

# **ATTACHMENT “A”**

**(NOTE: THIS AMENDMENT REPEALS IN TOTAL THE CURRENT REGULATIONS AND REPLACES THEM WITH THESE UPDATED REGULATIONS.)**

## **REGULATIONS OF THE EL PASO COUNTY BOARD OF HEALTH**

**EL PASO COUNTY, COLORADO**

### **Chapter 8**

#### **On-site Wastewater Treatment Systems Regulations**

**El Paso County Public Health**

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## 8.1 Authority

These regulations are promulgated pursuant to the On-site Wastewater Treatment Systems Act, 25-10-101, *et seq.*, C.R.S. (OWTS Act); and, Colorado Water Quality Control Commission On-Site Wastewater Treatment System Regulation Number 43, 5 CCR 1002-43 (Regulation 43).

## 8.2 Scope and Purpose

### A. Declaration

1. In order to preserve the environment and protect the public health and water quality; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish minimum standards and regulations for On-site Wastewater Treatment Systems (OWTS) in El Paso County, Colorado, and to provide the authority for the administration and enforcement of such minimum standards and regulations.
2. These regulations 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 minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS within El Paso County, Colorado, and establish minimum requirements for permit applications; transfer of title requirements; requirements for issuing permits; the inspection, testing, and supervision of installed systems; the operation, maintenance and cleaning of systems; the disposal of waste material; and, the issuance of cease and desist orders.

### C. Effluent Discharged to Surface Waters

1. Any system that will discharge into surface waters must be designed by a professional engineer. The discharge permit application must be submitted for preliminary approval to the EPCBoH. Once approved by the EPCBoH, the application must be submitted to the Water Quality Control Division for review in accordance with the Water Quality Control Act, Section 25-8-101, *et seq.*, C.R.S, and all applicable regulations of the Water Quality Control Commission. Compliance with such a permit shall be deemed full compliance with these regulations.

### D. Jurisdiction of the EPCBoH and EPCPH

1. The jurisdiction of the EPCBoH and EPCPH shall extend over all unincorporated areas and over all municipal corporations within the territorial limits of El Paso County, Colorado, but not over the territory of any municipal corporation that maintains its own public health agency.

## 8.3 Definitions

1. "Absorption system" means a leaching field and adjacent soils or other system for the treatment of sewage in an On-site Wastewater Treatment System by means of absorption into the ground. See Soil treatment area.

2. "Applicant" means a person who submits an application for a permit for an On-site Wastewater Treatment System.
3. "Bed" means a below-grade soil treatment area consisting of a shallow excavation greater than three feet wide containing distribution media and more than one lateral.
4. "Bedrock" means continuous rock that underlies the soil or is exposed at the surface. Bedrock is generally considered impervious, but if fractured or deteriorated, it may allow effluent to pass through without adequate treatment.
5. "Bedroom" means any room that has a closet, a window, and a heat source; or, a room designated by the local building code as a bedroom.
6. "Biochemical Oxygen Demand, Five-Day" (BOD<sub>5</sub>) means quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating biodegradable organic matter under aerobic conditions over a five-day incubation period; expressed in milligrams per liter (mg/L).
7. "Biochemical Oxygen Demand, Carbonaceous Five Day" (CBOD<sub>5</sub>) means quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating the organic matter under aerobic conditions over a five-day incubation period while in the presence of a chemical inhibitor to block nitrification; expressed in milligrams per liter (mg/L).
8. "Building sewer" means piping that conveys wastewater to the first system component or the sewer main.
9. "Carbonaceous Biochemical Oxygen Demand". See Biochemical Oxygen Demand, Carbonaceous.
10. "Certified Operation and Maintenance (O & M) Specialist" means a person certified by EPCPH to perform operation and maintenance, Transfer of Title inspections and OWTS repairs not requiring a permit.
11. "Cesspool" means an unlined or partially lined underground pit or underground perforated receptacle into which raw household wastewater is discharged and from which the liquid seeps into the surrounding soil. Cesspool does not include a septic tank.
12. "Chamber" means an open, arch-shaped structure providing an open-bottom soil interface with permeable sidewalls used for distribution of effluent in a soil absorption system. Also is often called a gravel less chamber.
13. "Cleaning" means the act of removing septage or other wastes from a wastewater treatment system component or grease/waste from a grease interceptor.
14. "Colorado Plumbing Code" means Examining Board of Plumbers Rules And Regulations (3 CCR 720-1).
15. "Commission" means the Water Quality Control Commission created by Section 25-8-201, C.R.S.
16. "Competent technician" means a person designated by EPCPH who is able to conduct and accurately interpret the results of soil profile test pit excavations, profile holes, percolation tests, and site evaluations.

17. "Component" means a subsection of an On-site Wastewater Treatment System; a component may include multiple devices.
18. "Composting toilet" means self-contained waterless toilet designed to decompose non-water-carried human wastes through microbial action and store the resulting matter for disposal.
19. "Consistence" means the degree and kind of cohesion and adhesion that soil exhibits and/or the resistance of soil to deformation or rupture under an applied stress.
20. "Crest" means the highest point on the side of a dry gulch or cut bank.
21. "Deep gravel system" means a soil treatment area for repairs only where the trenches utilize a depth of gravel greater than 6 inches below the distribution line and sidewall area is allowed according to a formula specified in these regulations.
23. "Design" means 1. the process of selecting, sizing, locating, specifying, and configuring treatment train components that match site characteristics and facility use as well as creating the associated written documentation; and 2. written documentation of size, location, specification and configuration of a system.
24. "Design capacity". See Flow, Design.
25. "Design flow". See Flow, Design.
26. "Designer, on-site wastewater treatment system" means a practitioner who utilizes site evaluation and investigation information to select an appropriate OWTS and prepares a design document in conformance with these regulations.
27. "Distribution" means the process of conveying wastewater or effluent to one or more components, devices, or throughout a soil treatment area.
28. "Distribution box" means a watertight component that receives effluent from a septic tank or other treatment unit and distributes effluent via gravity in approximately equal portions to two or more trenches or two or more laterals in the soil treatment area.
29. "Division" means the division of administration of the department of which the Water Quality Control Division is a part.
30. "Domestic wastewater". See Wastewater, domestic.
31. "Domestic Wastewater Treatment Works" means a system or facility for treating, neutralizing, stabilizing, or disposing of domestic wastewater which system or facility has a designed capacity to receive 2,000 gallons of domestic wastewater per day or more. The term "domestic wastewater treatment works" also includes appurtenances to such system or facility such as outfall sewers and pumping stations and to equipment related to such appurtenances. The term "domestic wastewater treatment works" does not include industrial wastewater treatment plants or complexes whose primary function is the treatment of industrial wastes, notwithstanding the fact that human wastes generated incidentally to the industrial process are treated therein. Section 25-8-103 (5), C.R.S.
32. "Dosing" means a high rate periodic discharge into a soil treatment area.
33. "Dosing, demand" means configuration in which a specific volume of effluent is delivered to a component based upon patterns of wastewater generation from the source.

34. "Dosing, pressure" means delivery of effluent under pressure to a component, device or to a soil treatment area for even distribution.
35. "Dosing, timed" means a configuration in which a specific volume of effluent is delivered to a component based upon a prescribed interval, regardless of facility water use.
36. "Dosing siphon" means a device used for demand dosing effluent; which stores a predetermined volume of water and discharges it at a rapid rate, from a tank at a given elevation to a component at a lower elevation, accomplished by means of atmospheric pressure and the suction created by the weight of the liquid in the conveying pipe.
37. "Dosing tank" means a tank, compartment or basin that provides for storage of effluent from a septic tank or other treatment unit intended to be delivered to a soil treatment area at a high rate periodic discharge.
38. "Drainfield". See Soil treatment area.
39. "Drop box" means a device used for serial or sequential distribution of effluent by gravity flow to a lateral of a soil treatment area.
40. "Dry gulch". See Gulch, dry.
41. "Drywell" means an unlined or partially lined underground pit (regardless of geometry) into which drainage from roofs, basement floors, water softeners or other non-wastewater sources is discharged and from which the liquid seeps into the surrounding soil.
42. "Effective Size" means the size of granular media such that not more than 10 percent by weight of the media is finer than the size specified.
43. "Effluent" means the liquid flowing out of a component or device of an On-site Wastewater Treatment System.
44. "Effluent filter". See Effluent screen.
45. "Effluent line" means non-perforated pipe that conveys effluent from one On-site Wastewater Treatment System component to the next.
46. "Effluent screen" means a removable, cleanable (or disposable) device installed on the outlet piping of a septic tank for the purpose of retaining solids larger than a specific size and/or modulating effluent flow rate. An effluent screen may be a component of a pump installation. An effluent screen may also be installed following the septic tank but before higher level treatment components or a soil treatment area.
47. "Environmental health specialist" means a person trained in physical, biological, or sanitary science to carry out educational, enforcement and inspectional duties in the field of environmental health.
48. "Evapotranspiration/absorption system" means an unlined On-site Wastewater Treatment component that uses evaporation, transpiration, and absorption for dispersal of effluent.
49. "Evapotranspiration system" means an On-site Wastewater Treatment component with a continuous, impermeable liner that uses evapotranspiration and transpiration for dispersal of effluent.

50. "Experimental system" means a design or type of system based upon improvements or development in the technology of sewage treatment that has not been fully tested.
51. "Failure" means any OWTS that does not adequately treat and disperse wastewater so as to create a public or private nuisance or threat to public health or environmental quality as evidenced by, but not limited to, a discharge of wastewater onto the ground surface, into surface or groundwater, or results in the failure of building plumbing to discharge properly.
52. "Field performance testing" means data gathering on a system in actual use that is being proposed for EPCPH acceptance.
53. "Floodplain (100-year)" means an area adjacent to a stream which is subject to flooding as the result of the occurrence of a one hundred (100) year flood, and is so adverse to past, current or foreseeable construction or land use as to constitute a significant hazard to public or environmental health and safety or to property or is designated by the Federal Emergency Management Agency (FEMA) or National Flood Insurance Program (NFIP). In the absence of FEMA/NFIP maps, a professional engineer shall certify the flood plain elevations.
54. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot or as designated by the Federal Emergency Management Agency or National Flood Insurance Program. In the absence of FEMA/NFIP maps, a professional engineer shall certify the floodway elevation and location.
55. "Flow, daily" means the measured volume of wastewater generated from a facility in a 24-hour period expressed as gallons per day.
56. "Flow, design" means the estimated volume of wastewater per unit of time for which a component or system is designed. Design flow may be given in the estimated volume per unit such as person per unit time that shall be multiplied by the maximum number of units that a facility can accommodate over that time.
57. "Flow equalization" means a system configuration that includes sufficient effluent storage capacity to allow for regulated flow on a daily or multi-day basis to a subsequent component despite variable flow from the source.
58. "Flow equalizer" means an adjustment device to evenly distribute flow between outlets in a distribution box or other device that may be out of level.
59. "Grease interceptor tank" means a watertight device located outside a facility designed to intercept, congeal, and retain or remove fats, oils, and grease from sources such as commercial food-service that will generate high levels of fats, oils and greases.
60. "Ground water" means that part of the subsurface water that is at or below the saturated zone.
61. "Ground water surface" means the uppermost limit of an unconfined aquifer at atmospheric pressure.
62. "Guidelines" means State Board of Health Guidelines on Individual Sewage Disposal Systems, 5 CCR 1003-6 – predecessor of Regulation 43, On-site Wastewater Treatment System Regulation, 5 CCR 1002-43.

