

**Lincoln County**  
**City-County Board of Health Agenda**  
**Lincoln County Courthouse**  
**6:00 PM, March 14, 2023**

- **Call to Order**
  - Pledge of Allegiance
  - Roll Call
  
- **Public Comment on Items Not on Agenda**
- **Public Comment on Non-Action Agenda Items**
  
- **Approval of Minutes**
  - *Action Item:* Approval of 1/10/23, 1/26/23 and 2/13/23 minutes
- **Unfinished Business**
  - *Action Item* - Review and sign Pandemic Influenza Plan
  - *Action Item* – Approve updated Wastewater Regulation
  
- **New Business**
  - *Action Item* – Variance Request for drainfield to well set back, Lety Frey
- **Program Reports:**
  - **Public Health**
    - Communicable disease update
  - **Environmental Health**
    - Personnel changes
    - Air Quality Update
  - **Solid Waste and Recycling**
    - Recycling Update
    - Expansion Update
  
- **City Representative Reports**
  
- **Health Officer Report**
  
- **Adjourn**

Zoom meeting ID: 998 434 6152

For audio conferencing dial (253) 215-8782 or (669) 900-9128, meeting ID: 998 434 6152

## MISSION STATEMENT

The City-County Board of Health for Lincoln County works to prevent disease and illness, ensures a healthy environment and promotes healthy choices by setting county-wide policies to protect the health of Lincoln County residents.

## PUBLIC COMMENT

The Board encourages public comment and time is designated for public comment on every agenda. Public comment on non-action agenda items and non-agenda items is welcomed during the general public comment period. Action items will include public comment as follows:

- Presentation of the action item
- Board motion and second
- Board discussion
- **Public comment**
- Additional Board discussion
- Board vote

## GROUND RULES

1. Plan comments to be concise, relevant, and meaningful.
2. Keep questions and comments respectful in content and tone.
3. Submit lengthy, detailed comments or supporting documentation in writing
4. Address the problem not the person.
5. Be prepared by reviewing the agenda and pertinent information.
6. Listen with an open mind.
7. Focus on the mission statement.
8. Encourage participation of all board members and attendees.
9. Public participation according to Operating Procedure #2:
  - Participants will address the Board at the time designated in the agenda or as directed by the Board, by presenting before the Board and stating their name audibly.
  - Persons wishing to speak, including Board members, shall first be recognized by the Chair. One speaker shall be given the floor at a time and may not re-enter the discussion without being given recognition by the Chair.
  - Verbal comments will be limited to 3 minutes per individual or as time permits.
10. Participants ask the chair for permission to speak. Participants are to give their full name and topic.
11. Questions or remarks shall be addressed to the board as a body and not to any member of the board or staff without permission from the chair.
12. If a remark has been made, the attendee can agree with what was previously stated. Repetition is unnecessary.

Everyone is responsible for enforcing ground rules.

**Lincoln County**  
**City-County Board of Health Minutes**  
**Eureka – North Lincoln County Annex**  
**6:00 PM, January 10, 2023**

- **Call to Order**
  - Pledge of Allegiance
  - Roll Call. Jan Ivers, Amy Fantozzi (Zoom), Josh Letcher, Dr. Dianna Carvey, Lannie Fehlberg, Jim Seifert. Quorum present.
- **Administrative Items**
  - *Action Item:* Board candidate recommendation.
    - The board received two applications for the open position. Patty was appointed in July of 2021 to finish the term. Patty applied to be reappointed as well as Melody Weldon, but Melody withdrew her application. The board only has Patty's application which is for a three-year term and the commissioners will take the board's recommendations and appoint at 9:45 am on 1/11/2022. Lannie motioned to nominate Patty Kincheloe. Jan seconded. All in favor. Patty joined the meeting at this time.
  - *Action Item:* Election of officers
    - Over the last year Josh has been chair, Amy vice chair and Patty as the secretary. Every year after the new year, the board must re-elect new officers. Jim nominated Amy as chair. Jim nominated Jan as vice chair. Jan nominated Patty as secretary. Patty declined and nominated Lannie. Since there was only one nomination for each position it is accepted by acclamation. These positions came into effect this meeting, but Amy asked if Josh or Jan could continue this month's meeting.
- **Public Comment on Items Not on Agenda**
  - None at this time.
- **Public Comment on Non-Action Agenda Items**
  - None at this time.
- **Approval of Minutes**
  - *Action Item:* Approval of 10/11/22 minutes
    - Lannie motioned to approve. Diana seconded. All in favor. Motion passes.
- **Unfinished Business**
  - None at this time
- **New Business**
  - *Action Item* - Variance Request: Tim Orchard
    - Jesse Haag said the drain field was installed with four feet between the trench walls, but the state minimum is five feet. On the application it specified two-foot trenches, and they used a three-foot bucket. When the installer laid it out, they got the spacing of the drain lines correct but when it was dug out there ended up not being enough native soil between the trenches. Since the property is on a high dry bench and it does not affect

the non-degradation analysis or any neighboring properties, Jesse does not see any issues with a variance being issued. The board discussed their concerns with each other. Jim motioned to approve. Dianna seconded. All in favor. Motion passes.

