

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
Scheduled Meeting
AGENDA: April 5, 2012

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

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

- 1:30 p.m.** Call to order; determine quorum;
- 1:35 p.m.** Approval of minutes from the March 8, 2012 meeting;
- 1:45 p.m.** Unscheduled Citizens;
- 2:00 p.m.** Discussion and recommendations regarding the PROPOSED AMENDMENT to Section 8-102 of the Gunnison County INDIVIDUAL SEWAGE DISPOSAL SYSTEM REGULATIONS—VAULT SYSTEMS
- 3:00 p.m.** EH Board and County Staff discussions:
Colorado Water Quality Control Commission Proposals Regulation 31 and 85—
Water Quality Nutrient Standards; Individual Private Well-Health in Gunnison County
- 3:30 p.m.** Next meetings and EH Board Focus
- 4:00 p.m.** **Adjourn**

NOTE: Unless otherwise noted, all meetings are conducted in the Blackstock Government Center Meeting Room of at 221 N. Wisconsin St. in Gunnison, across the street from the Post Office. This is a preliminary agenda; agenda times may be changed by the staff up to 24 hours prior to the meeting date. If you are interested in a specific agenda item, you may want to call the Planning office (641-0360) ahead of time to confirm its scheduled time. Anyone needing special accommodations please contact the Planning Office prior to the meeting.

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
Scheduled Meeting and Public Hearings
AGENDA: March 8, 2012

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

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

- 1:30 p.m.** Call to order; determine quorum;
- 1:35 p.m.** Approval of minutes from the June 16, 2011 meeting;
- 1:45 p.m.** Unscheduled Citizens;
- 2:00 p.m.** First Meeting of the 2012 year. Environmental Health Board reorganization, Introduction of Board members, Election of Officers;
- 2:15 p.m.** Gunnison County Attorney meeting with the Environmental Health Board to review operational guidelines;
- 3:00 p.m.** Discussion and recommendations with the Gunnison County Attorney regarding the PROPOSED AMENDMENT to Section 8-102 of the Gunnison County INDIVIDUAL SEWAGE DISPOSAL SYSTEM REGULATIONS—VAULT SYSTEMS.
- 3:45 p.m.** EH Board and County Staff discussions: Colorado Water Quality Control Commission Proposals Regulation 31 and 85—Water Quality Nutrient Standards;
- 4:00 p.m.** EH Board and Environmental Health Staff discussions: Health considerations of private individual water wells;
- 4:15 p.m.** EH Board and Environmental Health Staff discussions: Next meetings and EH Board Focus—2012
- 4:30 p.m.** **Adjourn**

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
SCHEDULED MEETING
March 8, 2012**

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

Present Were:

Lucinda Lull, Chairperson
Larry Parachini, EH Board Member
Cory Bryndal, EH Board Member
Michelle Spain, Admin. Assistant

Steve Glazer, Vice-Chairperson
Rodney Due, EH Board Member
Richard Stenson, EH Official

Absent Were: Eddy Balch, Anthony Poponi

01:40 pm Call to order by Lull, quorum was determined.

01:41 pm Approval of minutes from the June 16, 2011 meeting. Minutes were requested by Parachini to be reviewed and sent to board members soon after the meeting has ended. Stenson indicated that this should be able to be accomplished by 2 weeks after. Minutes were reviewed. Motion by Glazer, to approve the minutes, 2nd by Parachini, passed.

01:45 pm Unscheduled citizens. Glazer indicated that the State has still not approved the TMDL (Total Maximum Daily Load). Glazer indicated that the Mine's discharge permit is not finalized yet. Discussion ensued on High Country Citizen Alliance's request for the State to monitor the discharge of this permit.

Due indicated that the current staffing and money to staff is the major issue.

Stenson indicated that Jocelyn Mullen has left the State office and is now in the private sector. Tom Schaeffer is the head of this department at this time. Letter submitted to the minutes from Jerry Greene on vault systems. Vault system and vault privy were explained.

Bryndal stated that the Irwin Back Country Guide Service has currently withdrawn their LUC application with the County. They are currently looking at a major impact application project. Bryndal indicated that the operation will be growing. The current wastewater treatment system is not operating. Monitoring by a company and reports are sent monthly to the EH Office. Bryndal indicated that other areas are being looked at by this company.

Stenson reviewed the permits out at this time and the buildings located in this area. The composting toilet is located in the maintenance barn.

02:00 pm First meeting of the 2012 year. Environmental Health Board reorganization. Introduction of Board members. Election of officers. Members not present were Eddy Balch and Anthony Poponi.

