

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
Scheduled Meeting
AGENDA: December 6, 2012

**Planning Commission Meeting Room, Blackstock Government Center,
Gunnison County 221 N. Wisconsin, Second floor.**
All meetings are open to the public.

Anyone needing special accommodations please contact the Environmental Health Office, (970-641-5105), prior to the meeting.

- 1:30 p.m.** Call to order; determine quorum;
- 1:35 p.m.** Approval of minutes from the May 3, 2012 meeting;
- 1:45 p.m.** Unscheduled Citizens;
- 2:00 p.m.** Colorado Water Quality Control Division Proposal—OWTS (ISDS) Regulations
- 3:00 p.m.** Recommendations regarding the PROPOSED AMENDMENT to Section 8-102 of the Gunnison County INDIVIDUAL SEWAGE DISPOSAL SYSTEM REGULATIONS—VAULT SYSTEMS
- 3:30 p.m.** Next meeting planning
- 4:00 p.m.** **Adjourn**

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD SCHEDULED MEETING
DECEMBER 6, 2012**

The Gunnison County Environmental Health Board conducted a meeting, in the Commissioners' Meeting Room in the Blackstocks Government Center, Planning Commission room.

Present Were:

Lucinda Lull, Chairperson
Rodney Due, EH Board Member
Richard Stenson, EH Official

Larry Parachini, Vice-Chairperson
Anthony Poponi, EH Board Member
Michelle Spain, Admin. Assistant

Absent Were: Steve Glazer, Eddy Balch, Cory Bryndal

[1:43:20 PM](#) Call to order by Lull, quorum was determined.

[1:44:41 PM](#) Minutes of the May 3, 2012 meeting were reviewed.

Stenson recommended that we table the vault system review at this time. This board may be able to take this to the BOCC. With current State Regulations in the process Stenson recommended that we continue reviewing the proposed State regulations.

Poponi discussed what our procedure should be. Poponi's concerns were to continue the vault systems so this would be in place for the 2013 building season.

Due was concerned that we put massive hours in this review and the proposed State regulations mirror ours.

Lull also had concerns about this board continuing the review on the vault systems.

Stenson confirmed that we had 3 requests for vault systems out of 70 applications for 2012.

Parachini indicated that we have all ready spent 4-5 years on this. If we do not have our own regulations we will default to the proposed State regulations.

Discussion of the procedure on review, time involved, and when recommendations were to be made.

Poponi would like to see the attorney present at another meeting and discuss the concerns this board has and the attorney's opinion to stop vaults.

Parachini asked if any of the local engineers had made any comments about the proposed regulations.

Stenson indicated nothing had been submitted in writing or verbally to his office regarding the proposed regulations.

Stenson reviewed the different steps that can be taken.

- 1) Party status
- 2) Mailing list
- 3) Wait and see

Due reviewed the term party status and what he was able to determine from his review of these initial regulations. The attorney would be acting as our spoke person for this status.

Parachini asked if David had to approve the mailing list status.

Stenson indicated that not for mailing list. Stenson requested that this board review the items listed and then call for a vote.

Lull indicated that an email was submitted by Balch. The following is the attached email.

Richard,

I will be travelling today and unable to make a conference call. It looks like a lot of changes to Gunnison County regulations will be needed, along with support for additional costs associated with implementation. I have concerns about these costs and how much support the bocc is willing to provide. I did notice in the State regs for vaults "full time occupancy" and I agree with that. I don't believe that is allowed in the Gunnison County regs at this time??.

Eddy

On Tue, Dec 4, 2012 at 2:22 PM, Richard Stenson <RStenson@gunnisoncounty.org> wrote:

EH Board and Staff,

Please see the attached Conceptual Changes document regarding the proposed OWTS Rule Making. We will plan to utilize this document during the Board meeting on December 6th.

Please let me know if you have questions.

Thank you,

Parachini requested that the minutes be submitted in a more timely way. Email will work. This problem needs to be corrected.

Discussion on Balch email. Funding and costs a big concern for all members.

Reviewing of minutes took place.

Parachini asked about Bear Ranch LLC. This is a state waste water treatment system. The systems approved were discussed.

Lull asked if the members had adequate time for review the minutes. Corrections were requested.

Motion by Poconi to approve with corrections, 2nd Parachini. Passed.

OWTS (On site wastewater treatment system) now is the State terminology.

