

OFFICIAL RECORD OF PROCEEDINGS

Boulder County Board of Health (BOH) Regular Meeting

In Person and Virtual Meeting: May 11, 2026

Board of Health Members in Attendance:

President Lindy Hinman, Vice President Amber Johnson, Landrey Fagan, Morgan McMillan, Steven Yoon.

BCPH Staff in Attendance:

Executive Director Lexi Nolen; Deputy Director Indira Gujral; Finance Manager Desiree Kazarosian; Budget Analyst Sarah DeVore; Environmental Health Division Manager Rachel Arndt; CDEM Division Manager Stephanie Faren; Family Health Division Manager Daphne McCabe; Policy Lead Tessa Hale; Water Quality Program Coordinator Erin Dodge; Immunization Program Manager Carol Helwig; Chief Medical Officer Dr. Bob Belknap; Executive Administrative Assistant Patrick Kuhnell; Administrative Specialist Dalia Mohamed.

Boulder County Staff in Attendance:

Senior Assistant County Attorney, Kate Haywood.

Members of the Public who Provided Comment:

None

Meeting Called to Order.

Board Vice President Johnson called the meeting to order at 5:31 p.m. and asked all participants to identify themselves for the record (see above). Vice President Johnson declared that a quorum was present, that notice of this meeting was posted on the Board of Health website, and that the call-in information and address was included to allow for public participation. This meeting was held in hybrid-fashion with members of the board, staff, and members of the public meeting in-person and online.

ITEM 1. Approval to enter Executive Session

On Monday, May 11, at 5:30 p.m., the Board of Health entered into an executive session pursuant to Colorado Revised Statutes (C.R.S.) § 246402(4)(b) to receive legal advice on specific legal questions regarding its obligations, authorities, and discretion to develop and adopt onsite wastewater treatment system rules for Boulder County under the On-Site Wastewater Treatment Systems Act, C.R.S. 2510101 et seq.

ITEM 2. Public Comments on Unscheduled Agenda Items

None.

ITEM 3. Welcome Joel Wagner: Director of Administration and Finance

Presenters: Lexi Nolen, Joel Wagner

Joel Wagner was welcomed as a new team member and briefly introduced himself as a Colorado native, CU alumnus, and returning resident who chose Boulder as the place he wanted to live with his family.

He expressed enthusiasm about supporting the team’s work to make Boulder County more equitable and healthier and stated he would be ready to start on Monday morning.

ITEM 4. Public Hearing: Amended On-Site Wastewater Treatment System Regulations

Presenters: President Lindy Hinman

President Hinman opened the public hearing by announcing the transition to the public hearing, explaining that the hearing would focus on amended onsite wastewater treatment system regulations, and outlining the process of staff presentation, public comment, and subsequent Board questions.

ITEM 4A. Staff presentation on Amended On-Site Wastewater Treatment System Regulations

Presenters: Erin Dodge, Rachel Arndt

Erin Dodge presented first on the background and purpose for Boulder County’s On-Site Wastewater Treatment System (OWTS) program. Erin explained that the program’s goal was to protect groundwater, surface water, and public health through oversight of OWTS design review, permitting, installation, inspection, and verification of ongoing performance (including use permits and property transfer certificates). Erin reviewed the shift from the older, vague OWTS Act to the adoption of Colorado Regulation 43 in 2013, which set minimum statewide standards and introduced optional criteria that local public health agencies could choose to adopt depending on their resources and local conditions. Erin noted that the state’s most recent Reg 43 update (June 2025) required Boulder County Public Health to adopt the necessary changes by June 15, 2026.

Erin then walked through Boulder County’s existing “opt-in” regulatory choices and the new options under consideration. Existing opt-ins included allowing higher level treatment systems to enable development on difficult lots, requiring property transfer inspections to improve transparency and catch failing or unpermitted systems, using less stringent design-flow assumptions (e.g., not counting unfinished spaces as bedrooms and limiting assumed occupancy per additional bedroom), allowing longer distribution lateral lengths for design flexibility, and licensing septic professionals with continuing education. Erin described numerous state-driven technical changes (over 175 in total), including new ASTM standards and inspection form updates, and highlighted process changes that would increase workload, such as more stringent handling of soil test pits and the need to track implementation time as staff learned the revised regulations.

