Concerning: Lonesome Dove Campground  
180065 W. Highway 160  
South Fork, CO 81154
Regarding: OWTS noncompliance issues

Hearing was called to order at 1:30 p.m. December 4, 2017
The hearing was held before Board members, Jim Loud, Scott Lamb, Lyn Lampert and Susan Thompson, constituting a quorum of the Board. Also present on behalf of the Public Health Agency was Silver Thread Public Health Director Tara Hardy. The Agency was represented by Mineral County Attorney, P. Randolph Nicholson. Tanya Bondi appeared on behalf of Lonesome Dove Campground accompanied by Travis Phillips of Davis Engineering Service. Ms. Bondi presented evidence regarding the history of the system and the steps taken to date to alleviate the problem. Mr. Phillips presented evidence regarding the plans for replacing the existing system and the timing of such plan. Lonesome Dove was not represented by counsel. Presenting evidence of the condition of the system, the requirements of the Public Health regulations and the history of the matter were Mineral County OWTS inspectors Michael Averette and Randy Wood.

Susan Thompson made the following motion: move to form an agreement with LD to have their tanks pumped weekly and monitored by the septic company along with Michael and for us to review data collected in 4 weeks to see if pumping can be done on an as needed basis or more often; and that the pump to the leach field is pulled. Failure to comply results in cease and desist. Lyn Lampert 2nd; passed unanimous.

Hearing Adjourned

The following language as terms and conditions for the agreement was crafted by Mineral County Attorney, P. Randolph Nicholson and executed on December 6th, sent to Lonesome Dove Campground via certified mail with a request for a reciprocated signed copy returned to Mineral County Public Health by December 15th.

1. Lonesome Dove shall have the tanks pumped on a weekly basis for the next 4 weeks. The pumping company shall produce and provide the Mineral County OWTS inspectors with
information as to how much was pumped from each tank for each weekly pump out. The cost of having the tanks pumped will be borne by Lonesome Dove.

2. At the end of such 4 weeks, the OWTS inspectors, in conjunction with the Public Health Agency, will determine whether the tanks need to be pumped more or less often or on an as needed basis. The cost of this determination will be borne by Mineral County.

3. The OWTS inspectors shall have access to the property to monitor this process and determine if the system is still failing. The cost of these inspections will be borne by Mineral County.

4. The process of pumping out the tanks will continue until the new system is built and is operational.

5. Lonesome Dove will endeavor to have a new system built as soon as practical considering the weather, ground conditions and the beginning of the 2018 summer season.

6. At the first pump out following this agreement, Lonesome Dove will have the pumping company remove the pump to the absorption field so that it cannot be turned back on.

7. Failure to comply with this agreement, as determined by the OWTS inspectors and the Board, by Lonesome Dove will result in an immediate order to Cease and Desist using the Onsite Wastewater Treatment System.
A. Call meeting to order, roll call – Jim Loud, Scott Lamb, Lyn Lampert, Susan Thompson

B. Reading and approval of minutes from November 9, 2017 – Add to pit privies section “Jack also said...”; and under vaults add variance process is “the” option. Scott motioned as modified; Susan 2nd; passed unanimous

C. Modifications to agenda – add F.5 Attorney discussion
D. Approval of agenda – as modified
E. Citizen Comments - none

F. Discussion/Action Items
   F.5 Attorney discussion – Scott recommended we consider getting our own attorney. Discussion was had about how we would or could fund it. Tara will research what our costs might be for independent counsel and how other PH departments handle this.

1. Regulation 43 Update – Discuss proposed draft of Reg 43 and consider approval – discussion was had on all changes made thus far. Effluent screens were proposed at last meeting. Mineral county staff presented input to Tara advising that it would be costly due to added risers needed and they felt it was just one more mandate that would be met with some resistance for that mere fact. They did feel like recommending it would be something they could easily do to promote use of the screens.
   Board opted to not mandate effluent screens but add language that we highly recommend using them. This was the only change made to the existing document.
   Lyn motioned to approve as modified; Scott 2nd; passed unanimous

2. Set OWTS hearing dates for each county – Discussion about next steps in process. Tara will update document and submit to Chuck at the State by December 7th. Hearings were set for January 18th (Hinsdale) and 19th (Mineral); Announcements of public hearings will go out by December 21st.

3. Fee Schedule – Discuss proposed updated fee schedule and consider approval – Discussion on updating fee schedule to reflect added costs of administrative paperwork for Transfer of Title inspections. Chuck advised most places charge between $50-$100. This will require an amendment to the OWTS IGA we have with each county. Tara will present this change to BOCC’s after final adoption of Reg 43 which should be around January 25th. Lyn motioned to adopt a $50 Transfer of Title cost to our fee schedule; Scott 2nd; passed unanimous

G. Executive Session: none
H. Director’s Report: Only addition besides what was discussed in the content areas of today’s meeting was that looking into our existing IGA for OWTS with counties, language does not adequately reflect chain of command for reporting complaints or requests for variances to PH Director first. Board agreed we should develop clearer language to show PH Director should be between OWTS staff and the board members. We will include these changes at same time we present the modifications included with the fee schedule.

I. Board Chairman/Directors’ Reports:
   1. Jim - we should develop a plan for press releases concerning updated Reg 43 rollout; we should also consider disseminating educational material for septic system owners for care and maintenance of their systems, including an educational ad series in our local papers; Tara will look for potential materials to use.
   2. Erin - absent
   3. Scott – enjoyed the CDPHE presentation during CCI regarding Local Boards of Health and he forwarded the power point to the other board members.
   4. Susan - none
   5. Lyn - none

J. Next Meeting

K. Adjournment