

Elbert County of Health and Human Services
ON-SITE WASTEWATER TREATMENT SYSTEM
Regulation #2017 5 CCR 1002-43

- [Appendix A](#)

43.1 Title and Authority

These requirements will be known as the “Elbert County Department of Health and Human Services (ECDPHHS) On-site Wastewater Treatment Systems Regulation #2017.

These requirements have been adopted by the Board of County Commissioners, acting as a 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 ECDHSS to implement these Regulations on behalf of the Board of Health.

43.2 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 **5 CCR 1002-43** 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 Elbert County.

C. Jurisdiction

1. These Regulations 5 CCR 1002-43 of the county and over all municipal corporations within the territorial limits of Elbert County.

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.

??? **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, June, 30, 2017”, are made a part of these ECDPHHS 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 ECDPHHS 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 ECDPHHS Regulations.

2. Allowable local options identified in Regulation 43 and the designated decisions for these ECDPHHS Regulations are identified in the attached "Appendix A to OWTS ECDPHHS Regulation #2017 Appendix A is made a part of these ECDPHHS Regulations.

B.

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

43.4 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 ECDPHHS.
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 ECDPHHS. 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 ECDPHHS consistent with requirements of section 43.4(I) of Regulation 43.
7. Use Permits are required with change of ownership or usage of an On-Site Wastewater Treatment System.

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

1. When an application is denied by *ECDPHHS* an applicant may request review by the local board of health within thirty (30) days of denial.

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.

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

1. A surcharge of \$23.00 will be collected for each permit issued by ECDPHHS. Of that fee, the ECDPHHS will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

43.4 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 within seven (7) days of finished installation 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 within seven (7) days of installation 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.

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

- A. *Concurrent with State Regulations.*

43.4(K) Licensing

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

1. Licensing requirements...All septic system installers must be licensed by the ECDPHHS and pass a written exam.

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

1. Licensing requirements...Septic Cleaners trucks must receive a permit and associated sticker from the ECDPHHS. Applicable fees will be administered. In order to be eligible for a permit, documentation from approved facilities indicating that they will accept the contents of the tank must be provided to the ECDPHHS.

43.4(N) Variances

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 shall be based upon evidence presented by the applicant showing that the variance: WOULD NOT BE INJURIOUS TO THE PUBLIC HEALTH, WATER QUALITY, OR ENVIRONMENT AND WOULD PREVENT A SUBSTANTIAL HARDSHIP ON THE APPLICANT.

3. Variances shall not be granted under the items identified in section 43.4(O)(2)(5) of Regulation 43.

B. Variance Procedure

1. Variance requests shall be provided IN WRITING WITHIN THIRTY (30) DAYS OF APPLICATION TO THE PUBLIC HEALTH DEPARTMENT.

2. Variance requests shall include all items identified in section 43.4(O)(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: None

43.4 Transfer of Title Inspections [43.4.L]

A. The property owner of a residence or other building/facility served by an OWTS shall have an inspection of that system to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property. Upon completion of this inspection, if all components are found to meet the established requirements, a Use Permit and other documents will be issued.

Events Requiring a Use Permit:

1. The sale of the property
2. A remodel that includes the addition of more than two (2) bedrooms.
3. A change in use of the property from residential to commercial.
4. Connection of a modular unit or mobile home to the system.
5. Other conditions that the Department may deem appropriate.

B. In the case of a sale, if the property owner does not obtain a use permit prior to a covered transaction, the purchaser of the property shall then be required to obtain a use permit.

C. Application Requirements

The applicant must submit the application containing the following items to the Department when applying for a Use Permit.

1. Completed application on the forms provided by the Department.
2. Owner's name and contact information.
3. Physical address of the property.
4. Name of inspector; including their NAWT or other applicable certification number.
5. Date and time of inspection.
6. An inspection report completed within the previous six (6) months. Noting the condition of the septic tank and any mechanical components such as pumps, alarms, septic tank pumping receipt.
7. A non-refundable fee in the amount established by resolution of the Board of Health. The fee shall be payable to the Department at the time of application. The Department has up to two (2) weeks to issue the Use Permit. The current fee is \$100.

D. Minimum Criteria for Issuance of a Use Permit.

Items noted in the inspection report that do not comply with the following criteria and conditions must be corrected along with necessary permits and inspections prior to issuance of a Use Permit.

1. A structurally sound septic tank in good working order and must be provided with safe and secure lids.
2. All internal devices and appurtenances such as tees, effluent screen and baffles that were originally provided with the tank or added later must be intact and in working order.
3. Alarms, control devices, and components necessary for the operation of the system are present and in good working order.
4. Tanks shall be inspected to assure that they are structurally sound and that all components such as lids, baffles, tees, vents, etc. are present and in good condition. The scum and sludge level in the tanks shall be measured and tanks shall be pumped if the scum and

sludge depth exceeds 25% of the operating volume of the tank. The liquid level shall not be lower than the outlet invert.

5. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure.
6. There are no unapproved wastewater discharges from the system or structure

E. Issuance of a Use Permit

The Use Permit will provide the following information;

1. Statement of size, type and capacity of the system and record drawing either from the Department's records or from the inspection reports.
2. Evidence of past system failures as shown in Department's records.
3. Circumstances of factors that may have affected the ability of the inspector to evaluate the system.
4. Whether the system meets the permitting requirements of the Department and
5. Other factors the Department may deem appropriate.

F. Use Permit Inspectors

A Use Permit Inspector shall be a person currently licensed or certified by a nationally recognized inspector training program such as the National Association of Wastewater Technicians (NAWT), National Sanitation Foundation (NSF), or approved equivalent certification.

All requirements of ECDPHHS Transfer of Title program are defined in section 43.4 (L) of Regulation 43, 5 CCR 1002-43.

Appendix A to OWTS Regulations for Elbert County Department of Health and Human Services to be attached.