Designation of Notices: Published in the Gunnison Country Times, posted at the Blackstock Building, the Court House Building, for Public Hearings, Motion by Glazer to approve the areas, 2nd by Due Passed

Under section 4 meetings new meeting start time 1:30pm. Motion by Glazer to change meeting time, 2nd by Lull Passed

Request by Bryndal to have a minimum quarterly meeting. Discussion ensued.

Section 1-A motion by Glazer to add a minimum of quarterly meetings. 2nd by Due passed

ELECTION OF OFFICERS AND NOTICE POSTING LOCATIONS

ELECTION OF OFFICERS:

MOVED: by Glazer, seconded by Parachini to appoint Lull as Chairperson of the Gunnison County Environmental Health Board. The motion passed unanimously.

MOVED: by Bryndal, seconded by Glazer to appoint Parachini as Vice-Chairperson of the Gunnison County Environmental Health Board. The motion passed unanimously.

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02:20 pm Baumgarten enters meeting.

02:22 pm Gunnison County Attorney meeting with the Environmental Health Board to review operational guidelines.

Meeting operational guidelines were reviewed and discussed. Attached.

GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

GUNNISON COUNTY, COLORADO

ORGANIZATION AND PROCEDURAL GUIDELINES 2012

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 Thursday of each month at 1:30 p.m. as necessary, to determine matters brought before it. 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 8, 2012**.

/s/ _____
Lucinda Lull, Chairperson

Break requested: 2:50 pm

Jim Starr enters meeting.

03:00 pm Discussion and recommendations with the Gunnison County Attorney regarding the Proposed Amendment to Section 8-102 of the Gunnison County Individual Sewage Disposal System Regulations – *Vault Systems*.

Stenson submits his proposal dated 12-16-2011 to the BOCC attached.



Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

To: Gunnison County Board of County Commissioners, Hap Channell, Chairperson
From: Richard Stenson, Environmental Health Official
Date: 12-16-2011
Re: Proposal to Amend ISDS Regulations Section 8-102 – **Vault Systems**

After Staff and Environmental Health Board reviews of Vault Systems in Gunnison County, we propose amending the ISDS Regulations, Section 8-102.

Vault Systems are currently prohibited in the Gunnison County Individual Sewage Disposal System (ISDS) Regulations. Section 8-102 A is as follows:

NEW VAULT SYSTEMS PROHIBITED. *New vault systems will not be permitted for use within unincorporated areas of Gunnison County.*

A "Vault" is "a watertight, covered receptacle which is designed to receive and store excreta or wastes either from a sewer or from a privy and is accessible for the periodic removal of its contents." *Vault Systems* are septic systems designed with a sewer line from a structure to a vault, whereas a "*Vault Privy*" would not have the sewer line from the structure.

Current ISDS regulations can permit *Vault Privies* but not *Vault Systems* and for good reason. When one considers the daily estimated wastewater use, from toilets, showers, sinks, dishwashers, garbage disposals, etc. (75 gallons per day per person for a single family residence), and the usual volume of a vault, (1000 gallons), it becomes evident that the vault will fill up to capacity very rapidly. For example, a three bedroom home with typical water/wastewater use - estimate, (450 gallons per day), would fill up a septic vault in a little over two days.

On the other side of the coin, in Gunnison County properties and uses exist where the best and possibly only wastewater solution would be a vault system. Those uses might be for situations of very low wastewater flows, such as gray water only uses, where the local geology cannot support soils absorption area needed for a standard septic system. It is for those few properties and uses that the Gunnison County Environmental Health Board and the County Environmental Health Staff suggest that the ISDS Regulations be amended to allow for Vault Systems.

Please see the "**SECTION 8-102: VAULT SYSTEMS**" attachment. Note that the underscored wording is for the proposed amendment, while the cross through is current wording that would be taken out.

Thank you for your consideration of this matter.

