

TOWN OF PITKIN ON-SITE WASTEWATER TREATMENT SYSTEM ORDINANCE NO 4 SERIES 2015

Section 1. Title and Authority.

These requirements shall be known as the Town of Pitkin On-Site Wastewater Treatment System Ordinance No. 4 Series 2015. These requirements have been adopted by the Tow of Pitkin Board of Trustees acting as the Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S.. The Town of Pitkin has designated the Environmental Health Agent and Town Sanitarian to implement these OWTS standards and regulations on behalf of the Town of Pitkin Board of Health Ordinance. Repealing Ordinance No. 1, Series 2009.

Section 2. Scope and Purpose.

- A. Declaration
 - 1. This regulation shall apply to On-site Wastewater Treatment Systems as defined in section 25-10-103(12), C.R.S
- B. Purpose
 - 1. The purpose of this Ordinance is to establish the minimum standards for the location, design, construction, performance, installation, alteration, and use of OWTS with a design capacity less than 2,000 gallons per day within the Town of Pitkin.
- C. Jurisdiction
 - 1. This Ordinance No 4 Series 2015 applies to all OWTS in the incorporated areas of the Town of Pitkin.
- D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible
 - 1. No OWTS permit shall be issued to any person when the subject property is located within the Town of Pitkin at such time that a public sewer service becomes available.
- E. Severability
 - 1. Should any section, clause, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

Section 3. Incorporation of Regulation 43.

- A. Included By Reference
 - 1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43," and future revisions thereto, are made a part of this Ordinance and shall apply except where identified as an option of the local public health agency or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in this Ordinance. All aspects of an On-site Wastewater Treatment System including, but not limited to, aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance, and use shall be as provided in Regulation 43 and any additional requirements contained in these Regulations.

2. Allowable local options identified in Regulation 43 but not identified in this text and the designated decisions for this Ordinance are identified in the attached "Appendix A to OWTS Ordinance for the Town of Pitkin. Appendix A is made a part of this Ordinance.

B. Excluded

1. Reductions in soil treatment area size or separation distances and wide beds for higher level treatment units shall not be allowed under this Ordinance. All designs must be based on TL-1 parameters in Regulation 43. Similarly, bed widths are limited to 12 feet except for repairs. Area or separation distance reductions and wider beds for higher level treatment can only be allowed in the future, if these Regulations are amended to include a program of oversight for inspection and maintenance of higher level treatment units. Amended Regulations must be approved by the Water Quality Control Division in the Colorado Department of Public Health and Environment.

Section 4. Permits and Fees.

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from the Town of Pitkin Town Sanitarian or Environmental Health Agent.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43. Documentation must include a licensed Colorado Engineers specification Plan.
3. An OWTS permit expires two years after the date of issuance if construction has not commenced. After expiration, a new application shall be required to begin construction.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Town Sanitarian or Environmental Health Agent and Engineer. After a permit is invalidated, a new application shall be required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs. The Town Sanitarian must agree to the period and the agreement is in written form.
6. Application for a product development permit may be approved by the Town of Pitkin Board of Trustees.
7. Application for an experimental permit may be approved by the Town of Pitkin Board of Trustees consistent with requirements of section 43.4(J) of Regulation 43.
8. A change of use shall require a new permit and a Colorado Licensed Engineers Plan.

B. Board of Health Review [43.4(B)(9)]

1. When an application is denied by the Environmental Health Agent or the town Sanitarian an applicant may request review by the Town of Pitkin Board of Trustees. The applicant has 15 days to notify the Town of Pitkin, Colorado Board of Trustees Town Clerk in written form for consideration as an agenda item for the next available Town Board Meeting.

C. Fees [43.4(B) (4) and 43.4(B)(5)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Town of Pitkin Board of Trustees, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S. As set forth in a Resolution for a fee schedule.

2. The Town of Pitkin Board of Trustees may make provision for the waiver of any local permit fee normally required for an OWTS.

D. Surcharge [43.4 (B)(5)]

1. Surcharge of \$23.00 will be collected for each permit issued by the Environmental Health Agent or Town Sanitarian. Of the fee collected, The Town Clerk, for the Town of Pitkin Board of Trustees will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer. 25-10-107(3) C.R.S.

Section 5. Inspections [43.4(E)].

A. Tank [43.9(B)(3)(c)]

1. The applicant or contractor must notify the local Environmental Health Agent or its designee Town Sanitarian so the local Environmental Health agency or its designee can conduct a field inspection of the septic tank before backfilling.

B. OWTS [43.4(F)(3)]

1. The applicant or contractor must notify the local Environmental Health Agent or its designee Town Sanitarian so the local Environmental Health agency or its designee can conduct a final field inspection of all related components of the OWTS before backfilling.

Section 6. Licensing.