[2:25:52 PM](#) Colorado Water Quality Control Division Proposal—OWTS (ISDS) Regulations

Attached:

PROPOSED OWTS REGULATION CHANGES REGULATION #43

**Presented to the Gunnison County Environmental Health Board on December 6, 2012
By Richard Stenson, Environmental Health Official**

REGULATION 43 OWTS CHANGES	GUNNISON ISDS REGULATIONS	COMMENTS, INCLUDING BUDGET
<p>DEFINITION CHANGES</p> <ol style="list-style-type: none"> 1. SOILS TREATMENT AREA (STA) 2. A definition of cesspool was added based on the definition in the OWTS statute as included in HB 12-1126. 3. The definition of drywell was revised to limit its use to non-wastewater sources. 4. A definition of effluent screen was included as there were several references to this component added throughout the regulation. 5. Definitions of OWTS failure and malfunction were added, as these are critical terms in implementation of an OWTS program by local public health agencies. 6. The definition of design flow was modified to remove the reference to 150% of the average daily flow rate, as this concept is no longer in use for OWTS. 7. The definition of grey water system was removed as the Commission found that the OWTS application of the separation of toilet wastes with 	<ol style="list-style-type: none"> 1."Absorption Area" 2. Not in ISDS Regulations 3. In ISDS Regulations. 4.Effluent filter 5. Not in ISDS Regulations. 6. Change in design. Designers will need to re-tool. 7. "Grey Water" defined in ISDS Regs. This is a better approach 	<ol style="list-style-type: none"> 1. Basic Regulation wording change. 2. Basic Regulation wording change. 3. Will require County Regulation change 4. Will require County Regulation change 5. Will require County Regulation change 6. Designers will need to re-tool. County will need to do Reg. change. 7. This is a better approach. Will require a County Reg. Change.