- A. NEW VAULT SYSTEMS PROHIBITED.** ~~New vault systems, will not be permitted for use within unincorporated areas of Gunnison County shall be allowed only when the following standards can be met, in addition to all other requirements of these Regulations:~~
- 1. ENGINEER REQUIRED.** Vault systems shall be designed by a Registered Professional Engineer, licensed in the State of Colorado. Vault sizing shall be designed utilizing calculations of sewage flows, section 5-106. An estimate of the response time, from time of call to pumping the vault, shall be included in the design. (During the previous EH Board meeting there was discussion of requiring a specific response time, although no definite determination was made.)
 - 2. DOMESTIC EFFLUENT/DOMESTIC SEWAGE ONLY.** Vault systems to be permitted for use in Gunnison County shall only be designed for the collection of domestic effluent/domestic sewage, and shall not be permitted for industrial or commercial effluent including, but not limited to grease traps or industrial sediment collectors.
 - 3. GEOLOGICAL SITE REQUIREMENTS.** No Vault systems shall be allowed partially or wholly within a 100 year flood plain, or in areas subject to flooding, or on sites that are subject to specific geological hazards or unstable geological conditions.
 - 4. VAULTS NOT PERMITTED IN SPECIAL ISDS DISTRICTS.** Vault systems shall not be permitted to be installed within the Crested Butte Watershed ISDS District or within the Marble Ski Area ISDS District or other ISDS Districts should they be created.
 - 5. TELEMETRIC REPORTING CAPABILITY.** The vault system shall include mechanisms necessary to provide telemetric communication to a Licensed Gunnison County System Cleaner.
 - 6. HIGH WATER ALARM.** The system shall include a high-water alarm and year-round availability of an electrical resource to power it. The vault shall be designed to issue the alarm when there is remaining capacity within the vault sufficient to allow pumping (at the previous EH Board meeting it was recommended that a "two day use" be utilized rather than "sufficient") and avoid overflow.
 - 7. YEAR-ROUND ACCESSIBILITY.** The proposed system shall be accessible year-round to Licensed System Cleaner vehicles.
 - 8. PUMPING CERTIFICATES.** Upon request, pumping certificates shall be submitted to the Environmental Health Official. (at the previous EH Board meeting it was discussed that there be a yearly pumping requirement and that the Cleaner provide a manifest of pumping/cleaning to the County.)
 - 9. MAINTENANCE AGREEMENT REQUIRED.** As a condition of the permit, a permanent maintenance agreement carried with the title of the property shall be developed, and subject to approval by the Environmental Health Official. The agreement shall be developed between and signed by the applicant and a Licensed Gunnison County System Cleaner. Submittal of a copy of the signed agreement shall be a condition of permit approval. At a minimum, the agreement shall define a maintenance schedule, including pumping, to ensure that conditions that would cause the vault to overflow will be avoided. (at the previous EH Board meeting it was discussed that the Maintenance Agreement have a disclosure requirement with the County or carry with the title of the property.)
- B. LEAKING EXISTING SYSTEMS TO BE REMOVED AND REPLACED WITH COMPLIANT SYSTEM ISDS.** ~~Existing vaults that are found to be leaking must be exhumed at the owner's expense. Thereafter, an approved vault system or other ISDS will be required. For existing vault systems, the Department may require that pumping certificates be submitted to the Environmental Health Office to ensure that such systems are maintained in an appropriate manner.~~

Glazer requested that Bryndal share his comments.

Bryndal asked that this section be used as an exception but not for major use for high density subdivisions.

Bryndal leaves the meeting.

Email from Jerry Greene entered and read for the board.

Richard Stenson

From: Jerry Greene [greeneconsengr@yahoo.com]
Sent: Thursday, March 08, 2012 11:54 AM
To: Richard Stenson
Subject: Vault Septic Systems

Richard, I appreciate the information that you Emailed to me concerning proposed Section 8-102 Vault Systems. This type of system is well suited for serving properties with a small amount of acreage and/or that cannot meet the required setbacks and separations as required by the County and State. A vault system, properly installed with the alarms and maintenance agreement will prevent contamination of wells, ground water, etc. As pointed out in previous EHB discussions a vault can fill up in a matter of a few days with the quantities set forth in the county and state regulations. With an average fee of around \$600 to pump & dump for residences near Gunnison, costs can add up quickly. This, in my opinion, is incentive for any homeowner to use the vault as a last resort for wastewater treatment and also to conserve water. As we discussed briefly earlier today, I would like to attend this afternoon but, other project deadlines including the Antelope Hills Water Line must come first.

Baumgarten asked, what was the issue the board trying to pass with this amendment? Lot size was discussed. Language was the issue discussed. What problem is this board trying to solve.

8-102.3 Baumgarten stated that this flooding issue, unstable geological conditions were not adequately defined. Most areas in Gunnison County have these two items.

Stenson indicated what Article 11 of the Land Use Resolution was in the proposed amendment.

Glazer asked if all vault systems need to be brought before the EH Board.

