



## LAWRENCE COUNTY HEALTH DEPARTMENT

2122 So. 8th Street  
Ironton, OH 45638  
740-532-3962



**Public Health**  
Prevent. Promote. Protect.  
Lawrence County Health Department

Georgia Dillon, APRN, CNP  
Health Commissioner

Jim Meadows, MD  
Medical Director

### Lawrence County Board of Health June 22, 2022, Minutes

**Roll Call:** The meeting was called to order at 4:07 PM. Board Members present included: Randy Lambert (President), Mark Dickess, and Brenda Shipley.

Also present was Georgia Dillon (Health Commissioner), Zach Schweinsberg (Fiscal Officer), and Paul O'Banion (Director of Environmental Health). Lee Augarten, Becky Augarten (Lee Augarten's Wife), James Brown, Jim Ridgeway, and Will Ridgeway (Jim Ridgeway's Father) were outside the conference room when the meeting was called to order.

**Approval of Minutes:** Randy Lambert asked for a motion to approve the minutes. Mark Dickess made the motion to approve the minutes, Brenda Shipley seconded the motion. All were in favor, the motion passed.

Brenda Shipley made a motion to approve the dental sealant contract between Lawrence County Health Department and Sarah J. Buckley. Mark Dickess seconded the motion. All were in favor, the motion passed.

A motion was made by Brenda Shipley to hire Mary Gillispie at a rate of \$18.75 per hour, with a 3% pay raise after 3 months of employment. Mark Dickess seconded the motion. All were in favor, the motion passed.

A motion was made by Mark Dickess to hire Mitchell Jenkins as a Nuisance Control Officer for \$11.00 per hour. The motion was seconded by Brenda Shipley. All were in favor, the motion passed.

A motion was made by Brenda Shipley to raise Garrett Carpenter's rate of pay to \$16.00 per hour since he became an Environmental Health Specialist in Training, effective 06/25/2022. The motion was seconded by Mark Dickess. All were in favor, the motion passed.

**Approval of Expenditures and Financial Reports:** A motion was made by Brenda Shipley to approve the expenditures and financial reports. Mark Dickess seconded the motion. All were in favor, the motion passed.

**Approval of reports:** The Board of Health reviewed the following reports: Sanitation report, Vital statistics, Burial Permit Fee, Accreditation /PIO, Car Seats/Cribs, Reproductive Health, Maternal and Child Health Program, COVID-19 Enhanced Operations, Public Health Workforce, Covid Vaccine Grant, Public Health Emergency Preparedness, and Immunizations, Children & Medical Handicaps.

Brenda Shipley made a motion to accept the reports. Mark Dickess seconded the motion. All were in favor, the motion passed.

The Board of Health then reviewed a proposal by Zach Schweinsberg (Fiscal Officer) to change the pay schedule for full-time employees such that employees would be paid 2 weeks behind instead of being paid up to the minute. To implement this change, it was proposed that full-time employees would receive their pay in the usual fashion on 07/22/2022. On 08/05/2022, full-time employees would receive a bonus equivalent to 80hrs of pay at their regular rate.



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The variance for time worked from 07/09/2022 - 07/22/2022 would be included on the 08/05/2022 pay date. All typical withholdings would be withheld from the check on 08/05/2022. The 80hrs of pay to each employee would work out as follows:

| Last Name     | First Name | Hourly Pay Rate | Bonus Amount        |
|---------------|------------|-----------------|---------------------|
| Barnett       | Stephanie  | \$ 20.36        | \$ 1,628.80         |
| Becker        | Phyllis    | 15.33           | 1,226.40            |
| Bostick-Doyle | Angela     | 29.00           | 2,320.00            |
| Carpenter     | Garrett    | 16.00           | 1,280.00            |
| Davis         | Mary       | 15.29           | 1,223.20            |
| Dillon        | Georgia    | 44.00           | 3,520.00            |
| Fisher        | Debbie     | 25.68           | 2,054.40            |
| O'Banion      | Paul       | 22.38           | 1,790.40            |
| Prince        | Sherry     | 13.65           | 1,092.00            |
| Quillen       | Cynthia    | 18.38           | 1,470.40            |
| Rudd          | Steve      | 21.28           | 1,702.40            |
| Schweinsberg  | Zach       | \$ 23.00        | 1,840.00            |
|               |            |                 | <b>\$ 21,148.00</b> |