<p>the remaining wastewater being treated in a down-sized OWTS is inconsistent with other uses of the term grey water.</p> <p>8. The definition of liner was revised to be written in more general terms and the specific reference to the thickness of the material was incorporated into design criteria.</p> <p>9. The definition of long-term acceptance rate (LTAR) was revised to be stated in terms of what the LTAR is rather than how it relates to other factors such as design flow and soil treatment area.</p> <p>10. The definition of “mound system” was changed to “mound” and revised to clarify distinctions between mounds and other OWTS.</p> <p>11. A definition of performance standard was added, as this concept is fundamental to revisions made in this version of the regulation.</p> <p>12. The definitions of sanitarian and seepage bed or absorption bed were deleted based on their being redundant with other defined terms (environmental health specialist and soil treatment area bed, respectively).</p> <p>13. A definition of septage was added consistent with the new definition added to the statute by HB 12-1126.</p> <p>14. New definitions of site evaluation, site evaluator, soil, soil evaluator, soil profile hole and soil profile test pit excavation were added based on the increased emphasis in the new regulation on the need for robust soils and site evaluations in the design of OWTS. In addition, several technically based definitions</p>	<p>8. Not in ISDS Regulations</p> <p>9. Formula of perc rates currently utilized as well as LTAR.</p> <p>10. Mounds are defined in County Regulations.</p> <p>11. Performance standards are defined in County Regulations.</p> <p>12. E. H. Specialist is defined in County Regs.</p> <p>13. Included in County Regs.</p> <p>14. Site conditions and standards in County Regs. Soils evaluations defined but not utilizing the same techniques</p>	<p>8. “ Liners “ needed definition. Will require a County Regulation Change.</p> <p>9. A more modern approach. Will require Reg. Changes</p> <p>10. Will require County Regulation change.</p> <p>11. Will require County Regulation change.</p> <p>12. Will require County Regulation change</p> <p>13. Will require County Regulation change.</p> <p>14. Will require County Regulation change.</p>
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<p>were added such as consistence, distribution, several sub-definitions under the definition of dosing, infiltrative surface, inspection port, limiting condition, nitrogen reduction, redoximorphic, remediation system, restrictive layer, riser, rock-plant filter, sequential distribution, soil morphology, soil structure, soil texture, and visual and tactile evaluation of soil. Many of these terms were included to provide context and greater detail to better describe the necessary processes for site and soil evaluation and designing an OWTS.</p> <p>15. Transfer of title</p> <p>16. Vault</p> <p>17. Wastewater/High Strength</p> <p>18. Wetlands</p> <p>UPDATED TERMINOLOGY</p> <p>19. Content was moved from section II of the ISDS Guidelines to section 4 of Regulation #43. The Commission included several subsections to the Applicability section to identify other Commission regulations that may apply to OWTS with a design capacity of <u>2,000 gallons per day</u> or greater and to be explicit that the requirements for maintenance and standards of performance (e.g., effluent limitations) will be determined by the site application approval and discharge permit processes for such OWTS.. <u>Also, the Commission adopted section</u></p>	<p>15. Transfer of title not in County Regulations.</p> <p>16. Different in Regs.</p> <p>17. "Domestic Effluent" Different in Regs.</p> <p>18. Different in Regs.</p> <p>19. ISDS Regulations do not have provisions for County aspects of permitting, performance, and construction will be in conformance of systems greater than 2000 gpd.</p>	<p>15. Will require Commissioners to adopt policy change for Transfer of title.</p> <p>16. Require Reg. change</p> <p>17. Require Reg. change</p> <p>18. Require Reg. change</p> <p>19. Require Reg. change and will require more inspections and coordination with WQCD on previous permitting. This is a needed change but will require County expense.</p>
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<p><u>4.A.1.b to indicate that all other aspects of permitting, performance, and construction will be in conformance with the regulations adopted by the Local Board of Health.</u></p> <p>20. The Commission modified, in section 4.B of Regulation #43, the provision from section IV.A.1 of the ISDS Guidelines to clarify that a permit must be issued by the local public health agency before construction is commenced on a new, altered, or repaired system. New detailed requirements for information to be submitted with a permit application were included.</p> <p>21. In conformance with HB 12-1126, the Commission included language in section 4.B.4 on fees to indicate that fees for permits shall be based on the actual direct and indirect costs up to the statutory maximum and clarified that <i>fees for other services such as soil evaluations will also be based on actual indirect and direct costs.</i></p> <p>22. Section 4.B.7...clarified that the owner of a malfunctioning OWTS is required to obtain a repair permit whereas the applicable section of the ISDS Guidelines (IV.A.5) only required that application for a repair permit be made.</p> <p>23. Section 4.F. establishes requirements for final approval of a permit for an OWTS.</p> <p>24. Section 4.I. (“Product Development Permits”) for proprietary treatment systems undergoing testing under actual operating conditions. It includes application requirements for such systems and other</p>	<p>20. ISDS Regs have defined application process similar to proposal.</p> <p>21. County currently has permit fees established but not specific fees for soils evaluations, etc.</p> <p>22. Defined in ISDS Regulations.</p> <p>23. Defined in ISDS Regulations.</p> <p>24. Not defined in ISDS Regulations.</p>	<p>20. Require Reg. changes</p> <p>21. Require Reg. changes and County review of process. Could cost time and money. A good change, though.</p> <p>22. Will require Regulation word changes.</p> <p>23. Will require Regulation word changes.</p> <p>24. Will require Regulation conceptual changes.</p>
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<p>requirements such as for reporting of any data collected and authority for the <i>local public health agency</i> to revoke or amend the permit based on several identified factors.</p> <p>25. Consistent with changes made in House Bill 12-1126, replaced the provisions of section IV.K.1 of the ISDS Guidelines with section 4.K. removing the requirement to hold a public hearing prior to prohibiting a permit for an OWTS and deleted the provision that such prohibitions are limited to areas where there are more than two dwellings per acre or areas that are subdivided for more than two dwellings per acre. <i>Pursuant to the changes in the statute, the Commission adopted a simpler condition that provides that the areas shall be identified based on applicable local land use laws or areas defined by potential problems.</i></p> <p>26. Sections 4.L.1 and 4.L.3, modified the provisions of ISDS Guidelines sections IV.M.1 and 2, respectively, to authorize local boards of health to charge fees for initial licensing of OWTS contractors and cleaners and renewal of those licenses <i>based on the actual cost</i> to the local public health agency rather than the specific amounts in the Guidelines.</p> <p>27. Content in section XVIII of the ISDS Guidelines regarding variance provisions became section 4.O. of Regulation # 43. The Commission modified the requirements for the local board of health to hear the variance and for a public hearing to be held on all variances.</p> <p>28. The Commission moved content in section XV of the ISDS Guidelines to section 4.O.7 of Regulation #43.</p>	<p>25. Current ISDS Regs do not require hearing prior to denial.</p> <p>26. Current Regulations have fees for licensing. However, the fees are not based upon actual cost.</p> <p>27. Current Regulations have provisions for variances</p> <p>28. Current Regulations impose penalties in the enforcement section.</p>	<p>25. Will not require Regulation changes.</p> <p>26. Will require Regulation conceptual review and possible changes.</p> <p>27. Will require Regulation word changes.</p> <p>28. Will require Regulation word changes.</p>
