

**OWTS Hearing – 57075 E Maplewood Pl, Strasburg**

**BOH Meeting August 20, 2025**

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**PIN:** 034610421  
**AIN:** 2065-00-0-00-377  
**Situs Address:** 57075 E Maplewood Pl  
**Situs City:** Strasburg

**Full Owner List:** Williams James J  
**Ownership Type:** Sole Ownership  
**Owner Address:** 5300 S 4178 Rd  
**City/State/Zip:** Chelsea, OK 74016-1306

<b>Neighborhood:</b>	Ag - Twn 2063 And 2065
<b>Neighborhood Code:</b>	5004.00
<b>Acreage:</b>	35.1300
<b>Land Use:</b>	
<b>Legal Desc:</b>	That Part Of The N 1/2 Of Sec 22-5-62 Desc As Beg 30 Ft E Of The Nw Cor Of Sd Sec Th E 1152.23 Ft Th S 1327.45 Ft Th W 1153.3 Ft Th N 1327.52 Ft To Beg Ex 1/2 M/R's Sec 22-5-62 (A/K/A Parcel 1 Casadora Acres)

## Notifications!

	<b>Total</b>	<b>Building</b>	<b>Land</b>
2025 Appraised Value	3,456	0	3,456
2025 Assessed Value	933	0	933
		<b>2024 Mill Levy:</b>	85.984

<i>Sale</i>	<b>Book Page</b>	<b>Date</b>	<b>Price</b>	<b>Type</b>
	D712 5775	11-03-2017	140,240	
	B806 3954 *Multi Sched	06-04-2008	267,000	

<i>Land Line</i>	<b>Units</b> 35.1300 AC	<b>Land Use</b> Dry Farm Class IIB
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*Note: Land Line data above corresponds to the initial appraised value and does not reflect subsequent appeal related adjustments, if any.*

\* Not all parcels have available photos / sketches.

In some cases a sketch may be difficult to read. Please contact the Assessors Office for assistance. Measurements taken from the exterior of the building.

The Arapahoe County Assessors Office does not warranty the accuracy of any sketch, nor assumes any responsibility or liability to any user.

Although some parcels may have multiple buildings and photos, at this time our system is limited to 1 sketch and 1 photo per parcel number. Sorry for any inconvenience.

[New Search](#)

## Timeline for 57075 E Maplewood Pl, Strasburg, CO 80136

4/22/25 – Complaint received. Amara Thomas called realtor (Trinette Miller - 720-255-8005) to get owners contact info. Owner is living on property in a RV. Trinette will call me back with owners info after owner gives permission to give it out.

4/24/25 -Amara Thomas called realtor to check in, owner didn't want to give me their contact information, so realtor shared my info with them. Internet search shows owners phone number as 3036212048. Emailed Brant Love (Arapahoe County Zoning) about open zoning violation & to get more information.

4/28/25 – Amara Thomas called owner from phone number given by zoning, got his voicemail. Left a message & asked to be called back.

5/6/25 - Amara Thomas reached out to zoning to get information on the property, outstanding zoning enforcement and advice on making contact with the property owner.

5/13/25 – Amara Thomas completed a site visit with Conner Gerken, WQ Supervisor. No one was home upon arrival, witnessed sewage on the ground coming from the RV pipe. There was small truck with an IBC tank that had a garden hose coming out of it, hooked into the RV. There were two dogs on site and it was apparent someone is actively living here. We left a written Notice of Violation on the windshield of the car & will be sending certified mail NOTICE OF VIOLATION.

5/15/25 – Amara Thomas drafted NOTICE OF VIOLATION & letter to be sent to the following addresses: 57075 E Maplewood Pl., Strasburg, CO 80136-9601 P.O. Box 432 Strasburg, CO 80136-0432 5300 S 4178 Rd, Chelsea, OK 74016-1306.

5/16/25 – Amara Thomas sent out NOTICE OF VIOLATION to 57075 E Maplewood Pl., Strasburg, CO 80136-9601 P.O. Box 432 Strasburg, CO 80136-0432 5300 S 4178 Rd, Chelsea, OK 74016-1306.

5/20/25 - Conner Gerken reached out to zoning to see if any contact with the property owner had been made on their enforcement case

5/29/25 – Rachel Gamache conducted 2nd site visit with Conner Gerken, who left 2nd written Notice of Violation on truck windshield. No changes were observed to be made to the site, sewage was still visibly discharging onto the ground.

6/9/25 – Amara Thomas called owner & realtor, left a message for both people asking to be called back.

6/9/2025 - Steve Chevalier reached out to zoning to get feedback prior to the issuance of second Notice letter.

6/25/25 – Steve Chevalier drafted and sent SECOND NOTICE OF VIOLATION AND INTENT TO PROCEED WITH ENFORCEMENT letter.

7/14/25 – Amara Thomas and Conner Gerken drove by the property to verify that the camper was still there.







**ARAPAHOE COUNTY**  
PUBLIC HEALTH

**Official Notice of Violation**  
**On-Site Wastewater Treatment Systems (OWTS)**

To: ☒ Homeowner ☒ Occupant ☐ Installer ☐ Cleaner

Name: James Williams

Address: 57075 E Maplewood Pl.

City: Strasburg

State: CO

Zip: 80136

The violation of ACPH OWTS Regulation, effective date December 10, 2022 consists of the following (indicated by an ☒):

- ☐ **Section 3.1**  
No person or persons shall install, alter, repair or use an On-Site Wastewater Treatment System (OWTS) within the county of Arapahoe, State of Colorado, unless such person holds a valid permit, issued by the Department in the name of the property owner for the specific construction, remodeling, installation, or use, proposed at the location described on the permit.
- ☐ **Section 3.5.B**  
No change of design of an OWTS after the permit has been issued shall be made unless authorized in writing by the Department.
- ☐ **Section 3.13.A**  
It is the responsibility of the system contractor to notify the Department when construction, installation, alteration, or repair had been sufficiently completed to allow inspection of the conventional system before the system is placed in use.
- ☐ **Section 3.14.A**  
It is the responsibility of the systems contractor to notify the professional engineer and the Department when construction, installation, alteration, or repair has been sufficiently completed to allow inspection of the engineered system before the system is placed in use.
- ☐ **Section 5.1.C**  
A Use Permit shall be maintained and renewed until the system is either abandoned or the Department authorizes the decommissioning or removal of the **higher-level treatment unit**.
- ☐ **Section 7.1.A**  
No person shall install, alter, or repair an OWTS unless he holds a valid Systems Contractor License issued by the Department.
- ☐ **Section 7.2.A**  
No person shall engage in the cleaning of OWTS Systems or the transportation of sewage to a disposal site unless he holds a valid Systems Cleaner License issued by the Department.
- ☒ **Section 18.1.D**  
No person shall construct or maintain any dwelling or other occupied structure which is not equipped with adequate facilities for the sanitary disposal of sewage.
- ☐ **Section 18.1.E**  
All persons shall dispose of septage removed from systems in the process of maintenance or cleaning at an approved site and in an approved manner.
- ☐ **Section** \_\_\_\_\_

Description of the Violation: sewage actively surfacing on the ground

Corrective Actions Required: Immediately take action to keep sewage off the ground, treat affected area w/ lime and fence area off. Apply and pay for an Onsite Wastewater Treatment System (OWTS) installation permit within 48 hours of receipt of this Notice of Violation.

Official Notice Issued by:

Amara Thomas  
Environmental Health Specialist (Print)

Environmental Health Specialist (Signature)

Date Notice Given: 5/15/25

Compliance

Deadline:

within 48 hrs of receipt

Official Notice Received by:

Owner/Occupant/Installer/Cleaner (Print)

Owner/Occupant/Installer/Cleaner (Signature)

Date Notice Received: \_\_\_\_\_



May 15, 2025

Altura Plaza  
15400 E. 14th Pl., Suite 115  
Aurora, CO 80011  
303-795-4584  
arapahoegov.com

**NOTICE OF VIOLATION**

James Williams

5300 S 4178 RD. CHELSEA OK 74016-1306

PO BOX 432, STRASBURG CO 80136-0432

57075 E MAPLEWOOD PL. STRASBURG CO 80136-9601

Delivery: Certified Mail

Subject: Notice of Violation, James Williams, 57075 E Maplewood Pl., Strasburg, CO 80136

Dear James Williams:

On May 13<sup>th</sup>, 2025, Amara Thomas, Environmental Health Specialist, Arapahoe County Public Health (ACPH) and Conner Gerken, Water Quality Supervisor, ACPH conducted a site visit at 57075 E Maplewood after receiving a complaint regarding someone living in a recreational vehicle (RV) without adequate sewage disposal.

During the site visit, ACPH observed sewage actively discharging onto the ground outside the RV with no apparent means for proper treatment and disposal as required by the Arapahoe County On-Site Wastewater Regulation. No record of a permitted septic system is known for this property.

ACPH has issued to the above property owner the accompanying Notice of Violation (NOV) for the following violations of the Arapahoe County On-Site Wastewater Regulations:

- Section 18.1.D: No person shall construct or maintain any dwelling or other occupied structure which is not equipped with adequate facilities for the sanitary disposal of sewage.

**Corrective Actions:**

- Upon receipt of this notice, the property owner must immediately take all necessary action to keep sewage off the surface of the ground and ensure proper treatment and disposal. Such action includes dumping the blackwater and greywater tanks at a RV dump station as frequently as necessary to remove any source of nuisance, fencing off any affected area that has been treated with lime, and tilling the applied lime at least four (4) inches into the ground.

AND

- Apply and pay for an Onsite Wastewater Treatment System (OWTS) installation permit application with Arapahoe County Public Health within 48 hours of receipt of this Notice of Violation. Submit all necessary documents for the Onsite Wastewater Treatment System (OWTS) installation permit application. This process must be coordinated with Arapahoe County Public Works Zoning to confirm land use approval for a permanent or semi-permanent RV location.

OR

- Alternatively, the property owner may remove the RV and any living quarters from the property, fence off any affected area that has been treated with lime, and till the applied lime at least four (4) inches into the ground.

Failure to comply with this Notice of Violation may result in additional enforcement action, including issuance of civil penalties and/or filing of an action in district court against you.

If you have any questions, please feel free to contact me at [water@arapahoegov.com](mailto:water@arapahoegov.com).

Regards,

Amara Thomas  
Environmental Health Specialist  
Arapahoe County Public Health

Enclo. ACPH Notice of Violation

CC: Conner Gerken, Arapahoe County Environmental Health Supervisor  
Steven Chevalier, Arapahoe County Environmental Health Manager  
Monica Kovaci, Senior Assistant Arapahoe County Attorney

**More Information:**

Online Permit Application: <https://myhealthdepartment.com/acph>

Information on Environmental Health programs: <https://tinyurl.com/mr38rutv>

CDPHE Solid Waste Cleanup: <https://cdphe.colorado.gov/hm/swguidance>



2nd Notice



# ARAPAHOE COUNTY PUBLIC HEALTH

## Official Notice of Violation On-Site Wastewater Treatment Systems (OWTS)

To: ☒ Homeowner ☒ Occupant ☐ Installer ☐ Cleaner  
Name: James Williams and/or Current Resident  
Address: 57075 E Maplewood Pl  
City: Strasburg State: CO Zip: 80136

The violation of ACPH OWTS Regulation, effective date December 10, 2022 consists of the following (indicated by an ☒ ):

- ☐ **Section 3.1**  
No person or persons shall install, alter, repair or use an On-Site Wastewater Treatment System (OWTS) within the county of Arapahoe, State of Colorado, unless such person holds a valid permit, issued by the Department in the name of the property owner for the specific construction, remodeling, installation, or use, proposed at the location described on the permit.
- ☐ **Section 3.5.B**  
No change of design of an OWTS after the permit has been issued shall be made unless authorized in writing by the Department.
- ☐ **Section 3.13.A**  
It is the responsibility of the system contractor to notify the Department when construction, installation, alteration, or repair had been sufficiently completed to allow inspection of the conventional system before the system is placed in use.
- ☐ **Section 3.14.A**  
It is the responsibility of the systems contractor to notify the professional engineer and the Department when construction, installation, alteration, or repair has been sufficiently completed to allow inspection of the engineered system before the system is placed in use.
- ☐ **Section 5.1.C**  
A Use Permit shall be maintained and renewed until the system is either abandoned or the Department authorizes the decommissioning or removal of the **higher-level treatment unit**.
- ☐ **Section 7.1.A**  
No person shall install, alter, or repair an OWTS unless he holds a valid Systems Contractor License issued by the Department.
- ☐ **Section 7.2.A**  
No person shall engage in the cleaning of OWTS Systems or the transportation of sewage to a disposal site unless he holds a valid Systems Cleaner License issued by the Department.
- ☒ **Section 18.1.D**  
No person shall construct or maintain any dwelling or other occupied structure which is not equipped with adequate facilities for the sanitary disposal of sewage.
- ☐ **Section 18.1.E**  
All persons shall dispose of septage removed from systems in the process of maintenance or cleaning at an approved site and in an approved manner.
- ☐ **Section** \_\_\_\_\_

Description of the Violation: Sewage actively surfacing on the ground  
from the recreational vehicle (RV) on-site.

