

November 25, 2009

Re: Pitkin County Onsite Wastewater Treatment System (OWTS) Use Permits

Dear Pitkin County Realtors, Builders, Architects, Homeowners and other Interested Parties:

In March of 2008, the Pitkin County Board of Health adopted regulations for OWTS Use Permits. These regulations become effective July 1, 2010. In order to raise awareness of this new regulation, the Environmental Health Department has compiled some common questions and answers.

Q: What is an Onsite Wastewater Treatment System (OWTS)?

A: A system for collecting, treating, and dispersing wastewater that is not connected to a central wastewater treatment works.

Q: What is a Use Permit?

A: A document issued by this Department approving continued use of an existing OWTS.

Q: When will an OWTS Use Permit be required?

A: 1) Prior to the sale of a property served by one or more OWTSs; and 2) Prior to issuance of a building permit for a property already served by one or more OWTSs.

Q: Why was this regulation passed?

A: The Board of Health approved this regulation because of the environmental and public health impacts of malfunctioning OWTSs, which will be identified through the Use Permit process. Unlike a leaking roof, which only affects the owner of the home, a failing OWTS pollutes surface and groundwater and the effects can be much farther reaching.

Q: Are there any times where the Use Permit requirement would be waived?

A: Yes. 1) If each OWTS on the property received final approval for an OWTS construction permit from this Department within the five year period preceding the date of closing on the real estate transaction or issuance of building permit; 2) Following inspection, a construction permit has been issued by this Department for each noncompliant OWTS on the property and the buyer has agreed, in a writing acceptable to this Department, to assume the applicant's obligations under the permit and to complete the necessary repair/construction within the timeframe dictated by the permit; and 3) This Department, at its discretion, waives the requirement where warranted by a particular fact or situation such as a buyer that agrees to demolish an existing dwelling and abandon the existing OWTS within a defined time period.

Q: How do I obtain a Use Permit?

A: A complete Use Permit Application and all applicable fees must be submitted to this Department. The application will include a site plan, description and layout of each OWTS on the property, a written inspection report by a licensed system inspector, and building floor plans.

Q: What will an inspection report done by a Licensed System Inspector entail?

A: The inspection will provide an assessment of the condition of each existing OWTS and each OWTS's ability to serve the property without adverse impact to public health and the environment, and specify any repairs, enlargement or other alteration necessary to bring an OWTS into compliance with the requirements of the Pitkin County OWTS Regulation.

Q: How long is an inspection good for?

A: One year preceding the date of issuance of a Use Permit.

Q: How long is a Use Permit good for?

A: One year following the issuance of the permit.

Q: Who will conduct the inspections?

A: Inspections will be conducted by a third party, not by County employees. A Licensed Inspector must obtain a national credential prior to becoming registered as a Licensed Inspector with Pitkin County.

Q: Will the process of obtaining a Use Permit delay closing or prolong the time necessary to get a building permit?

A: The intent of this process is to identify systems that are malfunctioning. For all systems passing the inspection, this Department is committed to processing a Use Permit within 7 business days of receipt of a completed Use Permit Application. If repairs to a system are necessary, those permits may be expedited so as not to delay closing or building permit issuance.

Q: How much will a Use Permit Application cost?

A: The fee for processing a Use Permit will be \$100; however, the Licensed Inspector will be charging a separate fee for the inspection and report that will accompany the application.

A series of stakeholder meetings were held in October and November of 2009. More meetings are anticipated in the Spring of 2010 in anticipation of implementation of this regulation. As always, you are welcome to contact this Department any time with additional questions.

Sincerely,



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