

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

AGENDA: WEDNESDAY, APRIL 23rd, 2014

- 1:00 p.m.
- **Call to order; determine quorum**
 - **Approval of Minutes from the March 12th, 2014 meeting.**
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.

1:15 p.m. **Environmental Health Board and County Staff Work Session:**

Items to be discussed by the Board and County Staff:

- A. Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, State review items of proposed regulations.

Adjourn

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room at 221 N. Wisconsin Street in Gunnison, across the street from the Post Office. Anyone needing special accommodations please contact the Community Development Department (641-0360) before the meeting.

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD SCHEDULED MEETING
April 23, 2014

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

Larry Parachini, Vice-Chairperson
Jeffrey Sellen, EH Board Member
Russ Forrest, Asst. County Manager Economic Dev.
Charlie Dominguez, EH & Building Inspector

Rodney Due, EH Board Member
Steve Glazer, EH Board Member Alternate
Crystal Lambert, Building & E.H. Official
Michelle Spain, Admin. Assistant

Attending by Phone: Lucinda Lull,

Absent Were: Eddy Balch, Ed Bavouset

Other attendees as listed in text.

- 1:07:07 PM**
- Call to order; by Parachini determine quorum.
 - Approval of Minutes from the March 12th, 2014 meeting. Parachini motion to approve, 2nd Glazer. Passed
 - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.

1:09:59 PM Environmental Health Board and County Staff Work Session:

Items to be discussed by the Board and County Staff:

- B.** Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, State review items of proposed regulations.

Lambert provided a summary of the seven page review letter the State conducted of the draft regulations. The most major item, which will impact the local wastewater industry is staff involvement in the siting and soils evaluation. Currently, and in the past, EH Office staff has provided the initial site inspection to choose the best location for a system and to evaluate the site for land use issues and setbacks, the technical soils evaluation to determine the infiltrative capacity of the soils and to describe the soils and identify limiting layers. Then staff determines the minimum size of a soil treatment area for the customer. The State pointed out that County staff could continue to conduct the siting and technical soils identification, but would also need to start providing a detailed report and composing the site plan as well.

Forrest stated he did not feel comfortable with this procedure and the possible liability that the County would be taking on.

Parachini voiced that he was not aware that County staff was providing an in depth involvement in the design of systems.

Glazer was unaware that staff was actually conducting the percolation testing.

Lambert referred to Section 5-101 of the revised regulations. There are four items that constitute the site and soil evaluations. The County would have to provide either all or none of the items.

SECTION 5-101: SITE AND SOIL EVALUATION

A site and soil evaluation shall be conducted for each property on which an OWTS is proposed, to determine the suitability of a location to support an OWTS, and to provide the designer with a sound basis to select the most appropriate OWTS design for the location and application. Every site evaluation shall consist of the following:

1. A preliminary Investigation in accordance with Section 5-102: *Preliminary Investigation*;
2. A reconnaissance visit to the property in accordance with Section 5-103: *Reconnaissance Visit*;
3. A detailed soil investigation in accordance with Section 5-104: *Detailed Soil Investigation*; and
4. A report and site plan in accordance with Section 5-110: *Report and Site Plan*.

Sellen asked about who would perform these tests.

Lambert indicated that the qualifications for the Visual and Tactile Evaluation are listed in Section 5-105. Training is approved by the State of Colorado. Training schedules are currently being devised for 2014 and beyond and will be provided by organizations such as CPOW.

Training for individuals was discussed by the board. Who will train, how this individual will prove they are certified.

Glazer wanted to know if we are able to continue as in the past.

Forrest discussed that this is not likely, for liabilities purposes and staff intensiveness. Forrest and Lambert confirmed that staff has had heavy involvement in the design of systems in the past.

Glazer asked if Lambert in her capacity as EH Official, would she be able to approve these systems.

Lambert indicated that the competent technicians, PE or a competent technician under the direction of a PE would be conducting the site and soils evaluations. However we want to write it up.

Lull questioned if this would be a step closer to requiring a PE for all systems.

Forrest explained that this is not the direction.

Lambert reiterated that we do not have to require a PE for the site and soils evaluations. Rather a qualified technician, with the required training and also proving demonstration of the competencies required. The minimum requirements for the design of a soil treatment area as put forth by the State will probably require more involvement by a PE but that is not a choice of the County, as we can be more stringent but not less.

Glazer pointed out that we would need to reach out to the current installers we have and encourage them to get certified.

The relative cost for a complete system design by a local PE were discussed.

Lull discussed the soil percolation inspection and the testing of the past. Lull voiced her concern on the possible ramifications that this regulation may have on the consumer regarding the additional fees.

Forrest responded that the County would be willing to look into the cost of putting on a training seminar for existing and new installers to make it easier for them to get the required training. Also, the possibility of inviting neighboring counties to join in.