Corrective Actions Required: Immediately take action to keep sewage off of the ground,  
treat affected area with lime & fence off. Apply and pay for an Onsite  
Waste Water Treatment System (OWTS) Installation permit within 48 hours  
of receipt of this Notice of Violation.

Official Notice Issued by:

Conner Gerken  
Environmental Health Specialist (Print)

[Signature]  
Environmental Health Specialist (Signature)

Date Notice Given: 5/29/25

Compliance

Deadline:

within  
48 hours of  
receipt

Official Notice Received by:

\_\_\_\_\_  
Owner/Occupant/Installer/Cleaner (Print)

\_\_\_\_\_  
Owner/Occupant/Installer/Cleaner (Signature)

Date Notice Received: \_\_\_\_\_



June 25, 2025

**SECOND NOTICE OF VIOLATION AND  
INTENT TO PROCEED WITH ENFORCEMENT**

To: James Williams

P.O. Box 432 Strasburg, CO 80136-0432

5300 S 4178 Rd, Chelsea, OK 74016-1306

Delivery: First Class U.S. Mail

Subject: ARAPC2859, James Williams, 57075 E Maplewood Pl., Strasburg, CO 80136

Dear James Williams:

You are hereby issued this Second Notice of Violation for continued non-compliance of the Arapahoe County On-site Wastewater Regulations, Section 18.1.D, for maintaining a dwelling that is not equipped with adequate facilities for the sanitary disposal of sewage. You were previously issued the first Notice of Violation of May 13, 2025 and directed to immediately take all necessary action to keep sewage off the surface of the ground and ensure proper treatment and disposal, OR remove the RV and any living quarters from the property, fence off any affected area that has been treated with lime, and till the applied lime at least four (4) inches into the ground. To date, despite your notice of the issue, you have failed to remedy the situation and have maintained a nuisance that may be injurious to the public health by continuing to discharge sewage to the ground outside of an Arapahoe County permitted and approved septic system.

This is a notice that Arapahoe County Public Health will move forward with administrative enforcement for this property for your continued violations of the Colorado On-Site Wastewater Treatment Systems Act, the Arapahoe County On-Site Wastewater Regulations, and for failure to remove or abate a nuisance in violation of the Colorado Public Health Act. Colorado Revised Statute §§ 25-1-518, 25-10-112(4) and 113. State law permits assessment of civil penalties of \$50/day for violations of the On-Site Wastewater Treatment Systems Act, and the violation of public health laws is a class 2 misdemeanor, punishable by imprisonment in a county jail for up to 120 days, a fine of up to \$750, or both. Colorado Revised Statute § 25-1-516(3). In addition to the fine or imprisonment, you may be held liable for any expense incurred by health authorities in removing any nuisance, source of filth, or cause of sickness. *Id.*

Please reach out to us to discuss the situation to ensure compliance and avoid escalation of enforcement proceedings. You may contact me at [water@arapahoegov.com](mailto:water@arapahoegov.com) or at (303) 795-4584. We look forward to hearing from you.

Regards,

Conner Gerken  
Environmental Health Supervisor  
Arapahoe County Public Health

Enclosure:

Official Notice of Violation On-Site Wastewater Treatment Systems (OWTS)

CC: Steven Chevalier, Arapahoe County Environmental Health Manager;  
Caitlyn Mars, Arapahoe County Zoning Manager;  
Monica Kovaci, Senior Assistant Arapahoe County Attorney;  
Rebecca Taylor, Senior Assistant Arapahoe County Attorney;  
Jordan Lewis, Assistant Arapahoe County Attorney

USPS Tracking<sup>®</sup>

FAQs >

Tracking Number:

Remove X

42074016950550656236517640

 Copy  Add to Informed Delivery

### Latest Update

Your item was delivered in or at the mailbox at 2:13 pm on June 27, 2025 in CHELSEA, OK 74016.

Get More Out of USPS Tracking:

 USPS Tracking Plus<sup>®</sup>

 **Delivered**

**Delivered, In/At Mailbox**

CHELSEA, OK 74016

June 27, 2025, 2:13 pm





July 29, 2025

**NOTICE OF HEARING**

James Williams and/or Occupant

P.O. Box 432 Strasburg, CO 80136-0432

and

5300 S 4178 Rd, Chelsea, OK 74016-1306

and

P.O. Box 565, Kiowa, CO 80117 0565

[kiowafarrier@gmail.com](mailto:kiowafarrier@gmail.com)

Delivery: First Class U.S. Mail, Email, and Posted at Property

Subject: NOTICE OF HEARING re: Violations of the Arapahoe County On-Site Wastewater Regulations 57075 E Maplewood Pl., Strasburg, CO 80136

Dear James Williams:

Notice is hereby given that the Arapahoe County Board of Health will hold an enforcement hearing on the date/time stated below for violations of the Arapahoe County On-site Wastewater Regulations, Section 18.1.D (maintaining a dwelling that is not equipped with adequate facilities for the sanitary disposal of sewage). As the property owner and/or property occupant, you may attend and present testimony.

**Arapahoe County Board of Health  
6964 S. Lima St, Arapahoe Boardroom  
Centennial, CO 80112**

**Wednesday, August 20, 2025  
3:00 p.m.**

If you have any questions, please feel free to contact us at [water@arapahoegov.com](mailto:water@arapahoegov.com).  
Regards,

Steven Chevalier, MS, REHS  
Environmental Health Manager  
Arapahoe County Public Health

CC: Monica Kovaci, Senior Assistant Arapahoe County Attorney  
Writer Mott, Deputy County Attorney  
Jennifer Ludwig, Arapahoe County Public Health Director  
Michele Askenazi, Arapahoe County Division Director  
Conner Gerken, Arapahoe County Environmental Health Supervisor  
Caitlyn Mars, Arapahoe County Zoning Manger  
Amara Thomas, Arapahoe County Environmental Health Specialist  
Rachel Gamache, Arapahoe County Environmental Health Specialist

Tracking Number:

Remove X

9505506580315216617692

Copy      Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was delivered in or at the mailbox at 1:07 pm on August 6, 2025 in CHELSEA, OK 74016.

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Delivered

Delivered, In/At Mailbox

CHELSEA, OK 74016

August 6, 2025, 1:07 pm

See All Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (<https://faq.usps.com/s/article/Where-is-my-package>)

Feedback

Text & Email Updates



USPS Tracking Plus<sup>®</sup>



Product Information



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## Need More Help?

Contact USPS Tracking support for further assistance.

**FAQs**



**57075 E Maplewood Pl – Site Visit – 5/13/2025**



**5/13/2025 – 57075 E Maplewood Pl – View of Sewage Pipe from RV Discharging onto Ground**





5/13/2025 – 57075 E Maplewood Pl – Expanded View of Sewage Pipe from RV Discharging onto Ground





5/13/2025 – 57075 E Maplewood Pl – Close up View of Sewage Pipe from RV Discharging onto Ground





5/13/2025 – 57075 E Maplewood Pl – Expanded View of Sewage Pipe from RV Discharging onto Ground





5/13/2025 – 57075 E Maplewood Pl – RV on property with Water Tank





5/13/2025 – 57075 E Maplewood Pl – Expanded view shows location of discharging sewage





5/13/2025 – 57075 E Maplewood Pl – RV, Truck, Propane tank, and Trailer on property





5/13/2025 – 57075 E Maplewood Pl – View of the fenced-off yard in front of the RV





5/13/2025 – 57075 E Maplewood Pl – Notice of Violation left on Windshield of Truck, unable to access RV door due to fence and dogs



**57075 E Maplewood Pl – Site Visit – 5/29/2025**



5/29/2025 – 57075 E Maplewood Pl – View of driveway from S CR 157 for 57075 E Maple Pl



5/29/2025 – 57075 E Maplewood Pl – View of RV and Truck on property





5/29/2025 – 57075 E Maplewood Pl – View of Truck



5/29/2025 – 57075 E Maplewood Pl – View of Windshield of Truck





5/29/2025 – 57075 E Maplewood Pl – View of License Plate of Truck



5/29/2025 – 57075 E Maplewood Pl –View of License Plate of Trailer





5/29/2025 – 57075 E Maplewood Pl – View of Ground near RV





5/29/2025 – 57075 E Maplewood Pl – View of RV



5/29/2025 – 57075 E Maplewood Pl – View of RV





5/29/2025 – 57075 E Maplewood Pl – View of Liquid next to RV

2nd Notice



**ARAPAHOE COUNTY**  
PUBLIC HEALTH

**Official Notice of Violation**  
**On-Site Wastewater Treatment Systems (OWTS)**

To: ☒ Homeowner ☒ Occupant ☐ Installer ☐ Cleaner  
Name: James Williams and/or Current Resident  
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City: Strasburg State: CO Zip: 80136

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- ☐ **Section** \_\_\_\_\_

Description of the Violation: Sewage actively surfacing on the ground  
from the recreational vehicle (RV) on-site.

Corrective Actions Required: Immediately take action to keep sewage off of the ground,  
treat affected area with lime & fence off. Apply and pay for an Onsite  
Waste Water Treatment System (OWTS) Installation permit within 48 hours  
of receipt of this Notice of Violation.

Official Notice Issued by:  
Conner Gerken  
Environmental Health Specialist (Print)

[Signature]  
Environmental Health Specialist (Signature)

Date Notice Given: 5/29/25

**Compliance**

Deadline:  
within  
48 hours of  
receipt

**Official Notice Received by:**

\_\_\_\_\_  
Owner/Occupant/Installer/Cleaner (Print)

\_\_\_\_\_  
Owner/Occupant/Installer/Cleaner (Signature)

\_\_\_\_\_  
Date Notice Received:

5/29/2025 – 57075 E Maplewood Pl – View of 2<sup>nd</sup> Notice of Violation







## 57075 E Maplewood Pl – Notice of Hearing Posted on Property by Entrance – 7/31/2025







**COLORADO PUBLIC HEALTH ACT, C.R.S. §§ 25-1-501 to 520**

**C.R.S. § 25-1-508. County or district boards of public health--public health directors**

(5) In addition to all other powers and duties conferred and imposed upon a county board of health or a district board of health by the provisions of this subpart 3, a county board of health or a district board of health shall have and exercise the following specific powers and duties:

(a) To develop and promote the public policies needed to secure the conditions necessary for a healthy community;

(b) To approve the local public health plan completed by the county or district agency, and to submit the local plan to the state board for review;

(c)(I) To select a public health director to serve at the pleasure of the county or district board. The public health director shall possess such minimum qualifications as may be prescribed by the state board. A public health director may be a physician, physician assistant, public health nurse, or other qualified public health professional. A public health director may practice medicine, nursing, or his or her profession within his or her license and scope of practice, as necessary, to carry out the functions of the office of the public health director. The qualifications shall reflect the resources and needs of the county or counties covered by the agency. If the public health director is not a physician, the county or district board shall employ or contract with at least one medical officer to advise the public health director on medical decisions. The public health director shall maintain an office location designated by the county or district board and shall be the custodian of all property and records of the agency.

(II) A person employed or under contract to act as a medical officer pursuant to this paragraph (c) shall be covered by the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., for duties performed for the agency.

(d)(I) In the event of a vacancy in the position of public health director or medical officer, to either employ or contract with a person deemed qualified to fill the position or to request temporary assistance from a public health director or a medical officer from another county. The county or district board may also request that an employee of the state department, such as a qualified executive director or the chief medical officer, serve on an interim basis with all the powers and duties of the position.

(II) A person filling a temporary vacancy as public health director or medical officer shall be covered by the "Colorado Governmental Immunity Act", article 10 of title 24, C.R.S., for duties performed for the agency.

(e) To provide, equip, and maintain suitable offices and all necessary facilities for the proper administration and provision of core public health services, as defined by the state board;

(f) To determine general policies to be followed by the public health director in administering and enforcing public health laws, orders, and rules of the county or district board, and orders, rules, and standards of the state board;

(g) To issue orders and to adopt rules not inconsistent with the public health laws of this state nor with the orders or rules of the state board as the county or district board may deem necessary for the proper



exercise of the powers and duties vested in or imposed upon an agency or county or district board by this part 5;

(h) To act in an advisory capacity to the public health director on all matters pertaining to public health;

(i) To hold hearings, administer oaths, subpoena witnesses, and take testimony in all matters relating to the exercise and performance of the powers and duties vested in or imposed upon a county or district board;

(j) To provide environmental health services and to assess fees to offset the actual, direct cost of such services; except that no fee for a service shall be assessed against any person who has already paid a fee to the state or federal government for the service, and except that the only fee that shall be charged for annual retail food establishment inspections shall be the fee set forth in section 25-4-1607;

(k) To accept and, through the public health director, to use, disburse, and administer all federal aid, state aid, or other property, services, or moneys allotted to an agency for county or district public health functions or allotted without designation of a specific agency for purposes that are within the functions of an agency, and to prescribe, by rule consistent with the laws of this state, the conditions under which the property, services, or moneys shall be accepted and administered. The county or district board is empowered to make agreements that may be required to receive such moneys or other assistance.

