

## Section 16 – Use Permits

### 1. Applicability

- a. A Use Permit must be obtained prior to the following situations, unless exempted in Section 16.1.b:
  - i. Transfer of title of property;
  - ii. At the time of Building Permit submittal for undocumented systems;
  - iii. Change of use of a building, facility or landsite;
  - iv. Any time deemed appropriate by the Department.
- b. A property is exempt from this section, if:
  - i. If the OWTS for a residential property was installed and approved by the Clear Creek Environmental Health Department less than five years between the date of property conveyance and issuance of the certificate of occupancy by the Building Department;
  - ii. If an OWTS was installed but never connected to a swelling or structure;
- c. A Use Permit obtained will remain valid until the date of real estate closing or for a maximum period of twelve months, whichever comes first.
- d. A Transfer of Title Inspection must be conducted by a Transfer of Title Inspector. A Transfer of Title Inspector is a person engaged in the business of inspecting OWTS and who is a NAWT or NSF-certified Onsite Wastewater Inspector or equivalent. Inspectors for higher level treatment systems must have training relevant to the specific system or certification by the equipment manufacturer.

### 2. Minimum Application and Inspection Report Requirement

- a. Application for Use Permit shall be made on forms provided by or approved by the Department. Such application shall include the following information and documentation.
  - i. Current owner name and contact at the time of application;
  - ii. Physical address of the property and legal description;
  - iii. Name of Transfer of Title Inspector and company, and NAWT certification number;
  - iv. Name and contact for real estate agent, if applicable;
  - v. Copy of listing or publication showing the number of bedrooms in the structure, if applicable
- b. Inspection Report, must include at a minimum

- i. Date and time of inspection;
  - ii. Record Drawing, see Section 4.11 for details;
  - iii. Details of existing system on property (including but not limited to tank size, pump specifications, field size and layout);
  - iv. A septic tank inspection report completed within the previous 12 months, including a septic tank pumping receipt;
  - v. An inspection report completed within the previous 12 months for any mechanical components such as pumps, alarms or higher level treatment systems; and
  - vi. An inspection report completed within the previous 12 months providing a detailed report noting the condition of the soil treatment area, tanks, lines, and other major components.
  - vii. All components that are found in a state of malfunction, or that do not meet the criteria for approval, must be disclosed within the inspection report.
- c. A copy of the Operating Permit and maintenance contract, if applicable;
  - d. Full fees pursuant to Section 3.10, must accompany the application;
  - e. Any other information required by the Department.

### **3. Minimum Criteria for Approval of a Use Permit**

- a. 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 issuance of a Use Permit:
- b. All tanks must be structurally sound and in good working order and provided with safe and secure lids;
  - i. If during the inspection, tank lids are not to or above grade, lids must be brought to or above grade for approval;
  - ii. Metal tanks must be abandoned and replaced with a conforming tank if found during an inspection.
- 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;
  - i. If during the inspection tees, effluent screens and baffles are not easily accessible for service and maintenance, they must be brought into compliance with this regulation.
- d. Alarms, control devices, and components necessary for the operation of the system are present and in good working order;

- e. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure;
- f. There are no unapproved wastewater discharges from the system or structure;
- g. The OWTS has not been altered from its approved, permitted design and configuration as document in Department records;
- h. Any items meeting the conditions of a "Failure" as defined in this regulation have been corrected to the acceptance of the Department; and
- i. Number of bedrooms stated on the listing or publication, or as provided on the Bedroom Acknowledgement during Building Permit submittal, must not exceed approved system design capability.

#### **4. Issuance of a Use Permit**

- a. When the conditions set forth in Section 16.3 have been met, the Department will issue a Use Permit, setting forth the terms and conditions of approval as appropriate:
  - i. Size, type, capacity of existing system, number of approved bedrooms and record drawing;
  - ii. Evidence of past failures or malfunctions within the previous three years from the date of application as found in Department records;
  - iii. Circumstances or factors that may have affected the ability of the inspector to evaluate the system;
  - iv. Whether the system meets the permitting requirements of the Department;
  - v. Any other information the Department deems appropriate.

#### **5. Waiver of a Use Permit**

- a. If it is determined by the Department that an OWTS does not meet the requirements for issuance of a Use Permit, a conditional acceptance document may be issued, provided that the purchaser of the property provides a written agreement to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within the time frame established by the Department and these Regulations.

#### **6. Failure to Obtain a Use Permit**

- a. If an application is submitted for a Use Permit, and it is determined by the Department that a Use Permit cannot be issued, the owner will be contacted by the phone number and email provided on the application, notifying them of why the Use Permit could not be issued.
- b. Failure to obtain a Use Permit for a covered transaction as provided by this regulation will subject the owner who failed to obtain the document to a penalty assessed under section 25-10-113, C.R.S.

- c. If a transfer of title occurs before obtaining a Use Permit, the new owner is required to obtain a Use Permit within 30 days of the closing date. If the inspection report yields that the system cannot be approved for a Use Permit, the new owner is required to mitigate any failures, malfunctions or other system deficiencies as specified in this regulation.

#### **7. Revocation of a Use Permit**

- a. 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.
- b. The Use Permit holder will be given ten days written notice by the Department regarding why the permit was revoked.
- c. An owner may appeal the revocation per the provisions in Section 19.