

TOWN OF PITKIN
ON-SITE WASTEWATER TREATMENT SYSTEM
ORDINANCE NO. 2 SERIES 2021

SECTION 1 Title and Authority

These requirements will be known as the Town of Pitkin On-site Wastewater Treatment System Ordinance No. 2 Series 2021.

These requirements have been adopted by the Town of Pitkin Board of Trustees, acting as a 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. and has designated the Town of Pitkin Board of Health or its designee to implement this Ordinance on behalf of the Town of Pitkin Board of Health Ordinance. This Ordinance repeals Ordinance No. 2 Series 2018.

SECTION 2 Scope and Purpose

A. Declaration

1. This regulation applies to On-site Wastewater Treatment Systems (OWTS) 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 or equal to 2,000 gallons per day within the Town of Pitkin.

C. Jurisdiction

1. This Ordinance No. 2 Series 2021 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 [43.4(B)(11)]

1. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special

district, or the permit is otherwise authorized by the municipality or special district.

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 will 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, Effective date, April 30, 2018,” is incorporated as though set forth fully herein and will 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, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in this Ordinance.

2. Allowable local options identified in Regulation 43 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 with higher level treatment units are not allowed under this Ordinance. All designs must be based on TL-1 parameters as defined in Regulation 43. 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, and this amendment is accepted by the Division.

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 Board of Health or its designee. Permit Applications are available from the Town Clerk. Incomplete applications will not be accepted.

2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43 as seen below;

- a. Owner name and contact information;
- b. Property address;
- c. Property legal description;
- d. Type of permit;
- e. Report from Site and Soil Evaluation (section 43.5);
- f. System design with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Table 7-1; and
- g. Other information, data, plans, specifications and tests as required by local public health agency:
 1. Documentation must include a licensed Colorado Engineer's Specification Plan.
 2. Applicant must have clearly marked property boundaries.

3. Town of Pitkin Board of Health Review. The Town of Pitkin Board of Health's designee may refer the application to the Town of Pitkin Board of Health for review and approval.

- a. If an application is referred to The Town of Pitkin Board of Health for review and approval, then the Town of Pitkin Board of Health shall review the application at its next regular meeting or at a special meeting.
- b. The Town of Pitkin Board of Health may contract with an outside consultant for technical advice.

4. An OWTS permit expires two years after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.

5. 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 of Pitkin Board of Health or its designee. After a permit is invalidated, a new application and subsequent permit is required to begin construction.

6. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.

B. Final Approval of Permit (43.4(F)(1-4))

Once the application is approved and the work is completed, the local public health

agency must give final approval of the permit. A signed copy of the approved permit must be submitted to the Town of Pitkin Board of Health or its designee and the Town Clerk for filing. Final approval will be given upon completion of the following:

1. Receipt of letter from the engineer certifying construction of the OWTS as per the approved design plan.
2. Receipt of a record drawing which includes a scale drawing showing all components of the OWTS including their location from known and findable points, dimensions, depths, sizes, manufacturers names and models as available, and other information relative to locating and maintaining the OWTS components. Record drawing must be provided and stamped by a professional engineer licensed in the State of Colorado.
3. Final inspection prior to backfilling the OWTS by the Town of Pitkin Board of Health or its designee confirming that it was installed according to the permit requirements and regulations or variances to the regulations; and
4. Identification of Gunnison County Planning Department Environmental Health Office licensed and NAWT certified system contractor.

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

1. When an application is denied by the designee of The Town of Pitkin Board of Health an applicant may request review by the Town of Pitkin Board of Health. The applicant has 15 days to notify the Town Clerk in written form for consideration as an agenda item at the next regularly scheduled town meeting.

D. Fees and Assessments [43.4(B)(4)]

1. Permit fees, administrative assessments, and assessments or fees for other services and tests associated with OWTS will be set by the Town of Pitkin Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and §25-10-107, C.R.S. Permit application fees must be submitted by the applicant with the permit application and are due and payable upon receipt by the Town of the permit application. These fees shall be listed in the Town of Pitkin Fee Schedule.
2. Waiver of fees [43.4(B)(4)(c)]. For repairs/upgrades, the Town of Pitkin Board of Health may make provision for the waiver of any local permit fee normally required for an OWTS.

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

1. A surcharge of \$23.00 will be collected for each new, repair, or upgrade OWTS permit issued by the Town of Pitkin Board of Health or its designee. Of that fee, the Town of Pitkin will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

SECTION 5 Inspections [43.4(E)]

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

1. Once installed, the applicant must notify the Town of Pitkin Board of Health or its designee so an inspection is conducted prior to backfilling (also see section 4(B)(1)(2)).