- **Environmental Health**
  - *Action Item* – Updated Wastewater Regulation
    - Kathi sent out the updated wastewater regulations to all 68 licensed installers, engineers, and surveyors. The board went over each section of the regulations and discussed any concerns and changes. Dr. Diana motioned to table the decision until the rewrites are written. Jim seconds. All in favor. Motion passes.
  - Air Quality update
    - Dustin Webb gave an air quality update specific to Libby and the surrounding area.
  - Animal Shelter update
    - Kathi gave an update on the animal shelter counts in Lincoln County for 2022.
- **Program Reports:**
  - **Public Health**
    - Communicable disease update
      - Jennifer McCully gave an update on communicable disease.
    - *Action Item:* Review and sign Communicable Disease Response Plan
      - Jennifer went over the plan with the board, and they discussed any changes to be made. Lannie motioned to accept the plan with the changes. Jan seconded. All in favor. Motion passes.
    - *Action Item:* Review and sign Pandemic Influenza Plan
      - Jenn went over the plan with the board. They discussed any changes and concerns. Everyone decided to have a work meeting on January 26<sup>th</sup> at 6:30 pm in Libby to discuss the topic further to make a decision. Jan motioned to table. Lannie seconded. All in favor.
  - **Solid Waste and Recycling**
    - Expansion Update
      - Kathi said they completed the drilling before Christmas and the expansion is moving forward.
- **City Representative Reports**
  - **Libby:** None at this time.
  - **Troy:** Jim talked about the history of vaccine development.
  - **Eureka:** None at this time.
- **Health Officer Report**
  - Dr. Brad Black was not present at this time.
- **Adjourn**
  - Jan motioned to adjourn. Adjourned 9:19 P.M

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**Lincoln County**  
**City-County Board of Health Minutes**  
**Lincoln County Courthouse**  
**7:00 PM, January 26, 2023**

- **Call to Order**
  - Pledge of Allegiance
  - Roll Call: Amy Fantozzi (Zoom), Dr. Dianna Carvey, Patty Kincheloe, Jan Ivers, Lannie Fehlberg, Jim Seifert, Josh Letcher
  
- **Board discussion of Pandemic Influenza Response Plan**
  - The Board discussed pages 1-9 of the Pandemic Influenza Response Plan, ending at the “Concept of Operations” section.
  - The Board scheduled an additional work meeting at 6:30 PM, February 13, 2023. This meeting will be in Eureka.
  
- **Public Comment**
  - None
  
- **Adjourned**
  - Adjourned at 8:45

**Lincoln County**  
**City-County Board of Health Minutes**  
**North Lincoln County Annex, Eureka**  
**6:00 PM, February 13, 2023**

- **Call to Order**
  - Pledge of Allegiance
  - Roll Call: Amy Fantozzi, Dr. Dianna Carvey, Jan Ivers, Lannie Fehlberg, Jim Seifert, Josh Letcher
  
- **Board discussion of Pandemic Influenza Response Plan**
  - The Board discussed pages 9-12 of the Pandemic Influenza Response Plan, beginning at the “Concept of Operations” section. Patty Kincheloe arrived at 6:40 and joined discussion at top of page 11.
  - Board members discussed clarification of the role of the governing body and addition of a “prevention” section in the next draft.
  
- **Public Comment**
  - None
  
- **Adjourned**
  - Adjourned at 7:10

# **Lincoln County**

## **Pandemic Influenza Response Plan**

### **March 2023**

This document contains the plans and protocols regarding pandemic influenza outbreak. 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.

The Pandemic and All-Hazards Preparedness Act (PAHPA), Public Law No. 109-417, was passed by the US Congress in 2006, then reauthorized (PAHPRA) Public Law No. 113-5 in 2013. These acts allow the US Department of Health and Human Services to advance national health security through several program areas, including the National Health Security Strategy, funding public health emergency preparedness and response, hospital preparedness, providing for stockpiling medical countermeasures, plus more.

PAHPRA continued the authorization for funding public health to the states and territories. To receive the funding, states must follow the aspects of the cooperative agreement and comply with the required tasks set forth each year by the CDC. Montana has chosen to disburse a portion of this grant funding to local and tribal jurisdictions, but it must be done through contract (via the task order agreement with Montana Department of Public Health and Human Services). Because the funds are federally based, any recipient or sub-recipient must comply with the originating Act.



**Promulgation of Authorization**

This document serves as the formal declaration authorizing the use of this emergency response plan to protect the public’s health and safety in Lincoln County against pandemic influenza. City-County Board of Health for Lincoln County (BOH) acknowledges that BOH, Lincoln County Health Officer and Lincoln County Health Department (LCHD) have the responsibility and duty to execute this plan in defense of public health.

This plan complies with existing federal, state, and local statutes and agreements made with the various agencies identified within. LCHD, in defense against disease outbreaks in our communities, prepares and maintains emergency preparedness documents and is committed to the training and exercise required to support this plan.

Partners with roles identified in this plan have participated in its development and concur with the processes and strategies found within, which comply with the Public Health emergency Preparedness and Response Capabilities National Standards (CDC, 2019), and adhere to the science-based, industry, and academic standards of disease control.

All partners and stakeholders are responsible for advising LCHD of any changes in their own procedures or operations that could affect any emergency responses undertaken.

This plan is hereby approved for implementation. It supersedes all previous editions.

