATION ABOUT YOU MAY BE USED AND DISCLOSED AND HOW YOU CAN GET ACCESS TO THIS INFORMATION. PLEASE REVIEW IT CAREFULLY.

### **OUR PLEDGE TO PROTECT YOUR PRIVACY**

Lincoln County Public Health (LCPH) is committed to protecting the privacy of health information we create or receive about you. Health information that identifies you includes your medical record and other information relating to your care or payment for care.

We are required by law to:

- Make sure that your health information is kept private (*with certain exceptions as described in this policy*);
- Give you this Policy of our legal duties and privacy practices with respect to your health information; and
- Follow the terms of the Policy currently in effect.

### **WHO WILL FOLLOW THIS NOTICE**

The following parties share LCPH's commitment to protect your privacy and will comply with this Notice:

- Any health care professional authorized to update or create health information about you.
- All departments and units of LCPH, including our outpatient clinics.
- All employees, volunteers, trainees, students, and medical staff members of LCPH.
- All affiliated entities, sites and locations.



## **SITUATIONS THAT DO NOT REQUIRE YOUR AUTHORIZATION**

### **WORKERS' COMPENSATION**

We may release health information about you for workers' compensation or similar programs. These programs provide benefits for work-related injuries or illness.

### **PUBLIC HEALTH ACTIVITIES**

We may disclose health information about you for public health activities. These activities include, but are not limited to the following:

- To prevent or control disease, injury or disability;
- To report births or deaths;
- To report the abuse or neglect of children, elders and dependent adults;
- To report reactions to medication, vaccines, or problem with products;
- To notify you of the recall of products you may have used or are using;
- To notify a person who may have been exposed to a disease or may be at risk for contracting or spreading a disease or condition;
- To notify the appropriate government authority if we believe you have been the victim of abuse, neglect or domestic violence; we will only make this disclosure when required or authorized by law;

### **HEALTH OVERSIGHT ACTIVITIES**

We may disclose your health information to a health oversight agency, such as the Montana Department of Public Health and Human Services, CDC, and Center for Medicare and Medicaid Services, and Child/Family Protective Services for activities authorized by law. These oversight activities include audits, investigations, inspections, and licensure. These activities are necessary for the government to monitor the health care system, government programs, and compliance with civil rights laws.

### **BUSINESS ASSOCIATES**

LCPH may contract with outside entities that perform business services for us, such as billing companies, management consultants, quality assurance reviewers, accountants or attorneys. In certain circumstances, we may need to share your health information with a business associate so it can perform a service on our behalf. We will have a written contract in place with the business associate requiring protection of the privacy and security of your health information.

### **LAWSUITS AND DISPUTES**

If you are involved in a lawsuit or a dispute, we may disclose health information about you in response to a court or administrative order. We may also disclose health information about you in response to a subpoena, legally enforceable discovery request, or other lawful process by someone else involved in the dispute. *(This clause does not apply to the LCPH FICMMR program)*

### **LAW ENFORCEMENT**

We may release health information at the request of law enforcement officials in limited circumstances, for example:

- In response to a court order, subpoena, warrant, summons or similar process;
- To identify or locate a suspect, fugitive, material witness, or missing person;
- About the victim of a crime if, under certain limited circumstances, the victim is unable to consent;
- About a death we believe may be the result of criminal conduct;
- About criminal conduct at LCPH office or property; and
- In emergency circumstance to report a crime; the location of the crime or victims; or the identity, description or location of the person who committed the crime.

*(This clause does not apply to the LCPH FICMMR program)*

### **CORONERS, MEDICAL EXAMINERS AND FUNERAL DIRECTORS**

We may release health information to a coroner or medical examiner. This may be necessary to identify a deceased person or determine the cause of death. We may also release health information about patients of LCPH to funeral directors as necessary to carry out their duties with respect to the deceased.

### **ORGAN AND TISSUE DONATION**

We may release health information to organizations that handle organ, eye, or tissue procurement or transplantation, as necessary to facilitate organ or tissue donation. The procurement or transplantation organization needs your authorization for any actual donations.

### **MILITARY AND VETERANS**

If you are a member of the armed forces, we may release health information about you as required by military command authorities. We may also release health information about foreign military personnel to the appropriate foreign military authority.

### **APPOINTMENT REMINDERS AND OTHER COMMUNICATION**

We may use and disclose health information to contact you as a reminder that you have an appointment for care at LCPH. We will communicate with you using the information (such as telephone, email, or mailed letter) that you provide. Unless you notify us to the contrary, we may use the contact information you provide to communicate general information about your care such as appointment location, department, date and time.