63. "Gulch, dry" means a deep, narrow ravine marking the course of an intermittent or ephemeral stream.
64. "Health officer" means the Public Health Director and the Medical Director for EPCPH.
65. "Higher level treatment" means designated treatment levels other than treatment level 1.
66. "Individual Sewage Disposal System" means a term used for On-site Wastewater Treatment System and On-site wastewater systems in Colorado regulations from 1973 until 2013.
67. "Infiltrative surface" means designated interface where effluent moves from distribution media or a distribution device into soil.
68. "Inspection port" means an access point in a system component that enables inspection, operation and/or maintenance.
69. "Invert" means elevation of the bottom of the inside pipe wall or fitting.
70. "Lateral" means pipe, tubing or other conveyance used to carry and distribute effluent.
71. "Leach field". See Soil treatment area.
72. "Limiting condition" means a layer with low permeability, ground water surface or other condition that restricts the treatment capability or movement of wastewater through the soil.
73. "Liner" means an impermeable synthetic or natural material used to prevent or restrict infiltration and/or exfiltration.
74. "Long-term acceptance rate" (LTAR) means design parameter expressing the rate that effluent enters the infiltrative surface of the soil treatment area at equilibrium, measured in volume per area per time, e.g. gallons per square foot per day (g/ ft<sup>2</sup>/day).
75. "Lot" means an area of land which is platted for development as part of a subdivision, the plat of which has been legally approved by the El Paso County Board of County Commissioners and recorded in the office of the El Paso County Clerk and Recorder, and, in exceptional circumstances as determined by EPCPH, an additional area of land or easement necessary for the construction or operation of an OWS to serve the lot, and which area of land or easement is permanently servient to the lot for such purposes.
76. "Major Repair" means the repair, alteration or addition to the soil treatment area.
77. "Malfunction" means the condition in which a component is not performing as designed or installed.
78. "Manufactured media". See Media, manufactured.
79. "Media" means solid material that can be described by shape, dimensions, surface area, void space, and application.
80. "Media, manufactured" means a synthetic media for distribution such as polystyrene blocks or beads or plastic grids.



81. "Media, treatment" means non-or slowly-degradable media used for physical, chemical, and/or biological treatment in an On-site Wastewater Treatment System component.
82. "Minor Repair" means repair or replacement of any portion of the system between the structure to the soil treatment area with the exception of repair or replacement of tank baffles and collapsed building sewer and effluent lines as depicted in the as-built drawings on record at EPCPH.
83. "Mound" means an above grade pressure distribution dispersal system whereby the invert of the lateral is installed at or above original grade at any point within the soil treatment area and includes a final cover of a sandy textured soil to transport oxygen, stabilize the surface and support vegetative growth.
84. "Nitrogen reduction" means a minimum 50 percent reduction of influent nitrogen strength which is the minimum objective of NSF/ANSI Standard 245 - Wastewater Treatment Systems - Nitrogen Reduction.
85. "On-Site Wastewater Treatment System" or "OWTS" and, where the context so indicates, the term "system" means an absorption system of any size or flow or a system or facility for treating, neutralizing, stabilizing, or dispersing sewage generated in the vicinity, which system is not a part of or connected to a sewage treatment works.
86. "Owner" means the person who is owner of record of the land on which an onsite wastewater treatment system is to be designed, constructed, installed, repaired, modified, extended, or used.
87. "OWTS Act" means the On-site Wastewater Treatment Systems Act, Section 25-10-101, *et seq.*, C.R.S.
88. "Percolation test" means a subsurface soil test at the depth of a proposed absorption system or similar component of an OWTS to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one inch of water is absorbed. The rate is expressed in minutes per inch.
89. "Performance standard" means minimum performance criteria for water quality and operation and maintenance established by the regulatory authority to ensure compliance with the public health and environmental goals of the State or EPCPH.
90. "Permeability" means the property of a material which permits movement of water through the material.
91. "Permit" means a permit for the construction or alteration, installation, and use or for the repair of an On-site Wastewater Treatment System.
92. "Person" means an individual, partnership, firm, corporation, association, or other legal entity and also the state, any political subdivision thereof, or other governmental entity.
93. "Pressure distribution" means application of effluent over an infiltrative surface via pressurized orifices and associated devices and parts (including pump, filters, controls, and piping).
94. "Privy" means an above grade structure allowing for the disposal of excreta not transported by a sewer and which provides privacy and shelter and prevents access to the excreta by flies, rodents, or other vectors.

- a. Pit privy – privy over an unlined excavation.
  - b. Vault privy – privy over a vault.
95. “Professional engineer” means an engineer licensed in accordance with Section 12-25-1, C.R.S.
96. “Professional geologist” means a person who is a graduate of an institution of higher education which is accredited by a regional or national accrediting agency, with a minimum of thirty semester (forty-five quarter) hours of undergraduate or graduate work in a field of geology and whose post-baccalaureate training has been in the field of geology with a specific record of an additional five years of geological experience to include no more than two years of graduate work. Section 23-41-208, C.R.S. and Section 34-1-201, C.R.S.
97. “Proprietary product” means a manufactured component or other product that is produced by a private person. It may be protected by patent, trademark or copyright.
98. “Public domain technology” means a system that is assembled on location from readily available components and is based on well-established design criteria and is not protected by patent, trademark or copyright.
99. “Redoximorphic” means a soil property that result from the reduction and oxidation of iron and manganese compounds in the soil after saturation with water and subsequent desaturation.
100. “Remediation system” means a treatment system, chemical/biological additive or physical process that is proposed to restore the soil treatment area of an OWTS to good performance.
101. “Restrictive layer” means horizon or condition in the soil profile or underlying strata that restricts movement of fluids. A restrictive layer may constitute a limiting soil/site condition.
102. “Riser” means a watertight, secured vertical cylinder and lid allowing access to an OWTS component for inspection, cleaning, maintenance, or sampling.
103. “Rock-plant filter” means a designed system which utilizes treatment media and various wetland plants to provide treatment of wastewater through biological, physical, and chemical processes. Also is often called a constructed wetland.
104. “Sand filter” means a system that utilizes a layer of specified sand as filter and treatment media and pressure distribution.
105. “Sand filter, lined” means a sand filter designed for higher level treatment that has an impervious liner and under-drain below the sand layer. Lined sand filters may be intermittent / single pass where the effluent is distributed over the sand bed a single time before distribution to a soil treatment area, or recirculating where part of the effluent is returned to an earlier component for additional treatment before distribution to a soil treatment area.
106. “Sand filter media” means clean, coarse sand, passing a screen having four meshes to the inch. The sand must have an effective size between 0.25 and 0.60 mm. The uniformity coefficient must be 4.0 or less. Material meeting ASTM 33, for concrete sand, with one percent or less fines passing 200 mesh sieve may be used.

107. "Sand filter, unlined" means a layer of sand used as a sand filter without a liner between the sand and the existing soil on which it is placed.
108. "Scaled drawing" means a drawing with dimensions at a specific ratio relative to the actual size of the object drawn. Only standard engineering scales will be accepted, such as 1" = 10', 1" = 20', 1" = 30', 1" = 40', 1" = 50', 1" = 60', 1" = 100'.
109. "Seepage pit" means an excavation deeper than it is wide that receives septic tank effluent and from which the effluent seeps from a structural internal void into the surrounding soil through the bottom and openings in the side of the pit.
110. "Septage" means a liquid or semisolid that includes normal household wastes, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Septage may include such material issued from a commercial establishment if the commercial establishment can demonstrate to EPCPH that the material meets the definition for septage set forth in this subsection. Septage does not include chemical toilet residuals.
111. "Septic tank" means a watertight, accessible, covered receptacle designed and constructed to receive sewage from a building sewer, settle solids from the liquid, digest organic matter, store digested solids through a period of retention, and allow the clarified liquids to discharge to other components for additional treatment or final dispersal.
112. "Sequential distribution" means a distribution method in which effluent is loaded into one trench and fills it to a predetermined level before passing through a relief line or device to the succeeding trench. The effluent does not pass through the distribution media before it enters succeeding trenches.
113. "Serial distribution" means a distribution method in which effluent is dispersed into one trench and fills it to a predetermined level before passing through a relief line or device to the succeeding trench. The effluent passes through the distribution media before entering succeeding trenches which may be connected to provide a single uninterrupted flow path.
114. "Sewage" means a combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that are discharged from a dwelling, building, or other establishment. See also Wastewater.
115. "Sewage treatment works" has the same meaning as "domestic wastewater treatment works" under Section 25-8-103, C.R.S.
116. "Site evaluation" means a comprehensive analysis of soil and site conditions for an OWTS.
117. "Site evaluator" means a practitioner who conducts preconstruction site evaluations, including visiting a site and performing soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an OWTS.
118. "Slit trench latrine" means a temporary shallow trench for use as disposal of non-water-carried human waste.
119. "Soil" means 1. unconsolidated mineral and/or organic material on the immediate surface of the earth that serves as a medium for the growth of plants and can potentially treat

wastewater effluent; 2. unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and shows effects of: a) pedogenic and environmental factors of climate (including water and temperature effects) and b) macro and microorganisms, conditioned by relief, acting on parent material over a period of time.

120. "Soil evaluation" means a percolation test, soil profile, or other subsurface soil analysis at the depth of a proposed soil treatment area or similar component or system to determine the water absorption capability of the soil, the results of which are normally expressed as the rate at which one inch of water is absorbed or as an application rate of gallons per square foot per day.
121. "Soil horizon" means layers in the soil column differentiated by changes in texture, color, redoximorphic features, bedrock, structure, consistence, and any other characteristic that affects water movement or treatment of effluent.
122. "Soil morphology" means 1: physical constitution of a soil profile as exhibited by the kinds, thickness, and arrangement of the horizons in the profile; and by the texture, structure, consistence, and porosity of each horizon; and 2: visible characteristics of the soil or any of its parts.
123. "Soil profile hole" means a hole dug or drilled near a proposed soil treatment area to locate bedrock or ground water, if present. Observations of soil cuttings may be made.
124. "Soil profile test pit excavation" means a trench or other excavation used for access to evaluate the soil horizons for properties influencing effluent movement, bedrock, evidence of seasonal high ground water, and other information to be used in locating and designing an On-site Wastewater Treatment System.
125. "Soil structure" means the naturally occurring combination or arrangement of primary soil particles into secondary units or peds; secondary units are characterized on the basis of shape, size class, and grade (degree of distinctness).
126. "Soil texture" means proportion by weight of sand, silt, and clay in a soil.
127. "Soil treatment area" means the physical location where final treatment and dispersal of effluent occurs. Soil treatment area includes drainfields and drip fields.
128. "Soil treatment area, alternating" means final treatment and distribution component that is composed of two soil treatment areas that are independently dosed.
129. "Soil treatment area, sequencing" means a soil treatment area having more than two sections that are dosed on a frequent rotating basis.
130. "State Waters" has the meaning set forth under Section 25-8-103, C.R.S.
131. "Strength, wastewater" means the concentration of constituents of wastewater or effluent; usually expressed in mg/L.
132. "Suitable soil" means a soil which will effectively treat and filter effluent by removal of organisms and suspended solids before the effluent reaches any highly permeable earth such as joints in bedrock, gravels, or very coarse soils and which meets percolation test or soil test pit excavation requirements for determining long-term acceptance rate and has a vertical thickness of at least four feet below the bottom of the soil treatment area unless the treatment goal is met by other performance criteria.