Parachini asked about what the State would use to monitor the individuals for this training. Would there be a certificate given.

Glazer indicated that we need some of our staff to attend this class.

Due stated that he would attend this class for the knowledge that will be given to all.

Parachini indicated that there is an inspector's course in Colorado Springs in the very new future. This is in May. Staff from this department will possibly be attending these training seminars.

The current testing program given to installers and cleaners will be modified to conform to the new regulations.

Lambert referred to page 17.

SECTION 3-108: GUNNISON COUNTY INSPECTION STAGES

A. SITE INSPECTION. Upon receipt of an application for an OWTS permit, the Environmental Health Office shall conduct a site inspection of the property. This site inspection shall be conducted for the purpose of verifying that the site conditions and the design submittal concur with the intent of these *Regulations* and to review the suitability of the site and of the proposed location of the structure(s) and OWTS considering the land use in the area, the proposed use on the site and the size of the property.

1. Before requesting the site inspection, the applicant shall stake and label each pertinent feature, including but not limited to the lot corners, proposed structures, driveways/parking area, proposed soil treatment area and well location.

B. FINAL INSPECTION. When the installation of the OWTS has been completed, but before the system is placed in use, the owner or owner's agent shall notify the Environmental Health Office and engineer, if engineer-designed, with notice that the progress of the work has been sufficiently completed to allow inspections to determine if all work has been performed in accordance with the permit requirements and to determine compliance of the system with these *Regulations*, Regulation 43, On-site Wastewater Treatment System Regulation, 5 CCR 1002-43, and the OWTS Act, 25-10-101, *et seq.*, C.R.S.

1. **SYSTEM TO REMAIN OPEN UNTIL INSPECTION.** Prior to placement of soil cover over any component of the OWTS, a final inspection shall be conducted by the Environmental Health Office. If components of the system are not clearly visible, the applicant will be responsible for exposing the system for inspection.

2. **REQUIREMENTS FOR NOTICE OF INSPECTION.** The Environmental Health Office shall make a final inspection of the exposed installation within 3 business days after receipt of notice.

3. **REINSPECTION FEE.** If a request for inspection is made, and the installation has not been completed or the OWTS installation was found not to be in compliance with these *Regulations*, the applicant shall pay a fee as set forth in the *Appendix* for every inspection after the first schedule inspection.

Discussion of the site inspection and verification of the components that the applicant has submitted.

Glazer stated that the BOCC will have to approve this but the commissioners need to be made aware that the applicants may have additional fees.

The next major item on the State's review letter is the 40% reduction in soil treatment area that is allowed by the current ISDS regulations. The State allows 50% in Regulation 43, and all of the LTAR for higher levels of treatment are based on in depth, repeatable research. The State noted that we could retain the 40%, rather than going with the State but numerous revisions to the Tables and soil LTARs would be needed. Lambert was not aware of how the original 40% was conceived and questioned the appropriateness of it, given new technology and years of research that has been put into tracking higher level systems.

Parachini indicated that the 40% was arrived by the original parameters of the Elgin systems.

Lambert referred to the changes on page 50.

**ARTICLE 7: DESIGN STANDARDS FOR SOIL TREATMENT AREA
GUNNISON COUNTY, COLORADO ON-SITE WASTEWATER TREATMENT SYSTEM
REGULATIONS: 2-11-2014 -50-**

1. Size adjustment factors for methods of application are given in Table 7-2 *Size Adjustment Factors for Methods of Application in Soil Treatment Areas*.

2. Size adjustment factors for types of storage/distribution media are given in Table 7-3 *Size Adjustment Factors for Types of Distribution Media in Soil Treatment Areas Accepting Treatment Level 1 Effluent*.

B. SOIL TREATMENT AREA RECEIVING TL1 EFFLUENT MAY USE BOTH TABLES. A required soil treatment area receiving TL1 effluent may be multiplied by one size adjustment factor from Table 7-2, Table 7-3, or both.

C. SOIL TREATMENT AREA RECEIVING TL2, TL2N, TL3 OR TL3N EFFLUENT SHALL BE PRESSURE DOSED. A soil treatment area receiving TL2, TL2N, TL3 or TL3N effluent shall be pressure dosed. The distribution media in Table 7-3: *Size Adjustment Factors for Types of Distribution Media in Soil Treatment Areas Accepting Treatment Level 1 Effluent* may be used for distribution of higher level treatment system effluent, but an additional reduction factor from the table shall not be applied.

D. MAXIMUM 50 PERCENT REDUCTION OF SOIL TREATMENT AREA. The maximum reduction from all combined reductions including higher level treatment shall be no greater than 50 percent of the baseline system required for a soil treatment area.