Baumgarten indicated that this issue must be brought to the BOCC if the lot size is less than 1 acre. The minimum size parcel is a big issue.

Parachini asked what was the application that brought this vault system to the EH Board.

Stenson indicated that there has been more than one. One in Ohio City, White Pine, and Crested Butte. Some of these were soils issues.

Baumgarten indicated that the language is not adequate.

Glazer indicated that he felt that this regulation should stay as is. He did not want these systems approved by the normal application process.

Lull discussed her feelings on building out old town sites.

Baumgarten responded that the BOCC did not want these old town sites to be able to build out without the proper sewer, roads, water supplies that are required under current regulations.

Discussion ensued.

Due indicated that the pumping of these vaults would not be cost efficient for a regular SFR (Single Family Residence). They are not functional for a dwelling.

Baumgarten asked who would be the monitoring body for these vault systems. Who would monitor the regular pumping required for these systems. Identify the problem and then write the regulation to cover this item.

Parachini did not feel that these systems were accessible by cleaning systems.

Stenson indicated that a public health issue needed to be addressed.

Lull asked is this a better unit than an outhouse.

Glazer felt that the current ordinance was adequate.

Stenson commented that the vault systems were addressed in the writing of the 1995 ISDS regulations.

Glazer did not want staff to approve this type of system without EH Board review.

Lull indicated that she would like to see areas like White Pine, Tincup, Ohio City addressed on a case by case basis.

Due wanted a full board for this discussion.

Baumgarten leaves the meeting

Jim Starr reviewed what he saw in this discussion. He indicated that this would be a good use for a barn located from the main house. With language changes this could be a good change.

Due requested that Balch, Bryndal and Poponi be at attendance for further discussion before a vote is taken.

Glazer indicated his opinion was we were going backward.

Glazer indicated that compliance was impractical.

Stenson indicated that this board requested a maintenance agreement be required. Discussion of a maintenance agreement that was reviewed at the prior meeting.

Starr stated that three items could be added.

- 1) Require the cleaner to notify if any maintenance is not completed.
- 2) Require the cleaner to notify of a spill
- 3) Require if the problem is not taken care of, the permit is pulled.

Parachini requested that staff come up with wording involving the 1 acre. He also indicated that all of these applications come before the EH Board for formal review.

Glazer indicated that there should be more work on this. Glazer agreed with the attorney's suggestions.

Stenson asked for further formal instructions.

Lull requested that Stenson proceed with tightening up #9 with more complete wording.

Stenson document goes to review with the EH office, then EH Board, then BOCC. Stenson wanted this review redone and then reviewed by the county attorney prior to going to the BOCC.

Parachini #9 language should include notification by the contractor that the renewal of maintenance had not been done. Spills must be reported immediately. Agreement must be recorded with the County clerk Office.

Jim Starr leaves the meeting.

04:05 pm EH Board and County Staff discussions: Colorado Water Quality Control Commission Proposals Regulation 31 and 85 –Water Quality Nutrient Standards. Attached is Stenson draft statement to BOCC.



Gunnison County, CO
Community Development Department
221 N. Wisconsin St. Ste. D, Gunnison, CO 81230
Phone: (970) 641-0360 FAX: (970) 641-8585
Website: www.gunnisoncounty.org/planning.html
Email: planning@gunnisoncounty.org

To: Gunnison County Board of County Commissioners, Hap Channell, Chairperson
From: Richard Stenson, Environmental Health Official
Date: 2-17-12
Re: BOCC DRAFT STATEMENT REGARDING NUTRIENT STANDARDS PROPOSED RULEMAKING

This issue involves the Colorado implementation of EPA nutrient (nitrogen, phosphorus and chlorophyll-a) standards. The standards, when determined, will affect water and wastewater treatment discharge standards, storm water discharge standards and non-point process in compliance with the provisions of the Federal Clean Water Act and the Colorado Water Quality Control Act.

High levels of nutrients in water bodies can adversely affect beneficial uses in Colorado, including water supply, aquatic life and recreation. Nitrogen and phosphorus cause algal growth, which reduce oxygen concentration in water bodies; low levels of dissolved oxygen adversely affect fish and other aquatic life. Also, chlorophyll-a has been linked to risks of cancer when coupled with the disinfection agents utilized in the treatment of water.

The Water Quality Control Commission of the Colorado Department of Public Health and Environment (Commission) establishes water quality standards of pollutants allowable in a water body for attainment of the uses for which the water is classified. At the March 12, 2012 meeting the Commission will address two issues—Regulation 31 revisions that sets limits for phosphorus, nitrogen, and chlorophyll-a; and proposed Regulation 85 that mandates new nutrient removal technology.