(l) To approve, as provided for in section 25-1-520, a clean syringe exchange program proposed by an agency. A county board of health or district board of health shall not be required to approve a proposed program.

### **C.R.S. § 25-1-518. Nuisances**

(1) **Removal of nuisances.** The county or district board of health shall examine all nuisances, sources of filth, and causes of sickness, which, in its opinion, may be injurious to the health of the inhabitants, within its town, city, county, city and county, or district, and it shall destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, as the case may require.

(2) **Unhealthy premises cleaned--structures removed.** If any cellar, vault, lot, sewer, drain, place, or premises within any city is damp, unwholesome, offensive, or filthy, or is covered for any portion of the year with stagnant or impure water, or is in a condition as to produce unwholesome or offensive exhalations, the county or district board of health may cause the area to be drained, filled up, cleaned, amended, or purified; or may require the owner or occupant or person in charge of the lot, premises, or place to perform such duty; or may cause the removal to be done by the proper officers of the city.

(3) **Expense for abating nuisance.** If any person or company neglects to remove or abate any nuisance or to perform any requirement made by or in accordance with any ordinance or resolution of the county or district board of health for the protection of the health of the inhabitants and if any expense is incurred by the board in removing or abating the nuisance or in causing such duty or requirement to be performed, such expense may be recovered by the board in an action against such person or company. In all cases where the board incurs any expense for draining, filling, cleaning, or purifying any lot, place,

or premises, or for removing or abating any nuisance found upon such lot or premises, the board, in addition to all other remedies, may provide for the recovery of such expense, charge the same or such part thereof as it deems proper to the lot or premises upon or on account of which such expense was incurred or from which such nuisance was removed or abated, and cause the same to be assessed upon such lot or premises and collected as a special assessment.

(4) **Removal of nuisance on private property--penalty.** Whenever any nuisance, source of filth, or cause of sickness is found on private property, the county or district board of health shall order the owner or occupant or the person who has caused or permitted such nuisance, at his or her own expense, to remove the same within twenty-four hours. In default thereof, he or she shall forfeit a sum not to exceed one hundred dollars at the suit of the board of county commissioners of the proper county or the board of the proper city, town, or village for the use of the county or district board of health of the city or town where the nuisance is found.

(5) **Board to remove--when.** If the owner or occupant does not comply with an order of the county or district board of health, the board may cause the nuisance, source of filth, or cause of sickness to be removed, and all expense incurred thereby shall be paid by the owner or occupant or by such other person who has caused or permitted the nuisance, source of filth, or cause of sickness.

(6) **Conviction--nuisance to be abated.** Whenever any person is convicted of maintaining a nuisance that may be injurious to the public health, the court, in its discretion, may order the nuisance abated, removed, or destroyed at the expense of the defendant under the direction of the county or district board of health of the town, city, county, or district where the nuisance is found, and the form of the warrant to the sheriff or other officer may be varied accordingly.

(7) **Stay warrant of conviction.** The court, on the application of the defendant, may order a stay of a warrant issued pursuant to subsection (6) of this section for such time as may be necessary, not exceeding six months, to give the defendant an opportunity to remove the nuisance upon giving satisfactory security to do so within the time specified in the order.

(8) **Expense of abating.** The expense of abating and removing the nuisance pursuant to a warrant issued pursuant to subsection (6) of this section shall be collected by the officer in the same manner as damages and costs are collected upon execution; except that the materials of any buildings, fences, or other things that may be removed as a nuisance may be sold by the officer in like manner as goods are sold on execution for the payment of debts. The officer may apply the proceeds of the sale to defray the expenses of the removal and shall pay over the balance thereof, if any, to the defendant upon demand. If the proceeds of the sale are not sufficient to defray the expenses incurred pursuant to this subsection (8), the sheriff shall collect the residue thereof as provided in subsection (3) of this section.

(9) **Refusal of admittance to premises.** (a) Whenever a county or district board of health finds it necessary for the preservation of the lives or health of the inhabitants to enter any building, car, or train of cars in its town, city, county, or district for the purpose of examining and abating, removing, or preventing any nuisance, source of filth, or cause of sickness and is refused entry, any member of the board may make complaint under oath to the county court of his or her county stating the facts of the case as far as he or she has knowledge thereof.

(b) The court may thereupon issue a warrant directed to the sheriff commanding him or her to take sufficient aid and, being accompanied by any two or more members of the county or district board of health, during daylight hours, to return to the place where the nuisance, source of filth, or cause of sickness complained of may be and destroy, remove, or prevent the nuisance, source of filth, cause of sickness, or danger to life or limb under the direction of the members of the board of health.

(10) **Damages occasioned by nuisance--action.** Any person injured either in his or her comfort or in the enjoyment of his or her estate by any nuisance may have an action for damages sustained thereby.

## **COLORADO ON-SITE WASTEWATER TREATMENT ACT, C.R.S. §§ 25-10-101 to 113**

### **C.R.S. § 25-10-104. Regulation of on-site wastewater treatment systems--state and local rules**

(1) The division shall develop, and recommend to the commission for adoption, rules setting forth minimum standards for the location, design, construction, performance, installation, alteration, and use of on-site wastewater treatment systems within Colorado. The commission may establish criteria for issuing variances in the rules.

(2) Every local board of health in the state shall develop and adopt detailed rules for on-site wastewater treatment systems within its area of jurisdiction. The rules must comply with the rules adopted by the commission pursuant to subsection (1) of this section and with sections 25-10-105 and 25-10-106. Before finally adopting such rules or any amendment to the rules, the local board of health shall hold a public hearing on the proposed rules or amendments. The local board of health shall give notice of the time and place of the hearing at least once, at least twenty days before the hearing, in a newspaper of general circulation within its area of jurisdiction. After the public hearing and before final adoption, the local board of health may make changes or revisions to the proposed rules or amendments, and no further public hearing is required regarding the changes or revisions. All rules and amendments must be transmitted to the department no later than five days after final adoption and become effective forty-five days after final adoption unless the department notifies the local board of health before the forty-fifth day that the rules or amendments are not in compliance with this section or section 25-10-105 or 25-10-106.

(3) If a local board of health has not adopted rules in compliance with this section and submitted them to the commission, the commission shall promulgate rules for the areas of the state for which no complying rules have been adopted, except for areas serviced exclusively by a sewage treatment works. Rules for such areas of the state promulgated by the commission must comply with the rules adopted under subsection (1) of this section and sections 25-10-105 and 25-10-106. The rules must be the same for all the areas of the state for which the commission promulgates such rules, except as may be appropriate to provide for differing geologic conditions.

(4) A local board of health may adopt rules after action by the commission under subsection (3) of this section, if the rules comply with the procedural requirements of subsection (2) of this section and are no less stringent than those promulgated by the commission. Rules of the local board so adopted become effective only after they are transmitted to the division and the division determines that they comply with this section and sections 25-10-105 and 25-10-106.

(5) In promulgating rules under this article, the commission and local boards of health shall give consideration to the protection of public health and water quality.

### **C.R.S. § 25-10-106. Basic rules for local administration**

(1) Local boards of health or the commission, as appropriate, shall adopt rules under section 25-10-104 that govern all aspects of the application for and issuance of permits, the inspection and supervision of installed systems, the issuance of cease-and-desist orders, the maintenance and cleaning of systems, and the disposal of waste material. The rules must, at a minimum, include provisions regarding:

(a) Procedures by which a person may apply for a permit for an on-site wastewater treatment system. The permit application must be in writing and must include any information, data, plans, specifications, statements, and commitments as required by the local board of health to carry out the purposes of this article.

(b) Review of the application and inspection of the proposed site by the local public health agency;

(c) Specification of studies to be performed and reports to be made by the applicant and the circumstances under which the studies or reports may be required by the local public health agency;

(d) Determination on behalf of the local public health agency by an environmental health specialist or a professional engineer after review of the application, site inspection, test results, and other required information, whether the proposed system complies with the requirements of this article and the rules adopted under this article;

(e) Issuance of a permit by the health officer or the health officer's designated representative if the proposed system is determined to be in compliance with this article and the rules adopted under this article;

(f) Review by the local board of health, upon request of an applicant, of applications denied by the local public health agency;

(g) The circumstances under which all applications are subject to mandatory review by the local public health agency to determine whether a permit shall issue;

(h) Final inspection of a system to be made by the local public health agency or its designated professional engineer after construction, installation, alteration, or repair work under a permit has been completed, but before the system is placed in use, to determine that the work has been performed in accordance with the permit and that the system is in compliance with this article and the rules adopted under this article;

(i) Inspection of operating systems at reasonable times, and upon reasonable notice to the occupant of the property, to determine if the system is functioning in compliance with this article and the rules adopted under this article. Officials of the local public health agency are permitted to enter upon private property for purposes of conducting such inspections.

(j) Issuance of a repair permit to the owner or occupant of property on which a system is not in compliance. An owner or occupant shall apply to the local public health agency for a repair permit within two business days after receiving notice from the local public health agency that the system is not functioning in compliance with this article or the rules adopted under this article or otherwise constitutes a nuisance or hazard to public health or water quality. The permit shall provide for a reasonable period of time within which the owner or occupant must make repairs, at the end of which period the local public health agency shall inspect the system to ensure that it is functioning properly. Concurrently with the issuance of a repair permit, the local public health agency may authorize the continued use of a malfunctioning system on an emergency basis for a period not to exceed the period stated in the repair permit. The period of emergency use may be extended, for good cause shown, if, through no fault of the owner or occupant, repairs may not be completed in the period stated in the repair permit and only if the owner or occupant will continue to make repairs to the system.

(k)(I) Issuance of an order to cease and desist from the use of any on-site wastewater treatment system or sewage treatment works that is found by the health officer not to be in compliance with this article or the rules adopted under this article or that otherwise constitutes a nuisance or a hazard to public health or water quality. Such an order may be issued only after a hearing is conducted by the health officer not less than forty-eight hours after written notice of the hearing is given to the owner or occupant of the property on which the system is located and at which the owner or occupant may be present, with counsel, and be heard. The order must require that the owner or occupant bring the system into compliance or eliminate the nuisance or hazard within a reasonable period of time, not to exceed thirty days, or thereafter cease and desist from the use of the system. A cease-and-desist order issued by the health officer is reviewable in the district court for the county in which the system is located and upon a petition filed no later than ten days after the order is issued.

(II) For the purposes of this paragraph (k), any system or sewage treatment works that does not comply with any statute or rule of this title constitutes a nuisance.

(III) For the purposes of this paragraph (k), a sewage treatment works does not include any sewage treatment facility with a discharge permit issued pursuant to section 25-8-501.

(I) Reasonable periodic collection and testing by the local public health agency of effluent samples from on-site wastewater treatment systems for which monitoring of effluent is necessary in order to ensure compliance with this article or the rules adopted under this article. The sampling may be required not more than two times a year, except when required by the health officer in conjunction with action taken pursuant to paragraph (k) of this subsection (1). The local public health agency may charge a fee not to exceed actual costs, plus locally established mileage reimbursement rates for each mile traveled from the principal office of the local public health agency to the site of the system and return, for each sample collected and tested, and payment of such charges may be stated in the permit for the system as a condition for its continued use. Any owner or occupant of property on which an on-site wastewater treatment system is located may request the local public health agency to collect and test an effluent sample from the system. The local public health agency may, at its option, perform such collection and testing services, and is entitled to charge a fee not to exceed actual costs, plus locally established mileage reimbursement rates for each mile traveled from the principal office of the local public health agency to the site of the system and return, for each sample collected and tested.

(m) At the option of the local board of health, maintenance and cleaning schedules and practices adequate to ensure proper functioning of various types of on-site wastewater treatment systems. The local board of health may additionally require proof of proper maintenance and cleaning, in compliance with the schedule and practices adopted under this subsection (1), to be submitted periodically to the local public health agency by the owner of the system.

(n) Disposal of septage at a site and in a manner that does not create a hazard to the public health, a nuisance, or an undue risk of pollution.

### **C.R.S. § 25-10-112. General prohibitions--rules**

(1) No city, county, or city and county shall issue to any person:

(a) A permit to construct or remodel a building or structure that is not serviced by a sewage treatment works until the local public health agency has issued a permit for an on-site wastewater treatment system; or

(b) A city, county, or city and county occupancy permit for the use of a building that is not serviced by a sewage treatment works until the local public health agency makes a final inspection of the on-site wastewater treatment system, as provided for in section 25-10-106(1)(h), and the local public health agency approves the installation.