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<p>Similarly, the Commission moved the un-numbered “General Prohibitions” section that follows section XV to section 4.P. and the unnumbered “Penalties” section to section 4.R. The Commission, consistent with a change made in House Bill 12-1126, removed general prohibition # 3 that had prohibited an OWTS that did not meet separation between maximum seasonal groundwater table and the bottom of an absorption system from being permitted from remaining in use without compliance with the Guidelines. The Commission, consistent with section 25-10-112 (5) added a new requirement to properly dispose of septage. The Commission also added section 4.R.1.a. that authorizes imposing penalties where a person fails to correct a malfunctioning OWTS that poses an environmental, public health, or safety hazard. This is authorized under section 25-10-113 (2) of the statute and is appropriate in order to compel repair or replacement of malfunctioning systems that present a threat to the public or the owner of the system.</p> <p>NEW DESIGN REQUIREMENTS</p> <ol style="list-style-type: none"> 1. Section 6 various treatment levels (e.g., TL2 and TL2N) with associated levels of carbonaceous BOD5, total suspended solids, and total nitrogen that are used in conjunction with provisions in section 7 to determine when STA size or the depth of required soil can be reduced. 2. Established LTARs based on the soil type and provided for 	<ol style="list-style-type: none"> 1. Current Regulations do not have provisions for various associated levels of treatment. 2. Current Regulations do not have provisions for 	<ol style="list-style-type: none"> 1. Will require extensive Regulation modifications. However, these changes are probably better than County Regulations. 2. Will require extensive Regulation
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<p>an increase in the LTAR where higher-level treatment is provided prior to the soil absorption system. This approach adjusts the level of treatment that is required in the soil based on treatment having been provided prior to distribution into the STA. A specific requirement for a sand filter to be provided where the soils contain large amounts of rock. This is appropriate, as rocky soils will likely allow wastewater to pass through the STA without being fully treated. <i>The depth of the required sand filter is greater (3 feet) for TL1 (septic tank effluent) treatment systems than for other (types 2N, 3, and 3N) systems (2 feet).</i></p> <p>3. The Commission maintained the table of minimum horizontal distances between components of an OWTS and pertinent physical features from section VI of the ISDS Guidelines and added an option for reduction in the applicable distance where higher level treatment (e.g., TL2N) is provided. This provides options to reduce the distance between the STA and identified physical features where higher level treatment is provided in contrast to the previous approach under which setback distances from identified features were required to be met regardless of level of treatment unless a variance was granted. This provides flexibility and the beginning of what may be a transition to a performance-based regulatory approach.</p> <p>4. In section 8 of Regulation # 43 (Design Criteria – General), modified the requirements from section VIII of the ISDS Guidelines to add requirements in section 8.C. to ensure that</p>	<p>increased STA sizing various associated levels of treatment for defined soils types. Sand filter requirements are not the same as the proposed OWTS rule.</p> <p>3. Current Regulations tables are similar, however, the added option for reduction of separation distances is not included.</p> <p>4. Different than current ISDS Regulations.</p>	<p>modifications. However, these changes are probably better than County Regulations.</p> <p>3. Will require extensive Regulation modifications. However, these changes are probably better than County Regulations.</p> <p>4. Will require extensive Regulation modifications. However, these changes are probably better than County Regulations.</p>
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<p>septic tanks and treatment components are accessible for inspection, maintenance and servicing. The Commission finds that these activities must be performed in order for the OWTS to function properly and protect public health and the environment. <i>This will generally require installation of a riser at or above the ground surface for tanks, effluent screens and treatment components of new systems.</i> Where risers are not provided or components are buried at a great depth, they often times cannot be located when maintenance is required. <i>The Commission has provided some flexibility for local public health agencies to allow risers for cleaning only to be buried up to eight inches below the surface.</i></p> <p>5. In section 9 of Regulation # 43, modified the provisions of the ISDS Guidelines to require watertight testing of tanks either at the manufacturing site or at the property where the tank is to be installed. This is necessary to provide documentation of the tank's watertight condition prior to installation. For septic tanks, the Commission required that accepted test methods be used to demonstrate watertight conditions. <i>The local public health agency inspector will conduct a field inspection after the tank has been placed in the final excavation but before the tank is buried and may require a watertightness test.</i> This will ensure that factory tested tanks have not been damaged in transit and that every tank, as installed, is watertight. The Commission also modified the requirement that had been in the Guidelines regarding tank anchoring. <i>Instead, manufacturer's instructions may be followed where provided or,</i></p>	<p>5. Not in Current ISDS Regulations</p>	<p>Regulations.</p> <p>5. Will require extensive Regulation modifications. However, these changes are probably better than County Regulations.</p>
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<p><i>where such instructions are not provided or a choice is made to use an alternate approach, a professional engineer is required to design the anchoring system.</i></p> <p>6. Provisions for septic tank structural integrity to require that the manufacturer provide documentation regarding what load conditions a tank can withstand, including depth of burial and other loads or pressures including from the seasonally high level of groundwater.</p> <p>7. More specific requirements for structural integrity for septic tanks (concrete and fiberglass/plastic) that identify generally accepted industry standards to be met. Also, more specific requirements for pipe and pipe bedding and pumping and dosing systems were added based on current industry standards and practice.</p> <p>8. Consistent with current industry practice for septic tank design, the Commission increased the minimum size of a tank for a residential application to 1,000 gallons and reduced the minimum tank size for OWTS serving non-residential buildings to 400 gallons. The requirements in section 9.B.4.d. of Regulation # 43 for inlet and outlet tees or baffles were modified to ensure that installation and servicing of effluent screens can be accommodated. Other minor changes to tank dimension requirements were also made.</p> <p>9. Added a provision authorizing the use of effluent screens and providing that the local public health agency can require such screens. Additional requirements to ensure proper cleaning of</p>	<p>6. Not the same in Current Regulations.</p> <p>7. Current ISDS Regulations are similar.</p> <p>8. Current ISDS Regulations are similar.</p> <p>9. Current Regulations require effluent Filters.</p>	<p>6. Will require modifications to the ISDS Regulations.</p> <p>7. Will require modifications to the ISDS Regulations.</p> <p>8. Will require modifications to the ISDS Regulations.</p> <p>9. Will require modifications to the ISDS Regulations.</p>
