

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
WORK SESSION
AGENDA: March 8, 2010**

**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 prior to the meeting.

9:30 a.m. Call to order; determine quorum;

9:40 a.m. Approval of minutes from the February 18, 2010 meeting;

9:45 a.m. Unscheduled Citizens

10:00 a.m. Work Session: The Environmental Health Board will review the proposed amendments to the ISDS Regulations. Preparations will be made for the joint work session with the Gunnison County Board of County Commissioners meeting scheduled for March 9, 2010.

12:00 Working Lunch. Continued work session with lunch provided for the E. H. Board.

3:00 p.m. Adjourn.

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
Work Session Meeting
March 8, 2010

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

Present were:

Lucinda Lull, Chairperson	Steve Glazer, Vice-Chairperson
Larry Parachini, EH Board Member	Eddy Balch, EH Board Member
Rodney Due, EH Board Member	Richard Stenson, EH Official
Crystal Lambert, EH Staff	Michelle Spain, Admin Assistant

Absent: Corey Bryndal

09:45 am Call to order by Glazer, quorum so noted.

09:50 am Glazer requested the attached letter submitted by Eric Krawczyk be reviewed. Question from Glazer to staff was had there been an engineered design submitted for review.

Date: 3/8/10

Gunnison County Board of Health
Gunnison County Planning Department
Departments of Planning, Building and Environmental Health
Blackstock Government Center
221 North Wisconsin St., Suite D
Gunnison, CO 81230

Dear board members,

I am writing to update you on our position with the Special Review hearing process that was continued from November 19th, 2009 to last Thursday, March 4th, 2010. While contacting your health official on Monday, March 1st, 2010 to confirm the hearing, I was informed that it was actually cancelled during a board meeting sometime in February.

Since I was not involved in that board meeting, I would like to request that the hearing continue on Thursday, April 15th, 2010 at 1:45pm. At that time, I would like to consider revising the amendments to our ISDS permit #2008-079 written on 3/16/2009, thus changing the nature of our hearing from a special review to a possible appeal petition of your health official's denial.

After further research with a local engineer, other county health officials, our licensed plumbing contractor and the state plumbing inspector, the revision would entail:

1. removing the indoor SSF wetland design from our ISDS amendment due to a State IPC board approval and
2. proposing that our outdoor SSF wetland design is a state WQCD-approved effluent recovery technology based on previously permitted designs in other counties.

Upon additional consultation, I will plan to announce our decision of whether to submit a revision of our amendments or continue with the special review of the current amendments on April 15th, should the board

Sincerely,
Eric Krawczyk

find that date acceptable.

Owner/Builder

Stenson reviewed conversations with Krawczyk. Stenson indicated that an engineered design must be submitted before any further meetings could be scheduled. Applicant Krawczyk wanted this request to be under the plumbing codes of the State of Colorado. Applicant requested an appeal of this original denial. Further discussion of submitted letter, and the procedure to be followed concerning this denial.

Parachini asked if we have any written documentation from the state authority on this request.

Stenson has an email from Barbara Dallemand, PE of the Colorado Department of Public Health and Environment, Water Quality Control Division

Lull enters meeting at 09:55 am.

Evapotranspiration systems and treatment discussed by Stenson.

Parachini asked about this system as apposed to a wetlands system. Engineered wetlands system discussed.

Glazer asked if we wanted to schedule another hearing. Rodney Due reviewed the request on the outdoor treatment and a gray water system inside the home. Due was concerned that this system may not have the efficiency in this colder climate.

Balch asked about the state's response on this system.

Parachini brought up that this technology may be currently used in Summit County.

Approval process reviewed on state vs county.

Glazer asked if this board should set a date for this public hearing.

Balch asked if this request was still a continuation of the special request.

Glazer requested that the applicant get approval from the state engineer of Colorado Water Resources on his existing well permit for this type of new technology.

Parachini indicated that the State had no committee currently to review new technology.

Stenson indicated the full FTE at the state level is now reviewing these new items.

Meeting turned over to Lull.

Public hearing will be set for Krawczyk meeting once all requested documents have been submitted by the applicants.

10:10 am Approval of minutes from the February 18, 2010 meeting. Motion by Glazer to approve minutes as presented, 2nd by Due. Passed.

10:12 am Unscheduled Citizens: None so noted.

Discussion of April 15th meeting with 2 public hearings for that day.

Balch will be able to attend an am meeting.

April 1st date was discussed. Protocol was discussed for this meeting.

Glazer may not be able to attend this meeting due to conflict on meetings.

Lull asked about the new application in the Roaring Judy area.

Parachini asked where was this parcel was located. Stenson briefly gave directions. Meeting set April 15th at 01:30 pm.

10:20 am Work Session: Glazer asked about any new drafts that may be used. Stenson indicated that the draft that needs to be used is the one that was submitted to this board in December 2009. Stenson requested that all other drafts be recycled. Can we electronically or phone voting members to attend any meetings. This can be executed in our current regulations.

The following items were reviewed in the work session:

Draft Proposed Amendments to the ISDS Regulations

Reviewed by EH Board: March 8, 2010

Listed Changes

Table of Contents:

3-103	Added	“CERTIFICATE OF”
3-105	Added	“ISDS PERMIT”
3-111	Added	“AND SITE INSPECTIONS”
3-112	Added	“DESIGN SUBMITTAL”
3-112	Deleted	“REGISTERED PROFESSIONAL ENGINEER DESIGNS
3-120	Deleted	“ADDITIONAL SITE INSPECTIONS” (numbering changed to “Appeal”)
4-104	Added	“FOR REPAIR OR EMERGENCY USE PERMITS”
ARTICLE 5 (TITLE)	Added	“STANDARDS” --Deleted “REQUIREMENTS”
5-107	Deleted	“REQUIRED DESIGN SUBMITTAL”
5-107	Added	“REQUIRED”
6-104	Added	“REQUIREMENTS FOR”
ARTICLE 7 (TITLE)	Added	“DESIGN STANDARDS” and “DISPOSAL” deleted
		“REQUIREMENTS” and “SYSTEMS”
12-102	Added	“INSTALLATION” deleted “PERSONS EXEMPT”
12-109	Added	“REAPPLICATION AFTER REVOCATION”
13-106	Added	“TO BE CARRIED IN EACH VEHICLE” deleted “VEHICLE”

ARTICLE 1

- 1-102 Changed “is” to “are”. Changed the word “dwellings” to “residences”. Added (also referred to in these Regulations as “ISDS” or “ISD” system)
- 1-104 Added “GENERAL POLICIES OF THE GUNNISON COUNTY BOARD OF COUNTY COMMISSIONERS” “The following are policies of the Gunnison County Board of County Commissioners (“the Board”) concerning the disposal and treatment of effluent within the unincorporated areas of Gunnison County”
- A. “LAND USES SHOULD NOT ADVERSELY AFFECT WATER FOR PRESENT OR FUTURE USES.”
 - B. “PROTECT HIGH QUALITY OF WATER” deleted “individual sewage disposal system” added “ISD systems”.
 - C. “PERFORMANCE-BASED ISDS MANAGEMENT IS AN ESSENTIAL FUNCTION” Added “performance-based management for ISDS. Management practices shall be essential based on water quality standards for the receiving resource and the assimilative capacity of the environment between the point of the wastewater release to the receiving environment and performance boundary. Establishing water quality-based performance requirements by assessing probable impacts shall be considered an essential function of the Department and the Environmental Health Official. Performance boundaries, preventive action limits, and enforcement limits shall be designated by the Board.” Deleted “encourage development which will optimize central sewage facilities: it is the policy of the Board to discourage the proliferation of individual sewage disposal systems.” Deleted “Use of central sewage systems shall be required where and whenever

feasible; installation of individual sewage disposal systems shall be limited to area in which central sewer systems are not feasible and where individual sewage disposal systems are appropriate”.