Gunnison County should make statements on this rulemaking because ultimately nutrient standards will affect the operation of treatment plants, non-point regulations and operation protocol. The County staff has determined to not become a legal "Party" in this Rulemaking Hearing, but instead request that the County make statements that can be heard, in support of the State in its approach to comply with Federal requirements. The attached "BOCC DRAFT STATEMENT REGARDING NUTRIENT STANDARDS PROPOSED RULEMAKING" is the final agreed upon - draft by Administration, Community Development, Public Works and Attorney.

Thank you

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Glazer indicated that Monday Water Quality Control will be meeting to discuss revisions in these standards. Compliance issues discussed. BOCC letter to Colorado Water Quality Control Commission attached for review.



Gunnison County Board of County Commissioners

Phone: (970) 641-0248 • Fax: (970) 641-3061

Email: bocc@gunnisoncounty.org • www.GunnisonCounty.org

March 6, 2012

Colorado Water Quality Control Commission
Paul Frohardt, Administrator
4300 Cherry Creek Dr. South
Denver, CO 80246-1530

RE: Nutrient Standards Proposed Rule Making Hearing of March 12, 2012

Dear Water Quality Control Commissioners:

The Gunnison County Board of County Commissioners takes this opportunity to comment in the matter of rulemaking to consider revisions to *REGULATION # 31*, the basic standards for surface water, and adoption of *REGULATION # 85* for nutrient management control.

Because Gunnison County recognizes that a proposed nutrient control program is going to be costly and will take time to implement, we support the Water Quality Control Commission's approach, as expressed in the noticed proposal, with these considerations:

- A funding source should be provided to smaller districts and other entities that do not have revenues sufficient to cover the monetary increase of implementing and complying with the program.
- That the program be phased, to allow a reasonable rate of implementation over a defined period of time.
- Resources for programs should be developed, as soon as is feasible, that will identify and provide baseline water quality and nutrient-information for all significant water bodies within Gunnison County.
- All waters not evidencing excess nutrients be maintained at or below identified baseline nutrient concentration levels.

It is the policy of the Board of County Commissioners of Gunnison County to ... "protect water resources for the purpose of maintaining the high quality of the water-dependent environment of the County. The essence of Gunnison County's ability to survive and prosper historically has been, and will continue to be, its ability to have consistent, plentiful and clean water. Land use and other activities carried out within the County should not adversely affect the availability or suitability of water for present or future uses in the County."

In general, we agree with the prehearing statement from the Conservation Groups: "Nutrient pollution affects water supply, aquatic life and recreational use classifications and urge the Water Quality Control Commission to take appropriate action at the March 2012 hearing to begin the long process of protecting Colorado's classified uses from the adverse effects of nutrient pollution."

200 East Virginia Avenue • Gunnison, CO 81230

Colorado Water Quality Control Commission
RE: Nutrient Standards Proposed Rule Making Hearing of March 12, 2012
3/6/12

We, the Gunnison County Commissioners appreciate and respect the Colorado Water Quality Control Commission's review of nutrient standards and management. Please feel free to contact us should you have questions or comments.

Sincerely,


Hap Channell, Chairperson Paula Swenson, Commissioner Phil Chamberland, Commissioner

cc: Senator Gail Schwartz (gail.schwartz.senate@gmail.com)
 Representative Millie Hamner (millie.hamner.house@state.co.us)
 Representative J. Paul Brown (jpaul.brown.house@state.co.us)
 Representative Roger Wilson (roger.wilson.house@state.co.us)

200 East Virginia Avenue · Gunnison, CO 81230

Due indicated that the operators were not happy with the way this bill was written. It would bring a large burden on them.

04:15 pm EH Board and Environmental Health Staff discussions: Health considerations of private individual water wells. Stenson indicated that well water health is one of the top priorities of health considerations. Antelope Hills system was discussed. Currently Antelope Hills will be getting a new public water source this summer. Now other individual wells will be questioned.

Glazer commented on a public program to be established on the importance of testing of private water wells.

Stenson responded that CSU has developed a testing kit and Gunnison public health is starting an educational program for all. Stenson indicated that homes can use treatment processes for radium including reverse osmosis that can be cost efficient.

04:20 pm EH Board and Environmental Health Staff discussions: Next meetings and EH Board Focus – 2012.

