

Section 3 – General Requirements and Prohibitions

1. General Requirements

- a. The owner of any structure or land site where people live, work, or congregate shall ensure that the structure of land site contains a properly functioning and approved OWTS or sanitary sewer connection. Any toilet, sink, tub, shower, or any other fixture that discharges wastewater shall be connected to either the OWTS or sanitary sewer
- b. All OWTS designs must be reviewed and stamped by a Colorado licensed professional engineer.
- c. It is the responsibility of the owner to provide the Department with proof of an existing, approved system, and a record drawing showing distances of all major components of the system to findable points on the property.

2. Design Capacity

- a. An OWTS with design capacity less than or equal to 2,000 gpd must comply with regulations adopted by local boards of health pursuant to this regulation and the OWTS Act. Within the jurisdiction of the local public health agency, the regulations promulgated by the local board of health govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.
- b. An OWTS with design capacity greater than 2,000 gpd must comply with this regulation, site location and design approval in section 25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, 25-8-501, et seq. C.R.S.
 - i. Applicable Commission regulations include, but are not limited to, the following:
 - ii. Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22)
 - iii. Regulation 41 - The Basic Standards for Ground Water (5 CCR 1002-41)
 - iv. Regulation 42 - Site-Specific Water Quality Classifications and Standards for Ground Water (5 CCR 1002-42)
 - v. Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61)
 - vi. Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62).
- c. For systems greater than 2,000 gpd, the Division is also authorized to determine those parts of this regulation identified as the prerogative of the local public health agencies.
- d. The requirements for maintenance and standards of performance for systems greater than 2,000 gpd shall be determined by the site application approval and discharge permit.

- e. In the interest of facilitating communication of LPHA concerns regarding a design being reviewed by the Division, the local public health agency 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 this regulation.

3. Right of Entry

- a. For the purpose of inspecting and enforcing these Regulations and the terms and conditions of any permit issued and investigating and responding to complaints, the Clear Creek Environmental Health Department is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and these Regulations and the terms and conditions of any permit issued and to inspect and conduct tests in evaluating any permit application.
- b. The owner or occupant of every property having an OWTS shall permit the health officer access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

4. Surface Activity

- a. Activity or use on the surface of the ground over any part of the OWTS must be restricted. The soil treatment area must not be subject to damage or soil compaction from livestock, vehicular traffic, recreational use, or other site development activity.
- b. Construction equipment not necessary to install the OWTS must be kept off of the soil treatment area to prevent undesirable compaction of the soils. If compaction occurs, the disturbed or compacted soil must be re-evaluated and/or new soil evaluations performed. The system must be redesigned if the soil permeability have changed.

5. Public Sewer Service

- a. No OWTS permit shall be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

6. Site Development and Access

- a. For new development on unimproved lots, a Driveway Permit must be issued by the Site Development Department prior to issuance of an OWTS permit.

- b. All construction access roads or pathways must be restored to pre-construction condition, through regrading, reseeding, and revegetation prior to final approval of use of the OWTS.

7. Constructing in a County Right of Way

- a. Construction through, or under a county right of way is prohibited where a conforming system can be installed on the property without crossing the right of way.

8. Floodplains

- a. New, expanded or repair/replacement OWTS installed in a 100-year floodplain must meet or exceed the requirements of the Federal Emergency Management Agency (FEMA) and Clear Creek County Site Development. Repairs of an existing system shall meet the requirements as feasible. The system as approved by the local public health agency shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters. The OWTS must be located to avoid impairment to floodwaters or contamination from them during floods
- b. A new or expanded OWTS must not be installed in a floodway designated in a 100-year floodplain where a conforming OWTS outside the floodway can be installed. For any new OWTS or system repair that may affect the floodway delineation, appropriate procedures shall be followed including revision of the floodway designation, if necessary.

9. Leasing Water from Clear Creek Basin

- a. If a property will be leasing water in accordance with the Clear Creek County Water Augmentation Plan, then all requirements for OWTS design and monitoring set forth in the Clear Creek Water Augmentation Plan must be followed, in addition to these Regulations.

10. Fees

- a. Non-refundable permit and license application fees as established by the Board of Health must be remitted to the Department at the time of application.
- b. Fees that are assessed to the permit after issues shall be remitted prior to the final approval of the system.

11. Material Incorporated by Reference

- a. 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 June 30, 2017, and not later amendments to the incorporated material. Materials incorporated by reference are available for public inspection during normal business hours from the Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246. Copies may be purchased from the source organizations.

12. General Prohibitions

- a. 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.
- b. 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.
- c. A person must not connect more than one 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. Construction or repair, and use of cesspools, pit privies, slit trenches, or aerosol disposal systems is prohibited.
- e. No city, county, or city and county department shall issue to any person:
 - i. A permit to construct, add on to or remodel a building or structure that is not serviced by a sewage treatment works until the Clear Creek County Environmental Health Department has issued a permit for an OWTS or sanitary sewer, and
 - ii. An occupancy permit for the use of a building that is not serviced by a sewage treatment works until the health officer makes a final inspection of the OWTS, provided for in section 25-10-106 (1) (h), C.R.S., and the health officer approves the installation.

13. Prohibitions of 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. If the Board of Health is going to prohibit the issuance of OWTS permits pursuant to Section 3.13.A, then it will conduct a public hearing, after providing written notice to all affected property owners as shown in the records of the Clear Creek County Assessor and publishing public notice in a newspaper of general circulation, at least 20 days prior to the hearing, to consider the prohibition of permits for systems in defined areas that contain or are subdivided for a density of more than two dwelling units per acre. In such a hearing, the Board of Health may request affected property owners to submit engineering and geological reports concerning the defined area and to provide a study of the economic feasibility of constructing an OWTS.