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<p>screens and requiring an effluent screen where effluent is pumped from a septic tank were also included. The Commission encourages the use of effluent screens as they can prevent clogging of STA distribution piping and extend field life.</p> <p>10. A requirement for a grease interceptor was added for commercial food establishments and other facilities that generate significant quantities of fats or grease. This is necessary to reduce organic load and wastes that are difficult to treat.</p> <p>11. In section 10.B, expanded the conditions under which a professional engineer is required to design an STA to include presence of an impervious layer and different soil types rather than the requirements in the ISDS Guidelines that had limits based on presence of bedrock and percolation rate, respectively. This is in keeping with the increased focus on the importance of soil evaluation in the design of an STA.</p> <p>12. Adopted a design approach upon which the STA sizing is based on the long- term acceptance rate (LTAR) rather than a calculation using the percolation rate. Soil percolation values, where collected, can be used to establish the LTAR. Of course, as indicated in section 5 (site and soil evaluation), the design of an STA can be based wholly on a soil evaluation through the use of visual and tactile examination of soils in a test pit excavation. This change in approach is supported by significant research in the field.</p> <p>13. The allowance of reduction</p>	<p>10. No provisions in Current County Regulations.</p> <p>11. Current Regulations define "Suitable Soils." The OWTS Regulations are more specific.</p> <p>12. LTAR is utilized in ISDS Regulations, but not utilized frequently. It is more soils specific than the current perc test model that is most frequently used.</p> <p>13. Reductions are allowed,</p>	<p>10. Will require modifications to the ISDS Regulations.</p> <p>11. Will require major conceptual modifications to the ISDS Regulations.</p> <p>12. Will require major conceptual modifications to the ISDS Regulations</p> <p>13. Regulations changes</p>
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<p>in seepage bed or trench area where dosing and chambers are used is continued, although the reductions were adjusted. The Commission also added a reduction for manufactured media based on the reduction of fines in natural gravel and reduced compaction from the deposition of gravel. The Commission, based on research indicating that beds do not perform as well as trenches, included an upward adjustment (STA sizing factor greater than 1.0) for beds in table 10.2.</p> <p>14. Maintained the previous provisions regarding distribution systems and trenches/beds in Regulation # 43 and also added requirements that limit the width of a bed to 12 feet to aid in air/oxygen transfer to improve aerobic treatment in the soil.</p> <p>15. Added a provision in section 10.E.1.b. limiting the depth of the infiltrative area to four feet, again to improve oxygen transfer. The Commission, in section 10.E.2., limited the length of gravity fed distribution lines to 100 feet and pressure dosed lines to 150 feet. A requirement to install an inspection port at the end of each distribution line was added to allow the STA to be visually inspected to determine whether plugging or a structural problem is occurring. Also, criteria were included for the use of chambers, manufactured media, pressure distribution, sequencing systems, and drip lines as these commonly used design approaches/components were not addressed in the ISDS Guidelines.</p> <p>16. Modified the requirements for alternating systems to allow reductions to be given where dosing or manufactured media</p>	<p>however, a different approach is utilized in the OWTS Regulations.</p> <p>14. There is no limit to the width of a bed under the current ISDS Regulations. However, this is a good change. Designers will need to re-think many designs.</p> <p>15. There is no depth limit bed under the current ISDS Regulations. However, this is a needed change.</p> <p>16. There are no provisions in the current Regulations for alternating systems.</p>	<p>will be necessary.</p> <p>14. Regulations changes will be necessary.</p> <p>15. Regulations changes will be necessary.</p> <p>16. Regulations changes will be necessary.</p>
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<p>systems are used. The Commission deleted the required frequency of dosing that had been included in the ISDS Guidelines to allow more design flexibility.</p> <p>17. Added specific provisions for repairs allowing the use of deep gravel systems, wider beds, and seepage pits. These technologies had been allowed for new/enlarged systems under the ISDS Guidelines. The Commission determined that these technologies do not provide the same level of treatment or public health/water quality protection as the systems allowed under this regulation. Therefore, their use should be limited to repair situations where an allowed system cannot be properly installed due to site constraints or other limiting factors.</p> <p>18. Adopted section 11 for design criteria for higher level systems. This section generally replaces or consolidates the criteria previously in section VIII.B.2 and sections IX and X of the ISDS Guidelines. The Commission distinguished between higher-level treatment systems using public domain technology design information and proprietary systems. The Commission required public domain technology systems to be designed, installed, and maintained in accordance with established criteria such as applicable references and any conditions established by the local public health agency. Proprietary systems must be designed, installed and maintained in accordance with manufacturer's instructions and any additional criteria established through the technology review and</p>	<p>This is an important change.</p> <p>17. Repairs should be allowed to meet these standards, if the other standards cannot be met.</p> <p>18. No provisions in the Current ISDS Regulations. This is a positive step.</p>	<p>17. Regulations changes will be necessary.</p> <p>18. Major Regulations changes will be necessary.</p>
