

APPENDIX B

I am requesting that this letter be included into the record as correspondence to the Seeley Lake Sewer District for tonight's meeting.

Dear Pat:

I am distressed and confused by correspondence I have received via e-mail on September 18 from John Beale, the Board lawyer, regarding my referendum request regarding the mandated hookup.

There are two issues which I need to address.

First, I do not know how I have been included in any action by Don Larson. My decision to start the referendum process resulted from the following:

- a) At many SLSD meetings, the need for 140+ people in district one to sign an agreement for sewer hookups was discussed. To me, getting these signatures would be a clear indication of whether or not the people of Seeley would finally have a clear say on their stand on this issue. (Despite the fact that the Board continues to point to the notice and protest process as proof of support in this community, I feel that there have been a number of votes that clearly indicate widespread opposition to the sewer.)
- b) Suddenly, the Board passed a resolution that mandated the sewer hook up, totally undermining the community's ability to have a clear say on this.
- c) We collected over 180 signatures from people in the sewer district opposing the mandate and presented this to the Board at the August meeting. These signatures were not even put into the record.
- d) Therefore, I decided to exercise my constitutional right and to submit a referendum petition to the Missoula County Election Office. They, in turn, approved my request, sent it to the County Attorney who drafted suggested "fair" ballot language and sent that draft to John Beale on September 9.
- e) It is a long standing principal in this country that we express opinions by voting. I want the voters of Seeley to have their say and the Board of Election has approved my request.
- f) There is an implication in John Beale's letter that I am working with Larson. This is absolutely false. To the best of my knowledge, I have never even met Don Larson. When did the Board make the decision to tell the attorney to tie my request into the Don Larson law suit?

Moving to my second concern. John Beale states that I am not a person of standing in this community. My husband is a property owner who, if anything, is even more outraged by this mandated action than I am. However, the constitutional right to address issues through the referendum process is to electors, not property owners and therefore, I have standing,

Pat, I want to reiterate what I stated in a letter to the Pathfinder (June 13 issue): kudos to you for the way you are allowing people to express themselves in the SLSD meetings, and the atmosphere of respect with which the meetings are being run. However, while many of us our given the chance to express ourselves, I do not feel we are being heard.

Sincerely,
Franny Trexler

APPENDIX C



Missoula City-County Health Department

ENVIRONMENTAL HEALTH

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September 19, 2019

Pat Goodover, Chair
Seeley Lake Sewer District Board
3360 Highway 83 N
Seeley Lake, MT 59868

Dear Mr. Goodover and Board Members:

As you know, the Missoula City-County Health Department is very supportive of the Seeley Sewer District Board's actions to provide public sewer to the Seeley Lake Community. While district sewer will serve many purposes, the Health Department's primary focus is on reducing the pollution, specifically nitrate pollution, that is coming from the area's many septic systems.

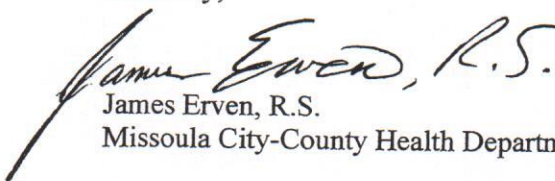
In looking at the proposed rules, we have three main areas of comment. First and foremost, we support the sewer district board's requirement to connect to sewer when the mains are available, as did the Health Board in their August 15, 2019 letter to you. This requirement will help ensure that Seeley's problem of nitrates in groundwater will be resolved. Sewer is a very effective way to address nitrate groundwater contamination, but only when the sources of nitrate are removed. The rule's wording is a little confusing as written, and we have attached an idea of how it can be reworded.

Secondly, we do not support the Level II exemption to the connection rule. There are only two permitted Level 2 systems in Seeley Lake. One was installed in 2012, more than 5 years ago. The other one, installed in 2015, serves Rovero's. This source produces about 2,750 gallons of wastewater a day (which is the equivalent of 9 - 12 homes.) Level 2 systems discharge approximately half of the nitrate of a regular system, meaning that Rovero's would still be a significant source of nitrate to the groundwater. Connecting this large system to the sewer system as soon as it is built will reduce the negative impacts to both groundwater and the lake. On a related note, it's not clear to us why there needs to be an exemption for vacant and undevelopable properties. Until wastewater is being generated, the connection rule does not and does not need to apply.

Lastly, we want to make sure that existing septic systems are abandoned in accordance with the Health Code, when the properties are connected to the public sewer. We recommend more specific language be included – in the rules, appendix and bid documents. Our suggested language is attached. Proper abandonment of tanks, cesspools and seepage pits will prevent them from collapsing in the future and creating safety hazards near businesses and in people's yards.

Thank you for the opportunity to comment, should you have any questions, please feel free to contact me if you have any questions or concerns.

Sincerely,


James Erven, R.S.
Missoula City-County Health Department

APPENDIX C

Suggested Changes to Section 305 Connection to the Public Sewer System Required

~~The Owner of any house, building, or other property which is used for human occupancy, business, employment or recreation and generates wastewater, which property abuts on any street or public right of way in which there is or may be located a sewer main, shall install suitable service facilities therein, and connect such facilities directly to the sewer main with 180 days after the official notice to do so, provided that a sewer main is located in the right of way within a distance of five hundred (500) feet from the owner's property line, weather conditions permit, the house, building or structure is within the wastewater service area and the wastewater capacity is sufficient to serve the property.~~

The Owner of any house, building, or other property within the District that is used for human occupancy, business, employment or recreation and that generates wastewater must connect the structure generating wastewater to the public sewer within 180 days of a sewer main being available.

A sewer main is available when it is located in the street or public right of way that abuts the property, comes within 500 feet of the property line, and the wastewater capacity is sufficient to serve the property.

In the connection permit, the District may extend the deadline for connection up to 3 months if weather will likely prevent installation of the service lateral within 180 days.

~~The District will include the cost of constructing the Sewer Lateral to connect any existing house, building or other property that generates wastewater and to abandon the existing septic system during the construction of each Phase of the Collection System if the Owner has provided a notarized Temporary Right of Entry for Construction form, Appendix C, by the noticed deadline for each Phase.~~

The cost of connecting to the public system with a sewer lateral and abandoning the existing septic system shall be at the expense of the Owner (s) and shall be done in accordance with the provisions of these Rules and Regulations, except as provided below.

The District will include the cost of constructing the Sewer Lateral to connect any existing house, building or other property that generates wastewater and to abandon the existing septic system during the construction of each Phase of the Collection System if the Owner has provided a notarized Temporary Right of Entry for Construction form, Appendix C, by the noticed deadline for each Phase.

The Owner(s) of a property that is not connected, as part of the Construction of a Phase of the Collection System, must obtain a Connection Permit pursuant to the procedures described in Chapter 8.

Suggest Adding a New Section in Chapter 11 Titled "Existing System Abandonment"

Once a property is connected to sewer, existing septic tanks, seepage pits and cesspools must be located, pumped and crushed or filled in accordance with the Missoula City-County Health Code, Regulation 1.