133. "Systems cleaner" means a person engaged in and who holds himself or herself out as a specialist in the cleaning and pumping of On-site Wastewater Treatment Systems and removal of the residues deposited in the operation thereof.
134. "Systems contractor" means a person engaged in and who holds himself or herself out as a specialist in the installation, renovation, and repair of On-site Wastewater Treatment Systems.
135. "Total suspended solids" means measure of all suspended solids in a liquid; typically expressed in mg/L.
136. "Transfer of Title" means change of ownership of a property.
137. "Treatment media". See Media, treatment.
138. "Treatment level" means defined concentrations of pollutants to be achieved by a component or series of components of an OWTS.
139. "Treatment unit" means a component or series of components where solids or pollutants are removed from wastewater or effluent from a preceding component.
140. "Trench" means 1. below-grade soil treatment area consisting of a shallow excavation with a width of 3 feet or less containing distribution media and one lateral; and, 2. excavation for placement of piping or installation of electrical wire or conduit.
141. "Uniformity coefficient" means a value which is the ratio of D60 to D10 where D60 is the soil diameter of which 60 percent of the soil weight is finer and D10 is the corresponding value at 10 percent finer. (A soil having a uniformity coefficient smaller than 4 would be considered "uniform" for purposes of these regulations.)
142. "Vault" means a watertight, covered receptacle, which is designed to receive and store excreta or wastes either from a building sewer or from a privy and is accessible for the periodic removal of its contents. If the vault is intended to serve a structure or structures that are projected to generate a domestic wastewater flow of two thousand gallons per day or more at full occupancy, the vault is a domestic wastewater treatment works. Vaults are On-site Wastewater Treatment Systems.
143. "Visual and tactile evaluation of soil" means determining the properties of soil by standardized tests of appearance and manipulation in the hand.
144. "Volume, effective" means the amount of effluent contained in a tank under normal operating conditions; for a septic tank, effective volume is determined relative to the invert of the outlet; for a dosing tank, effective volume under normal conditions is determined relative to the invert of the inlet and the control off level.
145. "Wastewater, domestic" means combination of liquid wastes (sewage) which may include chemicals, household wastes, human excreta, animal or vegetable matter in suspension or solution, or other solids in suspension or solution which are discharged from a dwelling, building or other structure.
146. "Wastewater, high strength" means 1. influent having BOD<sub>5</sub> greater than 300 mg/L; and/or TSS greater than 200 mg/L; and/or fats, oils, and grease greater than 50 mg/L entering a pretreatment component (as defined by NSF/ANSI Standard 40 testing protocol); 2. effluent from a septic tank or other pretreatment component that has BOD<sub>5</sub>

greater than 170 mg/L; and/or TSS greater than 60 mg/L; and/or fats, oils, and grease greater than 25 mg/L and is applied to an infiltrative surface.

147. "Wastewater pond" means a designed pond which receives exclusively domestic wastewater from a septic tank and which provides an additional degree of treatment.
148. "Water Quality Control Commission". See Commission.
149. "Water Quality Control Division". See Division.
150. "Wetland, constructed". See Rock-plant filter.
151. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

**Table 3-1 Abbreviations and Acronyms**

|        |  |
|--------|--|
| AASHTO | American Association of State Highway and Transportation Officials |
| ANSI   | American National Standards Institute                              |
| ASTM   | American Society for Testing and Materials                         |
| BOD    | Biochemical Oxygen Demand  |
| C.R.S. | Colorado Revised Statutes  |
| CBOD   | Carbonaceous Biochemical Oxygen Demand                             |
| CSA    | Canadian Standards Association                                     |
| EPCBoH | El Paso County Board of Health                                     |
| EPCPH  | El Paso County Public Health                                       |
| gpd    | gallons per day  |
| IAPMO  | International Association of Plumbing and Mechanical Officials     |
| ISDS   | Individual Sewage Disposal System                                  |
| LTAR   | Long-term Acceptance Rate  |
| mg/L   | milligrams per Liter   |
| MPI    | Minutes Per Inch   |
| NAWT   | National Association of Wastewater Technicians                     |
| NPCA   | National Precast Concrete Association                              |
| NSF    | National Sanitation Foundation                                     |
| OWTS   | On-site Wastewater Treatment System(s)                             |
| STA    | Soil Treatment Area  |
| TL     | Treatment Level  |
| TN     | Total Nitrogen   |
| TSS    | Total Suspended Solids   |
| UL     | Underwriters' Laboratories   |

## 8.4 Applicability

### A. Regulations Adopted By the EPCBoH

#### 1. Regulation Coverage

- a. An OWTS with design capacity less than 2,000 gpd must comply with regulations adopted by the EPCBoH pursuant to these regulations, and the OWTS Act and Regulation 43. Within the jurisdiction of the EPCBoH and EPCPH, these regulations govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.
- b. An OWTS with design capacity equal to or greater than 2,000 gpd must comply with Regulation 43, site location and design approval in Section 25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, Section 25-8-501, *et seq.*, C.R.S.

- (1) Applicable Commission regulations include, but are not limited to, the following:
  - (i) Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22).
  - (ii) Regulation 41 - The Basic Standards for Ground Water (5 CCR 1002-41).
  - (iii) Regulation 42 - Site-Specific Water Quality Classifications and Standards for Ground Water (5 CCR 1002-42).
  - (iv) Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61).
  - (v) Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62).
- (2) For systems equal to or greater than 2,000 gpd, the Division is also authorized to determine those parts of these regulations identified as the prerogative of the EPCBoH and EPCPH.
- (3) The requirements for maintenance and standards of performance for systems equal to or greater than 2,000 gpd shall be determined by the site application approval and discharge permit.
- (4) In the interest of facilitating communication of EPCPH concerns regarding a design being reviewed by the Division, EPCPH 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 shall acknowledge and consider EPCBoH OWTS regulations when they are more stringent and restrictive than Regulation 43.



2. Procedures to Adopt Regulations by the EPCBoH:
  - a. The EPCBoH must submit its proposed regulations to the Division for preliminary review at least 30 days prior to a public hearing before the EPCBoH.
  - b. The EPCBoH will hold a public hearing on the proposed regulations before adopting final regulations.
  - c. The EPCBoH will give notice of the time and place of the public hearing at least once and at least 20 days in advance in a newspaper of general circulation within El Paso County.
  - d. The EPCBoH may make changes or revisions to the proposed regulations after the public hearing and prior to final adoption, and no further public hearing shall be required regarding the changes or revisions.
  - e. All EPCBoH OWTS regulations will be transmitted to the Division no later than five days after final adoption and become effective 45 days after final adoption unless the Division notifies the EPCBoH before the forty-fifth day that the regulations or any portions of the EPCBoH regulations determined by the Division are not as stringent as the OWTS Act or with Regulation 43. Any portions of the EPCBoH OWTS regulations determined by the Division not to be in compliance with the OWTS Act and Regulation 43 shall not take effect or be published as regulations of the EPCBoH. For those portions of its regulations that do not comply, the EPCBoH may submit revisions to the Division. Only after the Division has determined that the EPCBoH's revised regulations comply with the OWTS Act and Regulation 43 may the EPCBoH's revised regulations take effect and be published. Until the Division makes this determination, Regulation 43 controls the unapproved portions of the EPCBoH OWTS regulations.

B. Permit Application Requirements and Procedures

1. Prior to installing, altering, or repairing a system, the applicant must obtain a permit from EPCPH.
2. An applicant must submit a complete application that is consistent with section 8.4.B.3. to EPCPH prior to installing, altering or repairing a system.
3. Minimum Permit Application Requirements:
  - a. Owner name and contact information;
  - b. Property address;
  - c. Tax schedule number;
  - d. Property legal description;
  - e. Type of permit;
  - f. Report from Site and Soil Evaluation (section 8.5);
  - g. System design with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties, as noted in Table 7-1; and,

- h. Other information, data, plans, specifications and tests as required by EPCPH.
  - (1) When specific evidence suggests undesirable soil conditions exist, additional hydrological, geological, engineering or other information provided by a professional engineer or geologist may be required to be submitted by the applicant. This requirement shall not prejudice the right of EPCPH to develop its own information from its own source at its own expense.
- 4. Permit Fees
  - a. The EPCBoH will set fees for permits. The permit fees may be no greater than required to offset the actual indirect and direct costs of EPCPH. Section 25-10-107, C.R.S.
  - b. Permit application fees will not exceed the maximum fees established in Section 25-10-107, C.R.S. Permit application fees must be submitted by an applicant with the permit application, and are due and payable upon receipt of the permit application.
  - c. EPCPH may, for good cause, waive any local permit fee or a portion thereof normally required for an OWTS.
- 5. Other Fees
  - a. The EPCBoH will set fees for inspections, percolation tests, soil evaluation, and other services performed by EPCPH. The fees shall be no greater than required to offset the actual indirect and direct costs of the services, and shall not exceed the maximum amounts specified in Section 25-10-107, C.R.S.
  - b. Surcharge - EPCPH will collect a fee of twenty-three dollars for each permit issued for a new, repaired, or upgraded OWTS. Of that fee, EPCPH shall retain three dollars to cover its administrative costs and twenty dollars shall be transmitted to the state treasurer, who shall deposit that sum in the water quality control fund created in Section 25-8-502(1)(c), C.R.S.
- 6. Permit Term
  - a. An OWTS permit expires one year after the date of issuance if construction has not commenced or as specified by these regulations.
  - b. 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 EPCPH for such changes.
- 7. Repair Permit
  - a. The owner or occupant of a property on which an OWTS is not in compliance must obtain a repair permit from EPCPH. The applicant must apply for a repair permit within two business days after receiving notice from EPCPH that the system is not functioning in compliance with the OWTS Act or applicable regulations, or otherwise constitutes a nuisance or a hazard to public health or water quality.



1. Upon receipt of an application for a “new” or “major repair” permit, EPCPH shall conduct a site evaluation of the property. This evaluation shall be conducted for the purpose of assuring that the site conditions and the design submitted concur with the intent of these regulations.
  2. Before a system is placed in use, the owner, the owner's agent or the systems contractor must provide EPCPH and the engineer, if engineer-designed, with notice that the progress of the work has been sufficiently completed to allow inspections to determine if all work has been performed in accordance with the permit requirements and to determine compliance of the system with the OWTS Act and Regulation 43.
  3. Prior to placement of soil cover over any component, a final inspection of all permitted OWTS installations shall be conducted by EPCPH.
  4. EPCPH may require additional inspections in order to determine compliance with the conditions of the permit. These additional inspections shall be included in the permit requirements.
  5. When installation of an OWTS has been completed, the systems contractor or owner shall notify EPCPH. A representative of EPCPH shall make a final inspection within 2 business days of receipt of notification. In cases where inclement weather or other adverse conditions preclude an inspection within 2 business days, EPCPH may conduct a final inspection when it is determined safe to do so.
  6. If a request for an inspection is made, and the installation has not be completed or the OWTS installation was found in non-compliance with these Regulations, a return trip fee approved by the EPCBoH shall be charged to the owner or systems contractor that requested the inspection.
- F. Final approval of the permit by EPCPH must include, but is not limited to:
1. Receipt of a letter from the engineer certifying construction of system as designed, if engineer-designed;
  2. Receipt of an as-built drawing; when an engineered plan is required and submitted, the engineer will provide the “as-built” drawing. When an engineered plan is not required, EPCPH may complete the as-built drawing and may require that the licensed system contractor provide additional information to accurately complete said drawing. However, EPCPH may at its discretion, require that the licensed system contractor complete the as-built drawing.
  3. Final inspection prior to backfilling system by EPCPH confirming that the OWTS was installed according to the permit requirements and regulations or variances to the regulations; and,
  4. Identification of system contractor.
- G. EPCPH and Division Authority to Administer and Enforce
1. The owner of any property or structure where people live, work or congregate, or any property or structure designed or intended for those purposes, shall provide an adequate on-site wastewater treatment system in good working order and constructed, installed, and maintained in accordance with these regulations. Under no condition shall sewage contaminated material, sewage or effluent be permitted to be discharged upon the surface of the ground or into waters of the State, unless the sewage or effluent meets the

minimum requirements of these regulations, the Colorado Department of Public Health and Environment Regulation 43, or the water quality standards of the Colorado Water Quality Control Commission, whichever are applicable. Abatement of any nuisance conditions arising from a malfunctioning or defective on-site wastewater treatment system is the responsibility of the property owner.