\_\_\_\_\_  
Signature  
Amy Fantozzi, Chair  
Board of Health

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

## Record of Changes

Date	Revisions Made	Approved by:	Distribution Date
1/2016	Total re-write		
6/2019	Update to LCHD roles and responsibilities		
6/2020	Annual Review		
6/2022	Update roles and responsibilities		
1/2023	Added Promulgation of Authorization, added sections: public information, surveillance, resource providers, other prevention strategies and plan maintenance		

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**Introduction:** Severe influenza pandemics represent one of the greatest potential threats to the public's health. Pandemics are distinct from seasonal influenza epidemics that happen nearly every year. Seasonal influenza epidemics are caused by influenza viruses that circulate around the world. Over time, people develop some degree of immunity to these viruses and vaccines are developed annually to protect people from serious illness. Pandemic influenza refers to a worldwide epidemic due to a new, dramatically different strain of influenza virus. A pandemic virus strain can spread rapidly from person to person and, if severe, can cause high levels of disease and death around the world. Additionally, new vaccines or treatments may be developed and therefore are not likely to be available for months, during which time many people could become infected and seriously ill.

**Purpose:** The Lincoln County Pandemic Influenza Response Plan provides guidance to the health and medical community and other partners in health regarding detection, response and recovery from an influenza pandemic. This is a function specific plan that addresses pandemic influenza outbreak or the threat of outbreak and supports Lincoln County's comprehensive emergency plans. The plan is prepared with the knowledge that situations may arise that are more or less significant than planned. Some situations may be unexpected and may not be addressed in this plan.

This plan strives to:

- Define preparedness activities that should be undertaken before a pandemic occurs that will enhance the effectiveness of response measures.
- Describe the coordination, roles and decision-making structure that will incorporate Lincoln County Health Department, the health care system in Lincoln County, other local agencies and state and federal agencies during a pandemic.
- Achieve the following goals:
  - Limit the number of illnesses and deaths
  - Minimize social disruption and economic losses
  - Immunize and/or treat as many individuals as possible
  - Preserve continuity of essential government functions
- Coordinate with the Lincoln County Emergency Preparedness plans and activities and with the plans of state and federal partners.
- Address the unique challenges posed by a pandemic that may necessitate specific leadership decisions and response actions.

**Scope & Authority:** This plan is limited in scope to events that affect or potentially affect public health. This plan also contains activities that may be conducted during non-emergency phases. The responsibility for activation and implementation 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.

## **Situation**

There are several characteristics that differentiate a pandemic influenza from other public health emergencies.

- It has the potential to suddenly cause illness in a very large number of people and could easily overwhelm the health care system throughout the nation.
- A pandemic outbreak could also jeopardize essential community services by causing high levels of absenteeism in critical positions in every workforce.
- It is likely that vaccines against the new virus will not be available for six to eight months following the emergence of the virus.
- Basic services, such as health care, law enforcement, fire, emergency response, communications, transportation and utilities, could be disrupted during a pandemic.
- Finally, the pandemic, unlike many other emergency events, could last for several weeks, if not months.

### **Planning Assumptions**

- An influenza pandemic may result in the rapid spread of the infection with outbreaks throughout the world. Communities across the state and the country may be impacted simultaneously.
- There will be a need for heightened global, national and local surveillance.
- Lincoln County may not be able to rely on local mutual aid resources. State or federal assistance to support local response efforts may be limited.
- Antiviral medications may be in short supply. Local supplies of antiviral medications may be prioritized by the Health Officer for use in hospitalized influenza patients, health care workers providing care for patients and other priority groups based on current national guidelines and local community need.
- A vaccine for the pandemic influenza strain will likely not be available for six to eight months following the emergence of a novel virus.
- As vaccine becomes available, it will be distributed and administered by LCHD based on current national guidelines and local community need.
- Insufficient supplies of vaccines and antiviral medicines will place greater emphasis on nonpharmaceutical interventions and public education to control the spread of the disease in the county.
- The number of ill people requiring outpatient medical care and hospitalization could overwhelm the local health care system.
- Hospitals and clinics may have to modify their operational structure to respond to high patient volumes and maintain functionality of critical systems.
- The local health care system may have to respond to increased demands for service while the medical workforce experiences increased absenteeism due to illness.
- Demand for inpatient beds and ventilators may increase and prioritization criteria for access to limited services and resources may be needed.

- Emergency Medical Service responders may face extremely high call volumes for several weeks and may face reduction in available staff.
- The number of fatalities experienced during the first few weeks of a pandemic could overwhelm the resources of Medical Examiner's Office, hospital morgues and funeral homes.
- The demand for home care and social services may increase dramatically.
- There could be significant disruption of public and privately owned critical infrastructure including transportation, commerce, utilities, public safety, agriculture and communications.
- Social distancing strategies aimed at reducing the spread of infections such as closing schools, community centers and other public gathering points or cancelling public events may be implemented during a pandemic based on local community need.
- Some persons will be unable or unwilling to comply with isolation directives. For others, social distancing strategies may be less feasible (for example, populations who live in congregate settings). It will be important to develop and disseminate strategies for infection control appropriate for these environments and populations.
- The general public, health care system, response agencies and elected leaders will need continuous updates on the status of the pandemic outbreak, impacts on critical services, the steps LCHD is taking to address the incident and steps response partners and the public can take to protect themselves.

