

2020 PROPOSED REVISED SMALL WASTEWATER REGULATIONS: PUBLIC COMMENTS

#	Date	Name	Comment	Staff's Response	Proposed Change?
1	10/13/2020	Rusty Blough, Morrison-Maierle	<p>One question we have is on page 2. "Any system installed prior to the adoption of the 1995 SWW Regulations that is replace, repaired or modified shall be subject to current design standards and permitting requirements at the discretion of the CSWA or DLO."</p> <p>In reference to simple and minor subdivisions where there is any existing septic system on one of the proposed lots will that be subject to the current standards if older than 1995 or since the system is not physically being repaired or modified will it not be subject to those standards if it is in good working order and simply continued to be used as is?</p> <p>The reason why we is ask is this would obviously impact people in a substantial way financially if when wanting to have a simple subdivision done they would end up having to put in a new septic system.</p>	<p>The wording in the proposed regulations is as follows: "Any system installed prior to the adoption of the 1995 SWW Regulations that is replaced, repaired or modified shall be subject to current design standards and permitting requirements at the discretion of the County Small Wastewater Administrator or DLO."</p> <p>Small wastewater systems installed before the 1995 SWW Regulations that are existing and in good working order are not required to be replaced, repaired or modified.</p> <p>The replacement, repair or modification of ANY small wastewater system in Park County is subject to CURRENT design standards and requirements.</p> <p>The act of conducting a subdivision does not lead to a requirement to replace, repair or modify an existing small wastewater system (unless it is determined that the system was not properly permitted, is improperly sized to support a proposed use/change in use, is not functional properly, needs to be relocated, etc.).</p> <p>As such, Staff proposes no change to Chapter 1, Section 5.</p>	N
2	10/15/2020	Travis Conklin, Engineering Associates	<p>Page 3 – Chapter 1, Section 9.C. The County has 14 days to deny or approve the permit. What happens if the neither action is taken. With DEQ, if no action is taken within 30 days, the permit is approved as submitted. A similar approach should be provided here to avoid unreasonable delays for applicants in the permitting process.</p>	<p>Staff is unable to find DEQ reference to no action taken within 30 days yields approval. James Brough, DEQ, confirmed that DEQ is allowed 60 days and they try to do things within 30 days; they try for less than 30 days on SWW. They do not automatically approve upon no action taken, nor has this posed a problem in his experience.</p> <p>Staff does not agree with the automatic/assumed approval of any permit application based upon the absence of a response from the County.</p> <p>Staff proposes the following change to Chapter 1, Section 9.C. to provide clarification and resolution upon the recommendation of James Brough, DEQ: The County Small Wastewater Administrator and/or DLO shall notify the applicant of its decision to approve or deny the permit request within thirty (30) days of receiving a complete application. In the absence of action from the County within the 30-day period, the applicant may submit a permit application directly to DEQ for consideration.</p>	Y
3	10/15/2020	Travis Conklin, Engineering Associates	<p>Page 4 – Chapter 1, Section 10.B.4.a. Third bullet should include the word "<u>septic</u>" in front of "tank" to clarify what this photo needs to be.</p>	<p>Staff agrees with this suggestion and will make the proposed change to Chapter 1, Section 10.B.4.a.</p>	Y
4	10/15/2020	Travis Conklin, Engineering Associates	<p>Page 6 – Chapter 1, Section 12.D. This paragraph will be cleaner if "twenty-four (24) to" is eliminated so the County has up to 48 hours to complete the inspection.</p>	<p>Staff agrees with this suggestion and will make the proposed change to Chapter 1, Section 12.D.</p>	Y
5	10/15/2020	Travis Conklin, Engineering Associates	<p>Page 8 – Chapter 1, Section 15.A. Add to do "<u>any of</u>" the following:... to more clearly define the intent of "A".</p>	<p>Staff agrees with this suggestion and will make the proposed change to Chapter 1, Section 15.A.</p>	Y