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<p>acceptance process in section 13. The Commission established these requirements to ensure that these more complex technologies will perform at the intended level since they are replacing simpler systems that may not rely on mechanical systems that are subject to failure and that require much less operational attention and maintenance. These systems will be assigned a treatment level based on those described in section 6.</p> <p>19. In section 13, the Commission added significant detail to the previous provisions for sand filters in section VIII.C.5 of the ISDS Guidelines. These include subcategories for several different sand filter types and associated sizing requirements and minimum requirements. Other detail was added to ensure proper design and performance, such as allowable slope for a mound system and the distance between the bottom of the sand filter and the ground water or bedrock.</p> <p>20. The Commission prohibited new wastewater ponds for single-family residences based on the difficulty of maintaining adequate water levels in a small pond in semi-arid conditions. Additional items were added such as maintenance requirements and a maximum allowable seepage rate.</p> <p>21. Clarified that vaults may be used for full time occupancy properties where a failing OWTS cannot be replaced or for new systems where an OWTS with an STA is not feasible or for properties where an STA is not allowed.</p>	<p>19. Sand filters are defined, however, the OWTS definitions and standards are better.</p> <p>20. Ponds are not allowed in the ISDS Regulations. However, if other sections of the OWTS are approved (greater than 2000 gpd) this might need County review.</p> <p>21. Vaults should be considered with these conditions and other County considerations.</p>	<p>19. Regulations changes will be necessary.</p> <p>20. Regulations changes will be necessary.</p> <p>21. Regulations changes will be necessary.</p>
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<p>22. The Commission provided authorization for local public health authorities to prohibit new and the use of existing vault privies and pit privies.</p> <p>23. For incinerating and composting toilets, the Commission clarified that these may be subject to a local plumbing agency or the Colorado Plumbers Board, whichever has jurisdiction in the specific location. The Commission added requirements composting toilets including proper disposal of residue and accounting for low temperatures in the design.</p> <p>24. The Commission expanded the provisions for acceptance of new product technology in section 13 of Regulation # 43. This included a new requirement and associated elements for an application to be submitted in support of a proprietary treatment or remediation product. Also, product acceptance requirements were established for many types of products ranging from meeting National Sanitation Foundation requirements for composting toilets to detailed field performance testing to demonstrate performance for proprietary treatment products. Detail for both the application and acceptance processes was added to provide the Division and technology proponents with a clear understanding of the level of information required and the basis for the Division's decision.</p> <p>25. Established specific criteria for acceptance of remediation products that are necessary to ensure that owners of failing systems are not led to believe that the system can</p>	<p>22. Vaults should be considered with these conditions and other County considerations.</p> <p>23. These new considerations for composting and incinerating toilets should be added to the County conditions.</p> <p>24. The OWTS new product technology provides needed modifications to the ISDS Regulations.</p> <p>25. No provisions in the ISDS Regulations. However, this question is best handled from a Regulation standpoint rather than a BAT</p>	<p>22. Regulations changes will be necessary.</p> <p>23. Regulations changes will be necessary.</p> <p>24. Regulations changes will be necessary</p> <p>25. Regulations changes will be necessary.</p>
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<p>be remediated by the use of a remediation product when, in fact, repair or replacement is the only option.</p> <p>26. The Commission, subject to a proprietary treatment product having met the NSF/ANSI Standard 40 or equivalent testing program and where at least one unit has been installed in Colorado as of the effective date of Regulation # 43, allowed the continued use of a proprietary treatment product with a treatment level of TL2.</p> <p>27. The specific mention of a public hearing where approval of a product has been denied has been removed as it is unnecessary. Final decisions of the Division may be appealed to the Commission pursuant to sections 25-8-202(k) and 25-8-401, C.R.S. Therefore, denial of a technology by the Division could be appealed to the Commission. Depending on the ruling, the Commission's decision could be appealed by either party to district court.</p> <p>28. The Commission established new operation and maintenance (O&M) requirements including a mandatory O&M program where higher-level treatment is used as the basis for reduction of a vertical or horizontal setback distance or for a reduction in the STA area. This is appropriate given that the protection of public health and water quality under these circumstances depends on the proper functioning of the higher level treatment system and these systems must be operated and maintained to function at the intended level of treatment.</p> <p>29. Where the distance from an</p>	<p>discussion.</p> <p>26. Not in current Regs. However, if a system is approved elsewhere in Colorado, why not utilize their efforts here?</p> <p>27. A final decision by the Commission is a good avenue. This is not in the Current Regs.</p> <p>28. O&M mandates are not clear in the current ISDS Regulations. Reductions for setbacks are not in the current Regulation.</p> <p>29. Not in ISDS</p>	<p>26. Regulations changes will be necessary.</p> <p>27. Regulations changes will be necessary.</p> <p>28. Major Regulations changes will be necessary.</p> <p>29. Major Regulations</p>
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<p>STA to proximate physical features is allowed to be reduced due to provision of higher-level treatment, the Commission included a requirement for mandatory operation and maintenance of the system in accordance with section 14.D. of Regulation # 43</p>	<p>Regulations. The County will need to consider existing "Special Districts" to determine compliance with OWTS standards.</p>	<p>changes will be necessary.</p>
<p>OPTIONAL PROVISIONS FOR LPHA</p> <ol style="list-style-type: none"> 1. A board of health would have to adopt regulations requiring appropriate O&M if it wants to offer a reduction in the setback distance or in the size of the STA where higher-level treatment is proposed. The board of health is not required to adopt this provision of the regulation. Where the provisions of the regulation are adopted, they must include requirements for the local public health agency to develop a program of inspections, maintenance, recordkeeping and enforcement to ensure that the systems are meeting the designed higher-level treatment standards and to maintain records. 2. Minimum inspection and maintenance frequencies, depending on the type of higher level treatment (e.g., with or without mechanical parts), and requirements for system owners to maintain a maintenance contract at all times. The Commission modified the monitoring provisions of section XIV.D of the ISDS Guidelines to clarify that the local public health agency can require monitoring where there are indications of inadequate performance, where an OWTS is located in a sensitive area, and for experimental systems. This is necessary establish a baseline 	<ol style="list-style-type: none"> 1. Reductions for setbacks based upon higher level of treatment is an important consideration, and not in the current ISDS Regulations. 2. Current Regulations require inspection and maintenance for special districts. However, this would allow for more designations. This will require major determination by the County. 	<ol style="list-style-type: none"> 1. Major Regulations changes will be necessary. 2. Major Regulations changes will be necessary.

