



ARAPAHOE COUNTY



On-Site Wastewater Treatment Systems (OWTS) Regulation Revision Update

February 18, 2026

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Health Protection and Response

Agenda

- Regulatory Structure and OWTS Regulations
- New Requirements from CDPHE
- Opt-ins ACPH will Continue
- Opt-ins ACPH Proposes to Adopt in 2026
- Opt-ins Overviews
- Stakeholder Engagement
- Questions





Arapahoe County Board of Health Responsibilities and Key Dates

BOH Responsibilities:

- Hold public hearing and review comments
- Adopt updated local OWTS Regulations

Upcoming Key Dates:

- February 26, 2026: Post Hearing Notice in Circular
 - March 18, 2026: Board of Health Public Hearing and Adoption
 - May 7, 2026: Effective date of local regulation
 - June 15, 2026: Deadline for local adoption
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Authority and Purpose

Authority

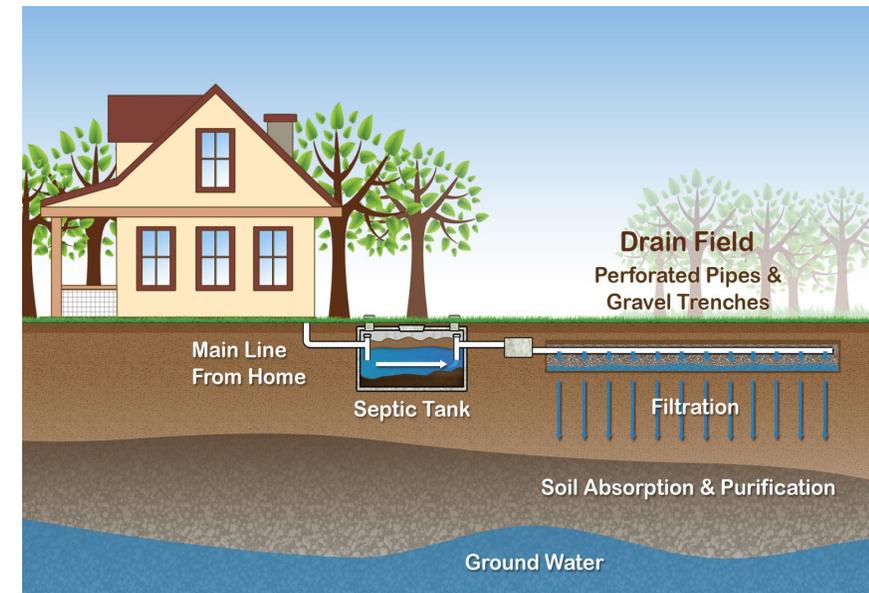
The ACPH regulation is promulgated pursuant to the On-Site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S.

Purpose

The purpose of these regulations is to provide guidance and establish minimum standards (including the enforcement thereof) for the location, construction, performance, installation, alteration and use of OWTS.

Why Local Updates Are Required

- CDPHE Regulation 43 updated June 15, 2025.
- Local adoption required by June 15, 2026.
- Ensure consistency and maintain local permitting authority.
- Avoid state assumption of responsibilities.





New Requirements from CDPHE

- Secondary Safety Feature installed below septic tank lid
- Updated rock and soil tables
- Added higher level treatment option with disinfection (TL3N-D)
- Squirt Height (residual head test) requirement for all pressure dosed distribution system inspections
- See Regulation 43.26 Statement of Basis for a summary of CDPHE mandatory changes



Opt-ins ACPH Proposes to Continue

- License OWTS Contractors/Installers and Cleaners/Pumpers
- Require industry certification for Systems Maintenance Providers and Transfer of Title Inspectors (no license program)
- Allow Variances with procedure in regulations
- Wastewater flows 2 ppl/bedroom and >4 bedrooms =1ppl
- Higher Level Treatment Oversight Program
- Transfer of Title Inspections Required
- Use Permit Program
- Allow new and existing vaults with restrictions (ex/ RV pump outs and community parks)



Opt-ins ACPH Proposes to Adopt in 2026

- Administratively allow a reduction to the 10-ft property line setback (previously BOH Determination) with a 3-ft minimum
- May increase design flow number of bedrooms for unfinished areas and bunk houses during permitting
- May require joint soil pit evaluations and may require additional soil pit excavations
- Require effluent filters (Alarms for pressure distribution system filters)
- New NDDS fall under Oversight Program
- Prohibit pit privies and require abandonment of existing pit privies
- Prohibit slit trenches





Licensing OWTS Professionals

- Continue to opt-in to licensing the following:
 - Systems Contractors or Installers (43.4.K.1 and 7.1)
 - Systems Cleaners or Pumpers (43.4.K.1 and 7.2)
 - New license type proposed: Conditional Licensure





Variations

- Continue to allow variations (43.4.N and 3.10, 20.5)
- Option for LPHA to administratively allow a reduction to the 10-foot property line setback (previously Board of Health Determination only) (43.7.D)