A. Systems Contractors [43.4(L)(1)]

1. Licensing requirements... Installers. Upon receipt of an approved permit to install or repair an OWTS system the work must be performed by a septic installer licensed by the Gunnison County Planning Department Environmental Health Office.

B. Systems Cleaners [43.4(L)(3)]

1. Licensing requirements... Cleaners. Upon receipt of an approved permit to clean an OWTS system the work must be performed by a septic cleaner licensed by the Gunnison County Planning Department Environmental Health Office.

Section 7. Variances [43.4(O)]

A. Variances Allowed

1. The Town of Pitkin Board of Trustees may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
2. Approval of a variance shall be based upon evidence presented by the applicant showing that the variance: (a). would not be injurious to the public health, water quality, or environment; and (b). would prevent a substantial hardship to the applicant.
3. Variances shall not be granted under the items identified in section 43.4(O)(5) of Regulation 43.

B. Variance Procedure

1. Variance requests shall be provided to the Pitkin Town Board of Trustees Town Clerk, in written form for consideration as an agenda item for the next available Town Board of Trustees Meeting.
2. Variance requests shall include all items identified in section 43.4(O)(2)(d) of Regulation 43.

3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Pitkin Town Board of Trustees shall determine if this item has been addressed prior to granting a variance.
 4. The Town of Pitkin Board of Trustees has the authority to impose site-specific requirements and conditions on any variance granted.
- C. Variances Requiring Public Hearings
1. Property set backs.
 2. The request must be included as an Agenda item on a Town of Pitkin Board of Trustees monthly meeting or a special meeting.
 3. The hearing must be the subject of a public notice and notice must be sent via certified mail, with a minimum 20-day reply time from the date of mailing, to all property owners within 200 feet.

Section 8. Detailed Soil Investigation [43.5(D)(1)&(2)].

1. Soil investigations to determine the long-term acceptance rate of a soil treatment area shall be either:
 - a. visual and tactile evaluation of two or more soil profile test pit excavations;
or
 - b. Percolation tests plus one or more soil profile holes or one or more soil profile test pit excavations.
2. If percolation tests are performed, at least one soil profile hole shall be evaluated to determine whether current ground water levels and/or bedrock is encountered within 8 feet of the ground surface. A visual and tactile evaluation of a soil profile test pit excavation as described in section 5.D.5. may be substituted for a profile hole. After June 30, 2016 a visual and tactile evaluation of a soil profile test pit excavation shall be used instead of a soil profile hole when percolation tests are performed to determine long-term acceptance rates.

Section 9. Requirement for Percolation Holes and Profile Test Pits to Remain Open [43.5(E)].

- A. Percolation Holes
1. Percolation holes must remain open until backfilling of the excavation is approved by both the licensed professional engineer and the Town Sanitarian.
- B. Profile Test Pits
1. Profile test pit holes must remain open until backfilling of the excavation is approved by both the licensed professional engineer and the Town Sanitarian.

Section 10. Additional local requirements.

- A. Septic Tank Pumping and Cleaning.

1. Unless one of the town septic inspectors recommends pumping earlier than three (3) years, each property owner supporting an OWTS shall be required to have, at his or her expense, the septic tank located on the property either pumped or inspected by an inspector licensed in the County of Gunnison Colorado or the State of Colorado, or an inspector approved by the Town of Pitkin. Such inspection may include the fixtures, including but not limited to sink(s), toilet(s), bathtub(s) and shower(s) which are or may be connected to the system.

B. Verification.

1. Verification that the entire system has been inspected or pumped must be submitted to the Environmental Health Agent. The verification shall be in writing, shall be in the form prescribed by the Environmental Health Agent, shall be signed by the licensed systems inspector, shall adequately demonstrate successful pumping if recommended or completed, shall clearly indicate whether the systems inspector recommended further maintenance, repair or pumping, and shall clearly indicate whether the systems inspector had access to all compartments of the OWTS tank.

C. Compliance with Recommendations.

1. All recommendations of the systems inspector made during the course of inspection or pumping pertaining to maintenance, repair or pumping must be complied with by the property owner or owner's representative supporting an OWTS within 30 days unless a satisfactory plan is approved by the Environmental Health Agent or Town of Pitkin Sanitarian.

D. Schedule for Inspection and/or Pumping.

1. From the time of the last inspection or pumping, each property owner shall be required to have the septic tank their property is supporting pumped or inspected every three (3) years, each time providing verification to the Environmental Health Agent no later than November 15th of each third year. For example: any new system put in place or any system that was pumped in 2012, shall be pumped and/or inspected in the year 2015 with verification provided to the Environmental Health Agent no later than November 15, 2015. Any property owner with an OWTS that was required, under the prior ordinance, to have their OWTS pumped in the year 2012 and has received notice of non-compliance from the Environmental Health Agent shall be allowed six months from the date this Ordinance is passed to come into compliance with the inspection and/or pumping requirements of this Ordinance. Penalty for late compliance shall be assessed if inspection is not completed by July 31 of the following year inspection is due.