<p>expectation for system owners and local public health agencies. The board of health could choose to require additional monitoring at its discretion.</p> <p>3. The Commission established a new optional transfer of title inspection provision that the local board of health may choose to implement at its discretion. If adopted by a board of health, the local regulation would have to be consistent with the requirements of Regulation # 43 except that the local board of health would have the authority to identify types of title transfers that are not required to be inspected. The Commission established application requirements, criteria determining that an OWTS is acceptable, a requirement that unacceptable OWTS be repaired, and other provisions, including for penalties should a property in a local public health agency jurisdiction transfer without obtaining a required inspection. The Commission finds it appropriate to adopt an optional title transfer inspection provision based on interest shown in the stakeholder group for a consistent approach to this practice and that there will be costs to be borne by the local public health agency in implementing the program so a mandate is not appropriate.</p> <p>4. Provisions for a new optional renewable permit program were established. These permits could be used to set requirements for activities such as required maintenance, a schedule for required inspections of the performance of higher level treatment systems, when a transfer of title inspection is required or other</p>	<p>3. Transfer of Title is not in the ISDS Regulations. However, this should be discussed as an option.</p> <p>4. Renewable permits should be considered.</p>	<p>3. Major Regulations changes will be necessary.</p> <p>4. Major Regulations changes will be necessary.</p>
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<p>requirements deemed necessary by the board of health. Similar to the transfer of title inspection program, stakeholders indicated a desire for a consistent approach and the Commission did not find it appropriate to create a mandate where there would be a cost to the local public health agency.</p>		
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Stenson reviewed the various changes that are being proposed.