- D. “ENCOURAGE DEVELOPMENT THAT OPTIMIZES CENTRAL SEWAGE TREATMENT SYSTEMS” Added “treatment systems” Deleted “facilities”
- E. “ISDS PERMITS ARE INTEGRAL WITH OTHER COUNTY PERMITS.” Replaced “Driveway” with “Access Permit”. Added “where an ISDS permit is required.”
- F. “ENCOURAGE COOPERATION IN CREATION AND OPERATION OF CENTRAL CEWAGE TREATMENT SYSTEMS” Added “entities to create and operate central sewage treatment systems. No permit shall be issued to any person within...”
- G. “PREFERENCE GIVEN TO PRIMARY, YEAR-ROUND RESIDENCES IN CERTAIN AREAS”
- H. “ISDS SIZED TO MEET REQUIREMENTS OF PROPOSED USE”
- I. “ISDS PERMIT NOT AVAILABLE FOR INDUSTRIAL OR NON-DOMESTIC COMMERCIAL EFFLUENT” Added “An ISDS permit is available specifically for the treatment of domestic wastewater ~~needs~~, exclusively, and is neither intended nor available for treatment of industrial or non-domestic commercial effluent.”
- J. “EXISTING ISDS SHALL BE REPAIRED” Added and changed: “Requirements for such repair shall be determined by the Environmental Health Official, pursuant to these *Regulations*. Appeals or special review of such requirements shall be considered only after a public hearing and final decision by the Environmental Health Board”
- K. “NEW ISDS NOT ALLOWED TO VIOLATE THESE REGULATIONS” Added “An appeal or special review of such requirements has been considered after a public hearing and final decision by the Environmental Health Board, pursuant to Sections 3-119: *Denial of Application* , 3-120 *Appeal of denial*, and 3-121: *Special Review*.”
- L. “NO EXPANSION OF EXISTING ISDS IN VIOLATION OF THESE REGULATIONS”. Added: “as of the date of” and “An appeal or special review of such requirements has been considered after a public hearing and final decision by the Environmental Health Board, pursuant to Sections 3-119: *Denial of Application* , 3-120 *Appeal of denial*, and 3-121: *Special Review*.”
- M. Added: “It is the policy of the Board of County commissioners of Gunnison County that the Environmental Health Official utilize the Environmental Health Board as a technical review agency for Land Use Change Permit applications as needed as requested by the Board of County Commissioners of Gunnison County in response to requests from the Planning Commissioners, Planning Department or Environmental Health Official.”
- N. Added: “It is the policy of the Board of County Commissioners of Gunnison County to have as a public record the locations of any and all individual sewage disposal systems, and their components, especially the septic tank in Gunnison County. Locating ISDS shall be the responsibility of the property owners.”

ARTICLE 2 DEFINITIONS

APPEAL BOARD Changed 3-127 to “3-120 *Appeal of Denial*” deleted “of these Regulations”
Added “The”

CDR Added “CDR means the Code of Federal Regulations”
COLORADO STATE PLUMBING CODE. Colorado State Plumbing Law as adopted by the State of Colorado, Department of Regulatory Agencies, the Examining Board of Plumbers, effective July 1, 2005 and as amended.

DEPARTMENT Changed “Environmental Health” to “Planning Department of Gunnison County, Colorado. Deleted “or designated Environmental Health Specialist or other designated agent of Gunnison County, Colorado.”

Added: “DOMESTIC EFFLUENT/DOMESTIC SEWAGE “Sanitary waste originating solely from humans and human activities, such as waste collected from toilets, showers, wash basins, sinks used for cleaning domestic areas, sinks used for food preparation, clothes washing operations, and sinks or washing machines where food and beverage-serving dishes, glasses, and utensils are cleaned (40 CFR 144.3)”

ENVIRONMENTAL HEALTH BOARD Added: “pursuant to Article 16” Changed from “Part XVII of these Regulations”.

Added: “ENVIRONMENTAL HEALTH OFFICE. The Environmental Health Office within the Gunnison County Planning Department”.

Added: “ ENVIRONMENTAL HEALTH OFFICIAL. The County staff person(s) authorized to administer and enforce the *Gunnison Individual Sewage Disposal System Regulations* as adopted and amended by Gunnison County”

FLOODPLAIN: Changed to have the same definition as the Gunnison County Land Use Resolution, as follows:

~~**FLOODPLAIN.** An area which meets any of the following: 1) adjacent to a stream which is subject to flooding as the result of the occurrence of a one hundred (100) year flood, and is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public or environmental health and safety or to property; or 2) designated by the Federal Emergency Management Agency (FEMA); or 3) designated by the National Flood Insurance Program (NFIP). In the absence of FEMA/NFIP maps, a Colorado Registered Professional Engineer shall certify the floodplain elevations. **FLOODPLAIN (100-YEAR).** The land area subject to inundation as a result of the base flood. The 100-year floodplain is made up of three parts: the stream channel, the floodway and the flood fringe. The physical location of the floodplain on flood hazard maps is representative of existing ground conditions and may be based, among other things, on historical flood records or other readily available data.~~

FLOODWAY: Changed to have the same definition as the Gunnison County Land Use Resolution, as follows:

~~**FLOODWAY.** That area of the floodplain in which the channel of the water course and those portions of the adjoining floodplain which must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point or as designated by the Federal Emergency Management Agency or National Flood Insurance Program. In the absence of FEMA/NFIP maps, a Colorado Registered Professional Engineer shall certify the floodway elevation and location. **FLOODWAY.** That portion of the 100-year~~

floodplain, consisting of the stream channel and adjoining lands, including from streambank to streambank, that is subject to the deepest water and highest velocities during a flood event.

FRENCH DRAIN: Changed “trench” to “sub-basin drain”

INDIVIDUAL SEWAGE DISPOSAL SYSTEM AND THE TERM “SYSTEM” (ISDS):
Changed “any size” to “with less than 2,000 gallons per day of average flow”.

Added: “INDUSTRIAL OR COMMERCIAL EFFLUENT: Non-residential effluent waste that results from manufacturing, other industrial or commercial processes that contains or may contain compounds, chemicals, contaminants, or loading, not suitable for ISDS. ISDS for Industrial or commercial effluent shall not be permitted by Gunnison County and shall comply with all State and Federal requirements.”

Added: “PERFORMANCE MANAGEMENT PROGRAM. A program designed to preserve and protect human health and environmental resources by focusing on the achievement of specific, measurable performance requirements based on site assessments.”

Added: “PERFORMANCE BOUNDARIES. The point at which a wastewater treatment performance requirement corresponding to the desired level of treatment at that point in the treatment sequence is applied. Performance boundaries can be designated at the discharge point of the pretreatment system (e.g., septic tank, package plant discharge to surface waters), at physical boundaries in the receiving environment (impermeable strata, groundwater table), at a point of use (groundwater well), or at a property boundary.”