Glazer asked if this was a modified table and Lambert indicated no. This table is an exact copy of what is in Regulation 43. Treatment levels 1 & 2 will never achieve a large reduction. Lambert indicated only treatment levels 3 & 4 would ever approach such a large reduction and only when additionally associated with a chamber or the like.

Lambert responded to Sellen's questions on our stringent requirements.

Forrest responded that our setback requirements are more stringent to protect water quality. We also have the one acre parcel minimum.

Glazer explained that the State, in the past, provided only guidelines for local consideration in regulation of on-site systems. Regulation 43 is more than a guideline.

The next item added from the State review is tire chips as a possible media type. Lambert added in tire chips. See page 54

SECTION 7-108: STORAGE/DISTRIBUTION MEDIA

A. The following storage/distribution media may be used in the construction of soil treatment areas:

1. AGGREGATE AND PIPE. The pipe shall be surrounded by aggregate consisting of clean graded gravel, rock or material of equal efficiency which may range in size from one half inch to 2 ½ inches.

a. A layer of aggregate with a minimum thickness of 12 inches shall be spread the entire length and width of the trench or bed and shall extend from at least two inches above the top of the pipe to at least six inches below the bottom of the pipe.

b. The top of the aggregate shall be covered with geotextile fabric, or a similar pervious material, meeting a maximum thickness rating of 2.0 ounces per square yard to prevent the aggregate from becoming clogged by earth backfill.

2. CHAMBERS. Chambers shall be installed with the base on the infiltrative surface. Additional requirements shall be in accordance with the manufacturer's instructions.

3. TIRE CHIPS. The pipe may be surrounded with clean, uniformly-sized tire chips. Tire chips shall be nominally two inches in size and may range from ½ inch to a maximum of four inches in any one direction. Wire strands shall not protrude from the tire chips more than 0.75 inches. Tire chips shall be free from balls of wire and fine particles less than two millimeters across. The top of the tire chips used shall be covered with non-woven permeable geotextile meeting a maximum thickness rating of 2.0 ounces per square yard or equivalent pervious material. An impervious covering shall not be used.

4. MANUFACTURED MEDIA. Manufactured media shall be installed with the base on the infiltrative surface and in accordance with the manufacturer's instructions. Effluent may only be applied by pressure distribution if the manufacturer specifies suitability of the product for that use.

5. PRESSURE DISTRIBUTION. Design of pressure distribution systems shall include the following:

a. Dose size and frequency for flows and soil or media long-term acceptance rate;

b. Pipe diameter and strength requirements;

c. Orifice size and spacing; and

d. Distal pressure head

e. Cleanouts shall be installed at the end of each line.

6. DRIP LINES. The infiltrative surface area must be calculated using the long-term acceptance rate for the site or a more conservative value if recommended by the manufacturer.

a. Driplines shall be installed on manufacturer's spacing recommendations.

b. Drainback shall be provided for all drip lines, pipes and pumps.

c. Provisions shall be made to minimize freezing in the distribution lines, drip lines, relief valves, and control systems.

d. Provisions shall be made for backflushing or other cleaning.

Discussion on the surface area provided for in tire chips allows for the needed biological activity to happen. The specified size is ½ inch to 4 inch in any one direction. This could be an opportunity for additional business.

The next item. Non-pressurized drip dispersal systems (NDDS). The State explained that by declaring that all Evapotranspiration are prohibited in Gunnison County, we are also prohibiting non-pressurized drip dispersal systems, which is technically categorized as a evapotranspiration/absorption system. These types of systems utilize partial evapotranspirative disposal through root zones and plants. This is a type of system would seem to operate through soil absorption in the winter and then evapotranspiration and soil absorption in the summer. Lambert can find no record of an application proposing to utilize this type of a system and asked if anyone in the group can remember such a system being installed in Gunnison County.

Parachini asked what the difference was between a perforated pipe and a drip system.

Lambert Googled to see if we could get a definition of this item. Discussion ensued. Decision was to confirm prohibition on Evapotranspiration systems in the regulations with the possibility for review and inclusion in the future as the State developed, through testing, a list of higher treatment systems and the appropriate climate conditions for their operation.

Lambert indicated that this is the conclusion of her review. She has taken out the gray water. The State is drafting new regulations on gray water.

Our attorney David Baumgartner has reviewed these regulations and has made additional comments. He will be recommending that vault systems are prohibited in the regulations.

Due noted that any system could be susceptible to septage over flow.

Glazer shared information of a group forming to assess and address the need for facilities in the Slate River drainage. Lambert noted that most of the subject area, is Federal land and vault systems may be appropriate. Tank size for these areas were discussed.

Parachini shared the cost and labor of cleaning and pumping vault systems and the use of port-a-potties.