2. Wherever the term EPCBoH or EPCPH is used in these regulations, said terms shall also include the Division under its designated authority for the purposes of administering and enforcing the provisions of the OWTS Act and Regulation 43 where necessary to protect the public health and environment.

#### H. Primary Enforcement Responsibility

1. The primary responsibility for enforcement of the provisions of the OWTS Act and Regulation 43 shall lie with the EPCBoH in El Paso County, Colorado.
2. In the event that the EPCBoH fails to administer and enforce the OWTS Act or Regulation 43, the Division may assume such functions of the EPCBoH or EPCPH as may be necessary to protect the public health and environment. Section 25-10-110, C.R.S.

#### I. Product Development Permit

1. EPCPH may issue a product development permit for a proprietary treatment component or series of components. Requirements for proprietary treatment component acceptance are in section 13.D. It must be shown that a complete system, meeting the requirements of these regulations and the site, can be installed in the event the proprietary treatment component or sequence fails to perform. The product under development may then be added to the treatment system, allowing the product developer to gather data about the product's performance in the field.
2. Before a product development permit is issued, EPCPH must determine that the product to be tested qualifies for testing under the product development evaluation based on information submitted to EPCPH.
3. A completed application for a product development permit must be submitted to EPCPH at least 30 days in advance of installation of the product.
4. An application for a product development permit must include the following:
  - a. 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 under testing;
  - b. A description of the product under development including performance goals; and,
  - c. Documentation signed by the owner of the proposed product development site allowing access to EPCPH and Division for inspection of the site.
5. EPCPH may stipulate additional requirements for the product development permit necessary to assure the performance of the OWTS.
6. A product development permit is a site-specific permit. Product development testing at multiple sites requires a product development permit for each site.

7. During the term of the product development permit, all data collected is to be submitted to the Division and EPCPH.
8. EPCPH may revoke or amend a product development permit, if the continued operation or presence of the product under development:
  - a. Presents a risk to the public health or environment;
  - b. Causes adverse effects on the proper function of the OWTS on the site;
  - c. Leaks or discharges effluent on the surface of the ground; or,
  - d. If the developer of the product fails to comply with any requirements stipulated on the permit by EPCPH or the Division.
9. If the product development permit is revoked, the product developer must install the replacement system.
- J. Experimental Systems:
  1. Except for designs or types of systems which have been approved by the Division pursuant to Section 25-10-108 (1), C.R.S., the EPCBoH may approve an application for a type of system not otherwise provided for in this regulation 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 experimental system.
  2. The EPCBoH shall not arbitrarily deny any person the right to consideration of an application for such a system and shall apply reasonable performance standards in determining whether to approve such an application. Section 25-10-108 (2), C.R.S.
- K. Submission of Plans for Proposed El Paso County Subdivision/Development Projects:
 

Development plans for proposed subdivisions and other development projects in El Paso County shall be submitted to EPCPH for the review of the proposed wastewater treatment service by a registered environmental health specialist, or a licensed professional engineer in accordance with requirements of these regulations. EPCPH may require the owner and/or the developer to submit additional engineering or geological reports or data, and to conduct a study of the economic feasibility of a sewage treatment works, or other on-site wastewater treatment systems prior to making its recommendations. No plan shall receive the approval of the El Paso County Board of County Commissioners unless EPCPH has made a favorable recommendation regarding the proposed method of sewage treatment for the project. The appeal of an unfavorable recommendation shall be in submitted in accordance with procedures set out Section 8.4.P.
- L. Prohibition of OWTS in Unsuitable Areas
  1. The EPCBoH may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the EPCBOH determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.

M. Licensing of Systems Contractors

1. No person shall install, or be hired to aid in the installation of, renovate or repair an onsite wastewater treatment system unless they hold a valid EPCPH Tier 1 or Tier 2 systems contractor license, with the exception of the property owner conducting his own installation. Employees of a valid licensed system contractor shall not be required to be licensed.
2. A fee not to exceed actual costs may be charged by EPCPH for the initial license of a systems contractor; a fee not to exceed actual costs may be charged by EPCPH for a renewal of the license. Licenses shall be valid for a period of two years, and shall expire on December 31st of the second year, when the current EPCBoH renewal fee shall be charged. A license that lapses because of failure to renew or that is revoked shall be subject to the fee established for new licenses upon reapplication.
3. Standard of Performance Required of all Licensed System Contractors:
  - a) Applications for systems contractor licenses or renewals shall be made upon forms supplied by EPCPH.
  - b) Prior to the issuance or renewal of a license, EPCPH shall require the applicant to demonstrate adequate knowledge as defined in Sections 8.4.L.4 or 5
  - c) Installation, renovation or repair of any onsite wastewater system shall be in compliance with these regulations and with the conditions set out in the OWTS permit.
  - d) During excavation, if bedrock or groundwater is encountered, all excavation must cease and EPCPH is to be contacted for an evaluation to determine if additional tests are required.
  - e) Notice of a requested inspection shall be given by the license holder not less than 48 hours before the inspection is to be made.
  - f) A license holder shall have in his possession the onsite wastewater system permit at the time construction begins, and shall make the permit available at the time of final inspection.
  - g) Revocation or Suspension of a Systems Contractor License: A license may be revoked or suspended for failure to comply with these regulations or for other good cause shown. Revocation or suspension shall take place only after a hearing, which shall be conducted in accordance with Chapter 4: Administrative Hearing Procedure, of these regulations.

4. Requirements of a Tier 1 Licensed Systems Contractor:

- a) Must pass the required Tier 1 Licensed Systems Contractor exam.
- b) Can only install OWTS that have not been designed by a Professional Engineer (P.E.); however, in some cases EPCPH may approve a Tier 1 Licensed Systems Contractor to install a P.E. designed system where the soil treatment area proposed would allow for a conventional OWTS installation. (i.e., small, gravity flow commercial system)

5. Requirements of a Tier 2 Licensed Systems Contractor:

- a) Must pass the required Tier 2 Licensed Systems Contractor exam.
  - b) May install any OWTS designed by a Professional Engineer, or any conventional OWTS.
  - c) In order to install an Engineer Designed system, at least one (1) individual from the company shall be a Tier 2 Licensed Systems Contractor. This individual shall “oversee” the construction/installation of the designed system.
  - d) Proprietary certifications from each treatment level 2 (TL2) or treatment level 3 (TL3) component manufacturers will be required in order to install that specific treatment component. The manufacturer shall be responsible for providing EPCPH a list of certified installers.
  - e) Must complete 10 hours of EPCPH approved continuing educational units (CEU's) every 24 months.
    1. Tier 2 Licensed Systems Contractors that are certified by an EPCPH approved nationally recognized educational program will satisfy the noted CEU requirements.
    2. Attendance at an EPCPH training session, as provided (1 min. / 24 mo.), is required.
6. Any homeowner that proposes to install their own OWTS shall demonstrate a defined level of competency as determined by EPCPH which may include testing and/or a meeting with an Environmental Health Specialist prior to the OWTS installation. A homeowner may not install a system that requires a Tier 2 Systems Contractor License. The fee established by the EPCBoH, shall be assessed to each homeowner who applies to install an OWTS.

N. Licensing of Systems Cleaners

- a. No person shall engage in the cleaning of an OWTS, or the transportation of sewage to an EPCBoH approved disposal site unless he holds a valid EPCPH systems cleaner license. Employees of a licensed systems cleaner company are not required to be individually licensed. A systems cleaner license and the annual license renewal is dependent upon the annual inspection and approval of each pumper truck operated by the holder of the systems cleaner license. The current EPCBoH fee for a pumper truck inspection shall be collected at the time of EPCPH's inspection of each pumper truck used for the purposes defined in these regulations. EPCPH approval of the pumper truck is valid for a period of one year from the date of each individual vehicle inspection. An EPCPH systems cleaner license that lapses because of failure to have all operating pumper trucks inspected and approved annually, or is revoked for other good cause, shall be subject to the current established license fee procedure. The failure to have an in use and operating individual pumper truck inspected annually as required will result in EPCPH prohibiting the use of that vehicle for the use as specified in this section.
- b. Standard of Performance for Systems Cleaners:
  1. A license holder, when pumping a septic tank(s) or wastewater component(s), shall remove the accumulated sludge and scum, from each compartment of the septic tank(s) or wastewater component(s) unless otherwise directed by the owner.
  2. All vehicles used for the transport of sewage shall be inspected and approved by EPCPH prior to use.



3. The outlet tees or baffles shall be inspected for proper installation and/or damage as part of the pumping process. Missing or damaged tees or baffles on the outlet side of tanks shall be reported in writing to the owner and EPCPH.
4. All effluent screens shall be evaluated for proper installation and/or damage, and shall be cleaned, or repaired/replaced as needed.
5. A license holder shall maintain and operate their equipment to ensure that no spillage of sewage will occur during transportation. Hauling shall be accomplished by the use of an enclosed tank. The tank shall be equipped with an approved method for determining the liquid level content; hoses used for pumping shall be in good condition so as not to leak; tank manholes and all tank valves shall not leak. EPCPH shall inspect each tank used in the transportation of sewage. Operators of system cleaner trucks shall also be subject to random inspections to assure compliance with these regulations.
6. A license holder shall dispose of the sewage only at a municipal sewage treatment plant or other site approved by the EPCBoH, and shall comply with all other applicable local codes and ordinances.
7. Prior to the issuance or renewal of a systems cleaner license, EPCPH may require the demonstration of knowledge of these regulations.
8. Pumping and disposal records shall be kept for a minimum of 12 months and shall be made available to EPCPH for review upon request.
9. Revocation or Suspension of a Systems Cleaner License: A license may be revoked or suspended for failure to comply with these regulations or for other good cause shown. Revocation or suspension shall take place only after a hearing, which shall be conducted in accordance with EPCBoH Regulations, Chapter 4: Administrative Hearing Procedure.

O. Transfer of Title Inspections

- (1). EPCPH requires a property owner of a residence or other building/facility served by an OWTS to have an inspection of that system to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property.
  - a) EPCBoH shall establish the fees to conduct and maintain the Transfer of Title Inspection program.
  - b) Fees shall be provided to EPCPH along with the submission of the inspection report.
- (2). If the system is not functioning according to design, the system must be repaired so as to be conforming.
- (3). All repairs must be completed within 90 days of the submittal of the inspection report unless an eminent health hazard is determined to exist by EPCPH. If an eminent health hazard exists, the time frame for correction will be determined by EPCPH to protect public health.
- (4). Certified Operation & Maintenance Specialists who conduct Transfer of Title inspections shall be certified by National Association of Wastewater Technicians (NAWT) or an equivalent program approved by EPCPH . Certified O & M Specialist's of higher level

treatment systems must have training relevant to the specific system or certification by the equipment manufacturer.