### **FOR HEALTH CARE OPERATIONS**

We may use and disclose health information for health care operations. This includes functions necessary to run LCPH or assure that all patients receive quality care and includes many support functions such as appointment or procedure scheduling. We may also share your information with affiliated health care providers so that they may jointly perform certain business operations along with LCPH. We may combine health information about many of our patients to decide, for example, what additional services LCPH should offer, what services are not needed, and whether certain new treatments are effective. We may share information with doctors, residents, nurses, technicians, medical students, clerks, and other personnel for quality assurance and education purposes. We may

also compare the health information we have with information from other County Health Departments to see where we can improve the care and services we offer.

#### **FUNDRAISING ACTIVITIES**

Consistent with applicable state and federal laws, we may provide limited information such as your contact information, provider name and dates of care to other departments of LCPH to conduct fundraising activities for the advancement of care and research on behalf of Lincoln County.

#### **FOR PAYMENT**

We may use and disclose your health information to bill and receive payment for health care services that we provide to you. This includes uses and disclosures to submit health information and receive payment from your health insurer, HMO, or other party that pays for some or all of your health care (payor) or to verify that your payor will pay for your health care. We may also tell your payor about a treatment you are going to receive to determine whether your payor will cover the treatment.

#### **NATION SECURITY AND INTELLIGENCE ACTIVITIES**

Upon receipt of a request, we may release health information to authorized federal officials for intelligence, counterintelligence, and other national security activities authorized by law. We will only provide this information after the Privacy Officer has validated the request and review and approved our response.

#### **INMATES**

If you are an inmate of a correctional institution or under the custody of a law enforcement official, we may release health information about you to the relevant correctional institution or law enforcement official. This release may be necessary for the institution to provide you with health care; to protect your health and safety or the health and safety of others; or for the safety and security of the correctional institution.

#### **TO PREVENT A SERIOUS THREAT TO HEALTH OR SAFETY**

We may use and disclose certain information about you when necessary to prevent a series threat to your health and safety or the health and safety of others. However, any such disclosure will only be to someone able to prevent or respond to the threat, such as law enforcement or a potential victim. For example, we may need to disclose information to law enforcement when a patient reveals participation in a violent crime.

#### **OTHER USES OR DISCLOSURES REQUIRED BY LAW**

We may also use or disclose health information about you when required to do so by federal, state or local laws not specifically mentioned in this Policy. For example, we may disclose health information as part of a lawful request in a government investigation.

**LINCOLN COUNTY PUBLIC HEALTH**

418 Mineral Ave | Libby, MT 59923

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**SITUATIONS THAT REQUIRE YOUR AUTHORIZATION**

For uses and disclosures not generally described above, we must obtain your authorization. For example, the following uses and disclosures will be made only with your authorization:

- Uses and disclosures for marketing purposes;
- Uses and disclosures that constitute the sale of PHI;
- Most uses and disclosures of psychotherapy notes; and
- Other uses and disclosures not described in this Policy
- Personal requests for medical records

If you provide us authorization to use or disclose health information about you, you may revoke that authorization, in writing, at any time. If you revoke your authorization, we will no longer use or disclose health information about you for the activities covered by the authorization, except if we have already acted in reliance on your permission. We are unable to take back any disclosures we have already made with your authorization, and we are required to retain records of health information.

**YOUR RIGHTS REGARDING HEALTH INFORMATION ABOUT YOU**

You have the following rights regarding health information we maintain about you:

**RIGHT TO INSPECT AND COPY**

You have the right to inspect and obtain a paper or electronic copy of health information that may be used to make decisions about your care. Usually, this includes medical and billing records, but may not include some mental health information. We reserve the right to charge a fee to cover the cost of providing your health information records to you.

**RIGHT TO AMEND**

If you believe that health information LCPH has on file about you is incorrect or incomplete, you may ask us to amend the health information. To request an amendment you must file an appropriate written request with LCPH. In addition, you must provide a reason that supports your request. LCPH can only amend information that we created or that was created on your behalf. If your health information is accurate and complete, or if the information was not created by LCPH, we may deny your request to amend. If we deny your request, we will reply to you in writing with our reasons for doing so.

Even if we deny your request to amend, you have the right to submit a written addendum to LCPH. Addendums may not exceed 250 words for each item or statement in your record you believe is incomplete or incorrect.