## **Roles and Responsibilities**

Under the Montana Department of Health and Human Services (DPHHS) Emergency Operations Plan (EOP) Annex M, state authorities outline local, state, and federal health jurisdictions' responsibilities in a pandemic influenza event. The following describes specific responsibilities and roles of LCHD during a pandemic influenza event.

### **Lincoln County Health Department**

- Promote routine vaccination and conduct seasonal influenza vaccination clinics.
- Conduct active surveillance for communicable disease with key surveillance partners
- Provide educational resources to community members including promoting disease prevention and healthy lifestyles.
- Coordinate planning with other community partners to monitor influenza levels in the community as directed by DPHHS's influenza reporting rules.
- Educate the health care system partners, response partners, businesses, community-based organizations and elected leaders about influenza pandemics, expected impacts and consequences and preventive measures including nonpharmaceutical interventions.
- Partner with local clinics and labs to quantify suspected and confirmed flu cases.
- Monitor Health Alert Network (HAN) and CDC news releases for messages regarding influenza activity that identifies location, strains detected, and if any circulating strains are showing resistance to antivirals.

- Communicate CDC and DPHHS surveillance findings and recommendations with key surveillance partners.
- Work with local media members to disseminate infection control education materials to community members.
- Review pandemic plans with local emergency response and healthcare partners to identify a situation-specific plan of action.
- Depending on severity, work with local government officials and administration of care facilities to consider closures of schools, restricting visitation to residents or patients of care facilities, cancelling large community events, and other social distancing techniques.
- Should civil unrest occur, work with local law enforcement regarding security of key infrastructure and educational campaigns for the populace (for example: for traffic control)
- Should the community's need for resources exceed local capabilities, PHEP funds may be used to a certain degree to acquire resources when in communication with DPHHS.
- Should the community's need for resources greatly exceed local capabilities, contact Montana State level PHEP employees to request Strategic National Stockpile resources as directed in the LCHD EMC Plan.
- Utilize Crisis and Risk Communication Plan for public information procedures.

#### **Responsibilities of other Entities in Lincoln County**

**Lincoln County Health Officer:** In order to carry out the purpose of the public health system, in collaboration with federal, state, and local partners, local health officers or their authorized representatives shall take steps to limit contact between people in order to protect the public's health from imminent threats, including but not limited to ordering the closure of buildings or facilities where people congregate and canceling events per MCA 50-2-118.

**Lincoln County City-County Board of Health (BOH):** In order to carry out the purposes of the public health system, in collaboration with federal, state, and local partners, the local board of health shall identify, assess, prevent and ameliorate conditions of public health importance through epidemiological tracking and investigation, screening and testing and isolation and quarantine measures. The BOH may propose for adoption by the local governing body regulations that do not conflict with rules adopted by the department for the control of communicable diseases.

**Governing Body:** If a directive, mandate, or order is issued by the local health officer in response to a declaration of emergency or disaster by the governor as allowed in **10-3-302** and **10-3-303** or by the principal executive officer of a political subdivision as allowed in **10-3-402** and **10-3-403**, it remains in effect only during the declared state of emergency or disaster or until the governing body holds a public meeting and allows public comment and the majority of the governing body moves to amend, rescind, or otherwise change the directive, mandate, or order.

## **Healthcare Partners**

- Contribute to a task force and participate in an organized response plan facilitated by LCHD to maximize the health care system's ability to provide medical care during a pandemic.
- Essential functions this group will address:
  - Direction and control – coordinate with the LCHD
  - Surveillance and detection – coordinate with Lincoln County Communicable Disease Coordinator to develop enhanced local influenza surveillance activities.
  - Worker safety and infection control – share information with LCHD to enhance infection control plans to triage and isolate infectious patients and protect staff.
  - Triage and patient care – share response plans that address medical surge capacity to sustain health care delivery capabilities when routine systems are overwhelmed.
  - Continuity of operations – develop approaches on how healthcare providers can continue to operate with reduced work force due to illness.

## **Schools**

- The local school superintendents will appoint a representative to sit on the task force. Schools may be closed for an extended period in response to a developing pandemic and based on local community need.
- School nurses represent a possible source of medical resources for surge during a pandemic.

## **Managers of Critical Infrastructure and Key Resources**

- Critical resources including water purification facilities, waste disposal facilities, sewage plants and public safety facilities, could be jeopardized. Managers of critical infrastructure and key resources should plan for staff shortages and ensure that supply chains are as robust as possible.
- Key resources include financial and banking services and food and grocery suppliers. Managers of key resources should be sure that emergency plans support operations with a diminished workforce and interrupted supply chains.

## **Medical Examiner's/Coroner's Office**

- Lead mass fatality planning and response efforts.
- Coordinate with and support hospital regarding mass fatalities planning and response.
- Incorporate funeral home directors into planning efforts for pandemic response.

## **Concept of Operations**

### **General Concepts:**

- LCHD and all response partners will operate under the Incident Command System (ICS) as further defined by the Lincoln County Emergency Operations plan throughout the duration of



the pandemic response. Activation of this plan will be initiated by the Health Officer or designee in consultation with the City-County Board of Health for Lincoln County.

