

# GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD

AGENDA: WEDNESDAY, MARCH 12<sup>TH</sup>, 2014

- 1:00 p.m.
- **Call to order; determine quorum**
  - **Approval of Minutes from the February 19<sup>th</sup>, 2014 meeting.**
  - **Unscheduled citizens:** A brief period in which the public is invited to make general comments or ask questions of the Board or County Staff about items which are not scheduled on the day's agenda.

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

Items to be discussed by the Board and County Staff:

- A. Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, overview of major changes, scheduling for meetings, Identification of major changes and/or issues.

## Adjourn

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

**GUNNISON COUNTY ENVIRONMENTAL HEALTH BOARD SCHEDULED MEETING**  
**March 12, 2014**

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

Larry Parachini, Vice-Chairperson  
Ed Bavouset, EH Board Member Alternate  
Crystal Lambert, Building & E.H. Official  
Michelle Spain, Admin. Assistant

Rodney Due, EH Board Member  
Russ Forrest, Asst. County Manager Economic Dev.  
Charlie Dominguez, EH & Building Inspector

**Attending by Phone:** Lucinda Lull, Chairperson

**Absent Were:** Jeff Sellen, EH Board Member, Eddy Balch, EH Board Member, Steve Glazer, EH Board Member Alternate

Other attendees as listed in text.

**1:01:47 PM** • **Call to order; determine quorum**, by Parachini. Posting locations were verified and this agenda was also posted in the weekly Gunnison Country Times.

**1:06:57 PM** • **Approval of Minutes from the February 19<sup>th</sup>, 2014 meeting.** Motion by Bavouset to approve the minutes of February 19, 2014, 2<sup>nd</sup> by Due approved.

- **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. None

**1:07:13 PM** **Environmental Health Board and County Staff Work Session:**

Items to be discussed by the Board and County Staff:

- B. Colorado Public Health & Environment, Water Quality Control Commission-On-Site Wastewater Treatment System Regulation: Deadlines for adoption, overview of major changes, scheduling for meetings, Identification of major changes and/or issues.

Lambert commenced her review.

See attached research summary on effluent distribution chambers installed with perforated pipe the entire length. Lambert contacted local OWTS design engineers for their feedback on the idea. There seems to be a problem with even distribution when the perforated pipe is installed in a gravity flow chamber system. Chamber installation is verified with laser citing to ensure they are level. Chamber installation with pressure distribution will always require perforated pipe. This will be an attached item at the end of these minutes.

Lambert presented research on the inquiry made by Parachini during the February 19<sup>th</sup> meeting, concerning Table Table 7-3 and whether Elgen packs would be counted as an automatic field size reduction along with chambers. The manufacturers of the Elgen have decided they want to have Elgen be part of the proprietary higher level treatment system instead of a general distribution media type. The State will only allow them to do one or the other, not both. Elgen has applied for a proprietary treatment product under 43.13.D of Reg 43 and will probably be assigned a treatment level of 2 when installed with 12" of sand.

Lambert presented examples of three different treatment level types and the soil treatment area sizing of each using Table 7-1. The first soil type is a sandy loam (soil type 2) installed in a traditional system with a septic tank, pipe & aggregate (treatment level 1). The field size for that system would be 667SF. The second system is Elgen with 12" of sand (treatment level 2) and the field size would be 444 sf (a 33% reduction from the TL1). The third system is a lined sand filter system described in 7-114: B: 1: d. (treatment level 3) and the field size would be 400 SF (a reduction from the baseline of 40%). The following attached photos are the breakdown calculations for soil treatment areas within three different soil types for three different treatment levels systems.

Elgen w/12" of sand = TL2

Sandy Loam (Soil Type 2)

Table 7-1:

- Tradition System w/ pipe & aggregate (TL1)  
the soil treatment area will be:  $A = \frac{400 \text{ g/d}}{0.6} = 667 \text{ \#}$
- Elgen w/12" of sand (TL2)  
the soil treatment area will be:  $A = \frac{400 \text{ g/d}}{0.9} = 444 \text{ \#}$
- A Lined Sand filter as described in Section 7-114: B.1.d. (TL3)  
the soil treatment area will be:  $A = \frac{400 \text{ g/d}}{1.0} = 400 \text{ \#}$

Clay (Soil Type 4)

