

# **Northeast Colorado Health Department**

## **ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS**

### **1.1 Title and Authority**

These requirements will be known as the “Northeast Colorado Health Department On-site Wastewater Treatment Systems Regulations.”

These requirements have been adopted by the Northeast Colorado 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 Northeast Colorado Health Department to implement these regulations on behalf of the Board of Health.

### **1.2 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 these regulations 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 Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma Counties.

#### **C. Jurisdiction**

1. These regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Logan, Morgan, Phillips, Sedgwick, Washington, and Yuma counties.

#### **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.

### **1.3 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, April 30, 2018”, are made a part of these regulations 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 these regulations. 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 these regulations.

2. Allowable local options identified in Regulation 43 and the designated decisions for these regulations are identified in the attached "Appendix A to OWTS Regulations for Northeast Colorado Health Department". Appendix A is made a part of these regulations.

**B. Excluded**

1. Reductions in soil treatment area size or separation distances, and wide beds with higher level treatment units are not allowed under these regulations. 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.

**1.4 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 Northeast Colorado Health Department.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.
4. 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 Northeast Colorado Health Department. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
5. 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 Northeast Colorado Health Department consistent with requirements of section 43.4(l) of Regulation 43.

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

1. When an application is denied by Northeast Colorado Health Department, an applicant may request review by the local board of health. A request for review must be made within 60 days after denial of an application by Northeast Colorado Health Department. The applicant must bear the burden of supplying the local board of health with sufficient evidence to document that the denied system shall be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of the regulation, comply with the declaration and intent of this regulation, and comply with all applicable state and local regulations and required terms and conditions in any permit.

**C. 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.
2. Waiver of fees [43.4(B)(4)(c)] may be applied for by volunteer organizations and must be approved by the Board of Health.

**D. Surcharge [43.4(B)(5)]**

1. A surcharge of \$23.00 will be collected for each permit issued by Northeast Colorado Health Department. Of that fee, the Northeast Colorado Health Department will retain

three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

### **1.5 Inspections [43.4(E)]**

#### **A. Septic Tank [43.9(B)(3)(c)]**

1. The applicant must notify the local public health agency or its designee 48 hours prior to completion so the local public health agency or its designee can conduct a field inspection of the septic tank before backfilling.

#### **B. Soil Treatment Area and Related Components [43.4(F)(3)]**

1. The applicant must notify the local public health agency or its designee 48 hours prior to completion so the local public health agency or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

### **1.6 Prohibition of OWTS in Unsuitable Areas [43.4(J)]**

- A. *The Board of Health may conduct a public hearing after written notice to all affected property owners as shown in the records of the County Assessor and Publication of Notice in a newspaper of general circulation, at least ten (10) days prior to the hearing, to consider the prohibition of permits for OWTS in defined areas which contain or are subdivided for a density of more than two dwelling units per acre. The Board of Health may order such prohibition upon a finding that the construction and use of additional OWTS in the defined area will constitute a hazard to the public health. In such a hearing, the Health Officer may request affected property owners to submit engineering and geological reports concerning the defined area and to provide a study of the economic feasibility of constructing a sewage treatment works.*

### **1.7 Licensing**

#### **A. Systems Contractors [43.4(K)(1)]**

1. Systems Contractor Licensing Requirements
  - a. No person, except as in (2) below, shall install, engage in the installation of, or repair an OWTS unless he holds a valid Systems Contractor License. Employees of a validly licensed Systems Contractor shall not be required to be licensed. The initial fee for a Systems Contractor License may be charged in accordance with policies established by the board of Health. License shall expire on December 31 of each year and shall be renewed within 30 days prior thereto, and an annual renewal fee may be charged in accordance with policies established by the Board of Health.
  - b. Application for a Systems Contractor whose license has been revoked may not be considered for at least one year after revocation
  - c. Any landowner of record may install an OWTS for his own private use, not to exceed one (1) per year, without obtaining a Systems Contractor License. Said landowner's installation shall be subject to inspection by the Department as herein provided and otherwise completed in accordance with these regulations
2. Standard of performance required of holders of Systems Contractor Licenses.
  - a. Application for Systems Contractor's Licenses or renewals shall be made upon forms supplied by the Department.
  - b. Prior to the issuance or renewal of a license the Health Officer may require the applicant to demonstrate adequate knowledge of these regulations.

- c. Installation, renovation or repair of any OWTS shall be in compliance with these regulations and with the conditions set out in the installation permit.
- d. Notice of a requested inspection shall be given by the license holder not less than 48 hours before the inspection is to be made.
- e. A licensed holder shall have in his possession a copy of the installation permit at the time of final inspection so that final approval may be endorsed upon it.
- f. If this department cannot complete the evaluation of a septic site, due to the site not being properly prepared, an additional fee of \$100.00 will be charged for each additional trip.

3. Revocation of a Systems Contractor License

- a. A license may be revoked for failure to comply with these regulations or for other good cause shown above. Revocation shall take place only after a hearing before the Health Officer. The license holder shall be given not less than 10 days' notice of the hearing and may be represented at the hearing by counsel. 25-10-109, C.R.S.
- b. Written notice of revocation, particularizing the violations shall be served upon the holder of the Systems Contractor License. Service of notice as required by the Colorado Rules of Civil Procedure, or by registered or certified mail, return receipt requested, deliverable to addressee only.