6	10/15/2020	Travis Conklin, Engineering Associates	Page 11 – Chapter 1, Section 16.D.2. This scheduling of appeals hearings seems to be very restrictive. It may be difficult to schedule a hearing “at the next regular meeting of the Board”. The Board agenda has sometimes been so full as to cause items to be pushed forward to the second or third available meeting date.	<p>Staff acknowledges the difficulty of scheduling hearings. The scheduling of appeals no sooner than 14 days after the close of the appeal period is primarily due to notice requirements.</p> <p>Staff proposes the following language to provide clarification and resolution in Chapter 1, Section 16.D.2.: The Board’s Administrative Assistant shall be responsible for scheduling hearings on appeals. Appeals shall be heard at the first available time slot of a regular meeting of the Board that occurs at least fourteen (14) days after the close of the appeal period, or at a special meeting called for that purpose.</p>	Y
7	10/15/2020	Travis Conklin, Engineering Associates	<p>Page 15 – Chapter 2, Section 2.26). “Groundwater exploration pit” – what triggers the circumstance when this pit must remain open for inspection by County? I assume this must be in lieu of providing photographs ?</p> <p>This seems to conflict with Page 21 - Section 1, C.1.</p>	<p>Staff appreciates you identifying this discrepancy and need for consistency/clarity.</p> <p>Staff proposes the following change to Chapter 2, Section 2.26 to provide clarification and resolution: “Groundwater exploration pit (a.k.a. “soil exploration pit”) means a pit dug in the soil to identify the depth to bedrock or a restrictive (impermeable) layer; puddled groundwater; ten (10) feet; or, for deeper systems, at least four (4) feet deeper than the bottom of the proposed absorption system. The pit shall remain open a minimum of twelve (12) hours to note any change in depth to groundwater. Photos shall be taken and depth to groundwater shall be noted at the time of excavation and at some time after a minimum of 12 hours have passed. Said pit shall be covered or fenced to prevent danger to people or animals.”</p> <p>Staff proposes the following change to Chapter 3, Section 1.C.1. to provide clarification and resolution: “Groundwater/Soil Exploration Pit: To evaluate subsurface conditions, a minimum of one groundwater/soil exploration pit shall be excavated within or near the proposed soil absorption system location to the depth of bedrock or a restrictive (impermeable layer); puddled groundwater; or a minimum depth of ten (10) feet. Otherwise, for deeper systems, the pit shall be excavated to a depth of four (4) feet below the bottom of the proposed soil absorption system. The pit shall remain open a minimum of twelve (12) hours to note any change in depth to groundwater. Photos shall be taken and depth to groundwater shall be noted at the time of excavation and at some time after a minimum of 12 hours have passed. Said pit shall be covered or fenced to prevent danger to people or animals.”</p>	Y
8	10/15/2020	Travis Conklin, Engineering Associates	Page 21 – Chapter 3, Section 1.D. I have concern regarding the last sentence ...”however, providing an easement alone or other recordable document will not guarantee approval of the design plan.” This could be considered “arbitrary”. What would constitute a denial of a proposed easement? Instead, should this read that “...proposed easement must allow the proposed septic system to meet all other design requirements of these regulations, or approved variance from these regulations.” ?	<p>Staff does not intend this to mean that the EASEMENT would be denied; rather, presenting an easement does not guarantee that the DESIGN will be approved.</p> <p>After consulting with the County Attorney, the Staff recommends no change to the language.</p>	N

9	10/15/2020	Travis Conklin, Engineering Associates	Page 25 – Chapter 3, Section 3.A.9.b. Are 20” plus accesses required from the ground surface down to the top of a buried septic tank, rather than allowing digging down to the septic tank lid which has the cast 20” plus opening? Is a locking cover really needed given most sanitary sewer manholes do not have locking lids?	James Brough, DEQ, is taking this comment into consideration.	
10	10/15/2020	Travis Conklin, Engineering Associates	Page 27 – Chapter 3, Section 5.B.2. Are Standard Trenches allowed in soils with >60 mpi? Same question applies on Page 29 – D.3.	Staff evaluated this language with James Brough, DEQ. As a result of that discussion, the County suggests removal of the following language from both Chapter 3, Section 5.B.2 and Chapter 3, Section 5.D.3: “For clay loam soils that have percolation rates greater than 60mpi, the nine (9) foot spacing shall also be required but it is not considered as reserve area.”	Y
11	10/15/2020	Travis Conklin, Engineering Associates	Page 35 – Chapter 4, Section 1.C.2. Indicates “Greywater systems shall not be installed in a Special Flood Hazard Area.” These systems are generally used for irrigation. Installation of a greywater system at least four feet above the high waterline of any rivers or streams would seem adequate. Health and safety concerns of greywater effluent in the waterbody would be insignificant considering dangers presented by debris, sediment, and high flows during a flood event.	James Brough, DEQ, indicated his opinion that maintaining the referenced setback distances (30-foot/100-foot) in the draft regulations and maintaining a four-foot vertical separation distance to high water lines would provide good protection for grey water systems. Staff proposes the following change to Chapter 4, Section 1.C.2.: “Greywater systems shall be installed at least four feet above the high water line in a Special Flood Hazard Area.”	
12	10/15/2020	Travis Conklin, Engineering Associates	Page 38 – Chapter 4, Section 4.E.1. Construction projects and remote facilities often use chemical toilets. Location of these facilities are often placed in or adjacent to a public right-of-way. A 50-foot setback may not be practical given that the owner of the project (including potentially Park County) may desire it to be maintained in their right-of-way. Table 3 on Page 22 only requires a 10-foot separation from property lines (which would include an adjacent right-of-way) for septic tanks and leach fields. The total volume of pollution potential due to a chemical toilet would seem to be quite limited.	The intent of the 50-foot setback on chemical toilets was related to aesthetics and nuisance prevention more than pollution potential. The County proposes adding the following language to Chapter 4, Section 4.E.1.: “These setback requirements do not apply to the use of chemical toilets at active construction sites.”	Y
13	10/19/2020	Esther M. Haberstroh, KH Construction LLC	Ms. Haberstroh provided a letter. Her main concerns are summarized as follows: 1) The County used to have a 2-page, trifold application. It was modified to an 18-page application years ago. Now it is going to change to 49 pages. It is intimidating and more technical than need be. 2) Couldn't [applying/permitting] be accomplished with a simple statement signed by the applicant assuring that the proposed system being applied for will meet current County standards and regulations?	1) The County's small wastewater system application follows DEQ's 22-page "Conventional Septic Systems Application Package for a Permit to Construct". DEQ provided Delegated Local Officials this permit application as part of delegating authority to permit small wastewater systems. Park County modified the DEQ model application slightly to accommodate internal permitting and recording processes; the modifications were not only approved by DEQ but were also adopted as a model to be followed by other Counties. Park County has not proposed a 49-page application; the application for standard systems is not proposed to change from its current 18-page configuration. 2) James Brough, DEQ, cited the need for adequate site assessment as the number one reason for the contents of the application. Further, DEQ sets the minimum application submittal requirements. Staff expands upon this sentiment to add that the permit application serves as a record for future examination should a system failure or change be required. The contents of the application are invaluable to future landowners.	N