Stenson would be able to have his information on Vault Systems by 04-05-12

Next EH Board Meeting is April 5, 2012 at 1:30 pm.

04:30 pm Adjourn

SECTION 8-102: VAULT SYSTEMS

- A. **NEW VAULT SYSTEMS PROHIBITED.** ~~New vault systems, will not be permitted for use within unincorporated areas of Gunnison County shall be allowed only~~ only after a SPECIAL REVIEW (3-121) approval, for circumstances where a sewage treatment works or ISDS is not feasible and when the following standards can be met:
1. **ENVIRONMENTAL HEALTH BOARD-SPECIAL REVIEW REQUIRED.** Any and all applications for new vault systems will be denied. (3-119). New vault systems in Gunnison County can only be permitted after the denied application has received a SPECIAL REVIEW-approval. (3-121)
 2. **MINIMUM REQUIRED PARCEL SIZE SHALL BE STRICTLY REVIEWED.** Within Gunnison the minimum one-acre lot size is of paramount planning importance. (5-107) Individual vault system applications for a lot less than one-acre in size shall receive careful consideration to that important planning concept, and may be referred, for review, to the Gunnison County Planning Commission. Within Gunnison County vault systems shall not be approved for wastewater reviews of Land Use Change applications for new subdivisions.
 3. **ENGINEER REQUIRED.** Vault systems shall be designed by a Registered Professional Engineer, licensed in the State of Colorado. Vault sizing shall be designed utilizing calculations of sewage flows, section 5-106, and in no case be less than 1000 gallon effective capacity. An estimate of the response time, from time of call to pumping the vault, shall be included in the design-narrative.
 4. **DOMESTIC EFFLUENT/DOMESTIC SEWAGE ONLY.** Vault systems to be permitted for use in Gunnison County shall only be designed for the collection of domestic effluent/domestic sewage, and shall not be permitted for industrial or commercial effluent including, but not limited to grease traps or industrial sediment collectors. Industrial or commercial effluent systems shall not be considered as an ISDS, and shall be approved and permitted by the Colorado Department of Public Health and Environment (CDPHE), the Environmental Protection Agency (EPA), or other appropriate agency.
 5. **GEOLOGICAL SITE REQUIREMENTS.** In addition to the other conditions stated in 8-102, vault systems can only be permitted in locations that meet the RESOURCE PROTECTION STANDARDS—ARTICLE 11 of the Gunnison County Land Use Resolution for component siting and accessibility for system maintenance.
 6. **VAULTS NOT PERMITTED IN SPECIAL ISDS DISTRICTS.** Vault systems shall not be permitted to be installed within the Crested Butte Watershed ISDS District or within the Marble Ski Area ISDS District or other newly created Gunnison County-Special ISDS Districts.
 7. **TELEMETRIC REPORTING CAPABILITY.** The vault system shall include mechanisms necessary to provide telemetric communication to a Licensed Gunnison County System Cleaner.
 8. **HIGH WATER ALARM.** The system shall include a high-water alarm and year-round availability of an electrical resource to power it. The vault shall be designed to issue the alarm when there is remaining capacity within the vault sufficient to allow pumping and avoid overflow.
 9. **YEAR-ROUND ACCESSIBILITY.** The proposed system shall be accessible year-round to Licensed System Cleaner vehicles.
 10. **PUMPING CERTIFICATES.** Pumping certificates shall be submitted to the Environmental Health Official, upon request.
 11. **MAINTENANCE AGREEMENT and SECURITY BONDING REQUIRED.** As a condition of the permit, a permanent maintenance agreement carried with the title of the property shall be developed, and subject to approval by the Environmental Health Official. The agreement shall be developed between and signed by the applicant and a Licensed Gunnison County System Cleaner. Submittal of a copy of the signed agreement shall be a condition of permit approval. At a minimum, the agreement shall define a maintenance schedule, including pumping, to ensure conditions that would cause the vault to overflow will be avoided. Additionally, a security bonding

can be required, in the amount needed to insure adequate system cleaning, to be used in the event that the system is not adequately maintained. Any change in the agreement shall be approved by the Environmental Health Official.

- B. LEAKING EXISTING SYSTEMS TO BE REMOVED AND REPLACED WITH COMPLIANT SYSTEM ISDS.** Existing vaults that are found to be leaking must be exhumed at the owner's expense. Thereafter, an approved vault system or other ISDS will be required. ~~For existing vault systems, the Department may require that pumping certificates be submitted to the Environmental Health Office to ensure that such systems are maintained in an appropriate manner.~~