Added: “PERFORMANCE REQUIREMENT. Any requirement established by the Board to ensure future compliance with the public health and environmental goals of the County.”

Added: “ PLANNING DEPARTMENT. The Gunnison County Planning Department.”

REGISTERED PROFESSIONAL ENGINEER Added: “qualified professional”

SEWAGE TREATMENT WORKS. Added: “ Also referred to as a “wastewater treatment system”

SPECIAL REVIEW: Changed numbers to be correct with new formatting.

WASTEWATER POND. Changed wording to: “A pond designed by a qualified professional engineer licensed in the State of Colorado”

Added: “WATER QUALITY-BASED PERFORMANCE REQUIREMENT. A specific, measurable, and enforceable standard that establishes limits for pollutant concentrations or mass loads in treated wastewater discharged to ground or surface waters.

WETLAND. Changed to have the same definition as the Gunnison County Land Use Resolution, as follows:

~~WETLAND. Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include areas supported by irrigation.~~

An area as defined by EPA Regulations listed at 40 CFR 230.3(t)], as amended. Generally such an area is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and ~~that~~ under usual circumstances, supports a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetland areas generally include marshes, bogs, seeps, riparian and similar areas, but do not include those artificial wetlands intentionally created from non-wetland areas, including irrigation and drainage ditches, grass-lined swales, canals, detention facilities, ranch ponds and landscape amenities.

Exempt from the definition are areas in which there are wastewater treatment systems, including treatment ponds and lagoons designed to meet the requirements of the *Clean Water Act* (33 U.S.C. Sec. 1341), treated water distribution and storage facilities or treated water that otherwise meet the criteria in this definition, and areas created by irrigation-related activities from agriculture and ranching. However, wetlands may include those artificial wetlands intentionally created from non-wetland areas created for the purpose of mitigating conversion of wetlands, if permitted by the County.

ARTICLE 3:

APPLICATION, PERMIT REQUIREMENTS AND REVIEW PROCESS Changed from: “APPLICTION AND PERMIT REQUIREMENTS AND PROCESS”

3-103 Changed: “CERTIFICATE OF OCCUPANCY TO BE WITHELD” from “OCCUPANCY PERMIT TO BE WITHELD”

Added “Environmental Health Official has finally inspected and approved the ISDS, ensured that it is installed in compliance with these Regulations, and issued the Final ISDS Approval, pursuant to Section 3-123”

Changed from: “individual sewage disposal system has been made and final approval given by the Department”

3-104 Changed “residence” from “dwelling”

3-105 Added “ISDS PERMIT” to “APPLICATIONS”

Changed wording to: “The Planning Department shall provide and the applicant shall complete” a written application “for an ISDS Permit”. “ The application shall,” at a minimum, “include” the

following:” **NOTE:** The amendments include a sequential, a,b,c,d, through l. listing not included in the 1995 Regulations, as follows:

OWNER. Owner of the property; owner's address, telephone number, fax number and email address, as applicable.

AGENT OR CONTRACTOR. Agent or contractor's names, address, telephone number, fax number and email address, as applicable.

ISDS CONTRACTOR. ISDS installation contractor's name, address, telephone number, fax number and email address, as applicable.

LEGAL DESCRIPTION. Legal description of 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.

DESCRIPTION OF EXISTING AND PROPOSED USES. Description of existing and proposed land use on the of-site to be served by the system.

SIZE OF SITE. Size of site in acres or square feet.

VICINITY MAP. General area map showing the location of the proposal on a typical U.S. Geological Survey map, U. S. Forest Service or County parcel map, available from the Gunnison County Assessor's Office.

SITE PLAN. Site plan ~~covering~~ that includes the following features within 400 feet: dimensions of the subject parcel of land; existing and proposed buildings, including agricultural, on the subject parcel of land; proposed location of the ISDS system and components; boundaries with all roads; all adjacent parcels of land; uses of adjacent parcels of land; existing and proposed water and sewerage systems (if identifiable) on subject parcel and adjacent parcels of land; all surface water features, including but not limited to streams, lakes, wetland areas and irrigation features.

DESCRIPTION OF PROPOSED AND EXISTING WATER SOURCE. Description of proposed/existing water source; if such proposed source is by well, copy of the well permit may be required to help determine the location of the well; and, if such source is a central system, documentation from the operator of that system that water will be supplied.

DESCRIPTION OF PROPOSED ISDS. Description of proposed ISDS facility type and specifications:

RESIDENTIAL USES. If residential, the number of bedrooms, bathrooms, kitchen facilities, garbage disposal, and laundry facilities; and other wastewater use proposals sources of wastewater generation;

COMMERCIAL USES. If commercial, the number and type of improvements that will drain into the ISDS system, the estimated number of persons who will use the improvements, and hours and seasons of operations;

SANITATION DISTRICT CLEARANCE. Clearance from any sanitation district or other district that provides or may provide sewer services for the subject property.

L ADDITIONAL INFORMATION. Such additional information as may be reasonably required by the Environmental Health Official as

necessary to aid in the review of the application pursuant to the applicable requirements of these *Regulations*.

3-106 Added: “and is required to be paid at the time the application is submitted”

3-107 Changed formatting to be consistent with application process in the LUR and providing definition to the concept of “completed application” as follows:

DETERMINATION OF COMPLETENESS. The Environmental Health Official shall determine whether the application is complete and shall notify the applicant that the application is either complete or incomplete.

APPLICATION IS NOT COMPLETE. If the application is not complete, the Environmental Health Official shall inform the applicant of the deficiencies and shall take no further action on the application until the deficiencies are remedied.

APPLICATION IS COMPLETE. If the application is complete, the Environmental Health Official shall certify it as complete, and if required, schedule the initial site inspection with the applicant, pursuant to Section 3-209: *Initial Site Inspection*.

COMPLETENESS IS NOT A DETERMINATION OF COMPLIANCE. A determination that an application is complete shall not constitute a determination that it complies with the applicable standards of these *Regulations*.

REQUEST FOR REVIEW BY OTHER AGENCIES, DEPARTMENTS OR TECHNICAL CONSULTANTS. The Environmental Health Official may request the professional analysis and recommendations of other review agencies, organizations, or technical consultants appropriate and necessary to complete the review, including other County offices and departments; municipal, state, or federal agencies having an interest in or authority over all or part of the proposal; engineers, designers, and legal consultants.

REVIEW AND COMMENT BY REVIEW AGENCIES AND DEPARTMENTS. Review agencies and departments that are sent a copy of the application will; be requested to make comments within 30 days of mailing by the Planning Department, or as otherwise required by applicable by state or federal law. The failure of any agency to respond within 30 days shall not be deemed an approval of the application by the agency.

REVIEW OF AGENCY AND DEPARTMENT COMMENTS BY APPLICANT. The applicant shall have the right to review the comments and recommendations received from the review agencies. The applicant may submit additional information and make changes in the development proposal to respond to the comments of the review agencies.

3-108 Changed wording and included “Environmental Health Official” rather than “Department”

3-109 Added:

“A. GRUBBING, GRADING ALLOWED ONLY AFTER SITE INSPECTION. Grubbing, rough grade and other site preparation dirt work, pertinent to the ISDS application, shall commence only after a site inspection and written approval by the Environmental Health Official.”