- a). EPCPH shall provide and maintain a list of Certified Operation & Maintenance Specialists to the general public. A fee not to exceed actual costs may be charged by EPCPH for the initial license of a Licensed O & M Specialist. A fee not to exceed actual costs may be charged by EPCPH for a renewal of the license. Licenses shall be valid for a period of two years from the date of issuance.
  - b). EPCPH may decertify any Operation & Maintenance Specialists under any of the following circumstances:
    - i). The Operation & Maintenance Specialist submits false or misleading information.
    - ii). The Operation & Maintenance Specialist does not maintain the required certification as required by these regulations.
    - iii). Any situation that is determined by EPCPH which does not comply with the intent of this section.
- (5). Transfer of title inspection reports shall be submitted by the Operation & Maintenance Specialist to EPCPH on the designated electronic reporting system. Inspection results shall be submitted within three working days.
- a) Any septic tank inspection, pumping inspection, or an inspection of any mechanical component completed within the previous 12 months shall be included within the Transfer of Title report submittal.
- (6). The existing system must meet, at a minimum, the following criteria and conditions:
- a) All tanks must be structurally sound, watertight, in good working order, and provided with approved, structurally sound and secure lids;
  - b) 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;
  - c) Alarms, control devices, and components necessary for the operation of the system are present and in good working order;
  - d) A soil treatment area, other means of subsurface wastewater treatment, evapotranspiration, or treatment system other than those discharging through a soil treatment area or sand filter is present and in good working order;
  - e) There are no unapproved wastewater discharges from the system; and,
  - f) Any deficiencies noted in the inspection report(s) have been corrected within the specified time frame and with the necessary permits and inspections.
- (7) The report of system status is considered current for purposes of this subsection if it was completed within one (1) year of the date of sale.

- (8) Circumstances or factors that may have affected the ability of the inspector to evaluate the system.
- (9). Issuance of an Acceptance Document
  - a. When the criteria set forth above have been met, EPCPH shall issue an acceptance document, setting forth the terms and conditions of the approval, including, as appropriate:
    - (1) Statement of the size, type and capacity of the system and an as-built drawing, either from EPCPH records or the inspection reports;
    - (2) Evidence of past failures as shown in EPCPH records;
    - (3) Circumstances or factors that may have affected the ability of the inspector to evaluate the system;
    - (4) Whether the system meets the permitted requirements of EPCPH; and,
    - (5) Other information EPCPH may require.
  - b. EPCPH may withhold issuance of an Acceptance Document if it determines that significant or necessary information has not been provided on the inspection report. In such cases, EPCPH shall notify the Operation & Maintenance Specialist of omissions within 2 business days. The Operation & Maintenance Specialists shall then submit a revised report to EPCPH within 2 business days.
- (10). The acceptance document shall remain valid until the date of real estate closing or for a period of six months, whichever comes first. Once the real estate closing has been completed, the acceptance document need not be renewed.
- (11). Renewal of an Acceptance Document
  - a. Provided it has not expired, an acceptance document may be renewed one time for a period of twelve months upon completion of the appropriate form and payment of the required fee.
- (12). Waiver of an Acceptance Document
  - a. If it is determined by EPCPH that an OWTS does not meet the requirements for issuance of an acceptance document, a conditional acceptance document may be issued, provided that the purchaser of the property, or the assigned agent, agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within 90 days of occupancy of the structure.
- (13). If conditions, such as frozen ground, limit the ability to complete all necessary repairs, the 90 days allowed the purchaser may be extended by EPCPH .
- (14). Revocation of an Acceptance Document
  - a. An acceptance document must be revoked if it is determined that the system is no longer functioning in accordance with these regulations, or that false or misleading material statements were made on the application or inspection reports.

(15). Penalties

- a. Failure to obtain an acceptance document for a covered transaction as provided by this regulation shall subject the owner who failed to obtain the document to a penalty assessed under Section 25-10-113, C.R.S.

P. Notice of Denial or Disapproval

1. Notice of Denial or Disapproval: EPCPH shall provide written notification to the owner should it deny the owner's permit application, disapprove the owner's onsite wastewater treatment system plan, disapprove the owner's installed onsite wastewater treatment system, development plan, or take any other action to deny or disapprove any other request by the owner pursuant to these regulations. Such notice shall describe the deficiencies, and provide a reasonable time for correction, if appropriate. Service of such notice shall be provided by first class or certified mail, or by personal service. If the notice cannot be mailed or the mailed notice is returned, service may be made by posting the notice in a conspicuous place on or about the property in question.
2. Appeal: Any person who is affected by an order, decision, or notice issued by EPCPH in connection with its actions or enforcement of these regulations may appeal as provided in the EPCBoH Regulations, Chapter 4, Administrative Hearing Procedure. Any person requesting a variance from the OWTS design or siting requirements of these regulations shall use the variance procedure below.

Q. Variance Procedure

1. Variance Requests: Any person who receives a notification of denial or disapproval from EPCPH relating to design or siting requirements may request a variance from the EPCBoH, by submitting a written request to the Public Health Director, along with the current EPCBoH variance fee, and by following the procedures established in EPCBoH Regulations, Chapter 4, Administrative Hearing Procedure.

a. The written request must include:

- 1) A statement from the owner requesting that the EPCBoH consider a variance request by appointment of a Hearing Officer pursuant to EPCBoH Regulations, Chapter 4, Administrative Hearing Procedure.
- 2) Identification of the property owner and property in question.
- 3) The specific criteria from which a variance is being requested;
- 4) Technical justification by a Colorado Licensed Professional Engineer or Professional Geologist, indicating that the specific conditions which exist, and/or the measures which will be taken, will result in no greater threat to health or environmental degradation than that achieved by compliance with the applicable laws and regulations;
- 5) A discussion of alternatives considered in lieu of the requested variance;
- 6) Technical support for the selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment; and,

- 7) A statement of the hardship which creates the necessity for the variance.
  - b. The Hearing Officer appointed to conduct the Public Hearing on behalf of the EPCBoH shall conduct the public hearing in accordance with EPCBoH Regulations, Chapter 4, Administrative Hearing Procedure, to the extent practicable. In addition to other requirements of the hearing procedure, EPCPH shall notify all adjacent property owners of the public hearing by sending notice via certified mail a minimum of 20-days prior to the hearing.
  - c. The applicant has the burden of proof that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the applicable laws and regulations.
  - d. The Hearing Officer has the authority to impose requirements and conditions on any variance granted.
  - e. The applicant shall be notified, in writing, of the Hearing Officer's decision. A notice of denial of a variance shall include those reasons which form the basis for the denial. A notice of approval of a variance shall include any conditions of the approval. The variance, and any conditions thereof shall be recorded on the deed to the property and any expenses associated with that recording shall be the responsibility of the property owner.
4. Prohibitions on the Granting of Variance Requests:
- a. No variance will be issued to mitigate an error in construction involving any element of property improvements.
  - b. No variance will be issued where the property can accommodate a conforming onsite wastewater treatment system.
  - c. No variance will be issued, which will result in setbacks to offsite physical features which do not conform to the minimum setbacks defined in Table 7.1 of these regulations.
  - d. No variance shall be issued, if it reduces the separation to ground water or bedrock based on the level of treatment in Table 7-2.
  - e. No variance will be issued, which reduces the 4-foot separation to ground water, bedrock, or other restrictive soil layer, unless designed by a Colorado licensed engineer, adheres to the appropriate sections of these regulations relative to higher level treatment and is approved by EPCPH.
  - f. No variance from the horizontal setback from a well shall be given which does not also meet the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.
  - g. No variance shall be allowed solely for economic gain.
5. Variances for Repair of Failing Systems

a. When a proposed variance for a system repair or upgrade would result in encroachment on minimum distances to physical features on neighboring properties required by EPCPH, the hearing procedures in 8.4.Q, Variance Procedure, must be followed.

b. For the repair of or upgrade to an approved existing system where the existing system does not meet the required separation distances and where the size of the lot precludes adherence to the required distances, a variance to the separation distances may be requested. The repairs or upgrade shall be no closer to features requiring setbacks than the existing facilities. Variances requesting setbacks no closer than existing setbacks do not have to provide technical justification from a professional engineer or professional geologist.

R. General Prohibitions; Section 25-10-112, C.R.S.

1. No city, county, or city and county shall issue to any person:
  - a. A permit to construct or remodel a building or structure that is not serviced by a sewage treatment works until EPCPH has issued a permit for an OWTS.
  - b. An occupancy permit for the use of a building that is not serviced by a sewage treatment works until EPCPH makes a final inspection of the OWTS, provided for in Section 25-10-106 (1) (h), C.R.S., and EPCPH approves the installation.
2. Construction of any new cesspool or the repair of any existing cesspool is prohibited.
3. A person must not connect more than one dwelling, commercial business, institutional or industrial unit to the same OWTS unless such multiple connections was specified in the application submitted and in the permit issued for the system.
4. 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.
5. 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.

S. Cease and Desist Orders

1. EPCPH may issue an order to cease and desist from the use of any OWTS or sewage treatment works which is found by the health officer not to be functioning in compliance with the OWTS Act or with applicable regulations or is found to constitute a hazard to public health, or has not otherwise received timely repairs under the provisions of Section 25-10-106 (1) (j), C.R.S. Such an order may be issued only after a hearing which shall be conducted by the health officer not less than 48 hours after written notice thereof is given to the owner or occupant of the property on which the system is located. The order shall require that the owner or occupant bring the system into compliance or eliminate the health hazard within a reasonable period of time, or thereafter cease and desist from the use of the system. A cease and desist order issued by the health officer shall be reviewable in the district court for the 4th Judicial District of Colorado, upon a petition filed not later than ten days after the order is issued.

T. Penalties; Section 25-10-113, C.R.S.

1. Any person who commits any of the following acts or violates any of the provisions of this section commits a Class 1 petty offense as defined in Section 18-1-107, C.R.S.:
  - a. Constructs, alters, installs, or permits the use of any OWTS without first having applied for and received a permit as provided for in Section 25-10-106, C.R.S.;
  - b. Constructs, alters, or installs an OWTS in a manner which involves a knowing and material variation from the terms or specifications contained in the application, permit or variance;
  - c. Violates the terms of a cease and desist order that has become final under the terms of Section 25-10-106 (1) (k), C.R.S.;
  - d. Conducts a business as a systems contractor without having obtained the license provided for in Section 25-10-109 (1), C.R.S.;
  - e. Conducts a business as a systems cleaner without having obtained the license provided for in Section 25-10-109 (2), C.R.S.;
  - f. Falsifies or maintains improper records concerning system cleaning activities not performed or performed improperly; or,
  - g. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by these regulations.

#### **8.5 Site and Soil Evaluation**

- A. A site and soil evaluation shall be conducted for each property on which an OWTS is proposed, to determine the suitability of a location to support an OWTS, and to provide the designer a sound basis to select the most appropriate OWTS design for the location and application.
  1. Each site evaluation shall consist of:
    - a. Preliminary investigation;
    - b. Reconnaissance;
    - c. Detailed soil investigation; and,
    - d. Report and site plan.
- B. A preliminary investigation shall review documented information relative to the site and anticipated conditions. Information gathered as part of the preliminary investigation shall include, but is not limited to:
  1. Property Information:
    - a. Address;
    - b. Legal description;
    - c. Existing structures; and,
    - d. Location of existing or proposed wells on the property.