The key issues will be reviewed only.

- **Definitions**

18 changes, only a few will have a required change issue.
Costs related to changing words, etc was discussed.

Parachini asked about the costs of full page ads in the Gunnison Times. This is just one cost that needs to be looked at.

Due indicated that some of the changes are not discretionary.

Lull asked if an economic feasibility study had been done on this.

Poconi was concerned about the county staff and EH Board time involved in review and compliance with these regulations.

Stenson, #6 on definition changes was discussed.

#7 Grey water system has been removed.

#10 Mound system.

#11 adopt the terminology.

#15,16,17,18.

#17 Wastewater/High strength. This could be a costly change for all.

- **Updated Terminology**

#19 reviewed and discussed. As written this will demand more review by the county. Again, possible additional time and costs to the county.

Possibly make this a funded mandate. Discussion of some type of reimbursement by the State to the County.

#22 Requiring a permit.

#23 What requirements are for a final approval.

#24 Development permits.

#25 Removing the requirement to hold a public hearing prior to prohibiting a permit.

26 Charging of fees.

#27 Our County is very current with these changes.

#28 Penalties. Can be added to non compliant systems.

..Break..

[3:25:37 PM](#)

- **New Design Requirements**

#1 Various treatment levels were discussed.

#2 LTAR's discussed.

#3 Distances between features. This will stay the same for our regulations. We can be discretionary for us.

#4 Better design in septic tank construction.

#5 Watertight testing of tanks.

#6 & #7 Structural integrity.

#8 Minimum size tank size.

#9 Effluent screens.

#10 Grease Interceptor. Grease collection systems were discussed.

#11 Professional engineers. Not all engineers know how to design these systems.

#12 Sizing

#13 Alternating systems.

#14 Width of bed.

#15 Limiting depth of the infiltration area to four feet.

#16 Alternating systems.

#17 Deep gravel systems.

#18 Higher level treatment.

#21 Vaults.

#22 Vault & pit privies.

#23 Incinerating and composting systems.

#24 New Product technology.

#26 NSF/ANSI.

#28 O & M requirements.

#29 Distance from an STA to proximate physical features.

- **Optional Provisions for LPHA**

#1 Reduction in setbacks optional for the county.

#2 Guidelines to clarify that the local public health agency can require monitoring where there are indications of inadequate performance.

#3 New optional transfer of title inspection provision. Numerous items discussed on this type of inspection for title transfer.

#4 Optional renewable permits. Discussion ensued. Renewable permits for engineered systems were discussed on advanced systems. Permit conditions. These are hard to track.

Due -Discussion of industrial and residential systems. Is this a Party Status item?

Parachini asked if this would be rejected by the attorney's office anyway.

Motion by Due that this board requests party status. 2nd by Poponi.

Discussion ensued:

Poconi indicated that we list the items and issues of concern in our request.

Stenson was asked to draft the letter and include the concerns in this letter and email to the board.

Call for vote. Passed.

Poconi will be gone by January 19, 2013. He and his family are relocating.

[4:46:01 PM](#)

Next meeting will be February 7, 2013, at 1:30pm.

Motion by Due, 2nd Parachini adjourn.

/S/ Michelle Spain
Administrative Assistant
Gunnison County Community Development Department