Finally, Erin outlined recommended changes on optional elements and local programmatic details. For example:

- Adding monitoring pipes at four corners of new soil treatment areas for better troubleshooting.
- Adjusting setback authority so staff could approve designs within 3–10 feet of property lines and only send 0–3 foot cases to variance.
- Allowing reduced soil treatment areas for systems using only waterless toilets
- Shifting septic contractor licensing from annual to every other year
- Clarifying property transfer and use permit language to align with state criteria
- Defining when “change of use” and “continued use” requirements applied, including for vacation rentals.

Erin also proposed application and permit term limits to clean up long open files and requested adding several definitions (e.g., storm drainage system types, “residential other,” and “unapproved wastewater discharge”) to make the regulations clearer and more consistent with state rules and county land use terminology.

ITEM 4B. Public Comment on On-Site Wastewater Treatment System Regulations

No members of the public signed up or appeared online for public comments.

ITEM 4C. Board Discussion and deliberation on On-Site Wastewater Treatment System Regulations

Topic: Regulatory authority, property transfers, change of use vs. property transfer, and triggering events.

- Board President Hinman asked how the discussion about bedroom changes and septic capacity related specifically to the property transfer regulation, and whether the regulation being cited was actually the right one for those circumstances.
 - Erin Dodge explained that during a property transfer, a private inspector evaluated the septic system and submitted a report to Public Health, which then issued a property transfer certificate if minimum criteria were met. Erin stated that when the number of bedrooms exceeded the permitted design capacity, Public Health treated that as a failed property transfer inspection (requiring a conditional certificate), because the system was no longer sized appropriately and constituted an unapproved wastewater discharge.
 - Kate Haywood clarified that state minimum criteria required there be no unapproved wastewater discharges, and that Boulder County Public Health was interpreting an undersized system as an unapproved discharge under that clause. Kate noted that the language allowed for multiple interpretations.
- Board President Hinman then reiterated her concern that this might be mixing property transfer regulations with change-of-use regulations and asked for very clear legal delineation of what authority applied in which circumstance.
- Board Member McMillan asked whether the property transfer requirement was simply a trigger to check whether the septic system was appropriate for the property and whether that was the only realistic point at which the county could learn about certain changes (like added bedrooms).
- Board President Hinman voiced concern that the regulations being invoked might be the wrong ones for the underlying issue (capacity vs. transfer).
 - Erin Dodge reiterated that property transfer was the principal opportunity to confirm that the septic system still matched the use and capacity of the dwelling, and that the regulation was also intended to provide transparency for buyers.
- Board President Hinman questioned whether a change in bedroom count discovered during property transfer should properly be handled as a change of use issue under a different regulatory authority, rather than under the property transfer section itself.
 - Erin Dodge emphasized that Public Health was not mandating a change of use at the time of sale but was determining whether the system passed property transfer criteria. Erin explained that an undersized system could be operating as an unapproved

discharge, which justified a failed or conditional certificate even if the buyer might later scrape or rebuild.

- Board President Hinman asked for clarity on what specific events triggered permits and regulatory requirements (e.g., change of use, change in dwelling attributes, property transfer) and whether those triggers came directly from state regulation or from Boulder County interpretation. She stressed the need for a coherent, consistent framework that was understandable to the public.
 - Erin Dodge described how change-of-use provisions had been interpreted and applied since 2018, including vacation rentals, farms with camps and events, and other non-residential or quasi-lodging uses that did not fit the state’s “single-family” residential definition.
 - Lexi Nolen and Board President Hinman agreed that a visual flow chart or similar tool was needed so both the Board and the public could see, step-by-step, when a regulation or permit applied and whether it arose from state mandates or local interpretation.
- Board Member Yoon asked whether property transfer acted as a “catch-all” to identify past changes in use or capacity that had been missed during permitting—essentially providing insurance to the buyer and the public.
 - Erin Dodge agreed that property transfer inspections filled that role, allowing Public Health to discover systems that had been modified without permits or never brought into compliance with current design-flow standards.
- Board Member Fagan asked whether the Board of Health was notified of every property transfer, or only of certain ones, and how many the program processed annually.
 - Erin Dodge answered that the Board was not notified of each transfer. Public Health staff processed around 500 property-transfer applications per year. Erin added that if a sale occurred without a required property transfer inspection, Public Health often did not learn of it unless triggered by referrals or subsequent inquiries.
- Board Member Fagan also supported Board President Hinman’s concern about the triggering events for change-of-use and capacity-related requirements, observing that focusing on the type of residence (e.g., vacation rental vs. other high-use situations) might cause other risk scenarios to be excluded.
 - Erin Dodge reiterated that the “change of use” concept extended beyond vacation rentals to other non-traditional uses (e.g., farms with camps and events) and that the program was trying to align with the state’s design-flow tables and definitions.
- Board President Hinman restated that a more principle-based criterion, grounded in system capacity and use intensity, might be more coherent in the long term.
- Board President Hinman also requested that staff and legal counsel clarify which regulatory provisions applied to which scenarios, to avoid “muddy” interpretation between property transfer and change of use.

