

EL PASO COUNTY PUBLIC HEALTH
May 23, 2018
BOARD OF HEALTH MINUTES

The El Paso County Board of Health met at 1675 West Garden of the Gods Road, Colorado Springs, Colorado, May 23, 2018. Kari Kilroy, President, called the meeting to order at 7:30 a.m.

Board of Health Members:

Kari Kilroy, President
James Terbush, Vice President - excused
Victoria Broerman
Robert Bux
Longinos Gonzalez
Peg Littleton
Richard Skorman
Doris Ralston
Sam Gieck

Directors Present:

Tom Gonzales, Deputy Director
Susan Wheelan, Deputy Director
Brenda Heimbach, Health Services Division Director

Others Present at Regular Session:

Kenny Hodges	Kathi Schwan	Elaine Johnsen	Jakob Rodgers	Amy Phillips
Tim Galvin	Phillip Bugenhagen	Aaron Doussett	Kat McGarvy	Donna Dunkley
Chris Parr	Tim Galvin	Rebecca Petros	Deborah Stout-Meininger	

Approval of Agenda

Kari Kilroy asked for approval of the agenda.

MOVED: by Richard Skorman seconded by Robert Bux to approve the agenda for the May 23, 2018 meeting.
MOTION CARRIED UNANIMOUSLY.

Board of Health Comments

Board members expressed their condolences to the Martindale family.

Longinos Gonzalez commented on an article in the Gazette recently indicating that sexually transmitted disease (STDs) could become a bigger issue in the area.

Kari Kilroy noted that the 2017 Annual Report has been published. Board members were given copies and informed that a [link to the document](#) is available on the EPCPH website. Danielle Oller, and Office of Communication members Mava Cooper and Michelle Hewitt worked hard to create an excellent document highlighting the issues EPCPH addressed in 2017.

Kari Kilroy noted that Dr. Christine Nevin-Woods will be departing in one week, and that Dr. Chris Urbina will provide interim coverage until a permanent Medical Director is in place.

Approval of Board of Health Minutes

MOVED: by Longinos Gonzalez seconded by Richard Skorman to ratify the minutes from the April 25, 2018 Board of Health meeting, pending amendments as requested following discussion.

MOTION CARRIED UNANIMOUSLY.

Finance and Budget

April 2018 Financial Report – Elaine Johnsen provided the April 2018 financial summary to the board. There were no questions.

MOVED: by Doris Ralston seconded by Richard Skorman to approve the financial report for April 2018, pending audit.

MOTION CARRIED UNANIMOUSLY.

Finance Resolutions

Resolution to Recognize Revenue and Appropriate Expenditures for New and/or Increased Contract and Grant Funding

MOVED: by Richard Skorman seconded by Robert Bux to approve the Resolution to Recognize Revenue and Appropriate Expenditures for New and/or Increased Contract and Grant Funding and Update Authorized FTE Positions.

MOTION CARRIED UNANIMOUSLY.

Contracts:

- A. Emergency Preparedness and Response (EPR) - Cities Readiness Initiative (CRI)
- B. EPR Public Health Emergency Preparedness (PHEP) Core funding
- C. Tuberculosis Prevention and Control
- D. Tobacco Education and Prevention Partnership Community Tobacco Initiatives in El Paso County
- E. Waste Tire Inspections and Enforcement
- F. Food System Assessment Phase 2, grant from Colorado Springs Health Foundation

It was noted that all contracts are renewals

MOVED: by Robert Bux seconded by Richard Skorman to approve contracts A-F.

MOTION CARRIED UNANIMOUSLY.

Public Hearing:

- A. Public Hearing and Resolution for Onsite Wastewater Treatment Systems Regulation Revision – *Tom Gonzales and Aaron Doussett*. This agenda item is continued from April 25, 2018.
 - 1) Presentation of Draft Onsite Wastewater Treatment Systems Regulation
 - The goals of the amended regulations are as follows:
 - a. Align Chapter 8 with CDPHE regulation 43 as amended in 2017
 - b. Clarifying soils with high rock content modified to include other treatment options
 - c. Distinguish between repair and modification
 - d. Update vocabulary and definitions (such as tiny homes)
 - e. Improved organization and flow

There has been an extensive stakeholder process over the past 12 months. We are bringing EPCPH regulations into compliance with updated Regulation 43 of the Water Quality Control Commission, and clarifying the language. The changes made to the regulation will only impact new and major repair septic systems moving forward.