B. Added and changed simple wording. Also simple wording changes in subsection 3.

3-110 Changed the location of information in the ISDS Regulations to Section 5-101. Added: “PERCOLATION TESTS AND SOILS PROFILE INSPECTION. After the initial site inspection is conducted and the Environmental Health Official has completed a preliminary review as to the suitability of the site, soils profiles and percolatin tests shall be conducted pursuant to Section 5-101: *Percolation Test Requirements and Procedures.*”

3-111 Added: “...AND SITE INSPECTIONS” to the section title. Added: general wording and subsection formatting including a new language called for in subsection “B”. “ ADDITIONAL SITE INSPECTIONS AND RELATED FEES. Changes in design, insufficient information or other similar circumstance may require additional site inspections. If such inspections are required, the applicant shall pay a fee a set forth in the Appendix for every site visit after the first scheduled final inspection that is required because of noncompliance with the *Regulations.*”

3-112 Changed “Registered Professional Engineer Designs” to “DESIGN SUBMITTAL” Under the Amendments, all ISDS in Gunnison County, will require a design submittal. Under the current Regulations there was not a requirement for design submittal. This addition was needed in order to insure review and approval of the system prior to issuance of the permit.

B. Added: “ When a design by a qualified professional engineer licensed in the State of Colorado is required, the site design shall also include:”

3-113 Changed basic wording including: “The Environmental Health Official shall determine” rather than: “A determination shall be made by the Department” . Also added: “design submittal”.

3-114 Changes basic wording.

Previous section 3-120 was removed and replaced with language in new 3-111.

3-115 Basic wording changes and:

A. PERMIT BE EXTENDED FOR GOOD CAUSE. “The Environmental Health Official may refer any or all permit extension requests to the Environmental Health Board for its final determination. The Board may request periodic summaries of the extensions granted.” In the current Regulations, the wording was, “ A permit may be extended, for good cause, by the Board of Environmental Health, for a period not to exceed one additional year.” This conditions was difficult for the County Staff, the EH Board and the applicants.

3-117 Added:

A. 1. EXPOSURE OF SYSTEM TO REMAIN UNTIL INSPECTION AND APPROVAL. During installation of an ISDS the entire sewer line between the building footer/foundation and the absorption field and the components in it must remain exposed until it is inspected by the Department Environmental Health Official and approved. If components of the system are not clearly visible the applicant will be responsible for exposing the system for inspection.”

B. AS-BUILT DRAWING. Prior to final approval of an ISDS the owner, contractor, or engineer shall submit an “as built” drawing which shall include, at a minimum, a site plan drawing showing actual construction details and actual locations of ISDS components.

1. ENGINEER’S CERTIFICATION OF COMPLIANCE (with basic wording changes.)

3-120 (APPEAL OF DENIAL)

Added: basic word changes and

“A.1. FAILURE TO PETITION WITHIN 30 DAYS ENDS OPPORTUNITY TO APPEAL DENIAL If the applicant did not file a petition to appeal within the prescribed 30 days, he/she loses the opportunity to appeal the denial.”

And

PUBLIC HEARING. The Environmental Health Board shall conduct a public hearing on the Special Review application within 30 days after its receipt of the complete application for a for Special Review. The hearing shall be noticed and conducted and, as necessary continued pursuant to Section 16-105: Public Hearings.

FINAL DECISION AND CONDITIONS OF APPROVAL. The Environmental Health Board shall render a final decision within 30 days after the initiation of the public hearing unless good cause exists for additional time. The Environmental Health Board may place special conditions in its approval of an application for a type of system not otherwise provided for in paragraphs (e) to (j) of subsection (1) of C.R.S., 25-20-105

APPROVAL WILL NOT RESULT IN SUBSTANTIAL VARIANCE FROM REQUIREMENTS. Applicant demonstrates that the approval will not result in substantial variance from the requirements of these Regulations; and

APPROVAL WILL NOT VIOLATE MINIMUM STANDARDS. Applicant demonstrates that approval of the application will not be in violation of any minimum standards established in any other applicable federal, state or local rule or regulations including but not limited to those minimum standards issued

under authority of Article 10, Title 25, C.R.S. 1973 as it may be amended; and

PROPOSED SYSTEM WILL NOT INJURE PUBLIC HEALTH.

Applicant demonstrates that the proposed system will not be a nuisance or injurious to public health, safety or welfare; and

APPROVAL WILL NOT RESULT IN SUBSTANTIAL INJURY.

Applicant demonstrates that no substantial will result from granting of the application.

Added: “to demonstrate...that the denial was in error”

F. Added: “At a regular or specially-scheduled meeting” and “shall memorialize that determination in a written decision document”

2. Deleted “DENIAL OF APPEAL IN EFFECT...”

H. Added: “ENVIRONMENTAL HEALTH BOARD DECISION SUBJECT ONLY TO JUDICIAL REVIEW. The final decision of the Environmental Health Board is subject to judicial review as provided by law.”

3-121 (SPECIAL REVIEW) Wording and format changes similar to DENIAL as follows:

- A. APPLICANT MAY FILE FOR SPECIAL REVIEW WITHIN 30 DAYS OF DENIAL OF APPLICATION OR APPEAL. The applicant may initiate the Special Review process following denial of an application by the Environmental Health Official Department by filing a written application for Special Review with the Environmental Health Board Official no later than thirty (30) calendar days after the notice of written denial or denial of appeal is postmarked. Such written application shall assert the grounds why a Special Review approval is sought.
- B. FEE. A nonrefundable fee as set forth in the Appendix shall be paid by each applicant for a Special Review.
- C. PUBLIC HEARING. The Environmental Health Board shall conduct a public hearing on the Special Review application within 30 days after its receipt of the complete application for a for Special Review. The hearing shall be noticed and conducted and pursuant to Section 16-105: Public Hearings.
- D. FINAL DECISION AND CONDITIONS OF APPROVAL. The Environmental Health Board shall render a final decision within 30 days after the initiation of the public hearing unless good cause exists for additional time. The Environmental Health Board may place special conditions in its approval of an application for a type of system not otherwise provided for in paragraphs (e) to (j) of subsection (1) of C.R.S., 25-20-105
1. APPROVAL WILL NOT RESULT IN SUBSTANTIAL VARIANCE FROM REQUIREMENTS. Applicant demonstrates that the approval will not result in substantial variance from the requirements of these Regulations; and

2. APPROVAL WILL NOT VIOLATE MINIMUM STANDARDS. Applicant demonstrates that approval of the application will not be in violation of any minimum standards established in any other applicable federal, state or local rule or regulations including but not limited to those minimum standards issued under authority of Article 10, Title 25, C.R.S. 1973 as it may be amended; and

3. PROPOSED SYSTEM WILL NOT INJURE PUBLIC HEALTH. Applicant demonstrates that the proposed system will not be a nuisance or injurious to public health, safety or welfare; and

4. APPROVAL WILL NOT RESULT IN SUBSTANTIAL INJURY. Applicant demonstrates that no substantial injury will result from granting of the application.

E. BURDON OF PROOF LIES WITH APPLICANT. In all circumstances, the applicant applicant for an application for a type of system not otherwise provided for in paragraphs (e) to (j) of subsection (1) of C.R.S., 25-20-105 shall have the burden of proof by a preponderance of the evidence.