2. EPCPH records.
  3. Published site information:
    - a. Topography; and,
    - b. Soil data.
  4. Location of physical features, on and off the property that will require setbacks as identified in Table 7-1.
  5. Preliminary soil treatment area size estimate based on information on existing or planned facility and local regulations.
  6. EPCPH may require additional information in order to assure that a proper site evaluation has been provided.
  7. Additional information that may be useful to the specific evaluation as available:
    - a. Survey;
    - b. Easements;
    - c. Floodplain maps;
    - d. Geology and basin maps and descriptions;
    - e. Aerial photographs;
    - f. Climate information; and,
    - g. Delineated wetlands maps.
- C. A reconnaissance visit to the property shall evaluate the topography and other surface conditions that will impact the selection and location and design of the OWTS, including:
1. Landscape position;
  2. Topography;
  3. Vegetation;
  4. Natural and cultural features; and,
  5. Current and historic land use.
- D. Detailed Soil Investigation
1. Soil investigations to determine the long-term acceptance rate of a soil treatment area shall be either:
    - a. Visual and tactile evaluation of two or more soil profile test pit excavations; or,
    - b. Percolation tests plus one or more soil profile holes or one or more soil profile test pit excavations.



2. If percolation tests are performed, at least one soil profile hole shall be evaluated to determine whether current ground water levels and/or bedrock are encountered within 8 feet of the ground surface. A visual and tactile evaluation of a soil profile test pit excavation as described in section 8.5.D.5. may be substituted for a profile hole. Following three years after the effective date of these regulations, a visual and tactile evaluation of a soil profile test pit excavation shall be used instead of a soil profile hole when percolation tests are performed to determine long-term acceptance rates.
3. If visual and tactile evaluations of soil are performed without percolation tests to determine a long-term acceptance rate:
  - a. Evaluation of two or more soil profile test pit excavations must be performed to determine soil types and structure, restrictive layers, evidence of seasonal high ground water, and best depth for the infiltrative surface, unless otherwise approved by EPCPH.
  - b. At least one of the soil profile test pit excavations must be performed in the portion of the soil treatment area anticipated to have the most limiting conditions.
  - c. The total number of soil profile test pit excavations required is based on the judgment of the competent technician who may require a an additional soil profile test pit excavation in the area of the proposed alternate soil treatment area if deemed necessary.
4. Procedure for performing percolation tests:
  - a. The percolation testing shall be performed by a trained person under the supervision of a professional engineer or by a competent technician.
  - b. Location
    - (1) Soil percolation tests shall be performed in at least three test holes in the area in which the soil treatment area is to be located, spaced reasonably evenly over the proposed area. There shall be no less than one test hole provided in every 1,200 square foot area of soil treatment area.
    - (2) If the likely depth of a proposed infiltrative surface is uncertain, or if a vertical system is proposed, the percolation tests for this site shall be performed at more than one depth to determine the percolation rates at the various depths.
  - c. Dimensions
    - (1) The percolation test hole shall have a diameter of eight to 12 inches and be terminated a minimum of six inches and a maximum of 18 inches below the proposed infiltrative surface.
  - d. Change in Soil
    - (1) If a change of soil type, color or structure is present within those soils comprising the depth of soil below the infiltrative surface as required in Table 7-2 for vertical separation, a minimum of two soil percolation holes shall be terminated in the changed soil, and percolation tests shall be conducted in both holes.

e. Percolation Tests

- (1) The percolation tests shall be conducted using the hole preparation, soil saturation and rate measurement procedures described below.
- (2) Preparation of Percolation Test Holes
  - (i) Excavate the hole to the depth and diameter required.
  - (ii) Carefully scrape the bottom and sides of the hole with a knife blade or sharp instrument to remove any smeared soil surfaces and provide a natural soil interface into which water may percolate.
  - (iii) Remove all loose soil from the hole.
  - (iv) Add two inches of very coarse sand or fine gravel to protect the bottom of the hole from scouring and sediment.
- (3) Presoak
  - (i) The hole shall be presoaked adequately to accomplish both saturation, which is filling the void spaces between the soil particles, and swelling, which is the intrusion of water into the individual soil particles.
  - (ii) To presoak the hole, carefully fill the hole with clean water to a minimum depth of 12 inches over the gravel placed in the bottom of the hole. In most soils, it is necessary to refill the hole by supplying a surplus reservoir of clean water, possibly by means of an automatic siphon, to maintain water in the hole for at least four hours and preferably over night. Determine the percolation rate 24 hours after water is first added to the hole. This procedure is to ensure that the soil is given ample time to swell and to approach the condition it will be in during the wettest season of the year. In sandy soils containing five percent or less particles passing the #200 sieve, by weight, the swelling procedure is not essential and the test may be conducted after the water from one filling of the hole has completely seeped out of the hole.
- (4) Percolation Rate Measurement
  - (i) With the exception of sandy soils containing five percent or less particles passing the #200 sieve, by weight, percolation rate measurements shall be made on the day following the presoak procedure.
  - (ii) If water remains in the percolation test hole after the swelling period, adjust the depth to approximately six inches above the gravel in the bottom of the hole. From a fixed reference point, measure the drop in water level over a series of 30 minute intervals. The drops are used to calculate the percolation rate.

- (iii) If no water remains in the hole after the swelling period, carefully add clean water to bring the depth of water in the hole to approximately six inches above the top of the gravel in the bottom of the hole. From a fixed reference point, measure the drop in water level at 30 minute intervals for four hours, refilling to six inches over the top of the gravel as necessary. The drop in water level that occurs during the final 30-minute period is used to calculate the percolation rate. If the water level drops during prior periods provide sufficient information, the procedure may be modified to suit local circumstances. The requirement to conduct a four hour test under this section is waived if three successive water-level drops do not vary by more than 1/16 inch; however, in no case shall a test under this section be less than two hours in duration.

(5) Sandy Soils

- (i) In sandy soils or other soils in which the first six inches of water seeps out of the hole in less than 30 minutes, after the 24 hours swelling period, the time interval between measurements shall be taken as ten minutes and the test conducted for one hour. The drop that occurs during the final ten minutes shall be used to calculate the percolation rate.
- (ii) If the soil is so sandy or coarse-textured that it will not retain any water, then the infiltration rate shall be recorded as less than one minute per inch.

(6) Special Soil Types

- (i) EPCPH has identified soil types in El Paso County that require different or additional testing procedures than those defined in Regulation 43.
- (ii) Whenever decomposed granite is encountered, (within 48" from the bottom of the proposed infiltrative surface) the following soil tests are required:
  - (I) A percolation test shall be conducted per the standards defined in these regulations.
  - (II) A soil profile test pit excavation is required.
  - (III) Subsequent to the noted testing requirements in this subsection, the competent technician &/or professional engineer shall determine the soil type (0 - 5) as defined in table 10-1.
- (iii) Whenever a Dawson Sandstone formation is encountered, (within 48" from the bottom of the proposed infiltrative surface) the following soil tests are required:
  - (I) A percolation test shall be conducted per the standards defined in this regulation.

- (II) A soil profile test pit excavation is required.
- (III) A gradation test of the material located at the infiltrative surface shall be conducted.
- (IV) Subsequent to the noted testing requirements in this subsection, the competent technician &/or professional engineer shall determine the soil type (0 - 5) as defined in table 10-1.

(7) Percolation Rate Determination and Reporting

- (i) The field percolation rate shall be the average rate of the percolation rates determined for all percolation test holes observed in the proposed soil treatment area in minutes per inch. The average percolation rate determined by the tests shall be used in determining the long-term acceptance rate for the proposed system from Table 10-1.
- (ii) The technician performing the percolation tests shall furnish an accurate scale drawing, showing the location of the soil profile holes or soil profile test pit excavations and percolation holes tied to lot corners or other permanent objects. The drawing shall meet the criteria in section 8.5.F.1.g. The information in the subsections following section 8.5.F.1.g.(1) through 5.F.1.g.(5). may be included but is not required for this drawing. All holes shall be clearly labeled to relate to the information provided for the profile test pits and percolation tests.

(8) Percolation Test Waiver

- (i) If the applicant demonstrates to the satisfaction of EPCPH that the system is not dependent upon soil absorption, the requirement of percolation tests may be waived.

(9) Alternate Percolation Testing

- (i) Alternate percolation test procedures may be approved, provided the test results of alternate procedures are substantially equivalent to those determined using the test procedures described in this section.
- (ii) Prior approval from EPCPH of alternate percolation test procedures is required.

5. Visual and tactile evaluation of soil requirements:

- a. Each soil profile test pit excavation observed at the proposed soil treatment area must be evaluated under adequate light conditions with the soil in an unfrozen state.

- b. The soil observations must be conducted at or immediately adjacent to the location of the proposed soil treatment area, but if possible, not under the final location of a trench or bed.
  - c. The soil observation method must allow observation of the different soil horizons that constitute the soil profile.
  - d. Soil profile test pit observations must be conducted prior to percolation tests to determine whether the soils are suitable to warrant percolation tests and, if suitable, at what depth percolation tests shall be conducted.
  - e. The minimum depth of the soil profile test pit excavation must be to the periodically saturated layer, to the bedrock, or four feet below the proposed depth of the infiltrative surface, whichever is encountered first.
  - f. The soil type at the proposed infiltrative surface of the soil treatment area or a more restrictive soil type within the treatment depth shall be used to determine the long-term acceptance rate from Table 10-1. The treatment depth is two to four feet depending on the required thickness for the treatment level below the infiltrative surface from Item 4, Table 7-2.
  - g. Soils data, previously collected by others at the site can be used for the purposes of an OWTS design at the discretion of EPCPH. It is recommended that the data be verified, at a minimum, by performing an evaluation of a soil profile test pit excavation.
6. Soil descriptions for determination of a limiting layer shall include:
- a. The depth of each soil horizon measured from the ground surface and a description of the soil texture, structure, and consistency of each soil horizon;
  - b. Depth to the bedrock;
  - c. Depth to the periodically saturated soil as determined by:
    - (1) Redoximorphic features and other indicators of water levels, or
    - (2) Depth of standing water in the soil observation excavation, measured from the ground surface, if observed, unless redoximorphic features indicate a higher level; and,
  - d. Any other soil characteristic that needs to be described to design a system, such as layers that will restrict permeability.
7. Percolation Holes, Profile Holes, and Profile Test Pits Excavations – Marking .
- a. The engineer or technician conducting the percolation tests and/or soil profile test pits must, upon completion of the tests, flag or otherwise mark each hole/pits to allow easy location by EPCPH. A vertical elevation of the existing grade at the location of the soils evaluation sites, relative to and established site benchmark, shall be provided.