B. Soil Treatment Area and Related Components [43.4(F)(3)]

1. Once installed, the applicant must notify the Town of Pitkin Board of Health or its designee, so a final field inspection of the soil treatment area and all related components of the OWTS is conducted prior to backfilling (also see section 4(B)(1)(2)).

SECTION 6 Licensing

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

1. Licensing requirements -- Upon receipt of an approved permit to install, upgrade, or make a major repair to an OWTS the work must be performed by a septic installer licensed by the Gunnison County Planning Department Environmental Health Office and who is certified for installation by the National Association of Wastewater Technicians (NAWT) or equivalent. The licensing requirement for upgrades and repairs may be waived by the Town of Pitkin Board of Health.

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

1. Licensing requirements – When cleaning/pumping an OWTS tank is required, work must be performed by a septic cleaner licensed by the Gunnison County Planning Department Environmental Health Office and certified for pumping/cleaning by the National Association of Wastewater Technicians (NAWT) or equivalent.

SECTION 7 Variances [43.4(N)]

A. Variances Allowed

1. The Town of Pitkin Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, 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 must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.
4. The fee for a variance request shall be listed in the Town of Pitkin Fee Schedule.

B. Variance Procedure

1. Variance requests must be provided to the Town Clerk, in written form, for consideration as an agenda item at the next regularly scheduled Board meeting.
2. Variance requests must include all items identified in section 43.4(N)(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 Town of Pitkin Board of Health must determine if this item has been addressed prior to granting a variance.
4. The Town of Pitkin Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

C. Variances Requiring Public Hearings

1. Any variance request that involves property setbacks
2. The request must be included as an agenda item for a regularly scheduled Board of Trustee meeting or special meeting.

3. A hearing must be properly noticed pursuant to C.R.S. 24-6-402 and or must be sent via certified mail, with a minimum 20-day reply time from the date of the mailing, to all adjacent property owners without respect to streets and alleys.

D. Outcome of the Variance Proceeding

1. The applicant must be notified, in writing, of the Town of Pitkin Board of Health's decision regarding the request for a variance. The notice of a denial of a variance must include those reasons which form the basis for the denial. The notice of an approval of a variance must include any conditions of the approval. The variance, and any conditions thereof, must be recorded on the deed to the property and any expenses associated with that recording must be the responsibility of the party obtaining the variance.

SECTION 8 Additional local requirements, as needed

A. OWTS Inspection, Pumping and Cleaning

1. Each property owner supporting an OWTS shall be required to have, at his or her expense, the system located on the property inspected every seven (7) years. The inspector must be certified by the National Association of Wastewater Technicians (NAWT) or equivalent. Such inspection will include the property owner's statement of the integrity of 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. The inspection form (see Appendix B) must be completed and signed by the inspector and owner/representative. The inspection will include an evaluation of the soil treatment area.

2. Each property owner supporting an OWTS shall be required to have, at his or her expense, the OWTS pumped if warranted based on the inspector's findings. When pumped, work must be done by a licensed cleaner [see section 6(B)(1)].

B. Verification

1. Verification that the entire system has been inspected must be submitted to the the Town of Pitkin Board of Health or its designee. The verification shall be in writing, shall be in the form prescribed by Town of Pitkin Board of Health, shall be signed by the-NAWT certified 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 the soil treatment area and all compartments of the OWTS tank.

C. Compliance and 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 Town of Pitkin Board of Health or its designee.

D. Schedule for Inspection

1. From the time of the last inspection, each property owner shall be required to have the OWTS their property is supporting inspected every seven (7) years, each time providing verification to the Town of Pitkin Board of Health or its designee no later than September 15th of each seventh year.

2. Failure to arrange for inspection by September 15th of the inspection year will result in an assessment payable to the Town of Pitkin as listed in the Town of Pitkin fee schedule.

E. Access

1. Each property owner supporting an OWTS shall provide the systems inspector with access to all compartment(s) 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 Gunnison County Planning Department Environmental Health Office licensed and National Association of Wastewater Technicians (NAWT) or equivalent certified systems cleaner and in no event shall an inspection be adequate if the systems inspector does not have proper access to all compartment(s).

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 OTWS system usage, but not limited to any addition of bedrooms or conversion of a property from residential to commercial usage or vice versa. [43.4(B)(8)].

