

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
Scheduled Meeting
AGENDA: March 7, 2013

**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 December 6, 2012 meeting;
- 1:45 p.m.** Unscheduled Citizens;
- 2:00 p.m.** First Meeting of the year: First Meeting of the 2013 year. Environmental Health Board reorganization, Introduction of Board members, Election of Officers;
- 3:00 p.m.** Colorado Water Quality Control Division Proposal—OWTS (ISDS) Regulation 43 Status of the Gunnison County Responsive Statement for the Rule Making Hearing of scheduled for March 12, 2013
- 3:30 p.m.** Year 2013 Environmental Health Board meeting planning
- 4:00 p.m.** Adjourn

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD SCHEDULED MEETING
MARCH 7, 2013**

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
Eddy Balch, EH Board Member
Michelle Spain, Admin. Assistant

Larry Parachini, Vice-Chairperson
Steve Glazer, EH Board Member
Richard Stenson, EH Official

Absent were: None

- 1:42:17 PM** Call to order; determine quorum; adequate notice was posted in paper and posting locations.
- Three openings for EH Board Members are now available. Two people have applied at this time. No word from the administrative office as to the new members.
- 1:47:42 PM** Approval of minutes from the December 6, 2012 meeting. Motion to approve by Parachini, 2nd Due, and changes were requested and made. Passed. Glazer abstained.
- 1:49:37 PM** Unscheduled Citizens; Due indicated that the Best Tasting Water contest for the State was won by Crested Butte. They are now eligible to go to the national level.
- 1:51:03 PM** Eddy Balch enters meeting.
- 1:52:36 PM** First Meeting of the year: First Meeting of the 2013 year. Environmental Health Board reorganization, Introduction of Board members, Election of Officers;
- Discussion on what day of the week would be the best. Wednesday will now be the meeting day. Quarterly meetings need to be made mandatory.
- Glazer requested that this be put in the procedural guidelines.
- Stenson indicated that if there is nothing for a meeting we were not scheduling one. In an effort to manage our budget expenses we are trying to cut expenses.
- Glazer disagreed and indicated that these meetings are important.
- Lull indicated under section #4 add a) a minimum of 4 meetings to be held quarterly.
- Glazer asked why we were so low in ISDS request.
- Stenson responded that the economy is the biggest deterrent. Building permits also were down. Discussion continued as to the cost for each meeting.
- Lull asked for other corrections and changes. Motion to approve the Meeting Changes by Balch, 2nd Parachini. Passed. See attached Organization and Procedural Guidelines for 2013.

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

GUNNISON COUNTY, COLORADO

ORGANIZATION AND PROCEDURAL GUIDELINES 2013

SECTION I: ORGANIZATION

This organization is the Gunnison County Environmental Health Board for the County of Gunnison, Colorado, which is governed by and has those duties and responsibilities authorized by the applicable provisions of the Gunnison County Individual Sewage Disposal System Regulations, and shall have additional powers as the Board of County Commissioners may grant from time to time.

This organization is being referred to herein as "the Board."

The Gunnison Board of County Commissioners is referred to herein as "the Board of County Commissioners."

SECTION II: MEMBERSHIP AND RESPONSIBILITIES

1. The Board is comprised of five regular and not more than two (2) alternate members, and are appointed by the Board of County Commissioners.

2. Regular Board members are appointed to overlapping three-year terms by the Board of County Commissioners. Alternate members are appointed for one-year terms.

3. A vacancy created by the resignation or termination of a member's term is filled by appointment by the Board of County Commissioners for the length of time remaining in the vacated term.

4. Alternate members are expected to attend all regularly scheduled meetings, and fully participate, with the exception of being disallowed regular voting privileges. In the event that any regular member is unable to act because of absence, illness or conflict of interest in the matter before the Board an alternate member will fill the absent Board members position as a voting member.

5. A Board member can be removed, with or without cause, by the Board of County Commissioners, no sooner than ten (10) days after written notice is provided to such member.

6. Board members may receive a nominal fee for each regular meeting, such fee to be approved as necessary by the Board of County Commissioners, and are compensated for necessary traveling and subsistence expenses related to occasional out-of-county workshops and meetings.

7. Any member may resign from the Board by giving a thirty day written notice to the Board chairman and/or the Board of County Commissioners. Time frame may be shorter through mutual agreement.

8. A Board member is responsible for the following:

- Reviews all material received prior to meetings.
- Familiarizes him/herself with the Gunnison County Individual Sewage Disposal System Regulations.
- Attends all meetings, insofar as possible, and notifies the Chairman or Environmental Health Office Staff of absences in advance of the meeting(s) to be missed.
- Reviews recommendations by the County Environmental Health Officer and makes decisions on applications presented before the Board.
- Evaluates each application for special review or appeal for its compliance or non-compliance with the Gunnison County Individual Sewage Disposal Regulations and as necessary visit on site the property which is the subject of the applicant.
- Assists new members of the Board as needed.
- Insofar as possible, attends other County meetings of interest to the Board.
- Refers inquiries about Environmental Health matters from the public to the Environmental Health Office Staff.