Lambert pointed out an item added to the Special Review Process. Item A. 1. e., technical justification by a professional engineer or professional geologist will be required in the application for a Special Review. This is a State item.

SECTION 3-116: SPECIAL REVIEW FOR A VARIANCE

A. APPLICANT MAY FILE FOR SPECIAL REVIEW WITHIN 30 DAYS OF DENIAL OF APPLICATION OR APPEAL. An applicant who receives a notification of denial of application for an OWTS by the Environmental Health Office, relating to design or siting requirements may initiate the Special Review process by filing a written application for Special Review with the Environmental Health Office no later than 30 calendar days after the notice of written denial is postmarked. Such written application shall assert the grounds why a Special Review approval is sought.

1. APPLICATION FOR SPECIAL REVIEW. The written application for Special Review shall include the following:

- a.** A nonrefundable fee as set forth in the *Appendix* shall be paid by each applicant for a Special Review;
- b.** Owner of the property; owner's address, telephone number and email address, as applicable;
- c.** Legal description of the property to be served by the system, including lot and block number if it is located in a subdivision; the tax schedule number; the common street address;
- d.** Site-specific request identifying the specific criteria from which a variance is being requested;
- e.** Technical justification by a Colorado licensed Professional Engineer or Professional Geologist, indicating that the specific conditions which exist, and/or the measures proposed to be taken that support a finding that the variance will result in no greater risk than that associated with compliance with the requirements of this regulation;
- f.** A discussion of alternatives considered in lieu of the requested variance;

g. Technical support for the proposed alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health, water quality and the environment; and

h. A statement of the hardship which creates the necessity for the variance

Section 3-116, item F is also new. This section declares the conditions under which Special Review approval will not be given.

F. PROHIBITIONS ON THE GRANTING OF VARIANCE REQUESTS. Requests for variances from these *Regulations* shall not be granted for the following conditions:

1. PARCEL THAT CAN ACCOMMODATE CONFORMING OWTS. Where the property can accommodate an on-site wastewater treatment system conforming to these *Regulations*.

2. MITIGATE AN ERROR IN CONSTRUCTION. To mitigate an error in construction involving any element of property improvements.

3. SETBACKS TO OFFSITE PHYSICAL FEATURES. Setback reductions to an offsite physical feature that does not meet the minimum requirements of Table 6-1, *Gunnison County Horizontal Distances in Feet Between Components of Sewage Disposal System and Pertinent Physical Features*, without the written consent of the owner of the property containing said feature. Property lines are considered offsite features.

4. SETBACKS TO BEDROCK OR GROUND WATER. Reductions in the separation to bedrock or groundwater based on the level of treatment in Table 6-2, *Wastewater Treatment System Design Consideration and Treatment Requirements-Separation Distances from Soil Treatment Area*.

5. REDUCED HORIZONTAL SETBACK FROM A WELL. Horizontal setback reductions from

6. ECONOMIC GAIN. A variance solely for economic gain.

Parachini asked about the where the section that talks about tying onto a central sewer system when, and if, one is ever made available.

Lambert has it located in Section 5-121 page 38.

SECTION 5-121: LIMITED INSTALLATION IN VICINITY OF CENTRAL SEWER SYSTEM

No OWTS permit shall be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. In no case shall a permit be issued to install, alter, repair or use an on-site wastewater treatment system if a component of a central sewer system exists within four 400 feet of the boundary of the property proposed to be served unless there is a legal prohibition against the connection with the central sewer system.

Lambert would like to send the revised draft to the attorney's office and to the State for re-review. We have a 45 day public notice prior to holding the public hearing for adoption.

Schedule was discussed for further meetings concerning this:

May 7th a.m. public meeting to explain and discuss major changes with installers, cleaners, designers, etc. and get feedback and comments.

May 13th (time to be determined) work session with the BOCC

May 14th 1pm EH Board public hearing for Special Review application and formal letter of recommendation to the BOCC for the proposed OWTS regulations.

Forrest reviewed the rules involving contact to an EH Board members from an applicant or the applicants representative. It is a 106 claim. Ex Parte communication. Conflicts were discussed also. Respond by inviting the applicant/representative to attend the meeting, formally write a response to be added to the file. Due was encouraged to acknowledge what the communication was.

Due responded to the contact from Williams. No application for Special Review were open. Due felt that no Ex-parte communication existed.

The revised draft regulations and an executive summary of major changes will be electronically sent to all board members.

Lambert would like to get a summary together for the installers prior to this meeting.

Glazer added EPA was in town for a standard mine advisory committee. May be able to do some modifications to the different levels under the remediation plan. Discussion of water quality control issues.

[2:56:08 PM](#) Adjourn motion by Sellen, 2nd Due