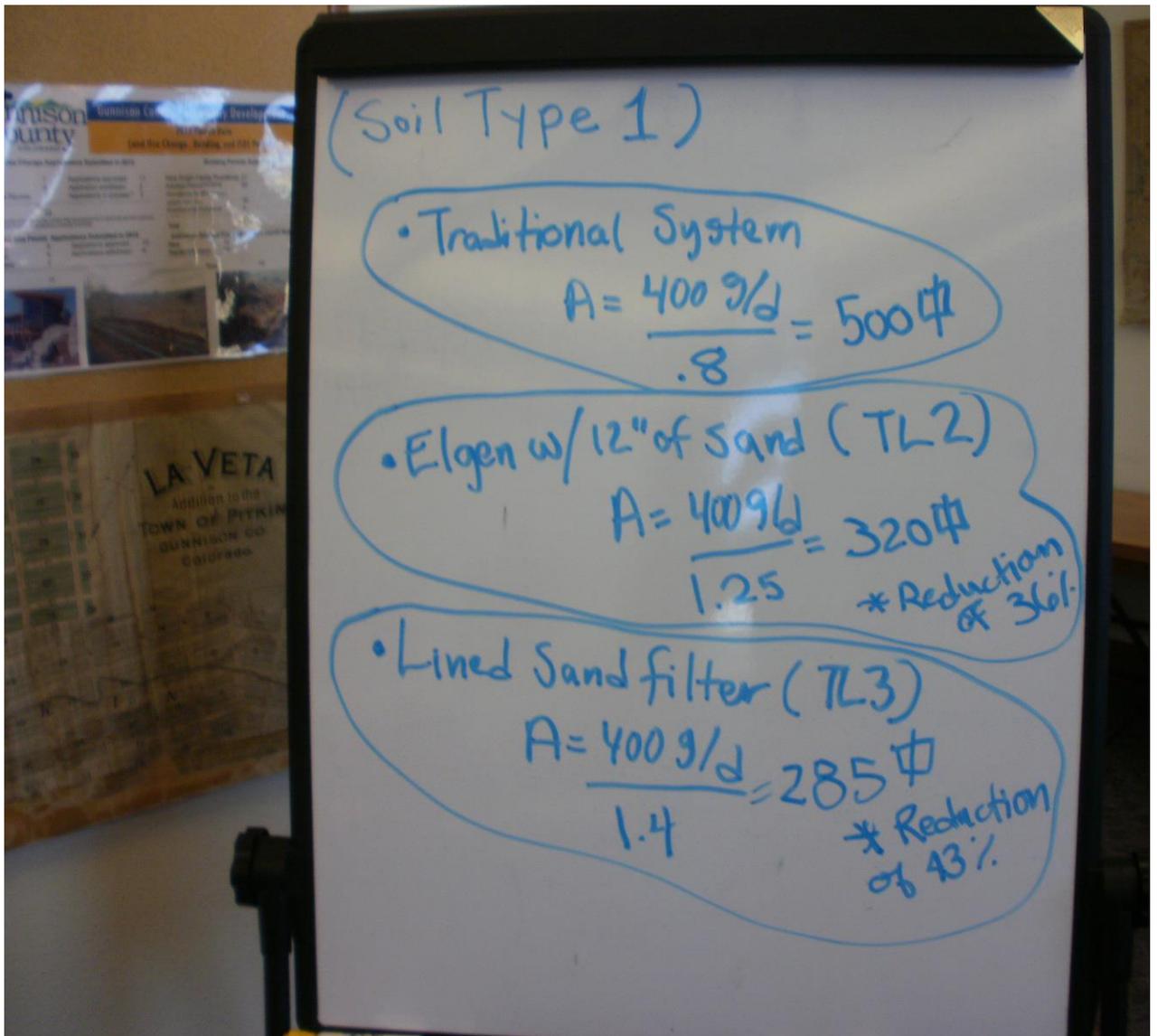
- Traditional System = 2,000 #
- Elgen w/12" sand = 1,333 # \* 33% reduction
- Lined Sand filter = 1,333 # \* 33% reduction

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- Designed & inspected by P.E.
- Pressure closed
- Operation, maintenance & Ins agreement.
- S.R.?



The following table attached was discussed in depth.

The max reduction allowed (from a baseline system) in the local proposed regulations is 40%. To achieve that reduction in soil treatment area using a higher level treatment system, an agreement of inspection, maintenance, cleaning and monitoring is required, an engineered design is required, and pressure dosing is required. The State Regs do not require a variance to utilize the soil treatment area reduction. It seems that requiring Special Review approval to achieve reductions in field size for higher level treatment systems on top of all the other requirements would be unnecessary and a burden so great that few designs would employ the reduction.

[1:20:47 PM](#) Forrest enters the meeting.

Special reviews were discussed.

Bavouset asked about the inspection, maintenance, cleaning and monitoring agreement that will follow high level treatment systems.

Next reviewed was the possible Transfer of Title inspection program. Lambert reviewed the revised OWTS regs for El Paso County who is choosing to adopt this type of program. They have an electronic submittal program for certified inspectors to upload their reports of inspection to. Gunnison County's Innoprise permit tracking software is possibly capable of doing something similar with an additional software package installed. This will take some research to figure out and set up. Including this program into the proposed regs could overload staff and become a regulation that staff cannot implement effectively at this time. Staff is going to focus on implementing the oversight of inspection, cleaning, maintenance and monitoring for higher level treatment systems in addition to researching existing system that are supposed to be monitored currently, including special area districts and system that underwent special review approval and have conditions placed on that approval. When staff gets to a place where the oversight of those systems is under control implementation of the transfer of title inspection program can be reviewed and looked at again.



### **Basics of the Transfer of Title Inspection Program**

1. A property with an OWTS would be required to have an inspection of the system to demonstrate that the system is functioning as designed prior to the sale or transfer of title.