(2) Construction of new cesspools is prohibited.

(3) A person shall not connect more than one dwelling, commercial, business, institutional, or industrial unit to the same on-site wastewater treatment system unless such multiple connection was specified in the application submitted and in the permit issued for the system.

(4) No person shall construct or maintain any dwelling or other occupied structure that is not equipped with adequate facilities for the sanitary disposal of sewage.

(5) All persons shall dispose of septage removed from systems in the process of maintenance or cleaning at an approved site and in an approved manner under this article.

### **C.R.S. § 25-10-113. Penalties**

Currentness

(1) Any person who commits any of the following acts or violates this article 10 commits a civil infraction and shall be punished as provided in section 18-1.3-503:

(a) Constructs, alters, installs, or permits the use of any on-site wastewater treatment system without first applying for and receiving a permit as required under this article;

(b) Constructs, alters, or installs an on-site wastewater treatment system in a manner that involves a knowing and material variation from the terms or specifications contained in the application, permit, or variance;

(c) Violates the terms of a cease-and-desist order that has become final under section 25-10-106(1)(k);

(d) Conducts a business as a systems contractor without having obtained the license provided for in section 25-10-109(1) in areas in which the local board of health has adopted licensing regulations pursuant to that section;

(e) Conducts a business as a systems cleaner without having obtained the license provided for in section 25-10-109(2) in areas in which the local board of health has adopted licensing regulations pursuant to that section;



(f) Falsifies or maintains improper record keeping concerning system cleaning activities not performed or performed improperly; or

(g) Willfully fails to submit proof of proper maintenance and cleaning of a system as required by rules adopted pursuant to section 25-10-106.

(2) Upon a finding by the local board of health that a person is in violation of this article or of rules adopted and promulgated pursuant to this article, the local board of health may assess a penalty of up to fifty dollars for each day of violation. In determining the amount of the penalty to be assessed, the local board of health shall consider the seriousness of the danger to the health of the public caused by the violation, the duration of the violation, and whether the person has previously been determined to have committed a similar violation.

(3) A person subject to a penalty assessed pursuant to subsection (2) of this section may appeal the penalty to the local board of health by requesting a hearing before the appropriate body. The request must be filed within thirty days after the penalty assessment is issued. The local board of health shall conduct a hearing upon the request in accordance with section 24-4-105, C.R.S.



**ARAPAHOE COUNTY**

# ON-SITE WASTEWATER REGULATIONS

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**PROMULGATED BY THE BOARD OF HEALTH  
OF ARAPAHOE COUNTY**

**Effective Date  
December 24, 2022**

**Pursuant to Title 25-10-101, et seq. Colorado Revised Statutes and  
the Colorado Department of Public Health and Environment Water  
Quality Control Commission On-Site Wastewater Treatment System  
Regulation #43, 5 CCR-1002-43**

This document describes the rules and regulations for the use and permitting of On-Site Wastewater Treatment Systems in Arapahoe County. This Regulation should be used by anyone seeking a permit, designing a system, installing a system, repairing a system, or using a system.

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## **SECTION 1                      AUTHORITY, SCOPE, AND APPLICABILITY**

### **1.1      Authority**

This Regulation is promulgated pursuant to the On-Site Wastewater Treatment System Act, C.R.S. §25-10-101, et seq.

### **1.2      Declaration**

- A. In order to preserve the environment and protect the public health; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish standards, rules and regulations for On-Site Wastewater Treatment Systems (OWTS) in Arapahoe County, State of Colorado, and to provide the authority for the administration and enforcement of such minimum standards, rules and regulations.
- B. The Board of Health of Arapahoe County finds, determines and declares these Regulations and standards to be necessary for the preservation of the public health and welfare of the inhabitants of Arapahoe County, State of Colorado. These Regulations are adopted by the Board of Health of Arapahoe County on the 9th day of November, 2022 and shall become effective the 24th day of December, 2022.
- C. This Regulation will apply to On-Site Wastewater Treatment Systems as defined in Section C.R.S. §25-10-103(12).

### **1.3      Purpose**

The purpose of these Regulations, as authorized by C.R.S. §25-10-101, et seq., is to provide guidance and establish minimum standards (including the enforcement thereof) for the location, construction, performance, installation, alteration and use of OWTS within Arapahoe County, State of Colorado, and concerning the application for and issuance of permits, the inspection, testing, and supervision of installed systems, the use, maintenance, and cleaning of systems and the disposal of waste material.

### **1.4      Severability**

Should any section, paragraph, sentence, clause or phrase of these Regulations be declared unconstitutional or invalid for any reason, such portion shall be deemed separate and distinct and will not affect the validity of the remaining portion of these Regulations.

### **1.5      Effluent Discharged to Surface Waters**

Any system that will discharge into State Waters must be designed by a professional engineer. The discharge permit application must be submitted for preliminary approval to the Board of Health. Once approved by the Board of Health, the application must be submitted to the Water Quality Control Division for review in accordance with the Water Quality Control Act, C.R.S. §25-8-101, et seq., and all applicable regulations of the Water Quality Control

Commission. Compliance with such a permit will be deemed full compliance with this Regulation.

## 1.6 Applicability

### A. Regulation Coverage

- 1) An OWTS with design capacity less than or equal to 2,000 gallons per day (gpd) must comply with these Regulations and the OWTS Act. These Regulations govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.
- 2) An OWTS with design capacity greater than 2,000 gallons per day (gpd) must comply with CDPHE Regulation 43, site location and design approval in C.R.S. §25-8-702, and the discharge permit requirements in the Water Quality Control Act, C.R.S. §25-8-501, et seq.

### B. Applicable Commission regulations include, but are not limited to, the following:

- 1) Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22).
- 2) Regulation 41 - The Basic Standards for Ground Water (5 CCR 1002-41).
- 3) Regulation 42 - Site-Specific Water Quality Classifications and Standards for Ground Water (5 CCR 1002-42).
- 4) Regulation 43 - On-Site Wastewater Treatment System (5 CCR-1002-43).
- 5) Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61).
- 6) Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62).

### C. The requirements for maintenance and standards of performance for systems greater than 2,000 gallons per day (gpd) shall be determined by the site application approval and discharge permit.

### D. In the interest of facilitating communication of Department concerns regarding a design being reviewed by the Division, the Department can provide comments to the Division for consideration during the Division's review of the proposed design and discharge permit application. Under such a coordinated process, the Division retains final authority for approval or denial of each domestic wastewater treatment works that is regulated under the site location approval and Colorado Discharge Permit System Regulations. Prior to approval or denial of each OWTS domestic wastewater treatment works, the Division must acknowledge and consider local OWTS regulations when they are more stringent and restrictive than in Regulation 43.

## 1.7 Materials Incorporated by Reference

Throughout these Regulations, standards and requirements by outside organizations have been adopted and incorporated by reference. The materials incorporated by reference cited herein include only those versions that were in effect as of April 10, 2017, and do not include later amendments to the incorporated material.

## SECTION 2 DEFINITIONS

**Absorption system** - means a leaching field and adjacent soils or other system for the treatment of sewage in an On-Site Wastewater Treatment System by means of absorption into the ground. See Soil Treatment Area.

**Accessible** - means easily reached, attained or entered by the necessary equipment or maintenance provider.

**Act or OWTS Act** - means the On-Site Wastewater Treatment Systems Act, C.R.S. 25-10-101, et seq.

**Applicant** - means a person who submits an application for a permit for an On-Site Wastewater Treatment System.

**Basal Area** - means the effective surface area available to transmit the treated effluent from the filter media in a mound system into the in-situ receiving soils. The perimeter is measured at the interface of the imported fill material and in-situ soil. On sloping sites, only the area down-gradient from the up-slope edge of the distribution media may be included in this calculation.

**Bed** - means a below-grade soil treatment area with a level sub-base, consisting of a shallow excavation greater than three feet wide containing distribution media and more than one lateral.

**Bedrock** - means continuous rock that underlies the soil or is exposed at the surface. Bedrock is generally considered impervious, but if fractured or deteriorated, it may allow effluent to pass through without adequate treatment.

**Bedroom** - means a room with an egress window, a closet, and/or is intended for sleeping purposes; or as defined by the local board of health, as stated in the local OWTS regulation.

**Board of Health** - means the Board of Health of Arapahoe County.

**Biochemical Oxygen Demand, Five-Day (BOD<sub>5</sub>)** - means the quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating biodegradable organic matter under aerobic conditions over a five (5) day incubation period; expressed in milligrams per liter (mg/L).

**Biochemical Oxygen Demand, Carbonaceous Five Day (CBOD<sub>5</sub>)** - means quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating the organic matter under aerobic conditions over a five (5) day incubation period while in the presence of a chemical inhibitor to block nitrification; expressed in milligrams per liter (mg/L).



**Building sewer** - means piping that conveys wastewater to the first system component or the sewer main.

**Carbonaceous Biochemical Oxygen Demand** - See Biochemical Oxygen Demand, Carbonaceous

**Cemented Sands** - Soil, having a sand, loamy sand or sandy loam texture having a cementation class of NC, EW, VW, W, M, ST, VS or I as described in the table on page 2-63 of the Natural Resources Conservation Service Field Book for Describing and Sampling Soils, National Soils Survey Center NRCS-USDA, 2012 (NRCS Field Book).

**Cesspool** - means an unlined or partially lined underground pit or underground perforated receptacle into which raw household wastewater is discharged and from which the liquid seeps into the surrounding soil. Cesspool does not include a septic tank.

**Cherry Creek Basin** - means the basin consisting of the drainage basin of Cherry Creek, as defined in C.R.S. §25-8.5-104.

**Cherry Creek Basin Water Quality Authority** - means a quasi-municipal corporation and political subdivision of the state, created pursuant to C.R.S. §25-8.5-103.

**Cherry Creek Reservoir Control Regulation** - means Water Quality Control Commission Regulation Number 72 (5 CCR 1002-72), promulgated by the Colorado Water Quality Control Commission pursuant to C.R.S. §25-8-202 (1) (c) and C.R.S. §25-8-205.

**Chamber** - means an open, arch-shaped structure providing an open-bottom soil interface with permeable sidewalls used for distribution of effluent in a soil absorption system.

**Cistern** - means an underground, enclosed unpressurized reservoir or tank for storing water as part of a potable water supply system.

**Cleaning** - means the act of removing septage or other wastes from a wastewater treatment system component or grease/waste from a grease interceptor.

**CDPHE** - means the Colorado Department of Public Health and Environment created by C.R.S. §25-1-102.

**Colorado Plumbing Code** - means Rules and Regulations of the Colorado State Plumbing Board (3 CCR 720-1).

**Commission** - means the Water Quality Control Commission created by C.R.S. §25-8-201.

**Competent technician** - means a person who has the appropriate expertise and is able to design OWTS and/or conduct and interpret the results of soil profile test pit excavations, percolation tests, and site evaluations. This individual has also met the required competencies for a "Competent Technician" as defined in Section 8.12.

**Component** - means a subsection of an On-Site Wastewater Treatment System; a component may include multiple devices.

**Composting toilet** - means a self-contained waterless toilet designed to decompose non-water-carried human wastes through microbial action and to store the resulting matter for disposal.

**Consistence** - means the degree and kind of cohesion and adhesion that soil exhibits and/or the resistance of soil to deformation or rupture under an applied stress to an extent that the soil density would restrict permeability. Aspects of consistence are used to determine if the horizon will have permeability lower than that of the defined soil type. Additional insight to consistence can be found in the Natural Resources Conservation Service Field Book for Describing and Sampling Soils, National Soils Survey Center NRCS-USDA, Sept. 2012 (NRCS Field Book)

**Crest** – means the highest point on the side of a dry gulch or cut bank.

**Cut-bank** - means a nearly vertical slope caused by erosion or construction that has exposed historic soil strata.

**Dawson Arkose** - means the Dawson Arkose formation of the Front Range of Colorado within the hydrogeological area known as the “Denver Basin”. Although cementation of the Dawson Arkose can vary from non-cemented to indurated, in some locations, the Dawson Arkose has the characteristics of Type 3A and 4A soils, from Table 10 in Appendix A. A moist sample of Dawson Arkose will typically exhibit cohesive behavior which allows the Dawson Arkose to form into a mass, which has low to high compressive strength when dried.

**Deep gravel system** - means a soil treatment area for repairs only where the trenches utilize a depth of gravel greater than six (6) inches below the distribution pipe and sidewall area is allowed according to a formula specified in this Regulation.

**Deficiency** - See Malfunction.

**Department** - as used in these Regulations, means the Arapahoe County Health Department.

**Design** - means: 1) the process of selecting, sizing, locating, specifying, and configuring treatment train components that match site characteristics and facility use as well as creating the associated written documentation; and 2) written documentation of size, location, specification and configuration of a system.