4. The Health Officer shall, from time to time, set qualification standards for licensed Systems Contractors.

B. Systems Cleaners [43.4(K)(3)]

1. System Cleaners Licensing requirements

- a. No person shall engage in the cleaning of sewage disposal systems or the transportation of sewage to a disposal site unless he holds a valid Systems Cleaner License. Employees of a validly licensed Systems Cleaner shall not be required to be licensed. The initial fee for a Systems Cleaner License shall be charged in accordance with policies established by the board of Health. Licenses shall expire on December 31 of each year and an annual renewal fee in accordance with policies established by the Board of Health shall be charged. A license which lapses because of failure to renew or is revoked shall be subject to the fee established for new license upon application. Application for a Systems Cleaner whose license has been revoked may not be considered for at least one year after revocation.

2. Standard of Performance for Systems Cleaners

- a. A license holder, when cleaning a septic tank or aeration plant, shall remove the liquid, sludge and scum, leaving no more than 3 inches depth of sewage.
- b. A license holder shall maintain his equipment so as to insure that no spillage of sewage will occur during transportation, and that his employees are not subjected to undue health hazards.
- c. The license holder shall dispose of the sewage at a municipal sewage treatment plant or other sites approved by the Board of Health, and shall comply with all other applicable codes and ordinances. Disposal by land application is permitted provided it is done in compliance with the Department regulation for disposal of Domestic Septage.
- d. Prior to the issuance or renewal of a license, the Health Officer may require the applicant to demonstrate adequate knowledge of these regulations.

3. Revocation of a Systems Cleaner License

- a. The Health Officer may issue an order to cease and desist from the use of any OWTS or sewage treatment works which is found by the health officer not to be functioning in compliance with the OWTS Act or with applicable regulations or is found to constitute a hazard to public health, or has not otherwise received timely

repairs under the provisions of section 25-10-106 (1) (j), C.R.S. Such an order may be issued only after a hearing which shall be conducted by the health officer not less than 48 hours after written notice thereof is given to the owner or occupant of the property on which the system is located. The order shall require that the owner or occupant bring the system into compliance or eliminate the health hazard within a reasonable period of time, or thereafter cease and desist from the use of the system. A cease and desist order issued by the health officer shall be reviewable in the district court for the county wherein the system is located and upon a petition filed not later than ten days after the order is issued.

## **1.8 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: would not be injurious to public health and that the regulations would cause undue hardship to the applicant. The burden of proof is upon the applicant to show the variance will not injure adjacent properties, will not conflict with the purposes of these regulations, and will not adversely affect the health of any person.
3. Variances must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.

### **B. Variance Procedure**

1. Variance requests must be provided within 60 days after denial of an application by Northeast Colorado Health Department.
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. A Public Hearing must be held for all variance requests. The hearing shall be the subject of a Public Notice or notice shall be sent via certified mail, with a minimum 20-day reply time from the date of mailing, to all adjacent property owners. The public hearing will be held within 45 days from the date of receipt of the variance request.

## **1.10 Permit for the Continued Use of an On-site Wastewater Treatment System [43.4.M]**

- A. Concurrently with the issuance of a repair permit, the Health Officer or designated representative may issue an emergency use permit authorizing continued use of a malfunctioning system on an emergency basis for a period not to exceed the period stated in the repair permit. Such an emergency use permit may be extended for good cause shown in the event repairs may not be completed in the period stated in the repair permit through no fault of the owner or occupant and only if the owner or occupant will continue to make repairs to the system.

**1.14 Additional local requirements, more stringent than Regulation 43.**

A. 43.9.B.2.a & Table 9-1

1. Minimum Tank size for 4-5 Bedrooms is 1,500 gallons.

Number of Bedrooms	Tank Capacity (gallons)
2 - 3	1000
4 - 5	1500
Each Additional	250

B. 43.9.B.2.d

1. Minimum tank sizer for new installations other than for a single-family residence is 1,000 gallons.

C. 43.9.K

1. Minimum 500 gallons grease interceptor shall be installed prior to the septic tank on all food preparation facilities like restaurants or cafeterias.

D. 43.12.C.8

1. A vault, if permitted by the local public health agency, must have a minimum 1,000 gallon effective volume or be capable of holding a minimum of the two-day design wastewater flow, whichever is larger.

E. 43.12.D.1.c

1. Effective volume of the vault (privy) must be no less than 1,000 gallons and it must be constructed of concrete or plastic. The vaults for privies must meet the structural and water standards of vaults.

F. 43.9.A.4

1. NCHD shall require a secondary plug, cap, cover or screen be provided below the riser cover to prevent tank entry.

G. 43.6.A.2.f & Table 6-1

1. All bedrooms: 2 persons per bedroom

# Bedrooms	Occupancy (# of Persons)	Wastewater Flow Per Person (gallons/day)	Design Flow (gallons/day)
2	4	75	300
3	6	75	450
4	8	75	600
5	10	75	750
6	12	75	900

**Appendix A to OWTS Regulations for Northeast Colorado Health Department**

Attached