**RIGHT TO AN ACCOUNTING OF DISCLOSURES**

You have the right to request an “accounting of disclosures” which is a list describing how we have shared your health information with outside parties. This accounting is a list of the disclosures we made of your health information for purposes other than treatment, payment, health care operations, and certain other purposes consistent with law. You may request an accounting of disclosures for up to six

years before the date of your request. If you request an account more than once during a twelve month periods, we will charge you a reasonable fee.

### **RIGHT TO REQUEST RESTRICTIONS**

You have the right to request restrictions on certain uses or disclosures of your health information. For example, you may request that your immunizations not be recorded electronically on imMTrax but instead a paper copy. Requests for restrictions must be in writing. In most cases, we are not required to agree to your requested restriction. However, if we do agree, we will comply with your request unless the information is needed to provide you emergency treatment or comply with the laws. If we do not agree to your request, we will reply to you in writing with the reason.

We are legally required to accept certain requests not to disclose health information to your health plan for payment or health care operation purposes as long as you have paid out-of-pocket and in full in advance of the particular service included in your request. If the service or item is part of a set of related services, and you wish to restrict disclosures for the set of services, then you must pay in full for the related services. It is important to make the request and pay before receiving the care so that we can work to fully accommodate your request. We will comply with your request unless otherwise required by law.

### **RIGHT TO REQUEST CONFIDENTIAL COMMUNICATIONS**

You have the right to request that we communicate with you about your health information or medical matters in a certain way or at a certain location. For example, you can ask that we only contact you at work, rather than at your home. We will not ask you the reason for your request. We will work to accommodate all reasonable requests. Your request must be in writing and specify how and where you wish to be contacted.

### **RIGHT TO BE NOTIFIED OF A BREACH**

LCPH is committed to safeguarding your health information and proactively work to prevent health information breaches from occurring. If a breach of unsecured health information occurs, we will notify you in accordance with applicable state and federal laws.

### **RIGHT TO A COPY OF THIS POLICY**

You have the right to a copy of this Policy. It is available on our website at [www.lincolnmthealth.com](http://www.lincolnmthealth.com)

### **REQUEST FOR COPY OF HEALTH INFORMATION**

To obtain more information about how to request a copy of your health information, including immunizations records please visit [www.lincolnmthealth.com](http://www.lincolnmthealth.com) and complete the *patient request for records form*. To receive an accounting of disclosures, amend or add an addendum to your health information, please contact:

**LINCOLN COUNT PUBLIC HEALTH**  
Riley Black, RN  
418 Mineral Ave | Libby, MT 59923  
(406) 283-2447

**LINCOLN COUNTY PUBLIC HEALTH**  
418 Mineral Ave | Libby, MT 59923  
(406) 283-2447  
www.lincolnmthealth.com

### **COMPLAINTS**

If you believe your privacy rights have been violated, you may file a written complaint with LCPH by telephone at 406-283-2442 or by mail at LCPH, 418 Mineral Ave, Libby, MT 59923.

### **CHANGES TO THIS POLICY**

We reserve the right to change our privacy practices and update this Policy accordingly. We reserve the right to make the revised or changed Policy effective for health information we already have about you as well as any information we receive in the future. We post copies of the current Policy on our website and copies are available in our offices.

### **QUESTIONS ABOUT OUR PRIVACY PRACTICES**

LCPH values the privacy of your health information as an important part of the care we provide to you. If you have questions about this Policy or LCPH's privacy practices, please contact LCPH.



**LINCOLN COUNTY PUBLIC HEALTH**  
 418 Mineral Ave | Libby, MT 59923  
 Tel: (406) 283-2447 | Fax: (406) 283-2466  
 www.lincolnmthealth.com

**PATIENT REQUEST FOR RECORDS**

*All records that are within Lincoln County Public Health's (LCPH) possession are confidential and protected patient information. No medical records shall be released without authorized patient consent.*

***You must allow LCPH 48-72 hours to process your request  
 LCPH will not email private patient medical records***

**Patient Information:**

Patient Full Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Telephone: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

**I am requesting the following records (select all that apply):**

- Complete *imMTrax* Immunization Record
- Tuberculosis (PPD) Testing Results
- Lead Screening Results
- Communicable Disease Record

**I am requesting for Lincoln County Public Health to release my records to (select one):**

- In-Office Pick up by:
  - Self
  - Designated person on my behalf: Persons Name \_\_\_\_\_

**-OR-**

- Send my records by:
  - Mail to: (requests by mail require 5-7 business days for delivery)  
 Place/Person: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City/State/Zip: \_\_\_\_\_
  - Fax to:  
 Recipient Name: \_\_\_\_\_  
 Fax Number: \_\_\_\_\_