F. FINAL DECISION IN WRITING TO APPLICANT. Notice of the final decision shall be in writing and mailed, registered mail, to the applicant.

G. ENVIRONMENTAL HEALTH BOARD DECISION SUBJECT ONLY TO JUDICIAL REVIEW. The final decision of the Environmental Health Board is subject only to judicial review as provided by law.

3-122 Wording and format changes and:

c. NOTIFICATION OF APPROVAL. Within five working days after the date the Environmental Health Official receives complete design plans submitted pursuant to Section 3-111: Design Submittal, the Environmental Health Official will notify the applicant that the application has been approved or denied.

ARTICLE 4: EMERGENCY USE PERMITS AND REPAIR PERMITS

4-101 Basic wording changes

4-102 Basic wording changes

4-103 Basic wording changes and Added: “ approved by the County Attorney, is in place”...

ARTICLE 5: GENERAL TECHNICAL “STANDARDS” replaced the word “REQUIREMENTS”

5-101 Basic word changes and format changes

5-102 Basic word changes

5-103 Basic word changes

5-104 Basic word changes

5-105 Basic word changes and:

B. Changed to “may be” from “will be” permitted to bring the soil within requirements of a suitable soil. Added; “A design prepared by a qualified professional engineer registered in the State of Colorado is required for all soil building.”

5-106 Added: “The following standards apply in calculating sewage flow.”

A. Deleted, “and pounds of biochemical oxygen demand (BOD₅) per day” and “and strength of waste”. Changed “may” to “shall” be used.

B. Changed “may” to “shall” be used to “determine”...

C. Basic word changes

- D. Basic word changes
- E. No changes
- F. Basic word changes
- G. Basic word changes

TABLE 1 Changed: “Recreational Vehicle” parks from “Travel Trailer” parks. Changed: “75” from “100” gallons per day per person for Recreational Vehicle parks.

5-107 Moved, from Article 5 to Article 3 (3-112) This section was not in the 1995 ISDS Regulations, but was entered into the EH Board/Staff discussions, then moved to Article 3.

5-108 Added “REQUIRED” PARCEL SIZE (This section was 3-113 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard. There are also format changes in order to make the concept-points more visible.)

- A. 1. Added the word “initial”
- 2. Added: “Exceptions will be made for applications for permits on lots of 7/10’s of an acre(30,492 square feet) or greater, and served by a central public water supply within the Arrowhead Subdivision. Such applications shall be considered to meet the minimum parcel size, or”
- 3. Added: “DENIAL OF APPLICATION HAS BEEN OVERTURNED. The application has been denied and such denial overturned pursuant to Section 3-119 or”
- 4. Added: “HAS RECEIVED A SPECIAL REVIEW APPROVAL. The application has been denied and subsequently approved within the Special Review process pursuant to Section 3-121: *Special Review*”

B. Basic word changes. And

B.1 Added: “or other such instruments as allowed by the public land’s administering agency”

C. Basic word changes

5-108 (This section was 3-114 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard. There are also format changes in order to make the concept-points more visible.)

5-109 Basic word and format changes (This section was 3-115 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard. There are also format changes in order to make the concept-points more visible.)

5-110 (This section was 3-116 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard. There are also format changes in order to make the concept-points more visible.)

5-111 (This section was 3-117 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard.)

5-112 (This section was 3-118 in the 1995 Regulations and was moved to Article 5 because it is considered a general technical standard.) Added: “against the connection with the central sewer system” to replace “to such use”

ARTICLE 6 REQUIREMENTS FOR COMPONENTS OF SYSTEMS

6-101.A.2.a Added: “COLORADO STATE PLUMBING CODE” in two places.

6-101.A.6.a Basic word changes

6-101.A.8. Added: “wastewater” to replace “effluent”. Added: “from a component” and “station” to replace “well”

6-101.A.13. Added: “The following setbacks apply in locating system components:” to replace “Setbacks”

6-101.A.13.a, Added: “constructed and natural elements” to replace “terrain features”

6-101.A.13.a.1 Added:

MINIMUM DISTANCES TO BE MAINTAINED. The minimum distances shall be maintained between the system components and the physical features described. Where soil, geological or other conditions warrant, greater distances may be required by the Environmental Health Board or by the Colorado Water Quality Control Commission pursuant to C.R.S. 25-8-206 in accordance with the authority prescribed by law and rules and regulations implemental of said implementing that section.

6-101.A.13.b. Added:

SETBACK AND LOCATION REQUIREMENTS FOR ABSORPTION AREA.
The absorption area must be contained wholly within the parcel to be served by the ISDS and maintain a minimum setback of 10 feet from the parcel boundary unless a binding, legal agreement regarding other pertinent properties has been executed pursuant to Section 5-107: *Minimum Required Parcel Size of these Regulations.*

6-101.A.14. Added: NON WATER-TIGHT COMPONENTS SHOULD NOT EXTEND INTO ROOT SYSTEMS. Components that are not water tight should not extend into areas of the root system of nearby trees.

6-101.A.15 Added: REPAIR OR UPGRADE SHALL NOT INCREASE NONCONFORMITY. For repair or upgrading of existing systems where the size of lot precludes adherence to these distances, the repaired facility shall not be closer to water supply components than the existing facilities.

6-101.A.16 Added: MINIMUM REQUIRED ENCASEMENT OF WATER PIPING. Crossing or encroachments may be permitted, provided that the water conveyance pipe is encased for a minimum distance of 10 feet on each side of the crossing. A length of pipe shall be used with a minimum Schedule 40 rating, and must be glued or secured in a watertight fashion to the ends of the encasement pipe. A hole of sufficient size to accommodate the pipe shall be drilled in the lowermost section of the ridge cap so that the conveyance pipe rests on the bottom of the encasement pipe. The area in which the pipe passes through the endcaps shall be sealed with an approved underground sealant compatible with the piping used.

6-101.A.17 Changed from 1995 Regulations section 6-101.12 to: USES PROHIBITED WITHIN ABSORPTION AREA. No driveways, walkways, corrals, structures or other soil compacting uses may exist in the absorption area.

6-102 Added: "The following shall apply to components of sewage pumping systems" Also format changes are provided.

6-103A Added: "The following shall apply to the design of septic tanks."

6-103A.11 Added: "Soil building/replacement shall be designed by a qualified professional engineer licensed in the State of Colorado."

6-103A.12 Deleted this section.

6-103B Added: " The following shall apply to the construction of septic tanks:"

6-103B.5. Added: "If fabricated on site, design and installation shall comply with CDPHE standards."

6-103C Added: "The following shall apply to the installation of septic tanks:"

6-103C.2 Changed minimum fall on building sewer line from 1/8 inch per foot to 1/4 inch per foot. Changed maximum from 1/4 inch per foot to 3/4 inch per foot. Added: "Any step-downs in the building sewer line located at a distance five feet or more from the building foundation shall require design by a qualified registered professional engineer."

6-103C.4. Added: "Septic tanks buried more than 30 inches below final grade shall require design and approval by a qualified registered professional engineer."

6-104 Added: "REQUIREMENTS FOR" DISTRIBUTION BOXES

6-105.4 Added: "Prevent an odor nuisance from sewer gas exhaust."

6-106.A Added: Components that provide disinfection of effluent shall meet the following requirements:"

6-107.3 Delete "DOSING OF SEEPAGE AREA EVERY SIX HOURS..."