E. Report and Site Plan

1. A written report shall describe the results of the preliminary investigation, reconnaissance, and detailed evaluations. The report may be in text and/or tabular form and shall include a drawing locating features relative to the proposed OWTS location and test locations. The report may be included as part of the OWTS design document. The report must include, but is not limited to:
  - a. The name, address, telephone number, e-mail address, and credentials and qualifications of the individual conducting the site evaluation;
  - b. Preliminary and detailed evaluations, providing information from the surface site characteristics assessment and soils investigation;
  - c. Dates of preliminary and detailed evaluations;
  - d. A graphic soil log, to scale, indicating depth of drill hole or excavation, soil description and classification, depth to ground water encountered during drilling or excavation, type of equipment used to drill the profile hole or excavate the soil profile test pit, date of soils investigation, name of investigator and company name.
  - e. Setback distances to features listed in Table 7-1;
  - f. Setback distances to features listed in Table 7-2, existing on the site or within applicable setback limits, whichever is greater;
  - g. A drawing created to a scale that provides the complete property boundary lines. Minimum drawing size shall be 8.5-inches by 11-inches. If the property is too large to adequately indicate and label the profile test pits and percolation test holes, a detail of the portion of the site from a "known", or an "established point" may be submitted. Drawings shall indicate dimensions, have a north arrow and graphic scale and include:
    - (1) Horizontal and vertical reference points of the proposed soil treatment area; soil observations; percolation testing results and pertinent distances from the proposed OWTS to all required setbacks, lot improvements, easements; ordinary high water mark of a pond, creek, stream, lake, wetland or other surface waters, and detention or retention ponds; and property lines;
    - (2) Contours, and/or spot elevations in the area of the proposed OWTS as well as an area extending a minimum of 25' beyond any proposed excavation;
    - (3) The location of any visible or known unsuitable, disturbed or compacted soils;
    - (4) The estimated depth of periodically saturated soils and bedrock, or flood elevation, if applicable; and,
    - (5) The proposed elevation of the infiltrative surface of the soil treatment area, from an established datum (either ground surface or a benchmark);

- h. Anticipated construction-related issues;
- i. An assessment of how known or reasonably foreseeable land use changes are expected to affect the system performance, including, but not limited to, changes in drainage patterns, increased impervious surfaces and proximity of new water supply wells; and,
- j. A narrative explaining difficulties encountered during the site evaluation, including but not limited to identifying and interpreting soil and landform features and how the difficulties were resolved.

F. Design Document

- 1. The report and site plan may be attached to the design document or the report and site plan may be combined with the design information as a single document.
- 2. The design document shall include a brief description of the facility and its proposed use, basis and calculations of design flow, and influent strength.
- 3. The design document must contain all plan detail necessary for permitting, installation and maintenance, including:
  - a. Assumptions and calculations for each component;
  - b. A scale drawing showing location of each OWTS component and distances to water, physical and health impact features requiring setbacks;
  - c. The proposed elevation of the infiltrative surface of the soil treatment area, the septic tank inlet invert, as well as other system components shall be provided from an established benchmark;
  - d. Layout of soil treatment area, dimensions of trenches or beds, distribution method and equipment, distribution boxes, drop boxes, valves, or other components used;
  - e. Depth of infiltrative surface of soil treatment area, depth of the septic tank, depth of other components;
  - f. Specifications of each component. Specifications for septic tanks or other buried components must include loads due to burial depth, additional weight or pressure loads, and highest elevation of ground water. Resistance to local water composition such as high sulfates shall be included in the specification if such conditions exist at the site;
  - g. References to design manuals or other technical materials used;
  - h. Installation procedures;
  - i. Operation and maintenance manuals or instructions; and,
  - j. Other information that may be useful such as photos and cross-section drawings.

- G.. As-Built Drawings: Scale drawing showing the OWTS as installed, including its location from known and findable points, dimensions, depths, sizes, manufacturers' names and models as available, and other information relative to locating and maintaining the OWTS components.

- a. When an engineered plan is required and submitted, the design engineer must provide the as-built drawing.
  - b. The required accuracy of the as-built drawing from a design engineer is defined as 6" +/- vertical, 3'+/- horizontal.
  - c. When an engineered plan is not required, EPCPH may complete the as-built drawing for the system contractor. However EPCPH may request installation information from the system contractor to accurately complete the drawing.
- H. Site protection: Prior to, and during construction, the proposed soil treatment area and replacement area, if any, must be protected from disturbance, compaction, or other damage by staking, fencing, posting, or other effective method.
- I. Qualifications for a Competent Technician
- 1. Percolation Tests
    - a. Competencies needed:
      - (1) Set up equipment;
      - (2) Perform and run percolation tests according to the procedure in this regulation; and
      - (3) Record results and calculate percolation rates.
    - b. EPCPH may approve training for percolation testing.
  - 2. Visual and Tactile Evaluation of Soil
    - a. Competencies needed:
      - (1) Identify soil types by hand texturing and observation;
      - (2) Identify presence or absence of soil structure;
      - (3) Identify grade of soil structure;
      - (4) Recognize evidence of highest seasonal water surface;
      - (5) Identify layers and interfaces that will interfere with effluent movement;
      - (6) Determine the most suitable depth for infiltrative surface of OWTS and for percolation tests, if used; and,
      - (7) Understand basic principles of OWTS siting and design.
    - b. Possible demonstrations of competence in visual and tactile evaluation of soil:
      - (1) Degree in soil science, agronomy, geology, other majors if a course(s) in soil morphology was included; or
      - (2) Attendance at training or workshop for soil evaluation for OWTS including both class and field work.



- c. EPCPH shall approve training for visual and tactile evaluation of soil.

**8.6 Wastewater Flow and Strength**

**A. Wastewater Flows**

- 1. EPCPH may require the installation of a meter to measure flow into the facility or the OWTS.
- 2. Single-Family Residential Homes:
  - a. Design flow per person shall be 75 gallons per day (gpd).
  - b. EPCPH may increase the wastewater design flow per person to 100 gpd where justified.
  - c. The minimum design flow for a new home shall be for a two-bedroom house. The minimum design flow for the repair or replacement of an OWTS of an existing one-bedroom home shall be one-bedroom unless bedrooms are added.
  - d. For homes up to and including three bedrooms, the assumed number of persons per bedroom shall be two for design purposes.
  - e. For homes with more than three bedrooms, the assumed number of persons shall be six persons (first three bedrooms x two persons per bedroom) plus one additional person for each bedroom more than three bedrooms.
  - f. EPCPH may increase the number of persons per bedroom to two for all bedrooms for design purposes.
  - g. Table 6-1 summarizes the design flows for single-family residential homes up to six bedrooms. EPCPH has authority to adjust these values as described in sections 8.6.A.2.b. and 8.6.A.2.f.

**Table 6-1 Single-Family Residential Design Flows**

| # Bedrooms | Occupancy<br>(# of Persons) | Wastewater Flow Per<br>Person (gallons/day) | Design Flow<br>(gallons/day) |
|------------|-----------------------------|---|------------------------------|
| 2          | 4                           | 75  | 300                          |
| 3          | 6                           | 75  | 450                          |
| 4          | 7                           | 75  | 525                          |
| 5          | 8                           | 75  | 600                          |
| 6          | 9                           | 75  | 675                          |

- 3. Auxiliary Buildings
  - a. If a single-family home has an auxiliary building, such as a non-commercial shop with plumbing fixtures, the flow may be conveyed to the OWTS of the home, or to a separate OWTS constructed to handle the flow from the auxiliary facility.

- b. If the flow from the auxiliary building is only generated by residents of the home, it shall be assumed that the OWTS for the home will be adequately sized to include the auxiliary building if the flows are combined.
  - c. If the auxiliary building will have users in addition to residents and the flow from the auxiliary building will flow to the OWTS of the home, the design flow of the home must include the increased use.
  - d. If the auxiliary building has a separate OWTS, the facility shall be sized on the basis of Table 6-2 and a septic tank detention time of 48 hours.
4. Multi-Family and Commercial On-site Wastewater Treatment Systems
- a. Design flow values and strengths for multi-family and commercial systems shall be determined from:
    - (1) Table 6-2; or
    - (2) An analysis of flows and strengths from at least three comparable facilities or from the facility, if it is an existing facility, must be submitted to EPCPH for approval. The analysis shall include:
      - (i) Metered water flows for inside use only for at least a year, or if use is seasonal, for a full season. If metered flows are less than full capacity, they shall be paired with actual use in units of persons present or meals served or other units as appropriate so that an actual daily rate per unit can be determined. The daily rate per unit times the number of units at full occupancy shall be the design flow.
      - (ii) Total Suspended Solids and BOD<sub>5</sub> or CBOD<sub>5</sub> tests at times of full use. At least three samples taken at least one week apart are required.
      - (iii) Explanation and justification for the comparability of the tested facilities with the proposed facility.
5. Flow Equalization
- a. Flow equalization may be used if a facility has flows that vary from day to day by more than four times the average flow.
  - b. The highest peak assumed shall be at least equal to the full capacity of the facility.
  - c. The stored flow shall be distributed to the soil treatment area before the next greater-than-average peak.
  - d. Flow equalization may be used only if:
    - (1) The facility is non-residential;
    - (2) The facility is only used for one purpose;
    - (3) Flows will follow a predictable pattern; and,

- (4) There is a long-term expectation that size and pattern of the flows will remain the same.
- e. Timed pressure distribution shall be used. The soil treatment area reduction for timed pressure distribution shall not be used in addition to the flow equalization reduction.
- f. Contingency plans must be made for expanding the capacity of the OWTS in the event of changed use at the facility.

**TABLE 6-2 Estimate of Average Daily Wastewater Flow and BOD<sub>5</sub> Load Per Person Unless Otherwise Noted**

| <b>RESIDENTIAL WASTEWATER</b>   | <b>AVERAGE GPD</b> | <b>BOD<sub>5</sub> IN POUNDS PER DAY</b> |
|---|--------------------|--|
| Single-family dwellings   | 75                 | .20                                      |
| <b>OR</b> Single-family dwellings or auxiliary buildings by fixture type  |                    |  |
| Bath/Shower   | 14.7               | .014                                     |
| Dishwasher  | 1.8                | .002                                     |
| Kitchen sink with garbage grinder   | 5.8                | .052                                     |
| Laundry washer  | 19.5               | .037                                     |
| Lavatory  | 8.4                | .021                                     |
| Water closet (toilet)   | 24.8               | .029                                     |
| Total with kitchen sink garbage grinder   | 75                 | .20                                      |
| Hotels and motels per room without private baths  | 50                 | .15                                      |
| Hotels and motels per room with private baths   | 75                 | .15                                      |
| Multiple-family dwellings or apartments   | 75                 | .20                                      |
| Boarding and rooming houses   | 50                 | .15                                      |
| Mobile home   | 75                 | .20                                      |
| Mobile home park per space  | 300                | .80                                      |
| <b>COMMERCIAL WASTEWATER</b>  | <b>AVERAGE GPD</b> | <b>BOD<sub>5</sub> IN POUNDS PER DAY</b> |
| Facilities with short-term or transient visitors<br>Examples: Airports or bus stations per passenger; fairgrounds per person attending; ball parks, race tracks, stadiums, theaters or auditoriums per seat | 5                  | .02                                      |
| Airport per employee  | 10                 | .06                                      |
| Barber and beauty shops per chair   | 100                | .70*                                     |
| Bowling alleys per lane - toilet wastes only  | 5                  | .03*                                     |
| Country club per member   | 30                 | .02                                      |
| Country club per employee   | 20                 | .06                                      |