*By signing below, I authorize LCPH to send or release the requested records to the locations and persons I have stated. I also give consent for LCPH to collect my immunization records from imMTrax.*

\_\_\_\_\_  
 Patient/Guardian Signature Date

**LCPH OFFICE USE ONLY**

Request Processed On: \_\_\_\_\_ By:  FAX  MAIL  PICK UP

Signature of LCPH Authorized Personale: \_\_\_\_\_



LINCOLN COUNTY PUBLIC HEALTH
418 Mineral Ave | Libby, MT 59923
(406) 283-2447
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CONSENT FOR VACCINE AND imMTrax FORM

Patient Name: \_\_\_\_\_ DOB: \_\_\_\_\_

M. Address: \_\_\_\_\_ City: \_\_\_\_\_ State: MT

Zip Code: \_\_\_\_\_ Phone: \_\_\_\_\_ County: Lincoln

Vaccine(s) to administer: \_\_\_\_\_

Please carefully read and answer the following questions for the person receiving a vaccine:

- 1. Is the person sick today? YES NO
a. If yes, what are your symptoms?
2. Is the person allergic to any food, medicine, preservative or latex? YES NO
3. Has the person had any adverse reactions to previous vaccines? YES NO
4. Does the person have a medical condition that affects their immune system? YES NO
5. Has the person received any blood products in the past year? YES NO
6. Is the person pregnant? YES NO
7. Has the person received any vaccinations in the past 30 days? YES NO
8. Is this person enrolled in WIC? YES NO

imMTrax Consent

By signing below, I authorize my health care provider and public health agency to collect and enter my immunization records into the Department of Public Health and Human Services' Immunization Information System (IIS). The IIS is a confidential computer system that contains immunization records and is the primary medical record system that LCPH uses.

Check here if you DO NOT wish to have your information on imMTrax.

Vaccine Consent

By signing below, I agree that I have read or have had explained to me the information about the vaccine(s) being administered. I have received the Vaccine Information Statement (VIS) for each of the vaccines indicated.

Privacy Policy

By signing below, I agree that I have been offered or have read the LCPH Patient Privacy Policy and I understand my rights regarding my health information created or saved by LCPH.

Patient/Guardian

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





LINCOLN COUNTY PUBLIC HEALTH  
 418 Mineral Ave | Libby, MT 59923  
 (406) 283-2447  
 www.lincolnmthealth.com

**FOR PUBLIC HEALTH OFFICE ONLY**

Vaccine: \_\_\_\_\_ Manufacturer: \_\_\_\_\_  
 Lot #: \_\_\_\_\_ **VFC VFA Private** Route: \_\_\_\_\_ Location: \_\_\_\_\_  
 Vaccine Expiration: \_\_\_\_\_ Cost: \_\_\_\_\_ Admin Fee: \_\_\_\_\_  
 Administered by: Riley M. Black, RN Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Vaccine: \_\_\_\_\_ Manufacturer: \_\_\_\_\_  
 Lot #: \_\_\_\_\_ **VFC VFA Private** Route: \_\_\_\_\_ Location: \_\_\_\_\_  
 Vaccine Expiration: \_\_\_\_\_ Cost: \_\_\_\_\_ Admin Fee: \_\_\_\_\_  
 Administered by: Riley M. Black, RN Initials: \_\_\_\_\_ Date: \_\_\_\_\_

Vaccine: \_\_\_\_\_ Manufacturer: \_\_\_\_\_  
 Lot #: \_\_\_\_\_ **VFC VFA Private** Route: \_\_\_\_\_ Location: \_\_\_\_\_  
 Vaccine Expiration: \_\_\_\_\_ Cost: \_\_\_\_\_ Admin Fee: \_\_\_\_\_  
 Administered by: Riley M. Black, RN Initials: \_\_\_\_\_ Date: \_\_\_\_\_

**BILLING**

Total Amount Billed: \_\_\_\_\_ Date Billed: \_\_\_\_\_

Payment Method:    CASH            CHECK            CREDIT/DEBIT            INSURANCE    COMPANY

*Insurance Information:*  
 Carrier: \_\_\_\_\_ Policy #: \_\_\_\_\_  
 Policy Holder: \_\_\_\_\_ Holder DOB: \_\_\_\_\_  
 Patient Relationship to Holder:    Self    Child    Spouse

Total Payment Received: \_\_\_\_\_ Date Received: \_\_\_\_\_

# **Lincoln County Communicable Disease Response Plan**

**May 2017**

This document contains the plans and protocols regarding the investigation, identification, and containment of illnesses caused by pathogens, radiological hazards, and toxins. This is a hazard-specific annex to the Lincoln County All-Hazards Emergency Operations Plan. Should an actual event occur, the response may vary depending on the type of emergency situation. This plan will be reviewed and updated annually or as necessary by the Health Director, Public Health Emergency Preparedness Coordinator, or designee. This version supersedes all previous versions of this document.