6-108.A. Added: "The following shall apply to distribution piping:"

6-108.A.1.e. Changed "Shall be installed so that pipes are a maximum of six (6) feet and a minimum of four (4) feet from center to center." from "shall be installed such that pipes are six feet from center to center."

6-108.A.1.i. Added: "or vented cap"

6-109A Added: "The following shall apply to effluent piping:"

6-110 Added: "and shall consist of clean graded gravel, rock, or material of equal efficiency which may range in size from 1/2 inch to 2 1/2 inches." To replace "with the aggregate having the following composition:" The Table is deleted.

ARTICLE 7 DESIGN STANDARDS FOR SOIL ABSORPTION/DISPOSAL Changed from "REQUIREMENTS FOR SYSTEMS"

7-101B Deleted this section. This information is in 6-101A.13.

7-101C Deleted this section. This information is in 6-101A.17.

7-102 Added “OR DISPOSAL” in several locations in this section.

7-104A. Added: “UP TO 40 PERCENT REDUCTION OF ABSORPTION AREA. The size of the absorption area may be reduced, subject to approval of the Environmental Health Official, by any of the following methods.”

7-104A.2. Deleted: “upon approval by the Environmental Health Department, (Official)”.

7-105A. Added: “The following shall apply to the design and installation of an absorption trench:”

7-105A.2. Delete: A “minimum of two” replaced by “trench”

7-106A Added: “The following shall apply to the design and installation of a seepage bed:”

7-108A Added: “The following shall apply to the design and installation of a dry well:”

7-108A.1 Added: “Each dry well shall be designed by a qualified engineer”

7-110 Added: “The following shall apply to the design and installation of a sand filter system”
Added: “and shall meet, or exceed, the most recent minimum state specifications.”

7-110A.4. Table 4 Added: Early ISDS failure may occur from the use of garbage disposal grinders. Gunnison County prohibits the use of garbage disposal grinders in the Crested Butte Watershed ISDS District, pursuant to Article 18. Crested Butte Watershed ISDS District. Gunnison County recommends that they not be used in any other ISDS facility.

7-111A Added: “The following shall apply to the design and installation of a mound system:”

7-111A 1 Added: “qualified professional engineer licensed in the State of Colorado,”

7-111 Added: Colorado Department of Public Health and Environment (CDPHE) or pertinent state authority.

ARTICLE 8: REQUIREMENTS FOR OTHER SYSTEMS

8-101 Added: “generated by specific uses”

8-102 Added: “systems” to vaults and “require that” pumping certificated “be submitted to the Environmental Health Office to” ensure...

8-104 PIT PRIVY

8-104A Changed: “approved” to “permitted”

8-105 Changed: Basic wording changes.

8-106 Changed: “Slit trenches shall not be allowed as an ISDS in Gunnison County”.

8-107 Basic wording changes for Composting Toilets section.

ARTICLE 9: NEW TECHNOLOGY

Added formatting changes and protocol for Public Hearing as follows:

9-101C. Added: “CONTINUANCE OF HEARING;FINAL DECISION AND CONDITIONS OF APPROVAL. The Environmental Health Board may continue a hearing from time to time but shall render a final decision within 30 days after the initiation of the public hearing unless good cause exists for additional time. The environmental Health Board may place special

conditions in its approval of an application for a type of system not otherwise provided for in paragraphs (e) to (j) of subsection (1) of C.R.S. 25-20-105.

9-101C.1. Added: “APPROVAL WILL NOT RESULT IN SUBSTANTIAL VARIANCE FROM REQUIREMENTS. Applicant demonstrates that the approval will not result in substantial variance from the requirements of these *Regulations*; and

9-101C.2. Added: “APPROVAL WILL NOT VIOLATE MINIMUM STANDARDS. Applicant demonstrated that approval of the application will not be in violation of any minimum standards established in any other applicable federal, state or local rule, or regulations including, but not limited to those minimum standards issued under authority of Article 10, Title 25, C.R.S. 1973 as it may be amended; and

9-101C.3 Added: “ PROPOSED SYSTEM WILL NOT INJURE PUBLIC HEALTH. Applicant demonstrated that the proposed system will not be a nuisance or injurious to public health, safety or welfare; and

9-101D. Added: “APPROVAL WILL NOT RESULT IN SUBSTANTIAL INJURY. Applicant demonstrates that no substantial injury will result from granting of the application.”

9-101E. Added: “BURDON OF PROOF LIES WITH APPLICANT.”

9-101F. Added: “FINAL DECISION IN WRITING TO APPLICANT. Notice of the final decision shall be in writing and mailed, registered mail, to the applicant.”

9-101G. Added: “ENVIRONMENTAL HEALTH BOARD DECISION SUBJECT ONLY TO JUDICIAL REVIEW. The final decision of the Environment Health Board is subject only to judicial review as provided by law.”

ARTICLE 10: OPERATION AND MAINTENANCE

10-101: Basic wording change.

10-104A Basic wording change and Added: “as determined necessary by the Environmental Health Official.”

10-104B Basic wording change.

10-105 Basic wording change

10-107 Changed: “disposed of in a manner, which does not create a hazard to public health, a nuisance or an undue risk of pollution” from “be properly disposed of” Also, Added: “A certificate of termination shall be issued upon approved review by the Environmental Health Official.”

ARTICLE 11: INDIVIDUAL SEWAGE DISPOSAL SYSTEM DISTRICTS

Basic wording changes only.

ARTICLE 12: REGULATION OF SYSTEMS CONTRACTORS

12-101 Added: “partially or wholly, including excavation and/or other earth moving”

12-102 Added: “shall demonstrate knowledge of the requirements by passing the written test as is required pursuant to Section 12-105, *Testing Required*”

12-103 Added: “The Department shall provide and an applicant shall complete” an application “for renewal of, or for a new”...

12-107 Basic wording change

12-108 Added: “Application for a new license for a Systems Contractor whose license has been revoked shall not be considered for one year after revocation.”

ARTICLE 13: REGULATION OF SYSTEM CLEANERS

13-101 Basic wording changes

13-102 Basic wording changes

13-106 Changed: LICENSE REQUIRED "TO BE CARRIED IN EACH VEHICLE"

13-106 A and B Basic wording changes

13-106C Added: "as set forth in the Appendix, such fees may be adjusted from time to time by the Board of County Commissioners"

13-106D Basic wording changes

ARTICLE 14: REQUIREMENTS FOR BUSINESS, COMMERCIAL, AND INDUSTRIAL WASTE SYSTEMS

14-101 Basic wording changes

14-102 Added: "and U.S. Environmental Protection Agency's Class V Underground Injection Well Standards,"

14-103 Added: for "treating" domestic effluent...Added: "but are not limited" to the operations listed in Table 6...

ARTICLE 15: ENFORCEMENT

15-103A Basic wording changes

15-103B Basic wording changes

15-103C Added: "INSPECTION OF SITE OF POTENTIAL VIOLATION. When the Environmental Health Official observes that an ISDS is not functioning in compliance with these *Regulations*, he/she shall conduct an onsite inspection of the property."