- Response actions will emphasize reducing the spread of infection and providing frequent communication and education to the public about the pandemic, the public health response and steps the public can take to reduce the risks of infection.

**Direction and Control:** LCHD is the lead agency in coordinating the local health and medical response to a pandemic with local, state and federal agencies and officials. LCHD will activate ICS and incident command to coordinate the county-wide public health and medical response during a pandemic. These activities are described in Lincoln County's Emergency Operation Plans.

**Public Information/Risk communications:** The general public, health care system, response agencies and elected leaders will need continuous updates on the status of the pandemic outbreak, impacts on critical services, the steps LCHD is taking to address the incident and steps response partners and the public can take to protect themselves. The Crisis and Risk Communication Plan will be used for public information. Information will be shared with key partners through regular email updates and regular (weekly or daily depending on the situation) virtual meetings to share real time updates.

**Surveillance and Contact Tracing:** Disease surveillance, case investigation and contact tracing will be conducted as described in the Communicable Disease Response Plan.

**Resource Providers:** Should additional resources be needed; requests should be made to Lincoln County Emergency Management Agency.

**Vaccine and Antiviral Medications:** Vaccines serve as one of the most effective preventative strategies against outbreaks of influenza, including pandemics. However, dissemination of an effective influenza vaccine during a pandemic faces several challenges:

- A pandemic strain could be detected at any time and production of a vaccine could take six to eight months after the virus first emerges.
- The target population for vaccination may ultimately include the entire United States population.
- It is expected that demand for vaccine may initially outstrip supply and administration of limited vaccine will need to be prioritized based on national guidelines, in consultation with the MT DPHHS and based on local situation.
- Antiviral medications may be useful for controlling and preventing influenza prior to the availability of vaccines, however, there is a limited supply of antiviral drugs effective against pandemic strains.

**Non-Pharmaceutical Interventions:** For more detail see Lincoln County Health Department’s Non-Pharmaceutical Intervention Plan

**Isolation and Quarantine:**

- During all phases of a pandemic, persons ill with influenza will be directed to remain in isolation in health care settings or at home, to the extent possible.
- Once person-to-person transmission is established locally, quarantine of individuals exposed to influenza cases may be of limited value in preventing further spread of the disease.
- Quarantine of contacts of influenza cases may be beneficial during the earliest phases of a pandemic and in response to an influenza virus that has not achieved the ability to spread easily from person-to-person.

**Social Distancing:** Social distancing strategies are non-medical measures intended to reduce the spread of disease from person-to-person by discouraging people from coming in close contact with each other.

- These strategies could include:
  - closing public and private schools,
  - minimizing social interactions at colleges and libraries,
  - closing non-essential government functions,
  - implementing emergency staffing plans for the public and private sector including increasing telecommuting, flex scheduling and other options and
  - closing public gathering places except churches
- Implementation of social distancing strategies in Lincoln County may create social disruption and significant long-term economic impacts. It is unknown how the public will respond to these measures. Decisions may be made jointly or independently by the health officer and the BOH regarding social distancing as authorized by MCA 50-2-116 and MCA 50-2-118.
- The health officer or designee may review social distancing strategies and current epidemiology and coordinate with leadership of towns in Lincoln County regarding social distancing actions that should be implemented to limit the spread of the disease.
- The health officer will also consult with local school superintendents and school boards regarding the closing of any public and private schools, colleges and libraries in Lincoln County.
- If social distancing strategies are initiated, the health officer will monitor the effectiveness of social distancing in controlling the spread of disease and will advise appropriate decision makers when social distancing strategies should be relaxed or ended.

**Other Prevention Strategies:** Healthy habits to help protect against flu from CDC (CDC, 2021):

- Avoid close contact: Avoid close contact with people who are sick. When you are sick, keep your distance from others to protect them from getting sick too.
- Stay home when you are sick: If possible, stay home from work, school, and errands when you are sick. This will help prevent spreading your illness to others.

- Cover your mouth and nose: Cover your mouth and nose with a tissue when coughing or sneezing. It may prevent those around you from getting sick. Flu viruses spread mainly by droplets made when people with flu cough, sneeze or talk.
- Clean your hands: Washing your hands often will help protect you from germs. If soap and water are not available, use an alcohol-based hand rub.
- Avoid touching your eyes, nose or mouth: Germs can be spread when a person touches something that is contaminated with germs and then touches his or her eyes, nose, or mouth.
- Practice other good health habits: Clean and disinfect frequently touched surfaces at home, work or school, especially when someone is ill. Get plenty of sleep, be physically active, manage your stress, drink plenty of fluids, and eat nutritious food.

**Public Health Services:** During a pandemic, LCHD may suspend routine department operations to provide staff for flu clinics, triage centers and telephone triage services. The Health Officer, Director or Public Health Manager will assess the need to reprioritize department functions and will direct the mobilization of staff to meet emerging needs of the pandemic.

**Recovery:** Recovery from an influenza pandemic will begin when it is determined that adequate supplies, resources and response system capacity exists to manage ongoing activities without continued assistance from pandemic response systems.

