

ROUTT COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

1. Title and Authority

These Regulations will be known as the “Routt County On-site Wastewater Treatment Systems Regulations.”

These Regulations have been adopted by the Routt County 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. The Board of Health has designated the Routt County Department of Environmental Health (RCDEH) to implement these Regulations on behalf of the Board of Health.

2. Scope and Purpose

A. Declaration

1. These Regulations apply to all On-site Wastewater Treatment Systems (OWTS) 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 Routt County.

C. Jurisdiction

1. These Regulations apply to all OWTS in the unincorporated areas of the county and in all municipal corporations within the territorial limits of Routt 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.

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, as may be amended from time to time, (Regulation 43) 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. All aspects of an OWTS 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, incorporated by reference.
3. References in brackets are to the applicable section in Regulation 43.

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.

C. Variances [43.4(N)]

1. General

- a. The purpose of this section is to provide a procedure for the Board of Health to consider variances from the design and/or siting requirements of the OWTS regulations.
- b. The Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by RCDEH or staff.
- c. 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 the public health, water quality, or environment; and would prevent a substantial hardship to the applicant.
 - i. The applicant has the burden of proof to demonstrate the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the regulations.
 - ii. The Board of Health must determine if these standards are met prior to granting a variance.
- d. Variances shall not be granted for the situations identified in section 43.4(N)(5) of Regulation 43.
- e. All OWTS variances will require a public hearing. Public hearings for variance requests must follow the notice requirements of section 43.4(N)(2)(c) of Regulation 43.5.

3. Procedure

- a. Variance requests must be provided to RCDEH through the established application and permitting process for a new OWTS.
- b. Designs for a new OWTS and associated variance request must be prepared by a professional engineer and submitted to RCDEH for a determination of completeness and sufficiency. Once the request is deemed complete and sufficient the request will be scheduled for public hearing before the Board of Health.
- c. Variances must be accompanied by all information required by Regulation 43(N), including, but not limited to:
 - i. Site-specific request identifying the specific criteria from which a variance is being requested;

- ii. Technical justification by a professional engineer which indicates the specific conditions which exist and/or the measures which will be taken that support a finding that the variance will result in no greater risk than that associated with compliance with the requirements of the regulation.
 - iii. A discussion of alternatives considered in lieu of the requested variance;
 - iv. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment; and
 - v. A statement of the hardship that creates the necessity for the variance.
- e. The Board of Health must conduct a public hearing prior to rendering a decision on a variance request. The hearing must be the subject of a public notice and notice must be sent via certified mail, with a minimum twenty (20) day reply time from the date of mailing, to all adjacent property owners.
4. Outcome of the Variance Proceeding
- a. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.
 - b. The applicant must be notified, in writing, of the Board of Health's decision regarding the request for a variance. The notice of a denial of a variance must include those reasons which form the basis for the denial. The notice of an approval of a variance must include any conditions of the approval. The variance, and any conditions thereof, must be recorded on the deed to the property and any expenses associated with that recording must be the responsibility of the party obtaining the variance.

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 RCDEH.
- 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 is 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 RCDEH. 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 RCDEH consistent with requirements of section 43.4(I) of Regulation 43.
- 7. Application for Product Development Permits may be approved by the Routt County Board of Health consistent with requirements of section 43.4.I of Regulation 43.

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

1. When an application is denied by RCDEH an applicant may request review by the Board of Health. Such request for review by the Board of Health must be received by the Director of RCDEH within 30 days of the date of denial.
- C. Fees [43.4(B)(4)]
1. Permit fees, variance 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) and 43.4(N) 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 the RCDEH. Of that fee, RCDEH will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Dept. of Public Health for use in funding its OWTS program.
- 5. Inspections [43.4(E)]**
- A. Septic Tank [43.9(B)(3)(c)]
1. The applicant must notify the RCDEH and the design engineer at least 24 hours in advance so field inspections can be conducted of the septic tank before backfilling.
 - a. Field inspections must be conducted both by the local public health agency and a certified professional engineer confirming that systems are installed according to the permit requirements and regulations.
- B. Soil Treatment Area and Related Components [43.4(F)(3)]
1. The applicant must notify the RCDEH and the design engineer at least 24 hours in advance so that a final field inspection can be conducted of the soil treatment area and all related components of the OWTS before backfilling.
 - a. Field inspections must be conducted both by the local public health agency and a certified professional engineer confirming that systems are installed according to the permit requirements and regulations.
- 6. Design Document 43.5(G)**
- A. Qualified Professional Engineer Design Required
1. The OWTS design document, report and site plan as well as as-built drawings must be prepared by a qualified Professional Engineer recognized by the RCDEH as being competent in designing OWTS.

Appendix A to OWTS Regulations for Routt County

Attached