Zach Schweinsberg consulted with the Auditor of State's Office and the local prosecutor; neither party had any issue with the proposal. Mark Dickess made a motion to approve the change in the pay schedule. Brenda Shipley seconded the motion. All were in favor, the motion passed.

The Board of Health moved on to the next item of business, which was the complaint made by Jim Ridgeway regarding Lee Augarten's septic system. Lee Augarten and Becky Augarten came into the conference room at 4:24 PM.

Randy Lambert began the discussion by summarizing the prior meeting, noting the following:

- At the Board of Health meeting on 05-26-2022, the Board of Health was considering action for a cease-and-desist order regarding Lee Augarten's septic system
- Lee Augarten provided a reasonable explanation to the Board of Health regarding the issues and requested more time to bring his septic system into compliance
- The Board of Health decided to delay enforcement action for one month and to have Paul O'Banion (Director of Environmental Health) continue monitoring the septic system for one month to ensure compliance

Randy Lambert stated that during the one-month monitoring period, Paul O'Banion (Director of Environmental Health) noted that there were still issues. Paul presented three (3) pictures to the Board of Health (see Exhibit A, Exhibit B, and Exhibit C). Paul stated that this was the strongest evidence that he has observed so far that would indicate Lee Augarten's septic system is failing. Paul stated that the hole that was dug on the corner of Lee Augarten's leach bed system (as shown in Exhibits A, B, and C) was for the purpose of draining water from the leach bed into the ditch. In



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response to this Lee Augarten stated that he took daily pictures during the one-month monitoring period. During this time, Lee stated that he observed a problem with his leech bed system. The following conversation then occurred:

Lee Augarten: *"We did like we talked about, I went out everyday, morning and evening, and took pictures for our 30-day thing, and I did find a problem."*

Randy Lambert: *"Okay."*

Lee Augarten: *"And I wanted to come to the Board and tell them. I have a solution, I believe. I would like to do the same thing that we have done, check it for 30 days. I didn't want to go digging or doing anything until I talked to you guys, I didn't want you to think I was..."*

Randy Lambert: *"What's your proposed solution? I mean, I think you'll admit there's a problem."*

Lee Augarten: *"Oh, yes sir. No, there is definitely a problem."*

Randy Lambert: *"We appreciate that, at least."*

Lee Augarten: *"There's a problem, there's a problem, yeah."*

Becky Augarten: *"No, no, that's why we did the pictures everyday, because when it was raining in between, dry, doing this stuff, the other part was going on, we just did some of the work, we wanted to see where everything went."*

Lee Augarten: *"There is basically the look of the place [pointing to a picture on the white board that he drew with dry erase marker]."*

Randy Lambert: *"The leech field."*

Lee Augarten: *"The leech field. We have always had a problem here [point to his drawing]. Okay, this is where all your pictures were before. This is where all the problem was of the leak."*

Paul O'Banion: *"Is the leech area the square?"*

Lee Augarten: *"This is the leech area, its 40 by 16, okay?"*

Randy Lambert: *"Okay."*

Lee Augarten: *"This area here has always been the problem. This is where our driveway was. This is where we brought a lot of stuff in. And I cut it too low, and I told you guys that, and I could build this up, so I built this up really good with clay. There is nothing leaking here. However, the fact is, we have found another leak on this side. And this leak is completely my fault. And what happened was, when we dug this leech field here, okay? We had to bring in gravel, and*



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*we brought in gravel through here, this is where we piled it up. And we couldn't get it all the way in the back when I had to put it over the black, you know, things. So we actually made a road here. You know what I mean? So we, there was, when we first started, this thing was full of water, you have pictures of that."*

Randy Lambert: "Right."