- In consultation with the healthcare providers and local elected leaders, the health officer will recommend specific actions to be taken to return the health care system and government functions to pre-event status.
- LCHD will assess the impact of the pandemic on the community's health as measured by morbidity and mortality and report findings to all response partners.
- Preparedness program may conduct an after-action evaluation of the pandemic response. The evaluation may include recommendations for amendments to this plan.

## **Plan Maintenance**

This plan is reviewed and signed by the Health Officer and Board of Health Chair or designee(s) annually.

**HEALTH AND ENVIRONMENT REGULATIONS**  
**Chapter 3: Lincoln County Wastewater Treatment and Disposal Regulation**  
10 May 2017 (Revised 10 October 2018) (March 2023 Draft)

**SUBCHAPTER 1: GENERAL PROVISIONS**

**3.1.101 INTENT:** 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.

**3.1.102 AUTHORITY:**

- (1) Authority for regulations promulgated in this rule is provided for in MCA 50-2-116.
- (2) As required by M.C.A. 50-2-116 (1)(j), the City-County Board of Health for Lincoln County hereby recommends the Governing Body adopt 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. Such adoption, if adopted, is noted at the end of the Regulation.

**3.1.103 DEFINITIONS:** The following definitions shall apply in the interpretation and enforcement of this rule:

- (1) "Altered" - to have physically changed a wastewater treatment and disposal system
- (2) "Affidavit" – Affidavit of Wastewater Treatment and Disposal System Compliance Review for System Installed, Repaired or Replaced Without a Valid Permit may be used to remove illegal status of a system installed without a permit
- (3) "As-Built" – an accurate drawing submitted by the installer showing the measured placement of all subsurface wastewater treatment system components relative to property boundaries and common reference points
- (4) "Board of Health" – is the City-County Board of Health for Lincoln County
- (5) "Department" – Lincoln County Health Department
- (6) "Governing Body" – Identified in the Board of Health Bylaws as the Lincoln County Board of Commissioners
- (7) "Health Officer – Lincoln County Health Officer or their designated representative
- (8) "Holding Tank" – a watertight receptacle that receives wastewater for retention and does not, as part of its normal operation, dispose of or treat the wastewater
- (7)(9) "Infiltrators" – leaching chambers with an open bottom, structurally designed to carry the earth loading
- (8)(10) "Licensed Installer" – a person holding a current license, issued by the Department, to install, alter or repair wastewater treatment and disposal systems regulated by the Board of Health
- (9)(11) "Person" – any individual, institution, corporation, association, or other private or governmental entity
- (10)(12) "Primary Treatment" – 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
- (13) "Qualified Site Evaluator" – a person who has demonstrated knowledge of soils and site characteristics necessary to conduct percolation tests and soil profiles
- (11)(14) "Replacement System" – a wastewater treatment and disposal system installed to replace an existing system that is failed, failing or contaminating. New systems that serve an expanded home, or installed to relocate an existing system, are not replacement systems unless the system is replacing a legal failed, failing, or contaminating system
- (12)(15) "Secondary Treatment" – the further treatment of wastewater after primary treatment, such as in a subsurface drainfield
- (13)(16) "System" – any on-site wastewater collection, treatment, or disposal system, such as a septic system, holding tank, composting toilet, or portable toilet, that provides primary or secondary treatment or containment.
- (14)(17) "Wastewater" – 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

## SUBCHAPTER 2: COMPLIANCE REQUIREMENTS

### 3.2.101 PROHIBITED ACTS:

- (1) It shall be unlawful to violate any provision of this regulation.
- (2) 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.
- (3) It shall be unlawful to use a malfunctioning system, to remove wastewater or human excreta from a system and dispose of it in or at an unauthorized location, or to collect and/or dispose of wastewater or human excreta in an unpermitted manner.
- (4) It shall be unlawful for any ~~person to use~~ property owner to utilize, or allow to be utilized, a wastewater treatment and disposal system that does not have a valid permit issued by Lincoln County if one was required at the time of construction.
- (5) Structures designed and constructed for occupancy by people that have water service must not be occupied unless connected to an authorized wastewater treatment and disposal system.
- ~~(6) A recreational vehicle that has skirting installed or has been occupied on a single parcel or lot for more than 30 days must be connected to an authorized wastewater treatment and disposal system.~~
- ~~(7) No person may use~~ property owner may utilize, or allow to be utilized, a wastewater treatment and disposal system that is located in a floodplain unless the system was installed according to the regulations effective at the time of installation. No person may increase use to a wastewater system in the floodplain.
- ~~(8) Holding tanks are not allowed.~~ prohibited except as allowed in ARM 17.36.321.

**3.2.102 PERMIT:** A valid permit issued by the Department is required before installation, repair, modification, replacement or increased use of a wastewater treatment and disposal system.

- (1) 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 property owner.
  - (b) ~~A-The assessment code,~~ legal description, and size ~~and address~~ of the property on which the system is located or proposed.
  - (c) 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 and disposal system. The evaluation shall be made by a qualified site evaluator on forms provided by the Department and shall include the information necessary to complete the forms and any additional information deemed necessary by the Department to ensure compliance with this regulation.
  - (d) A site plan showing locations of proposed wastewater treatment and disposal system components and other structures and features necessary to determine if a site is suitable.
- (2) A permit shall be issued upon approval of the application by the Department, and the payment of the permit fee. Once a permit has been issued by the Department, construction may begin.
- (3) Permit fees are included in the Wastewater Fee Schedule and approved by the Board of Health and Governing Body. The current Wastewater Fee Schedule is by this reference incorporated herein. Checks shall be payable to Lincoln County. This fee is non-refundable.
- (4) A new waste water 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 complies with this regulation.
- (5) 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 Board of Health in accordance with A.R.M. 17.36.922, if one is

needed.