15-104 Basic wording changes and deletion of "HEARING REQUIRED BEFORE ISSUANCE OF ORDER. Such an order may be issued only after a hearing which shall be conducted by the Board of County Commissioners, not less than forty eight (48) hours after written notice as provided by the Environmental Health Official, is given. The owner and/or occupant of the property, with or without counsel, may be present and heard."

15-104B Added: "c/o the Gunnison County Planner, in writing, postmarked, within five (5) days after it is issued. The Environmental Health Board shall conduct a hearing on the appeal within fourteen (14) calendar days after receipt by the written appeal. The appellant shall have the burden to demonstrate that the order is not founded. The hearing by the Environmental Health Board shall be publically noticed, but otherwise not subject to the requirements of Section 16-105, "Public Hearing"."

15-105 Basic wording changes

ARTICLE 16: ENVIRONMENTAL HEALTH BOARD

16-103E Changed: A concurring vote of "four (4) members shall be necessary to grant an appeal or approve a Special Review application." (This was changed from three (3) members)

16-103F Basic wording changes

16-105 PUBLIC HEARINGS Changed to meet similar standards as the LUR as follows:

REQUIREMENT FOR PUBLIC HEARING. The Environmental Health Board shall conduct a public hearing on any matter before it within thirty (30) days after its receipt

of the appeal petition pursuant to Section 3-120: Appeal of Denial, application for Special Review pursuant to Section 3-121: Special Review, application for a system using new technology pursuant to Section 9-101, or the proposed designation of an ISDS District pursuant to Article 11 :Individual Sewage Disposal System Districts:

NOTICE OF PUBLIC HEARING. ~~Notice of such public hearing shall be given by the Environmental Health Board given at least ten days prior to the hearing but the first day the notice is published and posted shall not be considered one of the ten days.~~ Notice of public hearing shall be published and posted by the Environmental Health at least ten days before the hearing but the first day the notice is published and posted shall not be considered one of the ten days.

APPLICANT RESPONSIBLE FOR MAILING OF NOTICE. ~~By registered mail to owners of real property adjacent to the subject property. The applicant shall be responsible for mailing of the notice. The notice shall be prepared by Environmental Health Official and a copy given to the applicant. Notice shall be sent by certified or registered mail, response requested, to all owners of adjacent properties who own surface property rights within 500 feet of each boundary of the entire parcel. In order to insure adequate public notification, mailings may be required to additional persons, at the request of the Environmental Health Official.~~

PUBLICATION OF NOTICE. ~~By at least one publication in a newspaper of general circulation within Gunnison County. When the subject property is in an section area of Gunnison County which is served by a local newspaper not generally circulated within the County, publication also shall be made in such local newspaper. The Planning Department shall be responsible for publishing the notice and shall place a legal notice in the County's official newspaper. The legal notice shall be published at least once. When the proposed appeal or Special Review is in an area of Gunnison County that is served by a local newspaper that is not the County's official newspaper, notice shall also be published in that local newspaper.~~

POSTING OF PROPERTY. ~~By the posting of a sign at one or more locations on the subject property readily visible from a public road or way adjoining the subject property. The applicant shall be responsible for posting the public hearing notice on the project property. The applicant shall obtain a copy of the notice and a posting board from the Planning Department, attach the notice to the posting board and cover it with a waterproof material through which the notice is clearly visible.~~

SIGN LOCATION. The applicant shall post the sign in a conspicuous location on the project property that is readily visible from a road adjoining or serving the area or parcel related to the proposed appeal, Special Review. The post, fence, structure or other location to which the public hearing notice is posted shall be sturdy and visible. Where the property does not have frontage on a public or private road, the sign shall be erected on the nearest road right-of-way, with a notation stating the direction and distance to the land on which the project is proposed, or another location approved by the Planning Department so it is visible to the greatest number of people.

POSTING BOARD DIMENSIONS. The dimensions of the posting board shall be no smaller than 24 inches wide by 36 inches high.

POSTING AT PUBLICLY-DESIGNATED SITES. *The Environmental Health Office shall be responsible for posting the public hearing notice at the County posting locations as determined by the Environmental Health Board during its annual organizational meeting.*

VALIDITY OF NOTICE. *If the applicant and the Planning Department accomplish the responsibilities listed above in good faith, then the failure of any property owner to receive notice shall not affect the validity of the hearing. By way of example, notice shall not be considered invalid because of unrecorded or subsequent transfers of title, an uncertainty concerning ownership information that is not discernible from the tax assessment rolls, or due to the failure of a sign to remain in place after the notice was properly posted.*

PROOF OF NOTICE. *A week before the public hearing, the applicant is required to provide the Planning Department with an affidavit certifying that notice was accomplished pursuant to this Section. A photograph of the posted sign and a copy of the return receipts demonstrating to whom notice was mailed shall be attached to the affidavit.*

CONTENTS OF NOTICE. *The notice for the hearing shall clearly state information sufficient to give adequate notice to people whose rights could be affected by the proposed land use. The wording used in the notice shall be reasonably understandable by a person who is not a lawyer or planning professional, and shall contain at least the following information:*

STATEMENT THAT ENVIRONMENTAL HEALTH BOARD WILL BE CONDUCTING THE HEARING. *A statement that the Environmental Health Board will be conducting the hearing.*

LOCATION OF HEARING. *The location of the public hearing, by name of building, if appropriate, and address.*

DATE AND TIME OF HEARING. *The date and time of day when the hearing will be conducted.*

TYPE OF APPLICATION. *A statement specifying the type of application being reviewed.*

INVITATION TO INTERESTED PERSONS TO ATTEND. *An invitation to interested persons to attend the hearing.*

DESCRIPTION OF PROJECT. *A brief description of the proposed project that reflects the description submitted in the application.*

PROPERTY LOCATION. *A description of the location of the subject property or area by reference to known landmarks, road intersections, existing towns or developments, addresses or other similar methods; lot, block and filing number if in an approved subdivision; or quarter-section, township and range descriptions.*

LOCATION OF ADDITIONAL INFORMATION CONTACT PERSON. *The address and telephone number of the Planning Department, stating that this is where the full details of the application may be obtained and is where written comments can be directed before the public hearing.*

CONTACT FOR ACCESSIBILITY. *A request for notification to the County of special accessibility needs of persons attending the hearing, pursuant to the requirements of the American Disabilities Act.*

HEARING PROCESS. A public hearing shall be conducted in accordance with the following process:

CONFIRMATION OF ADEQUATE PUBLIC NOTICE. The Environmental Health Official shall report whether or not adequate notice has been accomplished, pursuant to Section 16-105: A. 1.: Notice of Public Hearing.

APPLICANT'S PRESENTATION. The applicant ~~The proponent of an appeal or special review~~ shall make a presentation at the public hearing to which shall be given in a manner that will inform persons at the hearing of the specifics of the matter before the Environmental Health Board. ~~The proponent may offer~~ applicant may additionally submit offer oral or a written statement testimony.

PUBLIC TESTIMONY. Any member of the public may offer oral or written testimony.

WITNESS QUESTIONING LIMITED TO ENVIRONMENTAL HEALTH BOARD MEMBERS. Only members of the Environmental Health Board may question witnesses.

LIMITATION OF TESTIMONY. The chairperson may limit the time given to each person offering oral or written testimony and may prohibit testimony that is irrelevant, repetitive or unduly argumentative. No testimony may be accepted after a hearing is closed.