*Lee Augarten: "You know what I mean? And it was full of, just water, as we dug it from rain. So, we made us a little road here, you know what I mean? We brought in gravel and everything, and I didn't think that, I didn't clear the gravel out, I just put the dirt on top of it. This hole is me digging and looking, and I found the gravel down where my road was, so, the proposal that I was going to make was that I take a big section of this right here out, okay? Where my gravel was. This is all natural hill, okay? And this is where we made the road. I'd like to take that, dig that out, and then take pictures again, let you guys see it. That's the only thing that I know. If I put the berm in here and I take the gravel where I, you know where my road was? I believe we can fix that. Because we fixed here. Remember, this is where all the gravel, this is where we came in and took pictures? Nothing leaks there now, and this is why I put the berm, I didn't touch this right here. I'd like a chance to touch that if we can."*

*Randy Lambert: "It appears to me, though, if you got this issue, there's water accumulating that's not seeping, or going down like it should be, I don't think there should be any water in that system. That water should be going through that line, leeching down, not accumulating. If it's coming out there, you got water accumulating in that leech field. Is that right, Paul?"*

Paul O'Banion: "Yeah, I would think so, yeah."

Lee Augarten: "I'm sure there's some water in there, you know."

Randy Lambert: "Well, there's always going to be some."

*Mark Dickess: "My fear is, its like a hernia. We're going to patch it here and then its going to burst somewhere else. That's probably what has happened here. And then if we fortify this on this end, we may have a breach somewhere else. That's my opinion, I'm not an engineer by any means."*

Brenda Shipley: "Is that sewage and not water coming out there?"

Randy Lambert: "That's what's going through the leech field, so part, in effect, its sewage water. It's what we call black water."

*Lee Augarten: "You could just see a little streak before and that's why he's got all these pictures. I went and dug it because knew there was a problem. I wanted to see how deep I had to go and what I could do to fix it. I don't believe this is going to be another patch. This is something that I did. I can show you pictures, I messed it up and I'm sorry. I don't know what else to do, but if you give me a chance to patch it one more time, if it's a problem, then we'll do whatever, I don't know what else we can do, whatever the board suggests."*



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Randy Lambert: *"Well, quite honestly, it looks like the leech field is going to have to be replaced. Paul, what do you think?"*

Paul O'Banion: *"Yeah, I don't know that, now because we've spent a lot of time on it, it's just, I don't have a lot of confidence that that's going to work."*

Randy Lambert: *"So is this..."*

Lee Augarten: *"So how do you replace a leech field? I don't understand."*

Randy Lambert: *"It's just like putting one in again, putting a new one in."*

Paul O'Banion: *"Yeah, you'd have to..."*

Randy Lambert: *"Take that one out and put one in."*

Lee Augarten: *"But we just put in all the, what are we changing if you put it in again. There would be nothing to change."*

Becky Augarten: *"I mean, I guess that's our question."*

Randy Lambert: *"Well, it would be put in by someone that puts them in and guarantees it, and if it fails then they have to fix it. It would be put in according to the specs that Paul gives them."*

Lee Augarten: *"This is the specs that Paul gives them."*

Paul O'Banion: *"They would have their own designer. I mean, you'd have to get a designer, We'll give you a registered installer list and you can choose down through there. Because one of them, most of them will not take the job, but there might be one or two that will. And then they will have to design the system. And put it in to ODH specs."*

Becky Augarten: *"Paul, what would be different than what you had us do?"*

Lee Augarten: *"What's going to change? We did exactly what you said. We put it down 16ft by 40 for one toilet house. Okay."*

Paul O'Banion: *"So how much water do you run through there? Do you have any water records from the water company?"*