- (6) If a system has not been approved within twelve (12) months of the date the permit was issued, the permit shall expire and will be invalid. The permit may be extended at the discretion of the Department.
- (7) Any changes in plans, details or specifications of construction not approved by the Department, after the permit is issued, shall invalidate the permit and a new permit will be required for installation.
- (8) The system is not eligible for permitting if installation, repair, modification, replacement, or increased use of a system starts prior to a valid permit being issued. An Affidavit of Wastewater Treatment and Disposal System Compliance Review for System Installed, Repaired or Replaced without a Valid Permit (Affidavit) may be issued if requirements for the Affidavit are met by the applicant.
- (9) The Department shall disapprove an application for a permit in writing if they determine 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.
- (10) A permit denial may be appealed to the Board of Health as provided in A.R.M. 17.36.922. The appeal must be made in writing and submitted to the Board of Health within sixty (60) days of the denial. 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. To the extent the appeals contemplated in this provision are subject to the Lincoln County Notice of Violation & Abatement Order Review Process, the terms of that Regulation are incorporated herein.
- (11) If a permit is not issued, the application expires one (1) year after the date of submittal.

### **3.2.103 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 standard gravity 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 Department. 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 Department who may grant the license upon completion of the following:
  - (a) Name, address and telephone numbers of the applicant.
  - (b) Passing the required examination with a score of at least 85%.
  - (c) Receipt of the license fee payment. License fees are included in the Wastewater Fee Schedule and approved by the Board of Health and Governing Body. The current Wastewater Fee Schedule is by this reference incorporated herein. Checks shall be payable to Lincoln County. This fee is non-refundable.
- (3) 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.
- (4) Installer licenses shall be valid for ~~the two years stated on the license up to two years as stated on the license, expiring on December 31 of the second year,~~ unless revoked, ~~and~~ Licenses shall be renewable prior to expiration. Licenses are not transferable.
- (5) 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.
- (6) Installer licenses are the property of the Department and may be revoked by the Department 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) Failure to correct violations or deficiencies noted during inspection, and/or,
  - (d) Having provided false evidence or information to obtain a permit or gain approval of an installation.
- (7) 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 personal delivery or certified mail.
- (8) For a first violation, the license will be revoked until the installer again passes the required examination with a score of at least 85% and pays the exam fee. For subsequent violations, 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.

### **3.2.104 QUALIFIED SITE EVALUATOR**

- (1) A site evaluation must be conducted by an approved site evaluator who has demonstrated knowledge of soils and site characteristics and how they relate to the design and function of wastewater treatment and disposal systems.
- (2) The following persons are accepted as qualified site evaluators in Lincoln County:
- (a) Professional engineers
  - (b) Persons possessing a B.S. degree in geology, hydrogeology, or soils science
  - (c) Registered Sanitarians
  - (d) Other persons with equivalent expertise or experience as determined by the Department

### **3.2.105 INSPECTION AND OPERATION**

- (1) All systems must receive final approval from the Department for a permit to be valid.
- (2) All new or altered systems shall be inspected by the Department prior to backfilling, unless specific permission has been granted by the Department to backfill a portion of the system prior to inspection or the Department has determined that an inspection is not necessary.
- (3) Inspection of pressure dosed systems will include observed hydraulic analysis, show no greater than 10% variation in distribution of dose across the entire distribution system, and demonstrate minimum pressure as required in Circular DEQ 4. With prior approval, a portion of the system may be covered and the squirt test observed at the ends of each lateral.
- (4) The applicant or licensed installer shall notify the Department at least three business days prior to backfilling, so that arrangements for an inspection can be made.
- (5) 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 may charge a re-inspection fee to return and re-inspect the system after violations have been corrected or require that the licensed installer provide evidence that the deficiency has been corrected.
- (6) Licensed installers, after receiving approval from the Department, may inspect their own installation and certify the system is installed in compliance with these regulations on forms provided by the Department when Department personnel are unable to inspect the system within three (3) business days of the requested inspection time. The installer must submit a completed inspection of the system, including an as-built and photo documentation, to the Department within seven (7) days after receiving permission to self-inspect.
- (7) Application for a permit confers upon the Department the authority to access the installation site at reasonable times to inspect or collect samples. The property owner or licensed installer will be notified prior to inspection.

### **3.2.106 DESIGN AND CONSTRUCTION STANDARDS:**

- (1) General
- (a) 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 Circular DEQ 4 which are included in A.R.M. Title 17, Chapter 36 by reference unless a more specific requirement is included in this

regulation.

