

# Rio Grande County

## ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

### 1 Title and Authority

These requirements will 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.

### 2 Scope and Purpose

#### A. Declaration

1. This regulation applies to On-site Wastewater Treatment Systems (OWTS) 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 or equal to 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

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

1. An OWTS permit must not 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. [43.4(B)(11)]

#### 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 will not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

### 3 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, Effective date, April, 30, 2018”, are made a part of these regulations and will apply except where identified as an option of the local public health agency or where these regulations 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 must be as provided in Regulation 43 and any additional requirements contained in these regulations.
2. Allowable local options identified in Regulation 43 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 with higher level treatment units are not allowed under these regulations. All designs must be based on TL-1 parameters as defined in Regulation 43. 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, and this amendment is accepted by the Division.

**4 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 must 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 and subsequent permit is required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
6. Application for a product development permit may be approved by the Rio Grande County Building Department consistent with requirements of section 43.4(I) 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 local board of health.

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

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 the Rio Grande County Building Department. Of that fee, the Rio Grande County Building Department will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding its OWTS program.

**5 Inspections [43.4(E)]**

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

1. The applicant must notify the Rio Grande County Building Department at least two business days in advance so the Department can conduct a field inspection of the septic tank before backfilling.

B. Soil Treatment Area and Related Components [43.4(F)(3)]

1. The applicant must notify the Rio Grande County Building Department at least two business days in advance so the Department can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

**6 Prohibition of OWTS in Unsuitable Areas [43.4(J)]**

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

**7 Licensing**

- A. Systems Contractors [43.4(K)(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(K)(3)]

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

**8 Variances [43.4(N)]**

- 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 must be based upon evidence presented by the applicant, or their designee, 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 must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.

- B. Variance Procedure

1. Variance requests must be provided in writing to the Rio Grande County Board of Health, accompanied by the variance fee.
2. Variance requests must include all items identified in section 43.4(N)(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 must 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.

- C. Variances Requiring Public Hearings

1. Variances requiring a public hearing will be determined by the Board of Health on a case by case basis.

**Appendix A to OWTS Regulations for Rio Grande County**

Attached