Lee Augarten: *"Of course we do. This is my point, Paul. What's going to change? There's nowhere else to put it on the property. Okay? You can go, we went deep, we went this, I don't, you know what I mean? We learned as we did it. And I understand there's a problem, we want to fix it, but this is the next step, but how do you change that?"*



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Mark Dickess: *"By saying 'what's going to change' doesn't let us sitting here as a Board of Health to allow raw sewage to seep out onto the ground. Okay?"*

Lee Augarten: *"I understand that."*

Mark Dickess: *"That's not on us. That's on you."*

Lee Augarten: *"I agree."*

Mark Dickess: *"Okay, and I'm not trying to be a smart ass in any way, shape, or form, and we've bent over backwards to try to accommodate you, to do it yourself, and I understand that, and I understand there's costs involved, but my recommendation would be a cease-and-desist until it is completed and proved that it works. And that's just, I'm just one vote, but that's going to be my recommendation because we can't just keep chasing this thing and allowing..."*


Further discussion occurred for approximately 25 minutes. Lee Augarten and Paul O'Banion disagreed over what the appropriate pipe was to use in the leech bed. Paul O'Banion pointed out that the pipe in the leech bed was not SDR35 (see Exhibits D, Exhibit E). Lee Augarten stated that it would not be appropriate to use schedule 40 pipe and that the leech bed pipe he used was approved. Lee Augarten also alleged that Paul O'Banion came to take measurements, approved the leech bed that was in place, and told Lee Augarten that the pipe was okay to cover it up. Paul O'Banion denies that he ever said to cover up the leech bed pipe that was used. Paul O'Banion referenced *"the drawing"* that he provided to Lee Augarten (see Exhibit F, Exhibit G), and stated that he specified the schedule of the pipe for the septic tank. Paul maintains that he did not approve anything (see exhibit H).

Mark Dickess made a motion to give Lee Augarten until 07/01/2022 to fix the current problem, and that if the problem is not fixed by 07/01/2022, then the registered environmental health specialist (Paul O'Banion) is authorized to request the prosecutor to issue a cease-and-desist order. Also included in this motion, is to monitor the system for two (2) more months after 07/01/2022 if the system is believed to be fixed. Brenda Shipley seconded this motion. All were in favor, the motion passed.

Brenda Shipley made a motion to adjourn. The motion was seconded by Mark Dickess. All were in favor, the motion passed. The meeting adjourned at 5:00 PM.

The next meeting is scheduled for 07/20/2022 at 4:00 PM in the Conference Room of Lawrence County Health Department.

Minutes Approved by:

  
Randall Lambert, BOH President

06/29/2022  
Date

6/13/22



Exhibit A 06/13/2022

6/13/22

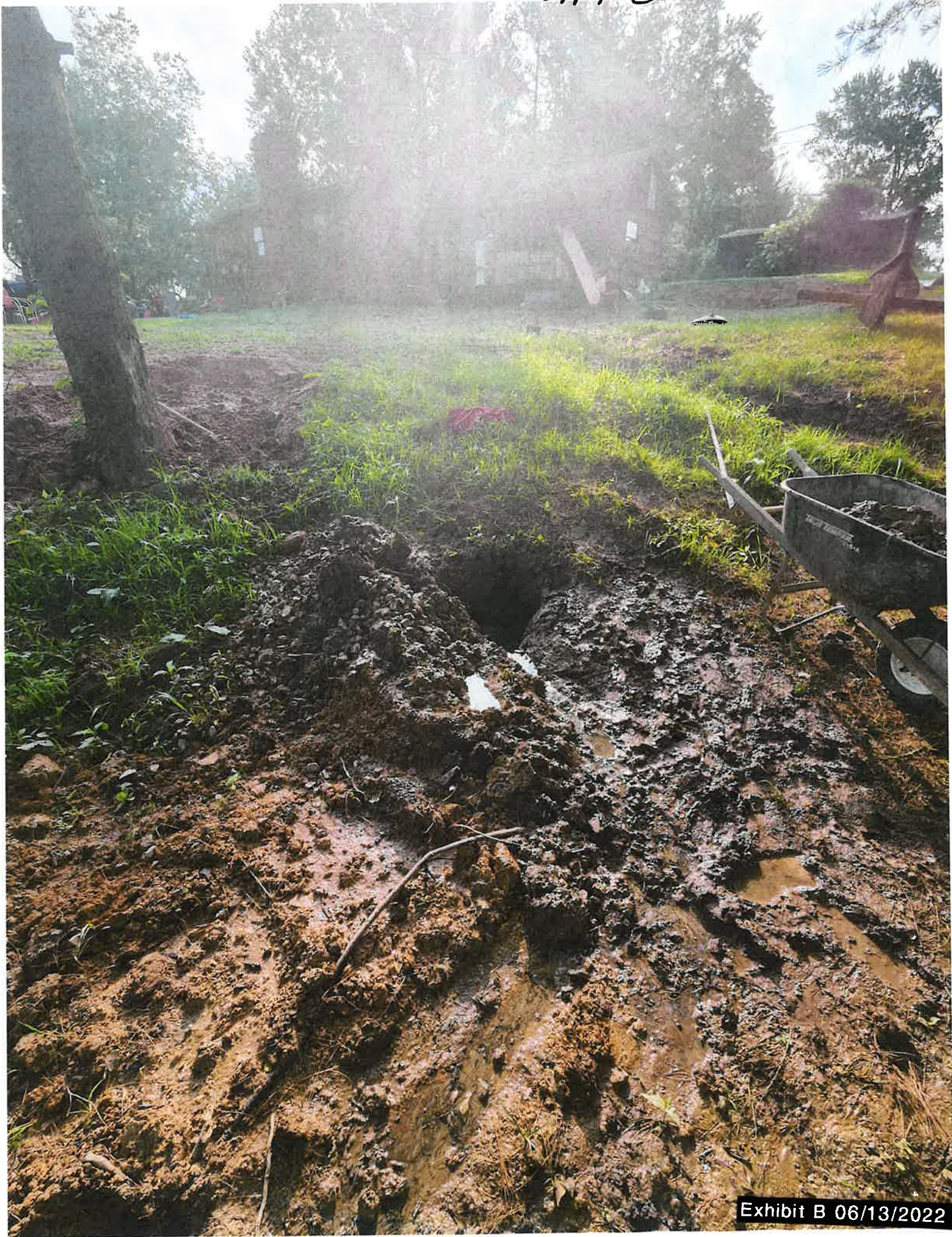


Exhibit B 06/13/2022



6/13/22



Exhibit C 06/13/2022



Exhibit D 06/25/2021



## SEPTIC INSTALLATION PROCEDURE

**STEP1:** Excavate soil in flagged area. Remove soil to accommodate a 14-16 inch trench depth plus 24 inch depth for #57 Washed gravel.

**STEP2:** Make sure excavation(40'Lx15'W) is level before adding and spreading gravel.

**STEP3:** Layout pipe arrangement as shown on site drawing. Use 4 inch PVC pipe with distribution boxes as shown on site drawing. The 3 pipe arrangement should be substantially level and spaced 5 Feet apart. At this point take pictures of pipe arrangement and call me for septic approval.

**STEP4:** Cover piping with 6 inches of gravel so that it extends 2 inches above the pipe. Straw or geotextile fabric can be used to cover the gravel.