G. Definitions

- Minor repairs include: adding risers and/or tank lid replacements, cleanout replacements, and effluent sewer pipe replacement between the house and the tank.
- Major repairs include: work/repair on tank, effluent line from tank to soil treatment area or on the soil treatment area itself
- Upgrade: installation of tank effluent filter or other items to be reviewed by Board of Health that improve the operation of the system

Appendix A to OWTS Regulations for The Town of Pitkin, Colorado

Attached

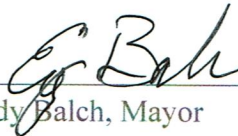
Appendix B: OWTS Inspection Criteria for the Town of Pitkin, Colorado

Attached

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 Ordinance is hereby adopted as set forth in Regulation #43 5 CCR 1002-43 by Reference.

READ, ADOPTED, AND ORDERED PUBLISHED THIS 12th DAY OF April, 2021.



Eddy Balch, Mayor

ATTEST: 

Sara Gibb, Town Clerk



Appendix A

Local Public Health Agency:					
D. Decision Points Summary – Local On-site Wastewater Treatment System Regulations				CROSSWALK	
ITEM: Options Below are the Same as in 2013 Regulation 43	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item. Decisions must also be identified either within the local regulation or Appendix A to the regulation)		Citation Reg #43	Citation Local Reg	
Licensing Systems Contractors and Systems Cleaners	Neither (<i>Do not license contractors or cleaners</i>)	<input type="checkbox"/>	43.4.K		
	Systems Contractors only are licensed	<input type="checkbox"/>	43.4.K.1		
	Systems Cleaners only are licensed	<input type="checkbox"/>	43.4.K.3		
	Both contractors and cleaners are licensed	<input checked="" type="checkbox"/>	43.4.K.1 and 3		
Variances	Variances Allowed (<i>Must have a variance procedure prescribed within the local regulation.</i>)	<input checked="" type="checkbox"/>	43.4.N.		
	Variances not allowed	<input type="checkbox"/>	43.4.N		
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom	<input type="checkbox"/>	43.6.A.2e		
	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: flow estimates will be determined from the number of bedrooms originally finished	<input type="checkbox"/>			
	If unfinished area is present in house, OWTS 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 applicable 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 type="checkbox"/>	43.9.J.1		
	Required in all new septic tanks	<input checked="" type="checkbox"/>	43.9.J.1		
Length of distribution laterals (e.g., trenches or beds)	100 feet maximum length for any OWTS system	<input type="checkbox"/>	43.10.E.2.d		
	100 feet maximum for gravity fed from one end, and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	<input checked="" type="checkbox"/>	43.10.E.2.b & c		
Inspection ports at initial (front) end of lateral or chamber	Not required	<input checked="" type="checkbox"/>			
	Required	<input type="checkbox"/>	43.10.F.6.d		
Vault Privies – new	Allow new vault privies	<input checked="" type="checkbox"/>	43.12.D.1.a		
	Prohibit new vault privies	<input type="checkbox"/>	43.12.D.1.a		
Vault Privies - existing	Allow continued use of existing vault privies	<input checked="" type="checkbox"/>	43.12.D.1.b		
	Require abandonment of existing vault privies	<input type="checkbox"/>	43.12.D.1.b		