**Design capacity** - See Flow, Design

**Design flow** - See Flow, Design

**Designer, On-Site Wastewater Treatment System** - means a practitioner who utilizes site evaluation and investigation information to select an appropriate OWTS and prepares a design document in conformance with this Regulation.

**Distribution** - means the process of conveying wastewater or effluent to one (1) or more components, devices, or throughout a soil treatment area.

**Distribution box** - means a watertight component that receives effluent from a septic tank or other treatment unit and distributes effluent via gravity in approximately equal portions to two or more distribution laterals in the soil treatment area.

**Division** - means the division of administration of the department of which the Water Quality Control Division is a part.

**Domestic wastewater** - See Wastewater, domestic

**Domestic Wastewater Treatment Works** - means a system or facility for treating, neutralizing, stabilizing, or disposing of domestic wastewater which system or facility has a designed capacity to receive more than 2,000 gallons of domestic wastewater per day. The term "domestic wastewater treatment works" also includes appurtenances to such system or facility such as outfall sewers and pumping stations and to equipment related to such appurtenances. The term "domestic wastewater treatment works" does not include industrial wastewater treatment plants or complexes whose primary function is the treatment of industrial wastes, notwithstanding the fact that human wastes generated incidentally to the industrial process are treated therein. C.R.S. §25-8-103 (5)

**Dosing** - means a high rate periodic discharge into a soil treatment area.

**Dosing, demand** - means a configuration in which a specific volume of effluent is delivered to a component based upon patterns of wastewater generation from the source.

**Dosing, pressure** - means a uniform application of wastewater throughout the intended portion of the soil treatment area through small diameter pipes and orifices, under pressure. For this definition, the term pressure indicates that the system is capable of creating upward movement of effluent out of the distribution system piping.

**Dosing, timed** - means a configuration in which a specific volume of effluent is delivered to a component based upon a prescribed interval, regardless of facility water use.

**Dosing siphon** - means a device used for demand dosing effluent; which stores a predetermined volume of water and discharges it at a rapid rate, from a tank at a given elevation to a component at a lower elevation, accomplished by means of atmospheric pressure and the suction created by the weight of the liquid in the conveying pipe.

**Dosing tank** - means a tank, compartment or basin that provides for storage of effluent from a septic tank or other treatment unit intended to be delivered to a soil treatment area at a high rate periodic discharge.

**Drainfield** - See Soil treatment area

**Drop box** - means a device used for serial or sequential distribution of effluent by gravity flow to a lateral of a soil treatment area.

**Dry gulch** - See Gulch, dry

**Drywell** - means an unlined or partially lined underground pit (regardless of geometry) into which drainage from roofs, basement floors, water softeners or other non-wastewater sources is discharged and from which the liquid seeps into the surrounding soil.

**Effective Size** - means the size of granular media such that 10 percent (10%) by weight of the media is finer than the size specified.



**Effluent** - means the liquid flowing out of a component or device of an On-Site Wastewater Treatment System.

**Effluent filter** - See Effluent screen

**Effluent pipe** - means non-perforated pipe that conveys effluent from one On-Site Wastewater Treatment System component to the next.

**Effluent screen** - means a removable, cleanable (or disposable) device installed on the outlet piping of a septic tank for the purpose of retaining solids larger than a specific size and/or modulating effluent flow rate. An effluent screen may be a component of a pump installation. An effluent screen may also be installed following the septic tank but before higher level treatment components or a soil treatment area.

**Environmental Health Specialist (EHS)** - means a person trained in physical, biological, or sanitary science to carry out educational and inspectional duties in the field of environmental health.

**Evapotranspiration/absorption system** - means an unlined On-Site Wastewater Treatment component that uses evaporation, transpiration, and absorption for dispersal of effluent.

**Evapotranspiration system** - means an On-Site Wastewater Treatment component with a continuous, impermeable liner that uses evapotranspiration and transpiration for dispersal of effluent.

**Experimental system** - means a design or type of system based upon improvements or development in the technology of sewage treatment that has not been fully tested.

**Failure** - means a condition existing within any component of an OWTS which prevents the system from functioning as intended, and which results in the discharge of untreated or partially treated wastewater onto the ground surface, into surface water or ground water, or which results in the back-up of sewage into the building sewer. Other conditions within an OWTS component that are deemed by the Department to be a threat to public health and/or safety may also be deemed a failure.

**Field performance testing** - means data gathering on a system in actual use that is being proposed for Division acceptance.

**Floodplain (100-year)** - means an area adjacent to a stream which is subject to flooding as the result of the occurrence of a 100 year flood, and is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public or environmental health and safety or to property or is designated by the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program (NFIP). In the absence of FEMA/NFIP maps, a professional engineer must certify the floodplain elevations.

**Floodway** - means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot or as designated by the Federal Emergency Management Agency or National Flood Insurance Program. In the absence of FEMA/NFIP maps, a professional engineer must certify the floodway elevation and location.

**Flow, daily** - means the measured volume of wastewater generated from a facility in a twenty-four (24) hour period expressed as gallons per day.

**Flow, design** - means the estimated volume of wastewater per unit of time for which a component or system is designed. Design flow may be given in the estimated volume per unit such as person per unit time that must be multiplied by the maximum number of units that a facility can accommodate over that time.

**Flow equalization** - means a system configuration that includes sufficient effluent storage capacity to allow for regulated flow on a daily or multi-day basis to a subsequent component despite variable flow from the source.

**Flow equalizer** - means an adjustment device to evenly distribute flow between outlets in a distribution box or other device that may be out of level.

**Grease interceptor tank** - means a watertight device located outside a facility designed to intercept, congeal, and retain or remove fats, oils, and grease from sources such as commercial food-service that will generate high levels of fats, oils and greases.

**Ground water** - means that part of the subsurface water that is at or below the saturated zone.

**Ground water surface** - means the uppermost limit of an unconfined aquifer at atmospheric pressure.

**Gulch, dry** - means a deep, narrow ravine marking the course of an intermittent or ephemeral stream.

**Health officer** - means the chief administrative and executive officer of the Department, or the appointed health officer of the Board of Health. Health officer includes a director of the Department.

**Higher level treatment** - means designated treatment levels other than treatment level 1 (see Table 4).

**Holding tank** - See Vault.

**Infiltrative surface** - means designated interface where effluent moves from distribution media or a distribution product into treatment media or original soil. In standard trench or bed systems this will be the interface of the distribution media or product and in-situ soil. Two separate infiltrative surfaces will exist in a mound system and an unlined sand filter, one at the interface of the distribution media and fill sand, the other at the interface of the fill sand and in-situ soil.

**Inspection port** - means an access point in a system component that enables inspection, operation and/or maintenance.

**Invert** - means elevation of the bottom of the inside pipe wall or fitting.

**Lateral** - means a pipe, chamber, or other conveyance used to carry and distribute effluent.

**Leach field** - See Soil treatment Area

**Limiting layer** - means a horizon or condition in the soil profile or underlying strata that limits the treatment capability of the soil or severely restricts the movement of fluids. This may include soils with

low or high permeability, impervious or fractured bedrock, or a seasonal or current ground water surface.

**Liner** - means an impermeable synthetic or natural material used to prevent or restrict infiltration and/or exfiltration. For the purposes of this Regulation, the minimum thickness of a liner must be thirty (30) ml.

**Linear loading rate** - means the amount of effluent applied per linear foot along the contour (gpd/linear ft.).

**Long-term acceptance rate - (LTAR)** – means a design parameter expressing the rate that effluent enters the infiltrative surface of the soil treatment area at equilibrium, measured in volume per area per time, e.g. gallons per square foot per day (gal/ ft<sup>2</sup>/day).

**Malfunction** - means the condition in which a component is not performing as designed or installed and is in need of repair in order to function as originally intended.

**Manufactured media** - See Media, other manufactured and Media, enhanced manufactured

**Media** - means solid material that can be described by shape, dimensions, surface area, void space, and application.

**Media, enhanced manufactured** - means an accepted proprietary manufactured distribution product, wrapped in a specified fabric, and placed on a specified sand base or media that does not mask the infiltrative surface of the in-situ soil.

**Media, other manufactured** - means an accepted proprietary manufactured distribution product made of synthetic media for distribution of effluent that is placed directly on the in-situ soil.

**Media, treatment** - means non-or slowly-degradable media used for physical, chemical, and/or biological treatment in an On-Site Wastewater Treatment System component.

**Mound** - means a soil treatment area whereby the infiltrative surface is at or above original grade at any point.

**Nitrogen reduction** - means a minimum 50 percent (50%) reduction of influent nitrogen strength which is the minimum objective of NSF/ANSI Standard 245 - Wastewater Treatment Systems - Nitrogen Reduction.

**NDDS** - means a Non-Pressurized Drip Dispersal System.

**On-Site Wastewater Treatment System** - or **OWTS** and, where the context so indicates, the term **System** - means an absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works.

**Operating Permit** - means a renewable permit that addresses specific operation and/or maintenance requirements for an existing OWTS that includes mechanical or electrical treatment components, or a system that is designed to meet specific wastewater treatment levels as set forth in these Regulations.



**Percolation test** - means a subsurface soil test at the depth of a proposed absorption system or similar component of an OWTS to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one (1) inch of water is absorbed. The rate is expressed in minutes per inch.

**Performance standard** - means minimum performance criteria for water quality and operation and maintenance established by the regulatory authority to ensure compliance with the public health and environmental goals of the state or public health agency.

**Permeability** - means the property of a material which permits movement of water through the material.

**Permit** - means a permit for the construction or alteration, installation, and use or for the repair of an On-Site Wastewater Treatment System.

**Person** - means an individual, partnership, firm, corporation, association, or other legal entity and also the state, any political subdivision thereof, or other governmental entity.

**Pressure distribution** - See Dosing, pressure

**Privy** - means an above grade structure allowing for the disposal of excreta not transported by a sewer and which provides privacy and shelter and prevents access to the excreta by flies, rodents, or other vectors.

- A. **Pit privy** - privy over an unlined excavation.
- B. **Vault privy** - privy over a vault.

**Professional engineer** - means an engineer licensed in accordance with C.R.S. §12-25-114.

**Professional geologist** - means a person who is a graduate of an institution of higher education which is accredited by a regional or national accrediting agency, with a minimum of thirty semester (forty-five quarter) hours of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been in the field of geology with a specific record of an additional five years of geological experience to include no more than two (2) years of graduate work.  
C.R.S. §23-41-208 and C.R.S. §34-1-201.

**Proprietary product** - means a manufactured component or other product that is produced by a private person. It may be protected by patent, trademark or copyright.

**Public domain technology** - means a system that is assembled on location from readily available components and is based on well-established design criteria and is not protected by patent, trademark or copyright.

**Record drawing** - means construction drawings provided to illustrate the progress or completion of the installation of an OWTS, or components of the OWTS; typically based on field inspections by the designer or the department.

**Redoximorphic** - means a soil property that results from the reduction and oxidation of iron and manganese compounds in the soil after saturation with water and subsequent desaturation.

**Regulations** - means this On-site Wastewater Regulation, adopted by the Board of Health of Arapahoe County.

**Regulation 43** - means the CDPHE Water Quality Control Commission On-Site Wastewater Treatment System Regulation 43, 5 CCR 1002-43, Effective June 30, 2017.

**Remediation system** - means a treatment system, chemical/biological additive or physical process that is proposed to restore the soil treatment area of an OWTS to intended performance.

**Repair** - means restoration of functionality and/or treatment by reconstruction, relocation, or replacement of an On-Site Wastewater Treatment System or any component thereof in order to allow the system to function as intended.

**Replacement system** - See Repair.

**Riser** - means a watertight vertical cylinder and lid allowing access to an OWTS component for inspection, cleaning, maintenance, or sampling.

**Rock-plant filter** - means a designed system which utilizes treatment media and various wetland plants to provide treatment of wastewater through biological, physical, and chemical processes. Also called a constructed wetland.

**Sand filter** - means an engineer designed OWTS that utilizes a layer of specified sand as filter and treatment media and incorporates pressure distribution.

**Sand filter, lined** - means an engineer designed OWTS that has an impervious liner and under-drain below the specified sand media. Lined sand filters may be intermittent / single pass where the effluent is distributed over the sand bed a single time before distribution to a soil treatment area, or re-circulating where part of the effluent is returned to an earlier component for additional treatment before distribution to a soil treatment area.

**Sand filter, unlined** - means an engineer designed OWTS that includes a layer of specified sand used as a treatment media without a liner between the sand and the existing soil on which it is placed.

**Seepage pit** - means an excavation deeper than it is wide that receives septic tank effluent and from which the effluent seeps from a structural internal void into the surrounding soil through the bottom and openings in the side of the pit.

**Septage** - means a liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Septage may include such material issued from a commercial establishment if the commercial establishment can demonstrate to the Division that the material meets the definition for septage set forth in this subsection. Septage does not include chemical toilet residuals.