E. Access to Septic Tank.

Each property owner supporting an OWTS shall provide the systems inspector with access to all compartments of the OWTS tank. In the event such access is not available to the systems inspector, the property owner must have the OWTS tank pumped by a licensed systems inspector or cleaner and in no event shall an inspection be adequate if the systems inspector does not have proper access to all compartments.

F. Change in use.

1. Any OWTS for which a change of use is contemplated within the Town of Pitkin, Colorado shall be supported by certification by a licensed Colorado engineer that such change of use can be supported by the existing OWTS. If the engineer cannot certify that the existing OWTS can support the proposed change of use the engineer shall develop a specific plan for any repairs or maintenance that must be completed to support such change of use or alternatively, to engineer a new system as set forth in Regulation 43.
2. Change of use shall be defined as any substantial expanded use or modification of the OWTS system usage, but not limited to any additions of bedrooms or bathrooms; or conversions of a property from residential to commercial usage or vice versa. 43.4 Applicability (B)(8)

Appendix A to OWTS Regulations for Town of Pitkin:

Local Public Health Agency:		<u>Town of Pitkin Board of Trustees.</u>		
ITEM	REQUIREMENTS Check Box for Decision Chosen	Crosswalk		
		Citation Reg #43	Citatic Local R	
Flow Rate – Residential	75 Gal./Person/Day	<input checked="" type="checkbox"/>	43.6.A.2.a.	
	100 Gal./Person/Day	<input type="checkbox"/>	43.6.A.2.b.	
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom		43.6.A.2.e.	
	All bedrooms: 2 persons per bedroom	<input checked="" type="checkbox"/>	43.6.A.2.f.	
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: number of originally finished bedrooms is the only area requiring flow estimates.	<input type="checkbox"/>		
	If unfinished area is present in house, system must also be sized for 1 or 2 more bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet building code requirements for a bedroom.	<input checked="" type="checkbox"/>	43.6.A.2.h.	
Effluent Screen	May be used (<i>owner's option</i>)	<input checked="" type="checkbox"/>	43.9.I.1	
	Required in all new septic tanks	<input type="checkbox"/>	43.9.I.1.	
Length of Distribution Lines (e.g., trenches or beds)	Limit the length of distribution lines to a maximum of 100 feet.	<input checked="" type="checkbox"/>	43.10.E.2.c.	
	Distribution lines 100 feet maximum for gravity fed at one end and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	<input type="checkbox"/>	43.10.E.2. b&c	
Inspection ports at initial (front) end of distribution line (e.g., lateral or chamber)	Not required	<input type="checkbox"/>		
	Required	<input checked="" type="checkbox"/>	43.10.E.2.f.(3)	
Variances	Allowed	<input checked="" type="checkbox"/>		
	Not Allowed	<input type="checkbox"/>	43.4.O.1.	
Vault Privies – new	Allow new vault privies	<input type="checkbox"/>	43.12.E.1	
	Prohibit new vault privies	<input checked="" type="checkbox"/>	43.12.E.1.a.	
Vault Privies - existing	Allow continued use of existing vault privies	<input checked="" type="checkbox"/>	43.12.E.1	
	Require abandonment of existing vault privies	<input type="checkbox"/>	43.12.E.1.b.	
Pit Privies – new	Allow new pit privies	<input type="checkbox"/>	43.12.E.2.	
	Prohibit new pit privies	<input checked="" type="checkbox"/>	43.12.E.2.a.	
Pit Privies – existing	Allow continued use of existing pit privies	<input checked="" type="checkbox"/>	43.12.E.2.	
	Require abandonment of existing pit privies	<input type="checkbox"/>	43.12.E.2.b.	
Slit trenches	Allow slit trenches	<input type="checkbox"/>	43.12.G.1.	
	Prohibit slit trenches	<input checked="" type="checkbox"/>	43.12.G.1.	

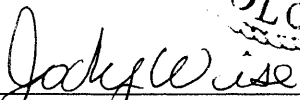
NOW, THEREFORE, be it ordained by the Board of Trustees of the Town of Pitkin, Colorado, as follows:

1. The Town of Pitkin, Colorado On-Site Wastewater Treatment Systems is hereby adopted as set forth in Regulation #43 5 CCR 1002-43 by Reference

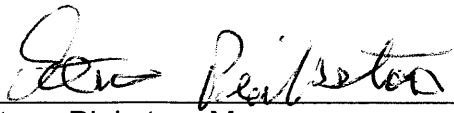
READ, ADOPTED, AND ORDERED PUBLISHED THIS 13th DAY OF OCTOBER, 2015.



(SEAL)
ATTEST:



Jody Wise, Town Clerk



Steve Pinkston, Mayor