**STEP5:** Cover with top soil to grade. Allow for additional soil for settling.

**STEP6:** Sow with grass.

**STEP7:** Completion

Lawrence County Health Department

SITE PLAN FOR CONSTRUCTION/INSTALLATION

Environmental Health Division

Property Owner: Lee AUGARTEN

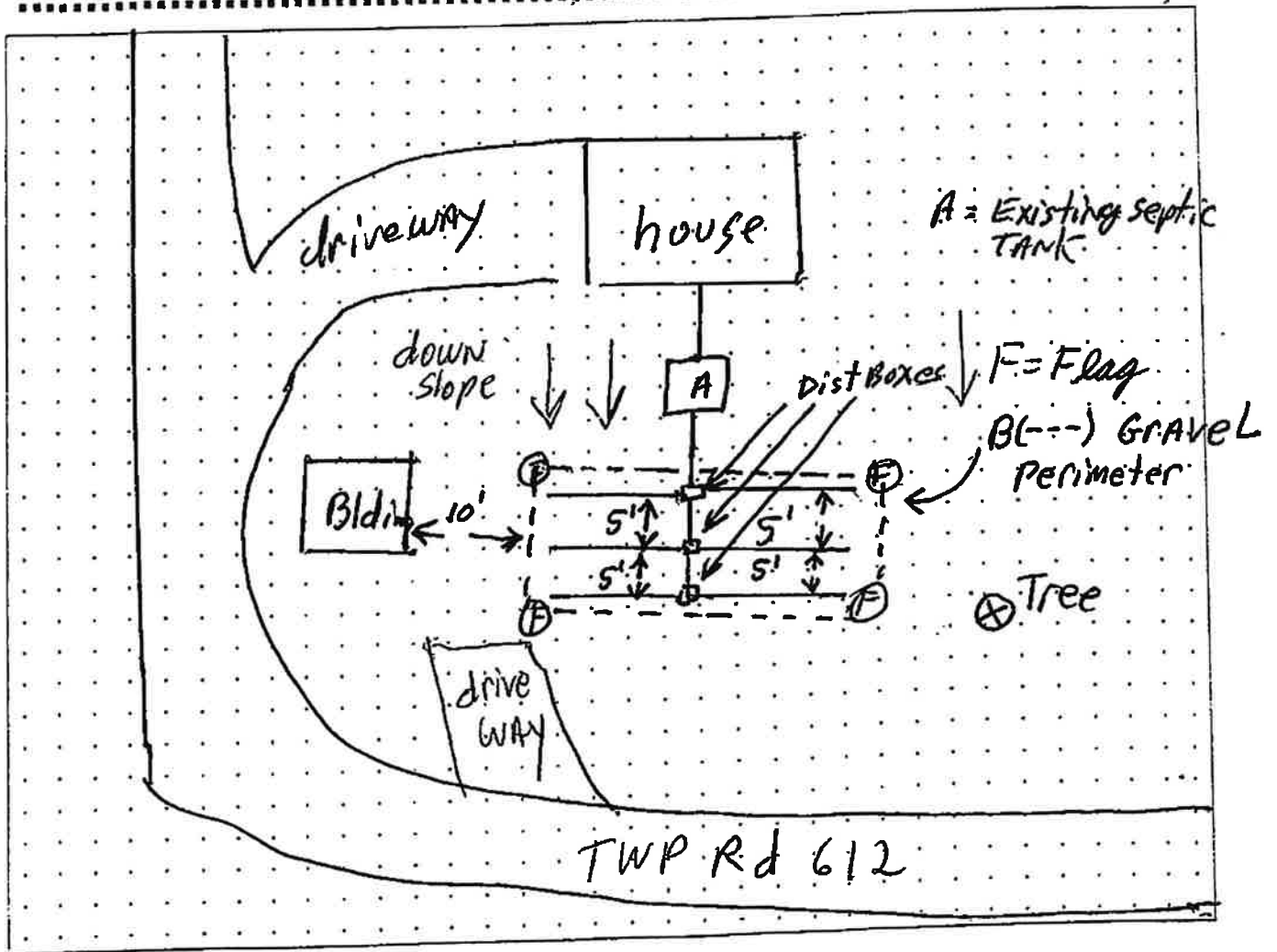
SITE PLAN MUST BE CURRENT

Site Address: 228 TWP Rd 612 City: IRONTON Zip: 45638

Township: \_\_\_\_\_ Tax Lot: \_\_\_\_\_ Acres: \_\_\_\_\_

Subdivision: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_

Scale: 1square= \_\_\_\_\_ Feet Site plan must show all property lines and planes



I certify that the above information is accurate to the best of my knowledge. This site plan is based on actual measurements and conditions on the site.