SECTION III: OFFICERS AND DUTIES

1. Officers of the Board are a chairman and vice-chairman, and any other officers as the Board deems needed.

2. Officers are elected annually by members and alternates at the Board's first meeting of the calendar year, and shall elect a chairman and a vice-chairman by a majority vote.

3. Each officer holds office for one calendar year after his/her election, and may succeed him/herself.

4. The chairman presides at all meetings of the Board, and is the chief executive, performing duties which are usually associated with that position. The vice-chairman serves in the absence or incapacity of the chairman, including in any event in which a conflict of interest prevents participation and vote by the chairman; and completes all such duties as are defined herein which are normally performed by the Chairman.

SECTION IV: MEETINGS

1. The Board shall meet every first and third Wednesdays of each month at 1:30 p.m. as necessary, to determine matters brought before it. A minimum of one meeting per quarter shall be scheduled. All Board meetings which are preceded by notice and held regularly and at specific times, are public meetings and open to the public at all times. By majority consent of members who are present, the Board may go into executive session, as is allowed statutorily by the State of Colorado (C.R.S.24-6-402(4)). No final decisions or any formal action is rendered at any session which is closed to the general public.

2. Special meetings may be conducted at any time when called by the chairman or at the request of three or more Board members. All members must be notified at least 48 hours in advance of a special meeting. Only items on the announced agenda are considered at a special meeting. Special meetings may be called in order to expedite action on a special review or an appeal application, or any other subject which requires review and recommendation or other action by the Board, but in no case shall a public hearing be conducted without the appropriate public notice as required by the Gunnison County Individual Sewage Disposal System Regulations.

3. Work/study sessions may be scheduled as needed by the Board Chairman at least 48 hours in advance of any session, or as part of a regular meeting, to review an application prior to public hearing, and to encourage unstructured discussion of specific applications and special projects. No official action takes place at these sessions.

4. Meetings of the Board are conducted in the Meeting Room of the Blackstock Government Center, or at any other place designated by the chairman or agreed upon by the members.

5. A quorum of the Board consists of four members. A concurring vote of three (3) members shall be necessary to grant an appeal or approve a special review application.

6. The Board shall keep a permanent, public record of all proceedings, as recorded in the usual form of minutes by a member of the Environmental Health Office staff. Minutes shall not be construed to mean a transcript of a meeting. All meetings shall be tape-recorded.

7. The order of business for each regular meeting of the Board may include the following, so far as is applicable, and not necessarily in the order listed:

--Call to order; verify public notice of meetings & Public Hearings for individual scheduled appeals or special reviews, and determination of quorum.

--Minutes of previous meeting(s) for action.

--Individual scheduled special permit reviews and appeals

--Work sessions

--Reports by staff/Board members

--Adjournment

8. At least three business days prior to a regular meeting, the Environmental Health Office staff will have available in office, electronic mail or mail to each Board member copies of applications, reports, draft recommendations and/or other materials related to agenda items scheduled for that meeting.

SECTION V: PUBLIC HEARINGS

1. Public hearings shall be noticed and conducted in the manner required by the applicable section(s) of The Gunnison County Individual Sewage Disposal System Regulations. Such notice shall be within a minimum of 10 days of the scheduled public hearing date.

2. Notices of Public Hearing shall be posted in accordance with the Gunnison County Individual Sewage Disposal System Regulations, as amended. Official locations for posting of Notices of Public Hearing shall be: 1. In the Notices Posting Board, outside the Blackstock Community Development Meeting Room; 2. Notices Posting Board, downstairs in the Blackstock Government Center; 3. On the locked Notices Posting Board, at the North entrance to the Gunnison County Court House; 4. outside the BOCC Meeting Room at the Court House, and 5. On the applied for property.

3. The newspaper, *the Gunnison Country Times*, is designated as the media location of record for the posting of Public Notices.

SECTION VI: CONFLICTS OF INTEREST

1. Any member of the Board is considered in a position of conflict of interest if any of the following situations is in evidence relative to the Gunnison County Individual Sewage Disposal System Regulation application or special project scheduled for discussion:

A. The member is:

--Seller of the subject property

--Broker or Realtor for the property

--Applicant for an Appeal or Special Review ISDS permit

--Owner, lessor or lessee, adjoining the subject property; or

B. The member stands to be beneficially or detrimentally affected in a financial way by action taken on the property.

2. Any member who considers him/herself to be in a position of conflict of interest as defined above must declare such conflict and surrender the privilege of voting.

3. Questions of conflict of interest which fall outside the above-cited categories shall be referred to the County Attorney for evaluation; no action will be taken on the subject item, and any Board member whose relationship to the subject or application is in question, must remove him/herself from any related discussion until a finding from the Attorney is received.