Topic: Vacation-rental inspections

- Board President Hinman asked why vacation rentals were being singled out for ongoing inspections when many conventional residences had septic systems that had not been inspected for decades. She questioned whether it was truly evidence-based or more of an intuitive

decision, and whether focusing only on vacation rentals might be arbitrary if similar risks existed in other contexts (e.g., frequent large gatherings at primary residences).

- Erin Dodge stated that emerging industry data and experience from other counties (e.g., Summit and Teller) showed high failure rates in vacation-rental septic systems due to intensive, episodic use (e.g., high occupancy, turnover days with heavy laundry and dishwashing). Erin emphasized that vacation rentals, often second homes operated as lodging, posed distinct risk patterns compared with owner-occupied primary residences.
- Board Member McMillan summarized the rationale as an attempt to catch failures earlier where there was high potential public health risk and less on-site owner oversight.
- Board President Hinman maintained that the Board needed clearer evidence and explicit criteria for when and why a particular class of dwellings triggered additional regulatory requirements.
- Board President Hinman asked what exactly happened every four years for vacation rentals, whether the requirement applied to all systems or just vacation rentals, and what the financial burden would be on homeowners.
 - Erin Dodge clarified that the four-year inspection/pumping requirement being recommended applied only to vacation rentals, not to all septic systems, and that it was aligned with best-practice guidance (pump every four years).
 - Rachel Arndt explained that the initial vacation-rental use permit was estimated at about \$1,000 (based on direct and indirect staff time), and then a \$100 fee would apply for the four-year renewal, with owners still needing to pay private inspectors for pumping/inspection.
- Board President Hinman highlighted that, even with cost recovery, this was an additional regulatory and financial burden for a targeted group of property owners and asked that the Board consider both equity and evidence in the policy design.
- Board Member McMillan asked whether the ongoing four-year inspection requirement would apply only to vacation rentals, and how often Boulder County would sign off on occupancy for those units under the Community Planning and Permitting (CP&P) ordinance.
 - Erin Dodge explained that vacation rentals were subject to a change-of-use review and a use-permit framework, with an initial inspection and then renewal every four years. Erin clarified that the county's vacation-rental license renewal occurred every two years, but Public Health was proposing a four-year septic check to match best-practice pumping intervals.
 - Rachel Arndt and Erin clarified that the number of occupants allowed in a vacation rental was tied to septic capacity, and that CP&P required Public Health sign-off as part of the vacation-rental licensing process.

Topic: Retroactivity of new requirements

- Board Member McMillan asked for confirmation that certain new technical requirements, such as monitoring pipes in multiple corners of the soil treatment area, would apply only to new systems and not retroactively to existing systems.
 - Erin Dodge confirmed that none of the newly proposed requirements would be retroactive; they would only apply to new or failing systems that triggered redesign, and not to functioning older systems, even at property transfer.

Topic: Workload, funding, and feasibility

- Board Member McMillan asked whether Public Health had the capacity to implement the proposed ongoing inspection requirements and what cost-recovery would look like, particularly given that some of this work was mandated through CP&P's ordinance.
 - Erin Dodge stated that a staff position partly funded by CP&P handled referrals and that fees for use permits were intended to reflect direct and indirect staff time, thus achieving cost recovery. Erin noted that recent changes in CP&P reimbursement had created a situation where some work (such as ongoing review) was no longer fully compensated.
- Board President Hinman cautioned against taking on unfunded mandates and emphasized the need to examine both staff capacity and budget impact.

Topic: Who performs inspections and what they include

- Lexi Nolen asked who was responsible for inspecting septic systems for property transfers and what those inspections included.
 - Erin Dodge answered that private inspectors, hired by property owners, conducted the inspections. The inspectors verified the system's condition and the number of bedrooms in the house and then submitted the report to Public Health, which reviewed it before issuing the property transfer certificate.

