

## Section 14 – Product Development Permits

### 1. General Requirements and Provision for Product Development Permits

- a. The Clear Creek Environmental Health Department does not approve Proprietary Treatment or Distribution Systems. OWTS technologies must either be public domain, including but not limited to rock and pipe distribution systems, sand filters with pressure distribution and mound systems , with criteria for design, installation, maintenance and use as described in Regulation #43 and this regulation, or proprietary products that have received Division review and acceptance before the Clear Creek Environmental Health Department may approve them for use. See Regulation #43 section 43.13 for details on technology review and acceptance.
- b. For types of systems which have not been otherwise accepted by the Division pursuant to Regulation 43, Section 43.13.D, the Board may approve an application for 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.
  - i. Applicant must provide evidence of nationally accepted third-party testing of the product to be evaluated, or
  - ii. Provide test data from multiple single-family homes under normal working conditions that meet the following criteria:
    1. Test data must be provided from a minimum of four sites.
    2. Each system must be tested over a period of at least one year.
    3. Each system must be sampled at least three times during the year with at least one sample obtained during cold weather conditions.
    4. Laboratory results for all parameters for which acceptance is being requested must be submitted.
- d. The Department must not arbitrarily deny any person the right to consideration of an application for such a system and must apply reasonable performance standards in 37 determining whether to approve such an application; 25-10-108 (2), C.R.S.
- 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 or system.
- f. An application for a product development permit must include the following:

- i. Proof of the ability to install a replacement OWTS in compliance with the requirements of this regulations in a timely manner in the event of a failure or malfunction of the system under testing;
  - ii. A description of the product under development including performance goals;
  - iii. Documentation signed by the owner of the proposed product development site allowing access to the Department and Division for inspection of the site; and
  - iv. Design documents as required in Section 6.2 of this regulation.
  - v. Other than the performance standards identified in Section 15.1.c above, the Board of Health may stipulate additional requirements for the product development permit necessary to ensure that the system performs as intended.
- g. A Product Development Permit is a site-specific permit. Product development testing at multiple sites requires a product development permit for each site.
- h. During the term of the Product Development Permit, all data collected is to be submitted to the Department and the Division.
- i. The Department may revoke or amend a Product Development Permit, if the continued operation or presence of the product under development:
  - i. Presents a risk to the public health or environment;
  - ii. Causes adverse effects on the proper function of the OWTS on the site;
  - iii. Leaks or discharges effluent on the surface of the ground; or
  - iv. If the developer of the product fails to comply with any requirements stipulated on the permit by the Department or the Division.
- j. If the product development permit is revoked, the product developer must install the replacement system within the time frame established by the Department.
- k. Once the system is installed and approved, the Department must supply the Division with a copy of the completed OWTS permit.