Local Public Health Agency:				
ITEM	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item.)	Citation Reg #43	Citation Local Reg	
Pit Privies - new	Allow new pit privies	<input type="checkbox"/>	43.12.D.2.c	
	Prohibit new pit privies	<input checked="" type="checkbox"/>	43.12.D.2.a	
Pit Privies - existing	Allow continued use of existing pit privies	<input checked="" type="checkbox"/>	43.12.D.2.c	
	Require abandonment of existing pit privies	<input type="checkbox"/>	43.12.D.2.b	
Slit trenches	Allow slit trenches	<input type="checkbox"/>	43.12.F	
	Prohibit slit trenches	<input checked="" type="checkbox"/>	43.12.F	
Optional Programs/Permits				
Reductions in soil treatment area (STA) size or separation distances for higher level treatment systems with mandatory maintenance and oversight	Allow reductions for higher level treatment. <i>(To allow reductions, local regulation must require mandatory inspections and maintenance, and local public health agency program of inspection and maintenance oversight must be in place.)</i>	<input type="checkbox"/>	43.14.D.2	
	Reductions in area and separation distances not allowed for higher level treatment systems.	<input checked="" type="checkbox"/>	43.14.D.3	
Transfer of Title inspections	Required <i>(If transfer of title inspections are required, the criteria that inadequate systems must achieve following repair or replacement must be specified in local regulation.)</i>	<input type="checkbox"/>	43.4.L.1	
	Not required	<input checked="" type="checkbox"/>	43.4.L.1	
Permits for the Continued Use of an OWTS; Define these items on Pg. 4 that are more stringent than Regulation 43.	Used in local regulation <i>(Specify purpose within local regulation.)</i>	<input type="checkbox"/>	43.4.M.1	
	Not used in local regulation	<input checked="" type="checkbox"/>		
For CDPHE Tracking Purposes				
Require that all Soil Evaluations be submitted and stamped by a licensed professional engineer	All soil evaluations must be submitted by a licensed professional engineer	<input type="checkbox"/>	N/A	
	A licensed professional engineer or "Competent Technician" may submit soil evaluations	<input checked="" type="checkbox"/>	N/A	
Require that all OWTS designs be submitted and stamped by a licensed professional engineer	All OWTS plans must be stamped by a licensed professional engineer	<input checked="" type="checkbox"/>	N/A	
	We do not require an engineer's stamp for sites where an engineer's stamp is not required by Regulation 43; Reference section 43.10.B	<input type="checkbox"/>	N/A	

Appendix B

TOWN OF PITKIN, COLORADO OWTS INSPECTION CHECKLIST

Property Owner: _____
 Mailing Address: _____
 Pitkin Address & Legal Description: _____
 Water Softener _____ Garbage Disposal _____ Whirlpool Bath _____ Flow Meter _____
 Number of bedrooms _____ Home currently occupied? _____ How long vacant? _____
 Has system ever backed up into the house? Y N Was system repaired? _____ Permit # _____
 Have the fixtures, including but not limited to sink(s), toilet(s), bathtub(s), and shower(s) been maintained and checked for leaks? Y N
 Date of Last Inspection and/or Pumping? _____

Tank Description: Capacity _____ Material _____ Compartments _____ Yr. Installed _____
 Liquid depth in first compartment _____ Liquid depth in second compartment _____
 First or Single Comp: Sludge inches _____ Scum inches _____ % of tank fluid depth _____
 Second Compartment: Sludge inches _____ Scum inches _____ % of tank fluid depth _____
 Pumping is required at 33% of sludge plus scum in the first or single compartment of the septic tank. Additional considerations for pumping will be sludge in excess of 12 inches, or scum in excess of 3 inches in the second or single compartment. If pumping is required, inspector must complete the checklist that follows after the pumping occurs.

CHECK EACH ITEM EXAMINED:
 _____ Water-tightness of tank tested by examining flow into tank and tank level: *flush toilets and flow water from fixtures.*
 _____ Any indicators of previous failure? If so, describe _____
 _____ Leak-proof nature of the service accesses, ports, risers, lids, and covers
 _____ Integrity of inlet and outlet baffles.
 _____ Observable discharge of sewage to ground surface through service access, ports, vent openings, or direct plumbing?
 If the OWTS is a Holding Tank:
 _____ Examine capacity relating to daily sewage flow and pumping service frequency.
 _____ Examine water-tightness of all plumbing connections to ensure that when tank is full it will back up into the facility.
 _____ Examine the alarm for function.
Y N Does system contain a dosing or pump tank, ejector or grinder pump?
 _____ Is the pump elevated off the bottom of the chamber?
 _____ Does the pump work? _____ Alarm? _____ Does alarm work? _____ Do electrical connections appear satisfactory?
 _____ Visual inspection of soil treatment area via inspection ports, surface conditions, and, if necessary, core boring.
Y N Indication of previous failure? Y N Seepage visible? Y N Even distribution of effluent?
Gravity Pressure Circle type of effluent distribution.

Condition of system: Acceptable _____ Not Acceptable _____ (Sketch entire system on back or separate sheet— including setbacks to water sources)

Remarks/Recommendations: _____

 _____ (Continue on back if necessary.)

RECOMMEND PUMPING: YES NO (circle one)
 LICENSED PUMPER REQUIRED. PUMPING REPORT MUST BE PROVIDED TO TOWN OF PITKIN.

I have reviewed the completed OWTS Inspection Checklist. I swear or affirm, under penalty of perjury, that the information set forth above is true and accurate to the best of my knowledge.

Certified Inspector Signature: _____ Phone: _____
 Owner/Representative Signature: _____ Print Name: _____
 Date of Inspection: _____