**Septic tank** - means a watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, settle solids from the liquid, digest organic matter, store digested solids through a period of retention, and allow the clarified liquids to discharge to other treatment units for final disposal.

**Sequential distribution** - means a distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a relief pipe or device to the succeeding trench. The effluent does not pass through the distribution media before it enters succeeding trenches.

**Serial distribution** - means a distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a relief pipe or device to the succeeding trench. The effluent passes through the distribution media before entering succeeding trenches which may be connected to provide a single uninterrupted flow path.

**Sewage** - means a combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that is discharged from a dwelling, building, or other establishment. See also Wastewater.

**Sewage treatment works** - has the same meaning as “domestic wastewater treatment works” under C.R.S. §25-8-103.

**Site evaluation** - means a comprehensive analysis of soil and site conditions for an OWTS.

**Site evaluator** - means a practitioner who conducts preconstruction site evaluations, including visiting a site and performing soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an OWTS.

**Slit trench latrine** - means a temporary shallow trench for use as disposal of non-water-carried human waste.

**Soil** - means: 1) unconsolidated mineral and/or organic material on the immediate surface of the earth that serves as a medium for the growth of plants and can potentially treat wastewater effluent; 2) unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and shows effects of: a) pedogenic and environmental factors of climate (including water and temperature effects) and, b) macro and microorganisms, conditioned by relief, acting on parent material over a period of time.

**Soil evaluation** - means a percolation test, soil profile, or other subsurface soil analysis at the depth of a proposed soil treatment area or similar component or system to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one (1) inch of water is absorbed or as an application rate of gallons per square foot per day.

**Soil horizon** - means layers in the soil column differentiated by changes in texture, color, redoximorphic features, bedrock, structure, consistence, and any other characteristic that affects water movement or treatment of effluent.

**Soil morphology** - means: 1) physical constitution of a soil profile as exhibited by the kinds, thickness, and arrangement of the horizons in the profile; and by the texture, structure, consistence, and porosity of each horizon; and 2) visible characteristics of the soil or any of its parts.

**Soil profile test pit excavation** - means a trench or other excavation used for access to evaluate the soil horizons for properties influencing effluent movement, bedrock, evidence of seasonal high ground water, and other information to be used in locating and designing an On-Site Wastewater Treatment System.



**Soil structure** - means the naturally occurring combination or arrangement of primary soil particles into secondary units or pedes; secondary units are characterized on the basis of type, size class, and grade (degree of distinctness).

**Soil texture** - means proportion by weight of sand, silt, and clay in a soil.

**Soil treatment area** - means the physical location where final treatment and dispersal of effluent occurs. Soil treatment area includes drainfields, mounds, and drip fields.

**Soil treatment area, alternating** - means final treatment and distribution component that is composed of two soil treatment areas that are independently dosed.

**Soil treatment area, sequencing** - means a soil treatment area having more than two (2) sections that are dosed on a frequent rotating basis.

**State Waters** - has the meaning set forth under C.R.S. §25-8-103.

**Strength, wastewater** - means the concentration of constituents of wastewater or effluent; usually expressed in mg/L.

**Suitable soil** - means a soil which will effectively treat and filter effluent by removal of organisms and suspended solids, which meets long-term acceptance rate requirements as defined in Table 10, and has the required vertical thickness below the infiltrative surface and above a limiting layer.

**System** - See On-Site Wastewater Treatment System

**Systems cleaner** - means a person licensed by the Department and engaged in and who holds himself or herself out as a specialist in the cleaning and pumping of On-Site Wastewater Treatment Systems and removal of the residues deposited in the operation thereof.

**Systems contractor** - means a person licensed by the Department and engaged in and who holds himself or herself out as a specialist in the installation, renovation, and repair of On-Site Wastewater Treatment Systems.

**Total suspended solids** - means measure of all suspended solids in a liquid; typically expressed in mg/L.

**Transfer of Title** - means change of ownership of a property.

**Treatment level** - means defined concentrations of pollutants to be achieved by a component or series of components of an OWTS.

**Treatment media** - See Media, treatment

**Treatment unit** - means a component or series of components where solids or pollutants are removed from wastewater or effluent from a preceding component.

**Trench** - means: 1) below-grade soil treatment area consisting of a shallow excavation with a width of three (3) feet or less containing distribution media and one (1) lateral; and 2) excavation for placement of piping or installation of electrical wire or conduit.

**Uniformity coefficient** - means a value which is the ratio of D60 to D10 where D60 is the soil diameter of which 60 percent (60%) of the soil weight is finer and D10 is the corresponding value at 10 percent (10%) finer. (A soil having a uniformity coefficient smaller than four (4) would be considered "uniform" for purposes of this Regulation.)

**Use Permit** - means a permit authorizing the use of an OWTS as more fully set forth in Section 4 herein.

**Use Permit, Higher Level Treatment** – means a permit authorizing the use of a Higher Level Treatment system as more fully set forth in Section 5 herein.

**Vault** - means a watertight, covered receptacle, which is designed to receive and store excreta or wastes either from a building sewer or from a privy and is accessible for the periodic removal of its contents. If the vault is intended to serve a structure or structures that are projected to generate a domestic wastewater flow of greater than two thousand gallons per day or more at full occupancy, the vault is a domestic wastewater treatment works. Vaults are On-Site Wastewater Treatment Systems.

**Visual and tactile evaluation of soil** - means the determination of the properties of soil by standardized tests of appearance and manipulation in the hand.

**Volume, effective** - means the amount of effluent contained in a tank under normal operating conditions; for a septic tank, effective volume is determined relative to the invert of the outlet. For a dosing tank, the effective volume under normal conditions is determined relative to the invert of the inlet and the control off level.

**Wastewater, domestic** - means combination of liquid wastes (sewage) which may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution, or other solids in suspension or solution which are discharged from a dwelling, building or other structure.

**Wastewater, high strength** - means: 1) wastewater from a structure having BOD<sub>5</sub> greater than 300 mg/L; and/or TSS greater than 200 mg/L; and/or fats, oils, and grease greater than 50 mg/L; or, 2) effluent from a septic tank or other pretreatment component (as defined by NSF/ANSI Standard 40 testing protocol) that has BOD<sub>5</sub> greater than 180 mg/L; and/or TSS greater than 80 mg/L; and/or fats, oils, and grease greater than 25 mg/L and is applied to an infiltrative surface.

**Wastewater pond** - means a designed pond which receives exclusively domestic wastewater from a septic tank and which provides an additional degree of treatment.

**Water Course** - means a natural or artificial channel through which water flows.

**Water Quality Control Commission** - See Commission

**Water Quality Control Division** - See Division

**Wetland, constructed** - See rock-plant filter.

**Wetlands** - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

## **SECTION 3                      NEW, REPAIR, EXPANSION, AND PRODUCT DEVELOPMENT PERMITS, AND INSPECTIONS**

### **3.1    Permit Required**

No person or persons shall install, alter, repair or use an On-Site Wastewater Treatment System (OWTS) within Arapahoe County, State of Colorado, unless such person holds a valid permit, issued by the Department in the name of the property owner for the specific construction, remodeling, installation, or use, proposed at the location described on the permit. A permit must be required for the expanded use of an existing system beyond the design capacity of said system.

### **3.2    Fees**

- A. A non-refundable fee shall be required of applicants for accepting and processing an application for a permit to construct and install any new system, for the repair or alteration of any existing system, or the use of any system as set forth in Sections 4 and 5, herein. The fee shall be payable to the Department at the time the application is made to the Department.
- B. The Board of Health shall establish the amount of fees for each type of permit by resolution, as amended from time to time, which shall be available upon request. Fees are established pursuant to the provisions of the Act.
- C. The Board of Health may make provision for the waiver of any fee required for an OWTS.
- D. Surcharge

The Department must collect a fee of twenty-three dollars for each permit issued for a new, repaired, or upgraded OWTS. Of that fee, the Department must retain three dollars to cover the Department's administrative costs and twenty dollars must be transmitted to the state treasurer, who must deposit that sum in the water quality control fund created in C.R.S. §25-8-502(1)(c).

### **3.3    Permit Application Requirements and Procedures Information Required**

Minimum Permit Application Requirements:

- A. Owner name and contact information;
- B. Property address;
- C. Property legal description;
- D. Type of permit;
- E. Report from Site and Soil Evaluation (Section 8.1);



- F. System design with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Table 6 in Appendix A;
- G. Other information, data, plans, specifications and tests as required by the Department;
- H. When specific evidence suggests undesirable soil conditions exist, additional hydrological, geological, engineering or other information provided by a professional engineer or geologist may be required to be submitted by the applicant. This requirement shall not prejudice the right of the Department to develop its own information from its own source at its own expense.

### **3.4 Permit Expiration**

Permits to install and construct an OWTS shall expire at the end of 12 months from date of issue unless the permit is extended to a fixed date upon written request by the applicant and at the discretion of the Department.

### **3.5 Changes in Condition after Permit Issuance**

- A. Any changes or relocation of proposed structures or additions to the site and soil evaluation report without approval by the Department may void the permit.
- B. No change of design of an OWTS after the permit has been issued shall be made unless authorized in writing by the Department.

### **3.6 Denial of a Permit**

- A. Denials of permits shall be made in writing by the Department stating reasons for the denial and requirements for reconsideration of the application.
- B. The Department may refuse to issue a permit for the construction of an OWTS where a sewage treatment works is available within 400 feet of the nearest property line and connection can be made thereto. In order for the Department to issue a permit, the applicant shall provide a letter from the sewer district, municipality or county having jurisdiction, stating whether it is permissible for the Department to issue a permit for installation, alteration or repair of an OWTS.
- C. Any applicant who is denied a construction permit, or any person who is adversely affected by the denial or issuance of a permit, within 30 days following such denial, may request a hearing before the Board of Health.
- D. Upon a finding, by the Board of Health after the review of a denial of a permit as provided by C.R.S. §25-10-111, that an applicant for OWTS has demonstrated that said system will be constructed and used in such a manner as to comply with the declaration and intent of these Regulations and all applicable state and local rules and regulations and required terms and conditions in any permit issued pursuant thereto, a permit may be issued therefore.

### 3.7 Disclaimer

The issuance of a permit and specifications of terms and conditions therein will not constitute assumption of liability, nor create a presumption that the Department or its employees may be liable for the failure or malfunctioning of any system nor act as a certification of the equipment used in the system (or any component thereof used in its operation); nor act as a certification that the system for which the permit was issued ensures continuous compliance with the provision of the OWTS Act, or rules and the regulations adopted thereunder or any terms and conditions of a permit.

### 3.8 Primary Enforcement Responsibility

- A. The primary responsibility for enforcement of the provisions of the OWTS Act, Regulation 43 and these Regulations will lie with the Board of Health.
- B. In the event that the Board of Health fails to administer and enforce the provisions of said Section and the regulations adopted under the OWTS Act, the Division may assume such functions of the Department or Board of Health as may be necessary to protect the public health and environment. C.R.S. §25-10-110.

### 3.9 Repair Permits

- A. Application to repair and for emergency use of a malfunctioning system shall be made within two (2) business days by any owner or occupant after receiving notice from the Department that the system serving his or her property is not functioning in compliance with these Regulations. The date of expiration for repair permits shall not extend beyond 30 days from the date of issuance and shall not be renewed unless such person can show good cause in writing to the Department and can demonstrate that no hazard or nuisance exists on the property.
- B. Concurrently with the issuance of a repair permit, the Department 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.
- C. A Major Repair Permit shall be required for the following types of repairs or alterations:
  - 1) Replacement of an existing soil treatment area with or without the addition of a lift station.
  - 2) Addition of a soil treatment area with or without the addition of a lift station.
  - 3) Expansion of an existing soil treatment area with or without the addition of a lift station.
  - 4) Implementation of a soil-based remediation system
- D. A Minor Repair Permit shall be required for the following types of repairs or alterations:

- 1) Addition or replacement of a septic tank
- 2) Implementation of a septic tank-based remediation system
- 3) Addition of a lift station or pump and associated piping, where a lift station, pump or piping were not part of the original OWTS system.

### **3.10 Variance Procedure**

#### **A. Request for Variance**

An applicant for a permit to construct a new OWTS or to repair or expand an OWTS may request a variance from any provision of this Regulation, except as prohibited in Section 3.10.C.

#### **B. Variance requests must be accompanied by:**

- 1) Site-specific request identifying the specific criteria from which a variance is being requested;
- 2) Technical justification by a professional engineer or professional geologist, 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. Examples of conditions which exist, or measures which might be taken, include but are not limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; placement of a manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the soil treatment area to the physical feature is no less than the travel time through the native soils at the prescribed setback and Treatment Level (TL) 2;
- 3) A discussion of alternatives considered in lieu of the requested variance;
- 4) 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;
- 5) A statement of the hardship that creates the necessity for the variance; and
- 6) The Department has the authority to impose site-specific requirements and conditions on any variance granted.