DRAFT

**APPROVAL AND IMPLEMENTATION**  
**LCHD Communicable Disease Response Plan**

This document is hereby approved for implementation and supersedes all previous editions.

\_\_\_\_\_  
Signature  
Dr. Brad Black, MD  
Health Officer

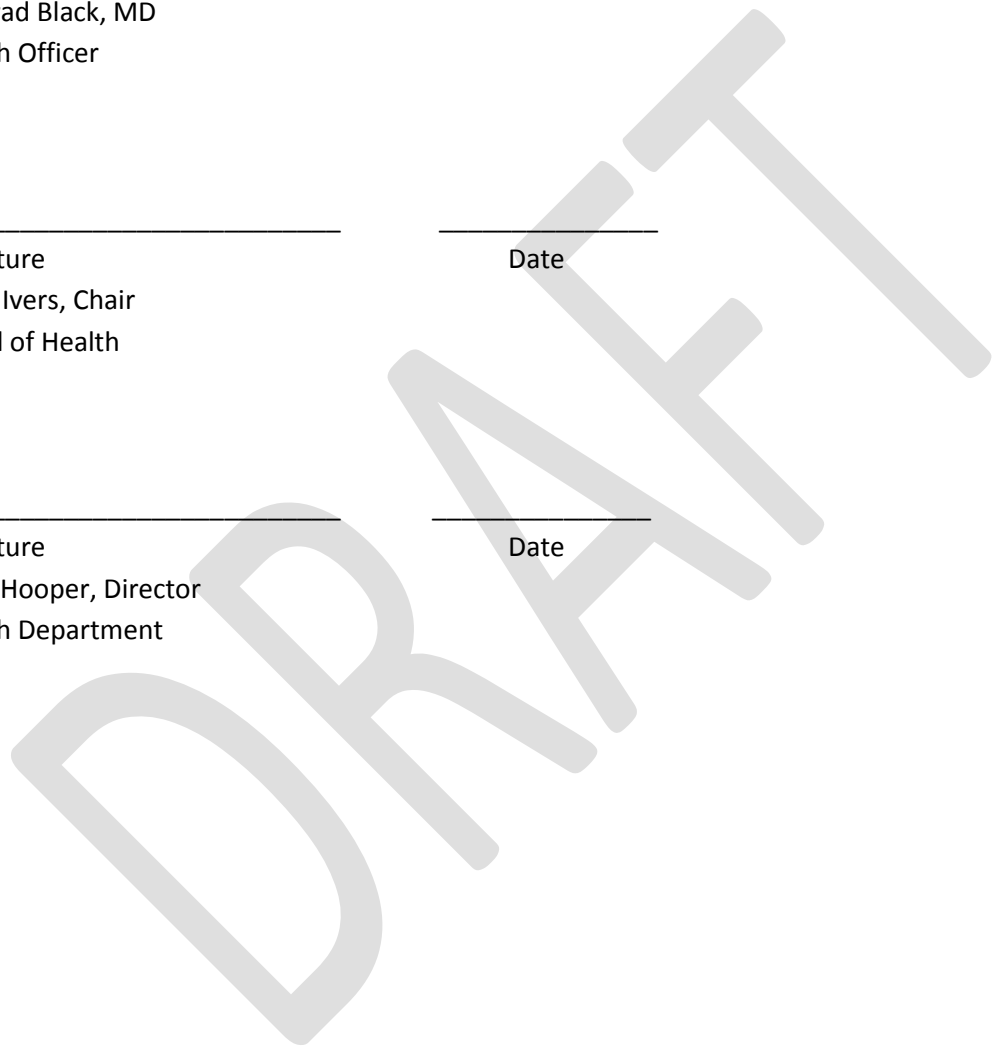
\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Janet Ivers, Chair  
Board of Health

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature  
Kathi Hooper, Director  
Health Department