If the system is not functioning as designed, it must be repaired or replaced so that it is functioning.

Inspectors shall be certified by National Association of Wastewater Technicians, or an equivalent program (CPOW).

2. Application for Transfer of Title and the inspection reports need to be submitted to the EH Office for review. Repairs to systems (needing repair) would require a repair permit.

Staff would provide:

- Statement of the system components, size, type and capacity of system, as-built drawings;
- Evidence of past failures;
- Circumstances or factors that may have affected the ability of the inspector to evaluate the system;
- Whether the system meets the permitting requirements; and
- Any other pertinent information

3. After review of the inspection reports and application, the EH Office would issue an Acceptance Document which is good for 6 months or to the date of sale (whichever is sooner). The acceptance document would be able to be renewed once for an additional 6 month period.

If the system does not meet the requirements of the acceptance document, then the purchaser of the property can agree to provide all the necessary repairs within 90 days of the occupancy. An additional 90 days can be added to this time if conditions, such as frozen ground, limit the ability to complete the necessary repairs.

4. Failure to obtain an acceptance document for a transaction shall subject the owner who failed to obtain the document to the penalties assessed in our *Penalties Article*.

### **Staff Review of the Transfer of Title Inspection Program**

We talked with Gunnison County Abstract about how this inspection program would possibly effect their work and what help they might possibly be able to offer towards implementing such a program. We learned that, unless there was a lien or the threat of a lien, they would ignore local regulations. So without a lien, the Title companies would be of no help in implementing the Transfer of Title Inspection Program.

We also talked with a couple of local real estate agents about the program. Frequently the due diligence inspections are provided by the potential buyer of the property. This program would be a change and would require planning by the seller of the property before listing. The general sense that we got from talking with a few real estate professionals was that we could gain a lot of ground and awareness of OWTS if we provided education to the real estate community so that they knew what to convey to their customers.

For a Transfer of Title Inspection Program to be successful in our community, staff would need to inform and educate the real estate professionals of the program and be readily available to answer questions and deal with issues related to the increase in inspections and acceptance documents. Penalties for failing to obtain the acceptance document would be handled after the transfer of title and would fall to the purchaser of the property (current owner).

The review of inspection reports, Transfer of Title applications and the preparation of acceptance documents would require a significant amount of staff time to complete. The addition is estimated to be a minimum of 5 weeks per year (based on 4 sales/month).

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Forrest indicated that they have asked title companies how they will comply with this. The title companies already have a disclosure that this transaction must be in compliance with all governing bodies' regulations. Forrest indicated that we need to organize an educational program for all to attend.

Lambert indicated that we have 2 special districts at this time that need to be monitored and we need to work on updating this.

Parachini indicated that in the last 7 years there may be 30 systems that need to be updated.

Lambert will investigate and see if we can utilize our current tracking software to monitor this issue.

Bavouset would like to see if we can put items on our web site for educating the general public on this and other issues.

Staff agreed that an educational outreach to real estate professionals and the industry would be worthwhile and possible to implement.

Parachini asked what the area, and population size is compared to El Paso county.

644,000 people reside in El Paso county.

The penalty falls to the owner of the property, as the state regulations now dictate.

Bavouset broke down the summary of compliance with this issue. He decided that the various issues on this item need to be determined by the Director of the Community Development Department.

Palisades Retreat Club's issue of vault system, and current failed system was discussed.

Most wells were old hand dug wells. This club has been there since the mid 1920's.

Due indicated that vault systems were to be used for barns and not for residential use.

Parachini reiterated that these were to be delegated for non-residential applications.

Lambert discussed terminology for this. Non-residential, assessor buildings, barns, hand washing only.

Forrest discussed the LUR ag exempt buildings status and some of the problems that have arisen with these structures and the change of use.

Parachini responded that one other ranch got stuck in this scenario.

Changes will be made by Lambert to bring to our attorney.

Forrest stated that the original intent of the ISDS regulations was to control density as a whole. The parcel size of one acre was discussed.

Monetary penalty was discussed and the attorney was pleased with this \$50.00 per day penalty that can be assessed.

Lambert reviewed the next step for sending this to the State for review. Public hearing will be scheduled and we will invite contractors, engineers, real estate agents to attend this. A BOCC joint hearing needs to be scheduled. BOCC needs to have a work session scheduled so this board can review items and changes.

Certification requirements for installers, covering operation and maintenance of higher level systems were discussed.

April 9<sup>th</sup> meeting joint, 1pm will be a possible scheduled meeting.

Lambert discussed the various date lines for formal notice to be given in the papers, posting locations, this is a 20 day notice.

Discussion of new schedule and alternative dates were discussed. May 14<sup>th</sup> was discussed. This will be reviewed and scheduled as needed.

Luchetta is coming back for special review. Lambert indicated that there will be another item for special review.

Due indicated that he had been contacted by an engineer. Forrest reiterated that these request are not to be discussed outside of this board.

[2:05:01 PM](#) Motion by Bavouset to adjourn, 2<sup>nd</sup> by Due. Passed

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