#### **C. Prohibitions on the Granting of Variance Requests**

- 1) No variance shall be issued where the property can accommodate a conforming OWTS.



- 2) No variance shall be issued to mitigate an error in construction involving any element of property improvements.
- 3) No variance shall be allowed solely for economic gain.
- 4) No variance shall be issued, if it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in Table 6 in Appendix A of this Regulation without the Board of Health considering any concerns of the owner of property containing said feature. Property lines are considered offsite features. The owner of the property containing said feature must be notified of the time and date of the hearing.
- 5) No variance shall be issued, if it reduces the separation to ground water or bedrock based on the level of treatment in Table 7 in Appendix A.
- 6) No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.

#### D. Variances for Repair of Failing Systems

- 1) When a proposed variance for a system repair or upgrade would result in encroachment on minimum distances to physical features on neighboring properties required by the Department, the requirements in 3.10.B above must be followed.
- 2) For the repair of or upgrade to an existing system where the existing system does not meet the required separation distances and where conditions other than lot size precludes adherence to the required distances, a variance to the separation distances may be requested. The repairs or upgrade must be no closer to features requiring setbacks than the existing facilities. Variances requesting setbacks no closer than existing setbacks do not have to provide technical justification from a professional engineer or professional geologist.

#### E. Burden of Proof

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 this Regulation.

#### F. Public Hearing

Upon receipt of the request for a variance and the required information in Section 3.10.B, the Department shall schedule a public hearing before the Board of Health. The Department will issue a Public Notice of the Hearing and send notice via certified mail, with a minimum 20-day reply time from the date of mailing, to all adjacent property owners. The applicant and his/her engineer may attend the hearing and present testimony regarding the request for a variance. Applicants may be represented by legal counsel at any public hearing or meeting.

#### G. Outcome of the Variance Proceeding

- 1) Following the Public Hearing, the Board of Health shall vote on the proposed variance. Approval of the variance shall require a majority vote of the Board of Health. The applicant will receive written notification of the decision regarding the request for a variance.
- 2) The Board of Health may impose requirements and conditions on any variance granted, and the notice of an approval of the variance will include any conditions of the approval. The notice of a denial of a variance shall include the basis for the denial.
- 3) Variances and any conditions thereof shall be recorded on the deed to the property and any expenses associated with that recording shall be the responsibility of the party obtaining the variance.

#### H. Findings on Appeal

- 1) A request for review must be made within 60 days after denial of an application by the Department.
- 2) The applicant must bear the burden of supplying the Board of Health with sufficient evidence to document that the denied system will be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of Regulation 43, 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.
- 3) Such review must be conducted pursuant to the requirements of C.R.S. §24-4-105.

### **3.11 Site Inspection Following Permit Application and Prior to Permit Issuance**

After receiving an application as required in Section 3.3 for an OWTS permit, the application shall be reviewed by the Department and an inspection of the premises (site visit), unless previously made, shall be made by the Department. A determination may be made by the Department as to the suitability of the site and of the proposed design based upon observation of a test pit as required in Section 8.5 to verify depth of the ground water table, suitable soil, depth to bedrock, in addition to ground slope and pertinent physical features.

### **3.12 Department Review and Determination**

The Department shall review each application along with test results and other required information. The Department will determine if the proposed system design is in compliance with the Act, and these Regulations adopted thereunder after which a permit may be issued.

### **3.13 Final Inspection-Non-Engineered (Conventional System)**

- A. It is the responsibility of the system contractor to notify the Department when construction, installation, alteration, or repair has been sufficiently completed to allow inspection of the conventional system before the system is placed in use.
- B. Inspection of the system by the Department shall be made after being notified that the conventional system is ready for inspection.
- C. Final inspection and approval of conventional OWTS shall be made by the Department before fill is placed to cover any part of the system to confirm that it was installed according to the permit requirements.
- D. The Department will determine if work has been performed in accordance with the permit requirements and will determine if the system complies with the Act, and these Regulations adopted thereunder.
- E. A scaled record drawing showing all components of the OWTS including their location from known and findable points, dimensions, depths, sizes, manufacturers' names and models as available, and other information relative to locating and maintaining the OWTS components, shall be prepared and submitted to the Department.
- F. If the property line is within 15 feet of any system component, the line must be marked before final inspection by the Department.
- G. At the completion of the installation of the OWTS, the designer shall submit to the Department a letter stating that the system has been installed in conformance with the plans and specifications approved by the Department and a scaled record drawing of the system as required in Section 3.13.E. The letter shall include a list of all inspections made and whether those inspections were satisfactory.

### **3.14 Final Inspection-Engineered System**

- A. It is the responsibility of the systems contractor to notify the professional engineer and the Department when construction, installation, alteration, or repair has been sufficiently completed to allow inspection of the engineered system before the system is placed in use. The system installer shall notify the professional engineer to make all specified inspections during the course of construction.
- B. Final inspection and approval of all engineered OWTS shall be made by the professional engineer before fill is placed to cover any part of the system.
- C. Final inspection and approval of the engineered OWTS shall be made by the Department before fill is placed to cover any part of the system confirming that it was installed according to the permit requirements.
- D. Engineered systems shall be inspected by or under the supervision of the professional engineer responsible for the design. If the professional engineer is not available, another



Registered Professional Engineer may provide the inspections and will become the professional engineer of record and be responsible for the system.

- E. A scaled record drawing showing all components of the OWTS including their location from known and findable points, dimensions, depths, sizes, manufacturers' names and models as available, and other information relative to locating and maintaining the OWTS components, shall be prepared and submitted to the Department.
- F. The Department will determine if work has been performed in accordance with the permit requirements and will determine if the system complies with the Act, and these Regulations adopted thereunder.
- G. If the property line is within 15 feet of any system component, the line must be marked before final inspection by the Department.
- H. At the completion of the installation of an engineered system, the engineer shall submit to the Department a letter stating that the system has been installed in conformance with the plans and specifications approved by the Department and the scaled record drawing of the system as required in Section 3.14.E. The engineer's letter shall include a list of all inspections made and whether those inspections were satisfactory.

### **3.15 Authorization to Enter Upon Property**

For the purpose of inspection and enforcing applicable rules and regulations and the terms and conditions of any permit issued in these Regulations, authorized members of the Department may enter upon private property at reasonable times and upon reasonable notice for the purpose of determining whether operating OWTS are functioning in compliance with the Act, Regulation 43, with these Regulations and with the terms and conditions of any permit issued thereunder, as well as to inspect and conduct tests in evaluating any permit application. The owner or occupant of the property having an OWTS shall permit authorized members of the Department access to the property to conduct required tests, take samples, monitor compliance, and make inspections.

### **3.16 Product Development Permit**

- A. For products that have not received Division acceptance under Section 16.4, the manufacturer may apply to the Department for a product development permit. Requirements for proprietary treatment product acceptance are located in Section 16.4 of this regulation.
- B. For products or types of systems which have not been otherwise accepted by the Division pursuant to Section 16.4, the local board of health may approve an application for a product development permit only if the system has been designed by a professional engineer, and only if the application provides proof of the ability to install a replacement OWTS in compliance with all local requirements in a timely manner in the event of a failure or malfunction of the system installed.

- C. Before a product development permit is issued, the Division must determine that the product to be tested qualifies for testing under the product development evaluation based on information submitted to the Division.
  - 1) Applicant must provide evidence of nationally accepted third-party testing of the product to be evaluated, or;
  - 2) Provide test data from multiple single-family homes under normal working conditions that meet the following criteria:
    - a) Test data must be provided from a minimum of four (4) sites.
    - b) Each system must be tested over a period of at least one (1) year.
    - c) Each system must be sampled at least three (3) times during the year with at least one (1) sample obtained during cold weather conditions.
    - d) Laboratory results for all parameters for which acceptance is being requested must be submitted.
    - e) The Board of Health must not arbitrarily deny any person the right to consideration of an application for such a system and must apply reasonable performance standards in determining whether to approve such an application; C.R.S. §25-10-108 (2).
- E. A completed application for a product development permit must be submitted to the Department at least 30 days in advance of installation of the product.
- F. An application for a product development permit must include the following:
  - 1) Proof of the ability to install a replacement OWTS in compliance with all local requirements in a timely manner in the event of a failure or malfunction of the system under testing;
  - 2) A description of the product under development including performance goals;
  - 3) Documentation signed by the owner of the proposed product development site allowing access to the Department and Division for inspection of the site; and
  - 4) Design documents as required in Section 8.10 of this Regulation
- G. The Department may stipulate additional requirements for the product development permit necessary to ensure that the system performs as intended.
- H. A product development permit is a site-specific permit. Product development testing at multiple sites requires a product development permit for each site.
- I. During the term of the product development permit, all data collected is to be submitted to the Division and the Department.

- J. The Department may revoke or amend a product development permit, if the continued operation or presence of the product under development:
  - 1) Presents a risk to the public health or environment;
  - 2) Causes adverse effects on the proper function of the OWTS on the site;
  - 3) Leaks or discharges effluent on the surface of the ground; or
  - 4) If the developer of the product fails to comply with any requirements stipulated on the permit by the Department or the Division.
- K. If the product development permit is revoked, the product developer must install a replacement OWTS in compliance with this Regulation and within the time frame established by the Department.
- L. Once the system is installed and approved, the Department must supply the Division with a copy of the completed OWTS permit.

## **SECTION 4                      USE PERMITS**

### **4.1    Initial Issuance of Use Permit**

As of the effective date of this Regulation, systems that have never completed the permitting or approval process established by the Department shall be deemed to be operating without a valid Use Permit, until a Use Permit has been issued as more fully set forth in this Section 4.

### **4.2    Events Requiring a Use Permit**

- A. The owner or seller of a property served by an OWTS shall obtain an inspection report and the issuance of a Use Permit, as applicable, dated within 12 months prior to the occurrence of one (1) or more of the following events:
  - 1) The sale of the property, as more fully defined in Section 4.3, herein;
  - 2) A remodel that includes the addition of one (1) bedroom;
  - 3) A change in use of the property from residential to commercial;
  - 4) Connection of a modular unit or mobile home to the system; and
  - 5) Other conditions that the Department may deem appropriate.
- B. In the case of a sale, as indicated in Section 4.3, 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.

### 4.3 Sale

For the purposes of these Regulations, the term “sale” shall mean the transfer, sale or conveyance of any real property served by an OWTS, and therefore subject to these Regulations, but shall exclude the following types of transfers:

- A. Change in ownership solely to include or exclude a spouse or child;
- B. Transfer subject to life estate;
- C. Transfer to effect foreclosure or forfeiture of real property, provided, however, the subsequent sale of the foreclosed property by the foreclosing entity shall require the issuance or renewal of a Use Permit;
- D. Transfer by redemption from a tax sale, provided, however, the subsequent sale of the redeemed property by the redeeming entity shall require the issuance or renewal of a Use Permit;
- E. Transfer creating or ending joint ownership if at least one person is an original owner of the property and/or his or her spouse or children;
- F. Transfer of property containing premises that have been demolished or are otherwise uninhabitable;
- G. Transfer for the vacation or granting of a public right of way;
- H. Transfer from a person to a trust or to themselves as trustee(s) of a trust estate; and
- I. New homes that have not yet been occupied.

### 4.4 Application Requirements

- A. The applicant must submit the following items to the Department when applying for a Use Permit or Renewal of a Use Permit:
  - 1) Completed application on the forms provided by the Department, including:
  - 2) Owner’s name and contact information;
  - 3) Physical address of property;
  - 4) Legal description of property;
  - 5) Name of Inspector; Inspector’s NAWT or other applicable certification number;
  - 6) Date and time of the inspection(s); and
  - 7) An inspection report completed within the previous 12 months of the event in Section 4.2.A., above, noting the condition of the septic tank and any mechanical components



such as pumps, alarms, or higher level treatment systems, and the condition of the soil treatment area, including a septic tank pumping receipt, when applicable, based on the inspection report.

- B. All components that are found to be in a state of malfunction must be noted and disclosed within the inspection report.
- C. Completed "Inspection Report(s)" on forms provided by the Department, from a Department approved Use Permit Inspector, as hereinafter defined in Section 4.9.
- D. A non-refundable Use Permit fee or Renewal of a Use Permit fee in the amount established by resolution of the Board of Health, as amended from time to time. The fee will be payable to the Department at the time the application is made.

#### **4.5 Minimum Criteria for Renewal of a Use Permit**

- A. In order to obtain a Renewal of a Use Permit, the inspection of the existing OWTS system shall verify that the OWTS system meets, at a minimum, the following criteria and conditions:
  - 1) Submittal of an inspection report on Department approved forms; and
  - 2) Verification that all deficiencies identified during the inspection, as set forth in the "Inspection Report" have been corrected in accordance with these Regulations.
- B. If it is determined that OWTS system meets the foregoing criteria, the Department shall issue a Renewal of a Use Permit, setting forth the terms and conditions of approval.

