Gunnison County Environmental Health Board
Agenda: February 27, 2020
Special Note: This meeting will be held at the Commissioners Meeting Room on the second floor of the County Courthouse at 200 E Virginia in Gunnison

1:15 p.m. Call to order; determine quorum

1:17 p.m. Organizational business
- Election of officers
- Meeting times

1:30 p.m. Approval of minutes from the November 21, 2019 meeting

1:35 p.m. Unscheduled Citizens: A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.

1:45 p.m. Work Session: Staff proposed revisions to the OWTS Regulations

Adjourn

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

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GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD
February 27, 2020

The Gunnison County Environmental Health Board conducted the February 27, 2020 meeting, in the Planning Commission Meeting Room at the Blackstock Government Center.

Present Were:
Lucinda Lull, Chairperson
Ashley Bembenek, EH Board Member
Bill Barvitski, EH Board Member
Eddy Balch, EH Board Member
Lynn Cudlip, EH Board Member, Alternate
Crystal Lambert, Building and EH Official
Charlie Dominguez, Building and EH Inspector
Rebecca Ricord, Administrative Assistant III

Absent were: Alternate Board member, Corey Bryndal

Alternate members seated for the day: Board member Lynn Cudlip

Audience members: None.

Call to order: A quorum was determined by Lull at 1:17 pm. The meeting was properly noticed and verified by Lambert.

Election of officers:

Larry Parachini is no longer on the board. Moved by: Barvitski, seconded by Balch to elect Lull as the chair. The motion passed unanimously with Board Members Bembenek, Barvitski, Balch and Cudlip voting yes.

Moved by: Bartvitski, seconded by Balch to elect Bembenek as the vice-chair. The motion passed unanimously with Board Members Lull, Barvitski, Balch and Cudlip voting yes.

It was verified that Lynn Cudlip and Corey Bryndal are still alternates.

Decided that the meetings will stay on the first and third Thursdays of each month. Lambert requested that when there is an application that needs to have a public hearing that the board be willing to meet any Thursday of the month to help the applicants, as far as timelines. The Board agreed that it would work for them.

Approval of Minutes:
Moved by: Balch, seconded by Cudlip to approve the November 21, 2019 meeting minutes as presented. The motion passed unanimously with Board members Lull, Balch, Bembenek, Barvitski, and Cudlip voting yes.

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Unscheduled citizens: None present.

Lambert let everyone know that the agendas will no longer be posted in the paper, unless it is a Public Hearing, but will still be posted on the boards at the Courthouse and Blackstock Building and online.

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Work Session: Staff Proposed Revisions to the OWTS Regulations

Lambert reported that she is bringing forward revisions to the septic regulations for review by the EH Board and approved to present to the Board of County Commissioners for consideration.

Lambert went over the rules for installers and cleaner licenses. Lambert explained that one of the proposals is to designate the EH Board to be responsible for hearing violations of license agreements and determining possible license revocations.

Barvitski wanted to know if it would be better to have the Board of Adjustments and Appeals (BOA) to review the appeals similar to what is being proposed for building contractor licensing. Lambert explained that the BOA does not have the expertise on Environmental Health regulations and the EH Board does. The BOA has more expertise in construction and land use. Balch believed that having the licensure reviews come in front of the Environmental Health Board would be helpful in providing an understanding of the issues in the local industry. Bembenek asked for clarification on the wording in Section 4, "Environmental Health Board, whose decision may be appealed on the record to the Board", what the second Board is and Lambert clarified that it is the Board of County Commissioners (Board of Health) per the definitions in the septic regulations.

Cudlip wanted clarification of why Public Hearing was crossed out in Appendix B.1.c. and Lambert explained that licensure reviews would not take place as a Public Hearing.

Lull wanted to know what would cause someone to lose their license. Lambert explained that the OWTS Regulations state that a license may be revoked for failure to comply with the OWTS Regulations. The most frequent offense is installing or altering a system without a septic permit. The Department tries to work with installers and cleaners to understand the OWTS Regulations by pointing out what was in violation and providing additional chances, or strikes.

Bembenek asked if it is a strike if they fail to report a failing system? Lambert explained that every year the licensed installers and cleaners sign an agreement every year that they agree to follow the standards of performance. One of the standard of performance is to report failing or inadequate systems. Failure to report would be a strike.

Lambert is proposing to change the EH Board quorum to three. The Board agreed to the change.

Barvitski asked about the State stating that the Transfer of Title is not in-line with the minimum requirements of the State Regulations with the required 12 month timeframe for an inspection when a transfer of title acceptance document is requested since the County changed it to 24 months. Lambert explained that it is an optional program, they went above the requirements and they adopted it. Discussion followed on the current program and determined that they like the way it is and agreed that it should stay the same.

Barvitski asked how a license is reinstated after being revoked. Lambert reported that a license has never been revoked before but the OWTS regulation require a reapplication. The Board could determine how long they would have to wait and what they would have to do in order to get their license back. Balch believes that it should be revoked for a year. Barvitski believes it should be determined on a case- to- case basis. Bembenek believes that it should be three to six months, a severe enough penalty. Lambert believes that they should have to take the Part A exam if they have their licensed revoked, something that most installers have not taken in the past since it's pretty new. Bartvitski believes that there should be something in the regulations that says how they can get their license back. Discussion followed on whether they would have to take the test and how long they would lose their license for. Cudlip agreed that she would like it stated in the regulations that they will have to take the Part A State exam and be suspended for 90 days. Barvitski stated that the regulations don't show how the system needs to be installed, believes that Regulation 43 doesn't really say how to install a line, a tank or any system components. What are they really going to learn from the Regulation? Lambert stated that staff can do a recommendation at each revocation, instead of a blanket statement.

The members agreed that the revocation be at a minimum of 90 days and can include any additional requirements based on the violation determined by the Environmental Health Board. Lambert will put the document together to email to the members to review.

The group discussed Appendix A: OWTS Fees and Licensing Fees. Lambert wants to add a new fee for plan revisions of $150 to cover costs. Balch believes it should read as a new fee for additional plan revisions of $150. The Board agreed.

The State will have to approve all of the changes before Lambert takes it in front of the Board of County Commissioners.

Lambert will work on the language for contractor OWTS installer and cleaner revocation wordage, reinstatement, adding renewal application verbiage etc. She will then send it to the members to review, send it to the State and the go in front of the Gunnison County Board of County Commissioners.

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Moved by: Balch, seconded by Barvitski to close the meeting of the Environmental Health Board at 2:50 P.M. The motion passed unanimously, with Board members Lull, Barvitski, Balch, Bembenek and Cudlip voting yes.

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/S/ Rebecca Ricord
Administrative Assistant III
Gunnison County Community Development Department

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