\_\_\_\_\_  
Date



## Record of Distribution for 2017

Plan Holder Name	Agency/Department	Form of EOP Copy	Date of Distribution
Kathi Hooper	Lincoln County Health Department Director	Hard Copy	
Jennifer McCully	Lincoln County Health Department PHEP Coordinator	Electronic & Hard Copy	
Dr. Brad Black	Health Officer	Hard Copy	
Lisa Oedewaldt	Lincoln County EMA	Hard Copy	
SharePoint Copy	MT DPHHS	Electronic	

## Record of Changes

Date	Revisions Made	Approved by:	Distribution Date
1/2016	Total re-write		

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## **Introduction**

Communicable disease outbreaks, epidemic or pandemics are a threat to the public health and well-being. This plan was developed to be specific for guidelines for the prevention, mitigation and response to communicable diseases.

## **Purpose**

This plan was developed to ensure communicable disease monitoring and containment in an effort to save lives, mitigate loss and assist in preventing further catastrophe. The role of the LCHD is to:

- Gather and report communicable disease data: As directed by Montana ARM Chapter 114, data regarding reportable illnesses in the jurisdiction to Montana Department of Health and Human Services will be gathered and sent in a confidential manner
- Education: Provide accurate and comprehensive information about communicable diseases to the affected individual and provide guidance to health professionals as needed
- Delineate responsibilities to LCHD staff members: A team approach is considered the most successful manner to monitor and respond to emergency events
- Create a partnership with key surveillance partners and stakeholders: Communicate with designated key surveillance partners regarding the most effective methods of reporting and response during planning

Plans for communicable disease response, pandemic influenza and isolation and quarantine for the identification of pathogens or toxins of unknown origin are included in the document.

## **Scope & Authority**

This communicable disease response plan is limited in scope to events that affect or potentially affect public health. This plan also contains activities that will be conducted during non-emergency phases. The implementation and responsibility of activation of the response portion of this plan is the Health Department Director, Health Officer, Board of Health or appointed designee(s) of these listed individuals and entities.

# Communicable Disease Response Plan

## Purpose

Montana law requires the reporting of suspected communicable diseases to the local Health Department. Timely reporting of suspected disease helps public health officials to conduct follow-up on cases of significance to protect the public's health, limit further spread of disease and assure that those affected are screened and treated appropriately. This will also help identify outbreaks or emerging health concerns.

## Protocol

Reportable diseases and suspicious trends should be reported to the Health Department as soon as possible for investigation. Those requiring immediate reporting include: Anthrax, Botulism, Plague, Poliomyelitis, SARS-CoV disease, Smallpox, Tularemia, Viral Hemorrhagic Fevers or any unusual illness or cluster of illnesses. A list of these reportable diseases and conditions and the timelines within which they must be reported are found on Appendix A. Reportable diseases fall within HIPAA medical privacy exceptions for release of information; therefore patient consent is not required

## Reporting Contacts

For reporting during regular hours: Monday–Friday 8:00–5:00 phone the Communicable Disease Coordinator at 406-283-2447 or fax reports to 406-283-2466.

For reporting after hours, holidays and weekends please call the Lincoln County Sheriff's Office Dispatch. Dispatch will call the public health call down list until someone is available to take the report:

- **Health Department 24/7: Lincoln County Sheriff's Department Dispatch at 406-293-4112.**

If you are unable to locate anyone locally and the report requires immediate response please phone the Department of Public Health and Human Services (DPHHS) Communicable Disease 24/7 reporting number at 406-444-0273 and they will put you in contact with someone from Helena.

## Routine Disease Surveillance Protocol

The following protocol has been developed to assure consistency in reporting and investigation of reportable communicable diseases. This protocol is applicable to all communicable diseases that may be reported in Lincoln County.

Disease reports may be received from hospitals, labs, physicians, the State Health Department or other health jurisdictions.

All reports will be reviewed by the Communicable Disease Coordinator within 24 hours of receipt. The coordinator will be responsible for investigation, completion and submission of reporting forms.

In the event of a report of communicable disease the following steps should be taken:

1. Confirm the report of communicable disease. This may be done by contacting the lab or health-care provider.
2. If the report comes as a result of testing by a physician.
  - a. Contact the physician to coordinate notification of the patient, assure that the physician knows the diagnosis and has communicated that to the patient before the Health Department makes contact with the patient.
  - b. Physicians should also be encouraged to inform the patient that the Health Department may be calling to investigate communicable diseases.
3. Notify other professionals as necessary. This may include:
  - a. The Sanitarian in cases of food borne illness, rabies or when exposure is not limited to humans.
  - b. The Health Officer and/or other medical providers in cases requiring mass prophylaxis, unusual events or when large numbers of people are involved.
  - c. Veterinarians would be notified in the case of animal illness or when increased surveillance of the animal population is required.
4. If the reported illness involves a case or case contact outside of Lincoln County, fax the information to MT DPHHS at 1-800-616-7460 for referral to the appropriate jurisdiction.
5. Locate the appropriate disease specific form and interviewing tool available in the DPHHS CD/Epi section of Sharepoint or a paper form is available in the communicable disease binder.