#### **4.6 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 the issuance of a Use Permit:

- A. A structurally sound septic tank, in good working order, and provided with safe and secure lids;
- B. All internal devices and appurtenances such as tees, effluent screens and baffles that were originally provided with the tank or added later must be intact and in working order;
- C. All internal devices and appurtenances such as tees, effluent screens and baffles that were originally provided with the tank or added later must be intact and in working order;
- D. Alarms, control devices, and components necessary for the operation of the system are present and in good working order;
- E. 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 in the tank shall not be lower than the outlet invert;
- F. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure;
  - G. There are no unapproved wastewater discharges from the system or structure; and
  - H. Any items meeting the conditions of a "Failure" as defined in this Regulation have been corrected to the acceptance of the Department.

## **4.7 Issuance of a Use Permit**

- A. The Use Permit shall set forth the terms and conditions of approval, as follows:
  - 1) Statement of the size, type and capacity of the system and a record drawing, either from the Department's records (verified by the inspector) or from the inspection reports;
  - 2) Evidence of past system failures as shown in Department's records;
  - 3) Circumstances or 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 information the Department may deem appropriate
- B. The Use Permit will remain valid until the date of real estate closing or for a maximum period of twelve months, whichever comes first.
- C. Waiver of a Use Permit

If it is determined by the Department that an OWTS does not meet the requirements for issuance of a Use Permit, a conditional Use Permit may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within 30 days of occupancy of the structure. If a permitted repair is required, the repairs must be completed by the expiration date of the permit.

- D. Revocation of a Use Permit

A Use Permit must be revoked if it is determined that the system is no longer functioning in accordance with this Regulation or that false or misleading material statements were made on the application or inspection reports.

#### E. Penalties

Failure to obtain a Use Permit for a covered transaction as provided by this Regulation will subject the owner who failed to obtain the Use Permit to the penalties as more fully set forth in C.R.S. §25-10-113.

### 4.8 Malfunctioning Systems

Systems found to be malfunctioning during inspection by the Use Permit Inspector shall be repaired in accordance with the terms of these Regulations.

### 4.9 Use Permit Inspectors

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

## SECTION 5 USE PERMITS – HIGHER LEVEL TREATMENT

### 5.1 Applicability

- A. A Use Permit under this Section shall mean a Use Permit for a higher level treatment system.
- B. A Use Permit shall be required for any system that includes a higher level treatment unit as defined by these Regulations.
- C. A Use Permit shall be maintained and renewed until the system is either abandoned or the Department authorizes the decommissioning or removal of the higher level treatment unit.
- D. The Department shall not authorize the removal of a higher level treatment unit unless the OWTS would conform to the requirements for TL1 systems, including minimum distance setbacks set forth in Table 6 in Appendix A, and vertical separation from the STA infiltrative surface to any limiting layer as set forth in Table 7 in Appendix A.
- E. The Board of Health shall adopt fees for the administration of Use Permits – Higher Level Treatment.

### 5.2 Minimum Application Requirements

Application for a Use Permit shall include:

- A. Owner name and contact information;
- B. Property address and legal description;

## 5.10 Owner Responsibilities

An owner shall, at a minimum:

- A. Ensure OWTS is operating, maintained and performing according to the required standards for the designated treatment level;
- B. Maintain an active service contract with a maintenance provider at all times; and
- C. Each time his/her current contract with a maintenance provider is renewed or replaced, send a copy to the Department within 30 days of signing.

## SECTION 6 OPERATION AND MAINTENANCE

### 6.1 Responsibility

The owner must be responsible for maintenance of an OWTS unless the responsibility has been contractually assigned to a tenant or a third party or a public, quasi-public, or political subdivision.

### 6.2 Rules and Regulations-Board of Health Authority to Adopt

The Board of Health may adopt rules and regulations for:

- A. The scheduling of maintenance and cleaning of systems;
- B. Practices adequate to insure performance of an OWTS; and/or
- C. Submission of proof of maintenance and cleaning to the Department by the owner of the system

### 6.3 Permitting and Oversight of Maintenance for Soil Treatment Area Reductions and Vertical and Horizontal Separation Distance Reductions Based on Use of Higher Level Treatment

- A. Purpose

Reductions in requirements for soil treatment areas, vertical separation distances to limiting layers or reductions in horizontal separation distances by using higher level treatment systems are based on the criteria that these systems are functioning as designed. If these criteria are not met, failure or malfunction is likely, which could result in damage to public health and water quality.

- B. The Board of Health may permit reductions in the size of soil treatment areas and horizontal and vertical separation distances based on higher level treatment of effluent, subject to the requirements for a Use Permit – Higher Level Treatment in Section 5 of this



Regulation. The Department may designate a separate entity to conduct and maintain the oversight of this program. However, enforcement of the requirements of this Regulation will remain with the local board of health. System monitoring may be required.

## 6.4 Service Label

For higher level treatment systems or other components under a service contract, a clearly visible, permanently attached label or plate giving instructions for obtaining service must be placed at a conspicuous location.

## 6.5 Maintenance and Cleaning

In order to ensure good working order, all septic tanks shall be inspected once every four years and pumped when the accumulation of sludge and scum is greater than 25% of the operating volume of the treatment tank; as established in section 5.4.B.1). Dosing tanks shall be inspected and pumped if sludge accumulation is observed.

## 6.6 Monitoring and Sampling

- A. For an OWTS for which monitoring of effluent is required, the Department or delegated third party must collect and test effluent samples to ensure compliance with the provisions of this Regulation.
- B. Sampling may be required by the Department in conjunction with an enforcement action.
- C. Any owner or occupant of property on which an OWTS is located may request the Department to collect and test an effluent sample from the system. The Department may perform such collection and testing services. The owner or occupant must pay for these services.
  - 1) If the Department or a delegated third party collects and tests effluent samples, a fee not to exceed that which is allowed by the OWTS Act may be charged for each sample collected and tested. Payment of such charge must be stated in the permit as a condition for its continued use.
- D. Conditions when the Department can require routine monitoring:
  - 1) Indications of inadequate performance;
  - 2) Location in sensitive areas;
  - 3) Experimental systems; and/or
  - 4) Systems under product development permits.
- E. Sampling and analysis must be performed according to American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 23rd edition.

## **6.7 Disposal of Waste Materials**

All material pumped from an OWTS during a cleaning procedure shall be disposed at a site approved by local county officials or the Department in a manner which does not create a hazard to the public health, a nuisance, or an undue risk of pollution and which complies with all applicable state and local rules and regulations.

## **6.8 Termination of Use or Abandonment of an OWTS**

- A. The Department shall be notified, in writing, when a tank, vault, seepage pit, or cesspool is abandoned, and a pump receipt provided.
- B. The contents of a septic tank, vault, seepage pit, or cesspool, the use of which has been terminated, shall be removed and properly disposed of.
- C. A tank may be completely removed and the parts disposed of safely.
- D. If the tank will remain in place:
  - 1) The tank must be pumped to remove as much waste as possible;
  - 2) The bottom of the tank must be broken so the tank neither floats nor fills with water;
  - 3) The top must be collapsed and the sides may be broken into the void;
  - 4) The remaining void must be filled with gravel, sand or compacted soil; and
  - 5) The filled excavation will be graded to surroundings, allowing for settling.
- E. The Department may require abandonment of a tank that is deemed to be a hazard.

# **SECTION 7                      REGULATION OF SYSTEMS CONTRACTORS AND CLEANERS**

## **7.1 Systems Contractor License**

- A. No person shall install, alter, or repair an OWTS unless he holds a valid Systems Contractor License issued by the Department.
- B. A system contractor license is issued to the individual who provides documentation of completion of the National Association of Wastewater Technicians (NAWT) Installers Course or approved equivalent. Successful completion of the CDPHE Part A Systems Contractor Examination may be substituted until the next NAWT Installer Course is available. The license shall follow the individual if they change employment. Each systems contractor shall have a minimum of one (1) owner or employee with a valid systems contractor license at all times.

Control District designation exists. This restriction shall not apply to the replacement of, or improvements to the operation of, existing OWTS located within the 100-year floodplain.

## **SECTION 18                      GENERAL PROHIBITIONS AND PENALTIES**

### **18.1    General Prohibitions; C.R.S. §25-10-112.**

- A. No city, county, or city and county shall issue to any person:
  - 1) A permit to construct or remodel a building or structure that is not serviced by a sewage treatment works until the Department has issued a permit for an OWTS.
  - 2) An occupancy permit for the use of a building that is not serviced by a sewage treatment works until the Department makes a final inspection of the OWTS, provided for in C.R.S. §25-10-106 (1) (h), and the Department approves the installation.
- B. The construction of new, or the repair of existing cesspools is prohibited. Where an existing cesspool is failing, a conforming OWTS must be installed. Where space is not available for a conforming OWTS, the criteria for repairs established within Section 13.8 must be followed.
- C. A person must not connect more than one (1) dwelling, commercial, business, institutional or industrial unit to the same OWTS unless such multiple connection was specified in the application submitted and in the permit issued for the system.
- D. No person shall construct or maintain any dwelling or other occupied structure which is not equipped with adequate facilities for the sanitary disposal of sewage.
- E. All persons shall dispose of septage removed from systems in the process of maintenance or cleaning at an approved site and in an approved manner.

### **18.2    Prohibition of On-Site Wastewater Treatment Systems in Unsuitable Areas**

- A. The Board of Health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the Board of Health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.
- B. Within the Cherry Creek watershed in Arapahoe County, no new OWTS shall be constructed within the 100-year floodplain as designated by the Urban Drainage and Flood Control District, or the Federal Emergency Management Agency if no Urban Drainage and Flood Control District designation exists. This restriction shall not apply to the replacement of, or improvements to the operation of, existing OWTS located within the 100-year floodplain.

### 18.3 Penalties- C.R.S. §25-10-113

Any person who commits any of the following acts or violates any of the provisions of this Section commits a Class 1 petty offense as defined in C.R.S. §18-1.3-503, and as otherwise may be permitted in the OWTS Act:

- A. Constructs, alters, installs, or permits the use of any OWTS without first having applied for and received a permit as provided for in C.R.S. §25-10-106;
- B. Constructs, alters, or installs an OWTS in a manner which involves a knowing and material variation from the terms or specifications contained in the application, permit or variance;
- C. Violates the terms of a cease and desist order that has become final under the terms of C.R.S. §25-10-106 (1) (k);
- D. Conducts a business as a systems contractor without having obtained the license provided for in C.R.S. §25-10-109 (1);
- E. Conducts a business as a systems cleaner without having obtained the license provided for in C.R.S. §25-10-109 (2);
- F. Falsifies or maintains improper records concerning system cleaning activities not performed or performed improperly; or
- G. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by these Regulations.

### 18.4 Civil Penalty

#### A. Assessment

Upon a finding by the Board of Health that a person is in violation of this Regulation, the Board of Health may assess a penalty of up to fifty (\$50.00) dollars for each day of violation, pursuant to C.R.S. §25-10-113 (2). In determining the amount of the penalty to be assessed, the Board of Health shall consider the seriousness of the danger to the health of the public caused by the violation, the duration of the violation, and whether the person has previously been determined to have committed a similar violation.

#### B. Appeal of Civil Penalty Assessment

A person subject to a penalty assessed pursuant to Section 18.3 may appeal the penalty to the Board of Health by requesting a hearing before the Board of Health. The request must be filed within thirty (30) days after the penalty assessment is issued. The Board of Health shall conduct a hearing upon the request in accordance with C.R.S. §24-4-105.



## **SECTION 19                      ENFORCEMENT**

### **19.1    Hearings**

Hearings shall be administered pursuant to the requirements of the OWTS Act.

### **19.2    Notice of Violation**

Whenever the Department determines that there has been a violation of any provision of these Regulations, the Department shall give notice of such violation to the responsible person. Such notice shall be in writing and shall particularize the violation, provide a reasonable time for correction, and be addressed to the owner and/or occupant of the property concerned.

### **19.3    Cease and Desist Orders**

The Department 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, Regulation 43 or these Regulations, is found to constitute a nuisance or a hazard to public health, or has not otherwise received timely repairs under the provisions of C.R.S. §25-10-106 (1) (j). Such an order may be issued only after a hearing which shall be conducted by the Hearing officer of the Department 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 thirty (30) days, or thereafter cease and desist from the use of the system. A cease and desist order issued by the Hearing 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.

## **SECTION 20                      BOARD OF HEALTH ADMINISTRATIVE PROCEDURES**

### **20.1    Revocation of Systems Contractors or Cleaners Licenses**

A systems contractor's or cleaner's license may be revoked for failure to comply with these Regulations. Revocation shall take place only after a hearing before the Board of Health. The license holder shall be given not less than ten (10) days' notice of the hearing and may be represented at the hearing by counsel.

### **20.2    Prohibition of On-Site Wastewater Treatment Systems in Unsuitable Areas**

A Board of Health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the Board of Health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.