RECORD OF PUBLIC HEARING. The Environmental Health Board shall record the public hearing by any appropriate means, including audiotape or videotape, and written minutes. The written and taped record of oral proceedings, including testimony and statements of personal opinions, the minutes of the hearing and other meetings of the review body, all applications, exhibits, and papers submitted in any proceeding before the decision-making, administrative, or review body, the Planning Department's report, and the decisions of the review and decision-making bodies, shall constitute the record. Those materials, on presentation to the County, shall become the public property of the County and shall not be removed without proper authorization.

MATERIALS ARE PART OF PUBLIC RECORD, AVAILABLE TO PUBLIC. Said materials shall be public information, available to the public at the Planning Department during regular business hours. The Department, as official custodian of those records, may make such rules with reference to the inspection of such records as are reasonably necessary for the protection of such records and the prevention of unnecessary interference with the regular discharge of the duties of the Planning Department.

EX PARTE COMMUNICATIONS. Members of the Environmental Health Board and applicants and their agents shall not engage in ex parte communication about applications under review or reasonably anticipated to come under review. If an ex parte communication is attempted by telephone, in person, by telefax or other means outside of a regularly scheduled meeting, the member of the decision-making body involved shall first attempt to stop the party from the prohibited behavior, then document the communication and notify the Environmental Health

Official by telephone or in written form. The Environmental Health Official shall then enter that documentation into the public record. The member or the Environmental Health Official shall report that documentation at the next meeting or hearing on the subject application. No ex parte communication shall be considered by the Environmental Health Board, or any of its members, in making a decision on a matter before the Environmental Health Board.

B. CONTINUATION OF HEARING AND RENDERING OF FINAL DECISION. The Environmental Health Board may continue a hearing from time to time but shall render a final decision within thirty (30) days after the initiation of the public hearing unless good cause exists for ~~further~~ additional time.

ARTICLE 17: SEVERABILITY, REPEAL, SAVINGS CLAUSE, EFFECTIVE DATE
Basic Wording Changes

ARTICLE 18: CRESTED BUTTE WATERSHED INDIVIDUAL SEWAGE DISPOSAL SYSTEM DISTRICT

- 18-101 Basic wording changes
- 18-105 Basic wording changes
- 18-106 Basic wording changes
- 18-107 Basic wording changes
- 18-108 Basic wording changes and proposed changes in the Table 6 that do not yet appear on the Draft
- 18-109 Basic wording changes
- 18-110 Basic wording changes
- 18-111 Basic wording changes

ARTICLE 19: MARBLE INDIVIDUAL SEWAGE DISPOSAL SYSTEM DISTRICT

- 19-101 Basic wording changes and Added: “by the BOCC after public notice and hearing,”
- 19-102 Basic wording changes
- 19-104 Basic wording changes
- 19-105 Basic wording changes
- 19-106 Basic wording changes
- 19-107 Basic wording changes
- 19-108 Basic wording changes
- 19-109 Basic wording changes

APPENDIX (Added to improve format)

INDEX (Added to improve format)

General policies Article 1, 1-104 were discussed. I: Commercial or non-domestic effluent was discussed. Wording was discussed. Stenson requested all wording changes be written by this board to be updated by him for the meeting scheduled for tomorrow. Commercial effluent and commercial use were discussed.

Glazer proposed language. Under I. Application for ISDS permit shall be submitted to the WQCD for industrial on non-domestic commercial effluent. Lucinda will take all necessary notes for Stenson to update.

Table of contents discussed. Wording changes reviewed.

Article 1

1-102 review commenced. Glazer requested that the BOCC questions be answered and ready for tomorrow's meeting.

1-104 Changes reviewed. "B" Water quality discussed. Terminology of water. Old regulations did not have a heading. This shows a comprise heading. The state wording has not formally changed the wording of this. Leave as is.

1-104 Changes reviewed. "C" Performance-based. Parachini wanted to know what the percentage of all applications does this apply to. Stenson agreed that less than 5%. Hybrid based function also discussed. Glazer discussed ground water protection. Performance based definition was read and further discussion ensued. Staff manning needs discussed for additional monitoring. Set backs discussed. Hybrid system needs to be added in this definition. Adding "to be reviewed on a case by case basis". Have a definition of hybrid and prescriptive system available for the meeting on 03-09-2010. Add this to page 6 of the definitions.

Break 11:50 am

Resumed 12:15 pm.

Lucinda will do the presentation for tomorrow. Most of the changes are wording and format changes.

Stenson started the review.

CFR Code of Federal Regulations. Correct on page 4.

Stenson reviewed the underlined format changes. "I" had wording changes.

"J" Repairs on existing ISDS. This is to expedite the necessary repair.

"M" would be a conceptional change.

"N" the Board wanted this as a primary policy.

Floodplain definition taken from the LUR.

Page 5 all formatting changes.

Wording changes on Certificate of Occupancy.

Page 6 application review correlates with the LUC process.

Fees discussed. The planning department is currently reviewing all fees.

Page 7, 3-109; conceptual change. Grubbing added.

Page 11, 12 basic wording changes.

Design location either by engineer or contractor. As built after installation for our records.

Soils and perc test requirements discussed.

Prescriptive terminology discussed.

North Valley subdivision discussed. County Road 10 sewer line discussed.

Tie into central systems was discussed.

Page 8. 3-117, B. As-built drawing discussed. GIS mapping and GPS coordinates discussed.

Page 9. Changes see 3-120. Appeal of denial. Appeals by EH Board.

Emergency permits discussed.

Perc test requirements remain the same.

Calculations of sewage flow. Using actual flows. Positioning a meter to read this at the location head.

5-107 change to Arrowhead PWS only. Murdie and Rainbow Placer discussed.

Shared systems explained.

5-112 change building to property.

Set backs.

Landscaping around septic systems discussed. Septics can fail if landscaping is not done properly.

Septic tanks buried more than 3 feet must have review by EH official.

Aerobic systems discussed.

Dosing of seepage area every six hours was deleted on page 30. Dosing intervals are on volume.

Effluent piping discussed.

Garbage or grinders discussed. Non use of these items is recommended. Effluent filters discussed. Proper cleaning and pumping of systems discussed.

Break 03:00 pm

Effluent filters to be added to tank. 1/6th of an inch. Section 6 – 103 Add as number 4. Shall include, affluent filter with a minimum 1/6th of an inch screen size this shall be approved by the EH Official.

Article 8 no major changes.

Article 9 New Technology. No major changes.

Article 10. Minor changes.

Article 11 wording changes noted.

Article 12 some changes as noted.

Article 13 carry license in vehicle at all times.

Article 14 No changes

Article 15 format changes only. Appeal of order re: Cease and desist order prodigal.

Article 16. Quorum changes to 4 members present and a vote of 3 members needed. This will be corrected for the meeting. Notices and wording is more concise and consistent with the LUR.

Article 17 no changes.

Article 18 minor wording changes. Tables of discharge shall be updated. Conventional systems in bold lettering.

Article 19 minor changes so noted.

Review completed.

Lull will have a list of items the BOCC asked for, and will have available at the meeting. Get approval of changes and ready for public notice. 30 day notice needs to be executed.

Discussion on additional questions by the BOCC. Lull reviewed these additional items.

Next scheduled meeting April 15, 2010 at 1:30pm.

Motion to adjourn by Glazer, 2nd Parachini 2nd Adjourned 03:55 pm.