I am the \_\_\_\_\_ Owner or \_\_\_\_\_ Authorized Agent Name (please print): \_\_\_\_\_  
Signature: Paul O'Banion RS Date: 5/12/21

# Sewage Treatment Systems Permit to Install or Alter ADMINISTRATIVE SUMMARY

Permit #

Health Department Use Only

**I. Soil Evaluation**

|                    |         |                |                    |
|--------------------|---------|----------------|--------------------|
| Date of Evaluation | 4/19/21 | Soil Evaluator | Paul O'Banion REHS |
|--------------------|---------|----------------|--------------------|

Worksheet Attached  Yes  No

**II. Design**

|   |               |             |  |               |  |
|---|---------------|-------------|--|---------------|--|
| Designed by   | Paul O'Banion | Reviewed by |  | Date Reviewed |  |
| Comments: to REPLACE Existing Failing septic system |               |             |  |               |  |

**III. On-site Evaluation**

|                    |  |              |  |
|--------------------|--|--------------|--|
| Date of Evaluation |  | Performed by |  |
| Comments:          |  |              |  |

**IV. Site Review Application**

|  |                              |                                   |
|--|------------------------------|-----------------------------------|
| <input type="checkbox"/> Approved <input type="checkbox"/> Disapproved | Date of Approval/Disapproval | Date Site Review Approval Expires |
| Comments (if disapproved)  |                              |                                   |

**V. Inspection(s)**

|          |   |                    |         |              |               |                    |  |
|----------|---|--------------------|---------|--------------|---------------|--------------------|--|
| 1        | <input type="checkbox"/> Rough<br><input checked="" type="checkbox"/> Final | Date of Inspection | 7/19/21 | Performed by | Paul O'Banion | Worksheet Attached | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2        | <input type="checkbox"/> Rough<br><input type="checkbox"/> Final            | Date of Inspection |         | Performed by |               | Worksheet Attached | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| Comments |   |                    |         |              |               |                    |  |

**VI. Variance(s)** Attach the variance request and the Board of Health decision letter. All variances must comply with the requirements in rule 3701-29-22 of the Administrative Code.

|          |   |              |                 |          |   |
|----------|---|--------------|-----------------|----------|---|
| 1        | <input type="checkbox"/> Pre-installation<br><input type="checkbox"/> Post installation | OAC Rule(s): | BOH Review Date | Decision | <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| 2        | <input type="checkbox"/> Pre-installation<br><input type="checkbox"/> Post installation | OAC Rule(s): | BOH Review Date | Decision | <input type="checkbox"/> Approved <input type="checkbox"/> Denied |
| Comments |   |              |                 |          |   |

**VII. Approval/Disapproval of Installation, Replacement, Alteration, or Abandonment**

|   |                     |                      |
|---|---------------------|----------------------|
| <input type="checkbox"/> Approved               | Date of Approval    | Sanitarian Signature |
| <input checked="" type="checkbox"/> Disapproved | Date of Disapproval | Sanitarian Signature |
| Reason for Disapproval                          |                     |                      |
| Enforcement action taken                        |                     |                      |

11/16/21 Paul O'Banion REHS  
LEACH Field Failure, Septic water Leaking  
Court Action to correct the situation

**VIII. 12 Month Inspection**

|  |              |   |
|--|--------------|---|
| Date of assessment   | Performed by | <input type="checkbox"/> Operating properly <input type="checkbox"/> Not operating properly<br><input type="checkbox"/> Creating a Public Health Nuisance |
| List the conditions and actions taken for systems not operating properly or creating a public health nuisance. |              |   |