Finished and Unfinished Space

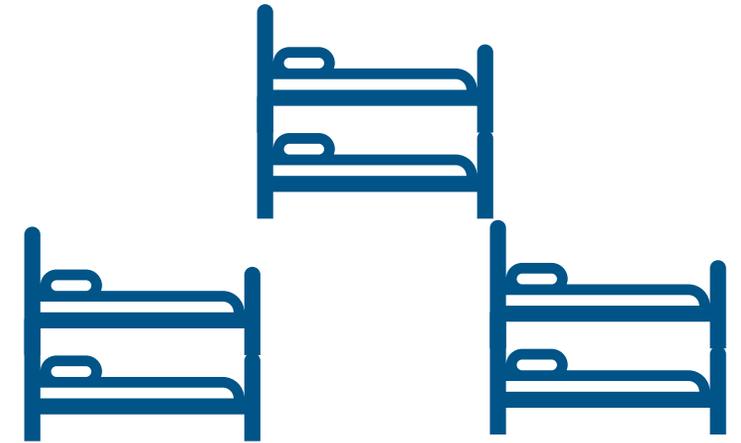
- Flow estimates in the design are determined based on the number of bedrooms in the home (9.1)
- Language added that ACPH may require increase in the number of bedrooms based on the assumption that 150sf of unfinished space can be converted into a bedroom, if the space can meet building code requirements. (43.6.H and 9.2.B.6)





Bunk Houses

- Flow estimates in the design are determined based on the number of bedrooms in the home (9.1)
- Language added that ACPH may require increase in design flows per bedroom by 50gpd per additional bed where there are provisions for more than two occupants within a bedroom, e.g. bunk beds (43.6.1 and 9.2.B.7)





Effluent Filter

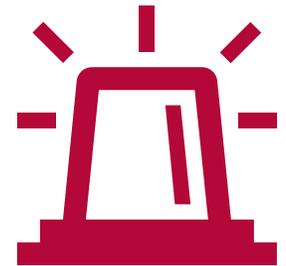
- Added requirement in new installs and repairs where the septic tank is replaced (43.9.J.1 and 12.9.A)





Alarms

- Added requirement for alarms to be required on an effluent filter for pressure-dosed systems (43.9.J.5 and 12.9.E)
- Continued language that ACPH may require all effluent filters to be equipped with alarms (43.9.J.5 and 12.9.F)





Soil Test Pits

- Continue not requiring 8 ft deep and 2 ft wide soil test pits to be left open for inspection
- Objective of the regulation is to ensure detailed and accurate identification of the soils on the site, while concurrently ensuring the safety of the practitioner, general public and wildlife
- Added the following language:
 - ACPH may require a joint evaluation of the soils along with the engineer or competent technician.
 - ACPH may require additional soil profile rest pit excavations
 - ACPH may require the installation of inspection ports in order to confirm the elevation of an actual or seasonal water table





Non-Pressurized Drip Dispersal Systems (NDDS)

- Continue to allow NDDS and will add to oversight and maintenance program and require all newly installed NDDS to be subject to annual use permit renewal for the life of the systems (43.12.A and 15.2)





Transfer of Title Inspections

- Continue Transfer of Title program for the sale of homes and properties with septic systems (43.4.L.1 and 4)





Continued Use of OWTS

- Continue annual use permit renewal and ongoing maintenance and oversight program for higher-level treatment systems (43.4.M.1 and 5)

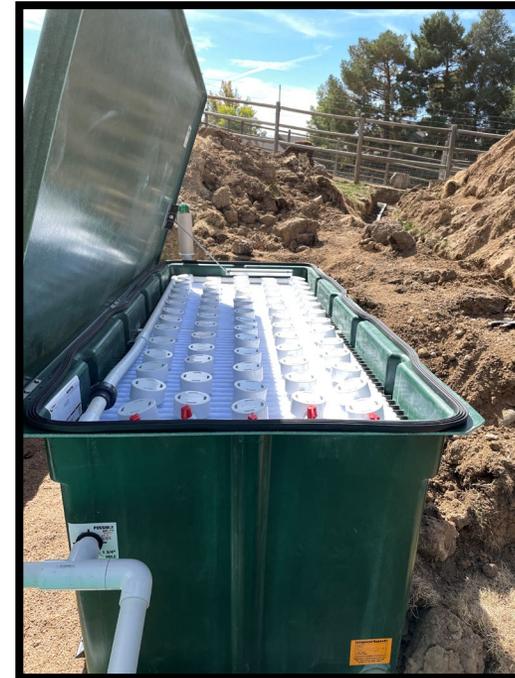


Higher Level Treatment

- Continue to allow reductions for higher level treatment and maintain oversight and maintenance program (43.14.D.2 and 5,14, and Table 10)



Pressure distribution on
2ft deep sand filters



Advanced treatment
units with filters



Soil Evaluations and Designs

- Continue to allow a licensed professional engineer or “Competent Technician” to submit soil evaluations (43.14.D.2 and 5,14, and Table 10)
- Continue to require a professional engineer stamp for Regulation 43 required soil conditions or design options and continue to not require an engineer’s stamp for sites where an engineer’s stamp is not required by section 43.10.B of Regulation 43 (13.2 and Table 10)



Vaults

- Continue to allow vaults (43.12.D.1a&b and 15.3)





Pit Privies

- Prohibit pit privies and require abandonment of existing pit privies (43.12.D.2a&b and 15.4)





Composting or Incinerating Toilets

- Continue to not allow a reduction in the required size of the OWTS with the use of a composting or incinerating toilet (43.12.E.2 and 15.5)



Stakeholder Engagement & Communications

- Draft Revised Regulation posted to website December 2, 2025
- Public Comment:
 - January 5, 2026, through February 4, 2026
- Stakeholder Meetings:
 - January 6, 2026: Virtual
 - January 7, 2026: In Person (Lima Plaza)
- Outreach:
 - Qualtrics survey to collect public comment on draft
 - Webpage updates to link draft and resource materials
 - Social media posts on County platforms
 - Email blasts to licensed contractors and associated industry
- Results of Stakeholder Engagement





Questions?