Topic: Number of unregulated or unpermitted systems

- Lexi Nolen recalled a prior estimate and asked Erin to restate how many dwellings in unincorporated Boulder County had never been "touched" by the OWTS program (i.e., had no documented wastewater system permit).
 - Erin Dodge stated that the estimate had increased from about 4,000 systems reviewed to roughly 600 properties still showing no documented wastewater treatment system on record. Erin also explained that there were ongoing discoveries of unpermitted systems and improperly permitted installations, often identified through property transfer inspections or case-by-case inquiries.

Topic: Building permits and missed septic capacity checks

- Board Member Yoon asked why, when a home expanded from three to six bedrooms, septic sizing had not necessarily been addressed at the building-permit stage, and whether that should have been treated as a change of use at that time.
 - Erin Dodge described how, in more recent years, Public Health received referrals from Community Planning and Permitting during building-permit review and used that opportunity to require septic upgrades when bedrooms were added. Erin noted that this coordination had not always existed historically and that unpermitted interior work (like basement finishes) still sometimes escaped notice until property transfer.

Topic: Regulatory strategy over time (tighten vs. loosen later)

- Board Member Yoon asked whether the Board should initially adopt a stricter approach (e.g., more frequent vacation-rental inspections) and then loosen it later if data showed low failure rates, or start more loosely and tighten as evidence accumulated. He also asked when the next opportunity to revisit policies would occur.

- Erin Dodge responded that the Board could direct revisions at any time, but frequent changes created challenges for public communication and compliance. Erin recommended using data from implementation to guide later adjustments (e.g., shortening or lengthening renewal intervals based on observed failure rates).

Topic: Ability to catch undersized systems without inspections

- Board Member Fagan asked whether there was any way for staff to independently discover that a property had an undersized septic system if no property transfer inspection was requested.
 - Erin Dodge responded that, in practice, no; the program usually discovered such issues only when someone contacted the department with questions or when staff happened to review the property for another reason. Erin noted that in some cases, documentation surfaced later in closing packets, allowing staff to retroactively issue property transfer certificates if required materials were provided.

Topic: Community Planning and Permitting requirements for vacation-rental occupancy

- Rachel Arndt asked Erin to describe Community Planning and Permitting's requirement that Public Health review occupancy for vacation rentals and how that related to septic capacity.
 - Erin Dodge explained that CP&P's vacation-rental ordinance explicitly required Public Health sign-off on septic systems and occupancy, with allowed renters based on septic capacity rather than bedrooms. Erin noted that older systems often had been sized with higher peaking factors, sometimes allowing more occupants than the bedroom count alone would suggest, and that Public Health and owners sometimes negotiated the allowable number of renters under that capacity.

Topic: Flow-chart visualization

- Board Member Yoon informally suggested that a visual flow chart would help clarify when different regulatory triggers applied.
- Board President Hinman asked (building on a suggestion from Steve Yoon) that staff create a flow chart or visualization showing what circumstances triggered which permits or reviews and whether each step was state-driven or locally decided.
 - Lexi Nolen agreed that this was a strong idea and would help the Board understand the cumulative regulatory structure and decide where changes or clarifications were needed.
- The Board informally endorsed the need for this tool before voting on the full regulatory package.

ITEM 5. Warm Dry Winter Impact.

The Board along with the agreement of Lexi Nolen agreed to shift this important topic to the regular June board meeting to give it the time it requires for presentation and discussion.

ITEM 6. Approval of Meeting Minutes.

Board President Hinman made a motion, which was seconded by Board Member McMillan, to approve the April 13, 2026 Regular Board of Health minutes. With all Board Members present in favor of the motion, President Hinman declared the motion unanimously carried.

ITEM 7. Director's Report.

Presenter: Lexi Nolen.

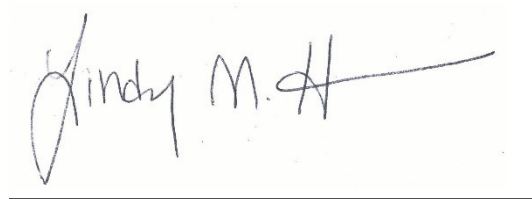
Lexi briefly highlighted key points from the Director's Report (e.g., the budget award, staff picnic, reorganization of the report around the agency performance system and HANS/public-health headlines).

ITEM 8. Old and New Business.

None.

ITEM 9. Adjournment.

Board Vice President Johnson declared the meeting adjourned at 7:25 p.m.



Signed, Lindy Hinman,

Board President



Signed, Alexandra (Lexi) Nolen,

Executive Director