6. Review recommendations for treatment, isolation and communicability. The standard resource is the current American Public Health Association Control of Communicable Diseases Manual – current edition is 20<sup>th</sup> dated 2015.
7. Initiate contact with the person named in the report maintaining confidentiality in all contacts.
8. Conduct investigation of case using the appropriate guidelines. Solicit information about source, other contacts and treatment.
9. Educate the client about the disease and appropriate precautions including treatment, work restrictions, follow-up testing and prevention of spread of the disease.
10. Follow-up with any contacts assuring compliance with screening and treatment as appropriate.
11. Assure that necessary steps are taken to eliminate exposure of others to disease. This may include closure of food establishments, quarantine of animals or isolation of people. Increased surveillance may be implemented to identify additional cases. In taking these steps the Board of Health may be required to take action.
12. In the event that a communicable disease is of interest to the general public and the media assure that accurate information is given to the media and that client confidentiality is protected. Press releases and media contact are the responsibility of the Public Information Officer in consultation with the Lead Local Public Health Official, Health Officer or Board of Health.
13. Cases will be reported to MT DPHHS within 7 days or within the time guidelines for that specific disease.
14. For most reportable communicable diseases, data entry is required through Montana Infections Disease Information System (MIDIS) to complete case reports. Those diseases requiring paper forms may be faxed via the MT DPHHS confidential fax line 1-800-616-7460. *Email is not an acceptable method of disease reporting.*
15. File paper report in Communicable Disease file cabinet which is located in a locked file cabinet accessible only to communicable disease staff.
16. Conduct ongoing surveillance and case investigation until all cases have resolved and potential incubation periods have expired.
17. Highly active surveillance will be utilized to solicit case reports throughout an outbreak or as long as the potential remains utilizing the active surveillance contact list.

## Active Surveillance Protocol

The following active surveillance contact list is utilized by the Communicable Disease Coordinator to conduct ongoing surveillance on a weekly basis.

In the event of an outbreak or public health emergency the following expanded contact list would be contacted on a daily or more frequent basis to elicit case reports and assure ongoing reporting. Providers would be contacted by phone and/or fax as appropriate.

In the event of a mass outbreak or public health emergency all providers in Lincoln County would be notified of events however the following people have been designated as key contacts and are responsible for dissemination of information within their facilities.

### Active surveillance contact list:

Name	Title	Phone	Email	Cell Phone
Lyn Thompson	CPMC Lab	406-283-7090	lyn@cabinetpeaks.org	
Stacey Wood	CPMC Infection Control	406-283-7059	swoo4@cabinetpeaks.org	
Rachel Toland	Libby Clinic Nurse	406-297-8711	lcrtoland@frontier.com	
Allison Mischenko	CHC Nurse	406-283-6912	Allison.mischenko@northwestchc.org	
Krystal Fleenor	Eureka Health Nurse	406-297-3145	kfleenor@krmc.org	
Jessica Fuller	North Country Medical Center Nurse	406-297-2438	jfuller@nvhosp.org	

**Expanded active surveillance contacts:**

Name	Title	Phone	Email	Cell Phone
Mary Nelson	Libby Care Center Nurse	406-293-6285	mnelson@libbycarecenter.com	
Sandra Blodgett	Mountain View Manor Nurse	406-297-2541	sblodget@good-sam.com	
Schools				

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## Appendix A: List of Reportable Diseases in Montana

LINCOLN COUNTY PUBLIC HEALTH  
418 Mineral Ave | Libby, MT 59923  
Tel: (406) 283-2447 | Confidential Fax: (406) 283-2466  
www.lincolnmthealth.com

### COMMUNICABLE DISEASE REPORTING

The following diseases must be reported IMMEDIATELY, whether suspected or confirmed, to Lincoln County Public Health (LCPH) in compliance with ARM 37.114.203. **Please fax the appropriate form to (406) 283-2466**

