

RIO GRANDE COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

I. Title and Authority

These requirements shall be known as the "Rio Grande County On-site Wastewater Treatment Systems Regulations."

These requirements have been adopted by the Rio Grande County Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, *et seq.* C.R.S. and has designated the Rio Grande County Building Department to implement these Regulations on behalf of the Board of Health.

II. Scope and Purpose

A. Declaration

1. This regulation shall apply to On-site Wastewater Treatment Systems as defined in section 25-10-103(12), C.R.S.

B. Purpose

1. The purpose of these Regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than 2,000 gallons per day within Rio Grande County

C. Jurisdiction

1. These Regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Rio Grande County but not over the territory of any municipal corporation that maintains its own public health agency.

D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible

1. 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.

E. Severability

1. Should any section, clause, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

III. Incorporation of Regulation 43

A. Included By Reference

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43," and future revisions thereto, are made a part of these Regulations and shall apply except where identified as an option of the Rio Grande County public health agency or are more stringent than Regulation 43, 5 CCR 1002-43, and included in these Regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use shall be as provided in Regulation 43 and any additional requirements contained in these Regulations.
2. Allowable local options identified in Regulation 43 but not identified in this text and the designated decisions for these Regulations are identified in the attached "Appendix A to OWTS Regulations for Rio Grande County. Appendix A is made a part of these Regulations.

B. Excluded

1. Reductions in soil treatment area size or separation distances and wide beds for higher level treatment units shall not be allowed under these Regulations. All designs must be based on TL-1 parameters in Regulation 43. Similarly, bed widths are limited to 12 feet except for repairs. Area or separation distance reductions and wider beds for higher level treatment can only be allowed in the future, if these Regulations are amended to include a program of oversight for inspection and maintenance of higher level treatment units. Amended Regulations must be approved by the Water Quality Control Division in the Colorado Department of Public Health and Environment.

IV. Permits and Fees

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from the Rio Grande County Building Department.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application shall be required to begin construction.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the Rio Grande County Building Department. After a permit is invalidated, a new application shall be required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs.
6. Application for a product development permit may be approved by the Board of Health consistent with requirements of section 43.4(I) of Regulation 43.
7. Application for an experimental permit may be approved by the Board of Health consistent with requirements of section 43.4(J) of Regulation 43.

B. Board of Health Review [43.4(B)(9)]

1. When an application is denied by the Rio Grande County Building Department an applicant may request review by the Rio Grande County Board of Health.

C. Fees [43.4(B)(4) and 43.4(B)(5)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.

D. Surcharge [43.4(B)(5)]

1. A Surcharge of \$23.00 will be collected for each permit issued by Rio Grande County Building Department. Of that fee, Rio Grande County will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

V. Inspections [43.4(E)]

A. Tank [43.9(B)(3)(c)]

1. The applicant must notify Rio Grande County Building Department after tank installation so the Rio Grande County Building Department or its designee can conduct a field inspection of the septic tank before backfilling.

B. OWTS [43.4(F)(3)]

1. The applicant must notify the Rio Grande County Building Department or its designee after system installation so Rio Grande County Building Department or its designee can conduct a final field inspection of all related components of the OWTS before backfilling.

VI. Prohibition of OWTS in Unsuitable Areas [43.4(K)]

- A. Except for repair or replacement of existing systems, OWTS will not be allowed in subdivisions that are platted with lots smaller than ½ acre. OWTS will be permitted on multiple contiguous lots that are combined to create a minimum of ½ acre parcel.

VII. Licensing

A. Systems Contractors [43.4(L)(1)]

1. Rio Grande County requires all system contractors to be Licensed/Registered with the Rio Grande County Building Department on an annual basis.

B. Systems Cleaners [43.4(L)(3)]

1. Rio Grande County requires all system cleaners to be Licensed/Registered with the Rio Grande County Building Department on an annual basis.

VIII. Variances [43.4(O)]

A. Variances Allowed

1. The Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
2. Approval of a variance shall be based upon evidence presented by the applicant showing that the variance
 - a) would not be injurious to the public health, water quality, or environment; and

b) would prevent a substantial hardship to the applicant.

3. Variances shall not be granted under the items identified in section 43.4(O)(5) of Regulation 43.

B. Variance Procedure

1. Variance requests shall be made in writing to the Rio Grande County Board of Public Health.
2. Variance requests shall include all items identified in section 43.4(O)(2)(d) of Regulation 43.
3. 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 these Regulations. The Board of Health shall determine if this item has been addressed prior to granting a variance.
4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

IV. Requirement for Percolation Holes and Profile Test Pits to Remain Open [43.5(E)]

A. Percolation Holes

1. Percolation holes must remain open until after evaluation by the local Public Health Agency.

B. Profile Test Pits

1. Profile test pit holes must remain open until after evaluation by the local Public Health Agency.

Appendix A to OWTS Regulations for Rio Grande County

Attached.