

TOWN OF PITKIN
ON-SITE WASTEWATER TREATMENT SYSTEM
~~**ORDINANCE NO. 2 SERIES 2018**~~
ORDINANCE NO. 2 SERIES 2021

SECTION 1 Title and Authority

These requirements will be known as the Town of Pitkin On-site Wastewater Treatment Systems ~~Ordinance No. 2 Series 2018~~ **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 Environmental Health Agent ~~and/or the~~, the Town Sanitarian, **or the Town of Pitkin Board of Health** to implement this Ordinance on behalf of the Town of Pitkin Board of Health Ordinance. This Ordinance repeals ~~Ordinance No. 4 Series 2015~~ **Ordinance No. 2 Series 2018.**

SECTION 2 Scope and Purpose

A. Declaration

1. This regulation applies 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 or equal to 2,000 gallons per day within the Town of Pitkin.

C. Jurisdiction

1. This ~~Ordinance No. 2, Series 2018~~ **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

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. [43.4(B)(11)]

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, June, 30, 2017”, and future revisions thereto, 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 Town Sanitarian, ~~or~~ Environmental Health Agent, or Board of Health. 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. Board of Health Review. The Environmental Health Agent may refer the application to the Board of Health for review and approval.

- a. The Board of Health shall review the application at its next regular meeting or at a special meeting.
- b. The Board of Health may contract with an outside consultant for technical advice.
- c. The Town of Pitkin Zoning Board will review the application for compliance with setbacks.

~~3~~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.

4. ~~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 Sanitarian, ~~or~~ Environmental Health Agent, **or Board of Health**. After a permit is invalidated, a new application and subsequent permit is required to begin construction.

~~5.~~ **6.** Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.

~~6. Application for a product development permit may be approved by the Town of Pitkin Board of Trustees consistent with requirements of section 43.4(I) of Regulation 43.~~

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 Environmental Health Agent and 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 ~~in~~ 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 local public health agency confirming that it was installed according to the permit requirements and regulations or variances to the regulations; and~~
- 3.** Identification of **County licensed and NAWT certified** system contractor.

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

1. When an application is denied by The Environmental Health Agent or Town

Sanitarian an applicant may request review by the local 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 [43.4(B)(4)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the 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 of by the Town of the permit application. These fees shall be as follows: **listed in the Town of Pitkin Fee Schedule.**

a. ~~Permit Fees: Payable to the Town of Pitkin~~

1. ~~New System Permit Fee—\$400~~

2. ~~Repair/Upgrade Fee—\$200~~

b. ~~Other Fees:~~

1. ~~Administrative Fee for Inspection—\$25~~

2. ~~Variance Fee—\$200 (see Section 7.A.4)~~

3. ~~Delinquency of Inspection/Pumping Fee—\$500 (see Section 8.D.2)~~

2. Waiver of fees [43.4(B)(4)(c)]. **For repairs/upgrades,** the Town of Pitkin Board of Trustees 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 Environmental Health Agent, ~~or~~ Town Sanitarian, **or Town of Pitkin Board of Health.** 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 Environmental Health Agent or its designee, the Town Sanitarian, so the Environmental Health Agent or its designee, the Town Sanitarian can conduct a field inspection of the septic tank before 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 Environmental Health Agent or its designee, the Town Sanitarian, so the Environmental Health Agent or its designee, the Town Sanitarian, can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling (also see section 4(B)(1)(2)).~~

SECTION 6 5 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 6 Variances [43.4(N)]

A. Variances Allowed

1. The 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 is ~~\$200.~~ 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 Board of Health must determine if this item has been addressed prior to granting a variance.

4. The 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 local 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 ~~three (3)~~ **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 Environmental Health Agent **or the Town of Pitkin Board of Health**. The verification shall be in writing, shall be in the form prescribed by the Environmental Health Agent **or Town of Pitkin Board of Health**, shall be signed by the **County** licensed and **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 Environmental Health Agent, or Town Sanitarian, **or Town of Pitkin Board of Health**.

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 ~~three (3)~~ **seven (7)** years, each time providing verification to the Environmental Health Agent no later than September 15th of each ~~third~~ **seventh** year.
2. Failure to arrange for inspection by September 15th of the inspection year will result in a fine payable to the Town of Pitkin ~~in the amount of \$500.~~ **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 **County** 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 bathrooms;~~ or conversion of a property from residential to commercial usage or vice versa. [43.4(B)(8)].

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 5th DAY OF February 2018. 2021

Eddy Balch, Mayor

ATTEST:

Sara Gibb, Town Clerk