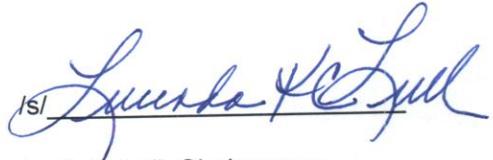
SECTION VII: AMENDMENTS

1. These Guidelines and Procedures may be altered and amended, and new ones adopted by a concurring vote of three (3) members with a quorum of 4 or more members of the Board at a regular meeting subsequent to notification of the proposed change.

SECTION IX: APPROVAL

1. By vote of the Board and the signature of the Board Chairman, these procedures are considered approved.

2. The above and foregoing Guidelines and Procedures were passed and adopted by the members of the Gunnison County Environmental Health Board this **March 7, 2013**.

/s/ 

Lucinda Lull, Chairperson

ELECTION OF OFFICERS AND NOTICE POSTING LOCATIONS

ELECTION OF OFFICERS:

MOVED: by Glazer seconded by Due to appoint E H Official Lucinda Lull as Chairperson of the Gunnison County Environmental Health Board. The motion passed unanimously.

MOVED: by Glazer seconded by Due to appoint E H Official Larry Parachini as Vice-Chairperson of the Gunnison County Environmental Health Board. The motion passed unanimously.

NOTICE POSTING LOCATIONS: Moved: by Glazer seconded by Balch to designate the official meeting notice locations for 200 E Virginia to be the glass case outside the north entrance to the Courthouse and the bulletin board outside of the Commissioners Meeting Room at the Courthouse; with the glass case in the Blackstocks Government Center designated as an advisory posting location. The motion passed unanimously.

Issue of Vault Systems was brought up. This is still a big issue.

Discussion by Stenson on vault systems with respect to the State Regulations. Rule making date is Tuesday, 12th of March.

Glazer reviewed guidelines for steps to be taken to be in compliance with the State Regulations with our concept of vault privies. Discretionary items were discussed.

- 1) Renewable permits
- 2) Higher level of treatment
- 3) Transfer of real estate title inspection

Party status was discussed by Stenson. Regulation 43 will be passed from all indications.

Due indicated that Gunnison County is far ahead of most counties on these issues.

Balch stated that this issue is inherent in most counties. Lack of funds, staff cut backs, all take a precedence in counties.

Jefferson County school system was discussed. They currently have one of their schools on a vault system. Other items involved with a vault were discussed.

2:34:45 PM Colorado Water Quality Control Division Proposal—OWTS (ISDS) Regulation 43 Status of the Gunnison County Responsive Statement for the Rule Making Hearing of scheduled for March 12, 2013

Discussion commenced on the lack of response to this board by our attorneys' office. Baumgartner will not support this issue involving vault systems.

Stenson indicated that this presentation will be made but we must wait until Regulation 43 is passed.

Parachini asked if the attorney's office has given an opinion on this. Baumgartner indicated that he felt that it could change the development in Gunnison County.

Parachini asked if Baumgartner could review the document and give this board a written comment.

Stenson discussed that he would ask for a written comment from the attorney's office after Regulation 43 is passed.

Balch asked that Baumgartner review the entire document for his opinion.

Break

2:47:19 PM Reconvened.

ISDS guidelines and history were reviewed by Stenson. Due to economic constraints Stenson was unable to keep involved in all of the charter groups. OWTS regulations were discussed and Stenson's opinion breakdown was discussed. Refer to December 6, 2012 meeting and the attachments.

- 1) Definition of wastewater commercial toxic
- 2) Definition wastewater industrial
- 3) Concern about 2000 gallons or more per day systems
- 4) Division address the operation and maintenance of grease traps

Review of pages 8 -12 of Rebuttal Statement. These pages are attached to the minutes.

Stenson discussed his response on 2000 gallons per day. This is what he will be discussing with the State next week.

Glazer requested that setbacks and other conditions that this county has be acknowledged by the State. These need to be stated during this comment period. Timing was discussed on the 7 minutes that we are allowed to respond to these issues. Renewable permits and inspections involving these permits were discussed.

Stenson indicated that the State has no further inspections after a permit is issued.

Parachini asked if this is what they will be recommending, would Stenson be able to issue a rebuttal.

Balch responded that the State may be giving us the authority as stated. Language was discussed.

Due indicated that if there is a more stringent policy, then that policy would have precedence.

Glazer and Due discussed the State's opinion on other items.

Due encouraged Stenson to ask for our regulations to be acknowledged if they are more stringent.

Concern number five was discussed. Regulation 22 and 61 was referenced by the State.

Parachini suggested that the language of the last sentence be written stronger.

Stenson indicated that his comments will be practiced with our attorney on Monday.

Glazer asked to review Stenson's comments prior to this meeting next week.

Due responded that while the division retains final authority, we acknowledge the importance of the LPHA (Local Public Health Agency) with more stringent regulations.

Various counties were discussed on their guidelines. 7 minutes to do this Presentation was discussed.

Glazer requested that when the county reviews these that the more stringent regulations be mentioned.

Next meeting: May 15, 2013, 1:30pm.

4:08:55 PM **Adjourn**

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