- (b) Minimum Horizontal Setbacks must conform to ARM 17.36.323 or ARM 17.36.918, whichever is applicable to the specific parcel.
- (c) Applicants proposing a new wastewater treatment and disposal system, or increased use of a system, must designate a full sized replacement area that meets all the criteria for the initial drainfield or absorption system.
- (d) Projected residential wastewater flows will be based on the number of bedrooms. For purposes of sizing, an unfinished basement or a bathroom in a shop/garage are considered to be an additional bedroom. Facilities for dumping wastewater from an RV are considered an additional bedroom with a wastewater flow rate of 50 gallons per day if no water hookup is provided and 100 gallons per day if water hookup is provided.
- (e) Site evaluation requires percolation test(s), a soil profile description to a minimum depth of 8-10 feet, depth to groundwater, and distance to surface water. Groundwater monitoring may be required at marginal sites.
- (f) A structure, movable or immovable, may not be located over or moved onto any part of the drainfield. The drainfield or other absorption system must be located and protected in a manner that prevents vehicles from passing over or parking on top of the system. This area must be kept free of all obstructions, including pavement, which will prevent air from penetrating the soil.

(2) Design

- (a) Wastewater Treatment and Disposal Systems may be designed by the Department, a licensed professional engineer, a licensed installer, a qualified site evaluator, or a registered sanitarian.
- (b) The Department may require a wastewater treatment and disposal system be designed by a professional engineer or a registered sanitarian when the system:
  - i. is an experimental, alternative or advanced treatment system
  - ii. requires a Request for Variance from regulations
  - iii. serves a commercial or industrial establishment, or a multi-family residence
  - iv. is located on a site with difficult site conditions
- (c) No system or any portion of a system may be located on a slope that exceeds 25%. Systems installed on slopes between 15% and 25% will require an engineer's soil stability report per ARM 17.36.322.
- (d) Drainfields may not be located within 100 horizontal feet of a floodplain or flood-prone area as delineated by the most current FEMA floodplain maps. If the floodplain has not been designated and its elevation relative to a wastewater treatment and disposal system is in question, the applicant must submit evidence adequate to establish the location of the floodplain. Replacement of systems legally installed in the floodplain or flood-prone area are allowed as described in these regulations.
- (e) Reduction of drainfield size up to 25% may be allowed per the following table if infiltrators are installed:

Percolation Rate (mpi)	Application Rate (gpd/sf)	Reduction %
<3	0.8	25
3 - <6	0.8	25
6 - <10	0.6	20
10 - <16	0.5	15
16 - <31	0.4	10
31 or more	0.3 or less	0

**SUBCHAPTER 3: ENFORCEABILITY AND PENALTIES**

**3.3.101 ENFORCEABILITY:** The provisions of this regulation are enforceable by the Lincoln County Sheriff's Office, the Health Officer, the Department, or any other law enforcement personnel with jurisdiction.

**3.3.102 POWERS AND DUTIES OF THE DEPARTMENT:**

~~(1) The Health Officer is hereby authorized to enter upon private property to make such inspections as are necessary to determine satisfactory compliance with this regulation.~~

~~(2)(1) The owner or occupant of a property shall give the Health Officer access to the property. The Health Officer is hereby authorized to enter upon private property, at reasonable times and after attempting to notify the property owner, for the purpose of making such inspections as are necessary to determine~~



compliance with the requirements of this regulation.

~~(3)~~(2) The Health Officer will determine whether or not this regulation applies after an inspection of the property or area.

~~(4)~~(3) The Health Officer will serve a written Notice of Violation and/or Notice to Appear and Complaint on the person who owns, leases or occupies the property on which a violation of this regulation exists. The notice(s) may be served in person or by certified mail with return receipt.

~~(5)~~(4) The Health Officer can set a deadline for compliance and approve/disapprove a proposed compliance plan.

~~(6)~~(5) If the violation has not been corrected by the deadline, the Health Officer, or their contractor or designee, may enter onto the property for the specific purpose of abating or mitigating the violation.

~~(7)~~(6) To the extent the actions contemplated in this Section are subject to the Lincoln County Notice of Violation & Abatement Order Review Process, the terms of that Regulation are incorporated herein.

**3.3.103 PENALTIES:**

- (1) Violation of any part of this regulation shall constitute a misdemeanor punishable 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.
- (2) Actions to recover the expenses incurred under 3.3.102(6) shall be brought in the name of the county as provided by MCA 50-2-123.

**SUBCHAPTER 4: SEVERABILITY AND CONFLICT OF ORDINANCE**

**3.4.101 CONFLICT:** 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 establishes the higher standard for the protection of public health and safety shall prevail.

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

\_\_\_\_\_  
Board Chair  
City-County Board of Health for Lincoln County, MT

\_\_\_\_\_  
Date

**HEREBY ADOPTED:**

\_\_\_\_\_  
Board Chair  
Governing Body – Lincoln County Board of Commissioners

\_\_\_\_\_  
Date

## Kathi Hooper

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**From:** Lety S Frey <lety@nwmontana.net>  
**Sent:** Thursday, March 9, 2023 12:59 PM  
**To:** Kathi Hooper  
**Subject:** Board of Health meeting

Hi Kathi,

Will you please put me on the Board of Heath's agenda for Tuesday at 6:00 in regards to a variance for a replacement field on property:

Dana E Miller (inherited property)  
Harrisburg 1st Addn. S25, T35N, R26W, Block, Lots 1-6.  
Address:  
31 1st Avenue So, Fortine, Mt 59918

Thank you,

Lety  
Sent from my iPhone