For questions, call *Riley Black, RN* at (406) 283-2447

- Acquired Immune Deficiency Syndrome (AIDS)
- Anaplasmosis
- Anthrax φ
- Arboviral diseases:
  - California serogroup
  - Eastern equine encephalitis
  - Powassan
  - St. Louis Encephalitis
  - West Nile Virus
  - Western Equine Encephalitis
- Babesiosis
- Botulism φ
- Brucellosis φ
- Campylobacter* φ
- Chancroid
- Chlamydia trachomatis* infection
- Colorado tick fever
- Cryptosporidiosis
- Coccidioidomycosis
- Cyclosporiasis
- Dengue Virus
- Diphtheria φ
- Ehrlichiosis
- Escherichia coli*, Shiga-toxin producing (STEC) φ
- Gastroenteritis Outbreak (Norovirus) φ
- Giardiasis
- Gonorrheal* infection φ
- Granuloma inguinale
- Haemophilus influenzae* φ
- Hansen's Disease (Leprosy)
- Hantavirus Pulmonary Syndrome/Infection φ
- Hemolytic uremic syndrome, Post-diarrheal
- Hepatitis A
- Hepatitis B
- Hepatitis C
- Human Immunodeficiency Virus (HIV) φ
- Influenza** φ
- Lead Poisoning
- Legionellosis
- Leptospirosis
- Listeriosis φ
- Lyme Disease
- Lymphogranuloma venereum
- Malaria
- Measles (rubeola) φ
- Meningococcal disease (*Neisseria meningitidis*) φ
- Mumps
- Pertussis φ
- Plague (*Yersinia pestis*) φ
- Poliomyelitis φ
- Psittacosis
- Q fever (*Coxiella burnetii*)
- Rabies (human and animal) φ
- Rubella φ
- Salmonellosis φ
- Severe Acute Respiratory Syndrome (SARS) φ
- Shigellosis φ
- Smallpox φ
- Streptococcus pneumoniae*
- Syphilis* φ
- Tetanus
- Tickborne relapsing fever
- Toxic Shock Syndrome
- Transmissible spongiform encephalopathies
- Trichinellosis (Trichinosis) φ
- Tuberculosis φ
- Tularemia
- Typhoid Fever φ
- Varicella
- Vibrio cholera* (Cholera)
- Vibriosis φ
- Viral hemorrhagic fevers
- Yellow fever
- Outbreak in an institutional or congregate setting

DPHHS March 2017

φ- Indicates specimen/isolate that must be sent to the Montana Public Health Laboratory for confirmation  
All diseases in black text must use COMMUNICABLE DISEASE CASE REPORT FORM only to report to LCPH  
Any diseases in Green text must use CONFIDENTIAL SEXUALLY TRANSMITTED DISEASE CASE RECORD form only to report to LCPH  
Any diseases in Red text must use SEVERE INFLUENZA CASE REPORT HOSPITALIZATIONS/DEATH form only to report to LCPH

**Recommendations for Appointments  
Institutional Controls (IC) Steering Committee  
Libby Asbestos Superfund Site  
(19 April 2017)**

Background:

On 8 March 2017, the City-County Board of Health (BOH) approved Operating Procedure #1 (establishing Focus Area Liaisons), and the Proposed Structure for the Institutional Control (IC) Steering Committee for the Libby Asbestos Superfund Site. Commissioner Mark Peck and George Jamison were also assigned as the BOH Liaisons for the Superfund Sites, and are also *ex officio* members of the Committee.

Subsequently, advertising and recruiting of potential members for the Committee was conducted over a two week period. Ten standardized applications were submitted, with another received after the deadline that was not considered.

Applicants were:

Bauer, Linda  
Haugen, Milo  
Henline, Robert  
Kocieda, Virginia  
Mahoney, Ron  
O'Bleness, Tom  
Odewaldt, Terry  
Oliphant, Tina  
Orr, DC  
Williamson, Vanessa

Interviews and Evaluations:

Nine interviews were conducted by the two Liaisons and the Manager of the Asbestos Resource Program. Copies of the applications (including prior expressions of interest, if any) have been provided to the BOH. (One applicant was not interviewed due to an employment related conflict of interest, and another requested withdrawal from consideration after the interview.)

Recommendations for BOH appointments:

The Liaisons and the ARP Manager unanimously recommend the following appointments:

1. IC Steering Committee:

Bauer, Linda  
Kocieda, Virginia  
Mahoney, Ron  
O'Bleness, Tom  
Odewaldt, Terry  
Oliphant, Tina

2. Chairperson: George Jamison