2) Public Comments

- a. Chris Parr, Parr Engineering and Consulting – Mr. Parr participated in the stakeholders’ meetings over the past year. He appreciated the process and stated that it provided him the tools to meet with homeowners and clients and explain why the regulations are set up in the way they are. He believes that working with installers is important. The regulation allows him to be thorough and efficient and complete a system in the least expensive way from the home owners’ perspective.
- b. Tim Galvin, owner and operator of Underground Solutions. Mr. Galvin deals with operation and maintenance of OWTS and failed systems. Without the task force, you get regulation by regulators – not people who in involved in the actually system installation process. EPCPH is top in state for actively seeking input from people in the industry. Mr. Galvin expressed his concerns with soil option R that is a requirement in Regulation 43 Mr. Galvin encouraged board members to involve homeowners in the process and to expand operating and maintenance guidelines.
- c. Phillip Bugenhagen, Bugenhagen Excavating, focused on the change from discharge to treatment in the regulation. He noted that the new systems require more maintenance. He stated that it is a tough balance to do what’s right for the system and right for the homeowner. Mr. Bugenhagen complemented EPCPH on excellent staffing. He stated that overall the regulation is very good, but overall the cost for the homeowner will rise. The key is to ensure people are not “bootlegging” septic systems and to assure the system is installed properly.

3) Board Discussion –

- a. Longinos Gonzalez confirmed that the changes being made are mandates because of state changes and that the only change that is voluntarily included in the updated regulation is the section on modifications versus repair. Tom Gonzales indicated that we are under \$550 per repair permit. Other counties in Colorado charge approximately \$1,000 per permit. EPCPH is seeking to keep costs low to prevent bootlegging. There is no fee for modification permit. The board would have to approve that. The Environment Health Division is tracking costs based on that activity. He was directed several years ago by the board to keep OWTS costs self-sufficient with fees.
- b. Peggy Littleton doesn’t support the change to the regulation because of the incremental and continual encroachment of government on people’s lives.
- c. Victoria Broerman asked if the changes we are making are radical or are we fine tuning? Tom Gonzales indicated that these changes are not radical at all. Our job is to protect public health. Our balance is protecting the people and environment. He appreciates everyone’s input, but recognized that there is a degradation to type R soil treatment. We want to protect the aquifer. We need to apply regulations in a fair and equitable way and avoid bootlegging due to inability to pay high rates. In 2013 there was a significant change to the regulation. Prior to that, we were working on regulations from 1977.
- d. Richard Skorman noted that the City Council is dealing with a 100-foot setback for camping by the homeless because of the risk of E coli. Tom Gonzales indicated that Fountain Creek, like any water system running through an urban area, exceeds E coil. limits, but it hasn’t been determined if all the E coli is from human sources., sources

can be from mammals such as birds, bovine, dog, etc. He added that septic systems done properly should not contribute to surface water contamination. EPCPH is partnering with CSU extension to provide no-cost education on septic system maintenance and water wells. We are moving toward outreach and education rather than just regulation.

- e. Sam Geick indicated that if it costs some money to keep the water safe, then that's something that has to happen. Protection of the water and aquifer is important. Tom Gonzales added that he is very sensitive to the costs on repairs, and there are zero percent loans available. He will be promoting options such as this to prevent causing financial hardship on homeowners.

4) Motion to Amend/Approve

MOVED: by Longinos Gonzalez seconded by Sam Geick to approve the Resolution for Onsite Waste Treatment Systems Regulation Revision

MOTION CARRIED WITH SEVEN IN FAVOR AND ONE OPPOSED.

Victoria Broerman asked if Public Health will be waiving fees for land owners in Hanover who were affected by the recent fires. Tom Gonzales indicated that EPCPH has gone to Hanover town halls, and there were questions on septic systems. We have been in communication with the Assessor and are reaching out directly to those individuals who were impacted. Victoria Broerman asked that he report back to board on this subject.

Director's Report – *Dan Martindale*

Board members were provided the Director's Report in their packets. Kari invited members to review their packets and email the Deputy Directors with any questions or concerns.

Public Comment:

Deborah Stout Meininger addressed the board.

Next Board of Health meeting

June 27, 2018, 7:30 a.m. - 10:00 a.m., located in the John Snow/Milton Miller conference room.
23 May 2018-BOH/KSchwan