|  |                    |  |
|--|--------------------|--|
| Dentist offices per non-wet chair  | 50                 | .14*                                     |
| Doctor offices per doctor  | 250                | .80*                                     |
| Factories and plants exclusive of industrial wastewater per employee per eight-hour shift – no showers       | 20                 | .05                                      |
| Factories and plants exclusive of industrial wastewater per employee per eight-hour shift - showers provided | 35                 | .08                                      |
| Kennels per dog  | 30                 | .20                                      |
| Laundries, self-service per commercial washer  | 400                | .75                                      |
| Office buildings per employee per eight-hour shift   | 15                 | .06                                      |
| Service stations per toilet fixture  | 250                | .50*                                     |
| Stores and shopping centers per square foot of retail space  | .1                 | .01*                                     |
| Work or construction camps semi-permanent with flush toilets   | 50                 | .17                                      |
| Work or construction camps semi-permanent without flush toilets  | 35                 | .02                                      |
| <b>FOOD SERVICE ESTABLISHMENT</b>  | <b>AVERAGE GPD</b> | <b>BOD<sub>5</sub> IN POUNDS PER DAY</b> |
| Restaurant open 1 or 2 meals per seat  | 50                 | .06/meal                                 |
| 24-hour restaurant per seat  | 75                 | .07/meal served                          |
| Restaurant with paper service only per seat  | 25                 | .01/meal served                          |
| Additional for bars and cocktail lounges per seat  | 30                 | .02                                      |
| Drive-in restaurant per car space  | 50                 | .02                                      |
| <b>INSTITUTIONAL WASTEWATER WITHOUT KITCHENS UNLESS OTHERWISE NOTED</b>                                      | <b>AVERAGE GPD</b> | <b>BOD<sub>5</sub> IN POUNDS PER DAY</b> |
| Churches   | 5                  | .01                                      |
| Hospitals per bed space  | 250                | .20                                      |
| Nursing homes per bed space  | 100                | .17                                      |
| Schools, Boarding per person   | 100                | .17                                      |
| Schools, Day without cafeteria, gym or showers   | 15                 | .04                                      |
| Schools, Day with cafeterias, no gym or showers  | 20                 | .08                                      |
| Schools, Day with cafeterias, gym and showers  | 25                 | .10                                      |

|  |                    |  |
|--|--------------------|--|
| Schools, Day additional for school workers                                 | 15                 | .06                                      |
| <b>RECREATIONAL AND SEASONAL WASTEWATER USE</b>                            | <b>AVERAGE GPD</b> | <b>BOD<sub>5</sub> IN POUNDS PER DAY</b> |
| Camps, day, no meals served  | 15                 | .12                                      |
| Luxury resort  | 125                | .17                                      |
| Resort night and day   | 50                 | .12                                      |
| Campground per campsite**  | 50                 | .12                                      |
| Public park flush toilet per fixture per hour when park is open            | 36                 | .04 lbs./ fixture                        |
| Public park urinal per fixture per hour when park is open                  | 10                 | .01 lbs./fixture                         |
| Public park shower per fixture per hour when park is open                  | 100                | .10 lbs./ fixture                        |
| Public park faucet per fixture per hour when park is open                  | 15                 | .04 lbs./ fixture                        |
| Swimming pools and bathhouses  | 10                 | .06                                      |
| Travel trailer parks with individual water and sewage hookup per unit **   | 50                 | .12                                      |
| Travel trailer park without individual water and sewage hookup per unit ** | 50                 | .12                                      |

\*BOD levels need further verification

\*\*Laundry facilities are to be calculated on a per commercial washer basis in accordance with other elements of this table

## B. Wastewater Strength

1. Table 6-3 includes levels of treatment that can be achieved by various OWTS components, excluding the soil treatment area. Systems qualifying for these treatment levels except TL1 produced by a septic tank alone must be approved under section 13. of this regulation. If soil treatment area or vertical separation distance reductions are permitted, EPCPH must have a maintenance oversight program under section 14.D. in place.
2. CBOD<sub>5</sub> strength must be reduced to Treatment Level TL1 or lower before applying to a soil treatment area.

**Table 6-3 Treatment Levels**

| Treatment Level | CBOD <sub>5</sub> *<br>(mg/L) | TSS<br>(mg/L) | Total Nitrogen<br>(mg/L) |
|-----------------|-------------------------------|---------------|--------------------------|
| TL 1**          | 145                           | 80            | 60-80                    |
| TL 2            | 25                            | 30            | 60-80                    |
| TL 2N           | 25                            | 30            | >50% reduction***        |
| TL 3            | 10                            | 10            | 40-60                    |
| TL 3N           | 10                            | 10            | 20 mg/L                  |

Shading indicates higher treatment levels

\*If concentrations of organic material are submitted in BOD<sub>5</sub> without data in CBOD<sub>5</sub>, the data in BOD<sub>5</sub> shall be multiplied by 0.85 to estimate CBOD<sub>5</sub> levels.

\*\*Domestic septic tank effluent prior to soil treatment or higher level treatment has a wide range of concentrations. These values are typical, but values used for design must account for site-specific information.

\*\*\*NSF/ANSI Standard 245 – Wastewater Treatment Systems – Nitrogen Reduction requires reduction of 50 percent rather than an absolute value.

### **8.7 Minimum Distances Between Components of an On-site Wastewater Treatment System and Physical Features**

- A. Horizontal distances from the various components of a system to pertinent terrain features, including streams, lakes, water courses, springs, wetlands, wells, subsurface drains, cisterns, water lines, suction lines, dry gulches, cut banks, dwellings, other occupied buildings and property lines, must be in accordance with Table 7-1. The setback requirements are applicable for minimum system performance and treatment levels with specific modifications allowed for higher treatment levels as provided in Table 7-2. All distance setback modifications must be analyzed and approved by EPCPH and be in complete compliance with the variance procedures of Regulation 43 and those of the EPCBoH. Acceptable methods of analyzing horizontal separation distances with higher treatment levels include but are not limited to:
1. Analyzing the intended uses of impacted surface and/or ground waters;
  2. Contacting adjacent property owners for potential conflicts with property line encroachments; and,
  3. Analyzing potential impacts that system locations may have on building foundations and other potentially affected features.
- B. Reductions in separation distances with higher level treatment must include provisions for operation and maintenance for the life of the system, as described in section 14.D.
- C. Dry Gulches, Cut Banks and Fill Areas
1. Separation distances to dry gulches, cut banks and fill areas in Table 7-1 shall apply unless the designer or design engineer determines by observation of the exposed slope of the dry gulch or cut bank or by profile holes or soil profile test pit excavations that a restrictive layer is present that will direct or allow the effluent from the soil treatment area to move laterally and surface.

2. A lesser distance may be used if it can be demonstrated by a professional engineer or professional geologist that the use of a barrier, such as a minimum 30 mil PVC liner placed between the soil treatment area and the slope of the dry gulch, cut bank or fill area will prevent effluent surfacing laterally.
  3. The separation distance between a component and the crest of a dry gulch or cut bank will be evaluated for potential erosion or slope instability if the component and the slope are too close together. If there is potential for erosion or instability, the separation distance shall be increased until the risk is minimized.
- D. Components of an OWTS listed in Table 7-1 shall be installed or located in accordance with the minimum distance requirements provided in the table. E. Table 7-2 provides the required site evaluation, design, and treatment level considerations necessary to evaluate the site and to design and locate the soil treatment area component of an OWTS.
1. Items 1, 2 and 3 in Table 7-2 address the allowable horizontal setback distance between the soil treatment area and the following physical features:
    - a. Setback distance from soil treatment area to on-site well;
    - b. Setback distance from soil treatment area to water features; and,
    - c. Setback distance from soil treatment area to a dry gulch or cut bank.
  2. Item 4 in Table 7-2 addresses the required vertical separation distance between the infiltrative surface of the soil treatment area and the restrictive layer or the required depth of soil comprising the soil treatment area.
  3. The designer may select the level of treatment from Table 7-2 to be applied to the soil treatment area that is necessary in order to accommodate the site conditions, if higher level treatment for that purpose is permitted by EPCPH.



**Table 7-1 Minimum Horizontal Distances in Feet Between Components of an On-Site Wastewater Treatment System Installed After November 15, 1973 and Water, Physical and Health Impact Features**

|  | Spring, Well, <sup>1</sup> Suction Line | Potable Water Supply Line | Potable Water Supply Cistern | Dwelling Occupied Building | Property Lines, Piped or Lined Irrigation Ditch | Subsurface Drain, Intermittent Irrigation Lateral, Drywell, Stormwater Infiltration Structure | Lake, Water Course, Irrigation Ditch, Stream, Wetland | Dry Gulch, Cut Bank, Fill Area (from Crest) | Septic Tank |
|--|---|---------------------------|------------------------------|----------------------------|---|---|---|---|-------------|
| Septic Tank, Higher Level Treatment Unit, Dosing Tank, Vault   | 50 <sup>2</sup>                         | 10 <sup>2</sup>           | 25                           | 5                          | 10  | 10  | 50  | 10  | --          |
| Building Sewer or Effluent Lines   | 50 <sup>2</sup>                         | 10 <sup>2</sup>           | 25 <sup>2</sup>              | 0                          | 10 <sup>2</sup>                                 | 10 <sup>2</sup>   | 50 <sup>2</sup>                                       | 10 <sup>2</sup>                             | --          |
| STA Trench, STA Bed, Unlined Sand Filter, Sub-surface Dispersal System, Seepage Pit  | 100 <sup>3</sup>                        | 25 <sup>2</sup>           | 25                           | 20                         | 10  | 25  | 50 <sup>3</sup>                                       | 25  | 5           |
| Lined Sand Filter  | 60                                      | 10 <sup>2</sup>           | 25                           | 15                         | 10  | 10  | 25  | 10  | 5           |
| Lined Evapo-transpiration Field or Outside of Berm of Lined Wastewater Pond  | 60                                      | 10 <sup>2</sup>           | 25                           | 15                         | 10  | 10  | 25  | 10  | 5           |
| Unlined Sand Filter in Soil With a Percolation Rate Slower than 60 Minutes per Inch, Unlined or Partially Lined Evapotranspiration System, Outside of Berm of Unlined Wastewater Pond, or System Not Relying on STA for Treatment Other than Aerosol | 100                                     | 25 <sup>2</sup>           | 25                           | 15                         | 10  | 25  | 25  | 15  | 10          |

|   |                  |                 |    |     |    |    |                 |    |     |
|---|------------------|-----------------|----|-----|----|----|-----------------|----|-----|
| Vault Privy   | 50               | 10 <sup>2</sup> | 25 | 15  | 10 | 10 | 25              | 10 | --  |
| Slit Trench Latrine, Pit Privy  | 100              | 50 <sup>2</sup> | 25 | N/A | 25 | 25 | 100             | 25 | N/A |
| System Not Relying on STA for Treatment and Utilizing Aerosol Methods | 100 <sup>3</sup> | 10 <sup>2</sup> | 50 | 125 | 10 | 0  | 25 <sup>3</sup> | 10 | 10  |

NOTE: The minimum distances shown above must be maintained between the OWTS components and the features described. Where soil, geological or other conditions warrant, greater distances may be required by the EPCBoH or by the Water Quality Control Commission pursuant to Section 25-8-206, C.R.S. and applicable regulations. For repair or upgrading of existing OWTS where the size of lot precludes adherence to these distances, a repaired OWTS shall not be closer to setback features than the existing OWTS, as reviewed and approved by EPCPH. Components that are not watertight should not extend into areas of the root system of nearby trees.

1 Includes infiltration galleries permitted as wells by the Division of Water Resources.

2 Crossings or encroachments may be permitted at the points as noted above provided that the water or wastewater conveyance pipe is encased for the minimum setback distance on each side of the crossing. A length of pipe shall be used with a minimum Schedule 40 rating of sufficient diameter to easily slide over and completely encase the conveyance. Rigid end caps of at least Schedule 40 rating must be glued or secured in a watertight fashion to the ends of the encasement pipe. A hole of sufficient size to accommodate the pipe shall be drilled in the lowest section of the rigid cap so that the conveyance pipe rests on the bottom of the encasement pipe. The area in which the pipe passes through the end caps shall be sealed with an approved underground sealant compatible with the piping used.

3 Add eight feet additional distance for each 100 gallons per day of design flows between 1,000 and 2,000 gallons per day, unless it can be demonstrated by a professional engineer or geologist by a hydrologic analysis or the use of a barrier, consisting of a minimum 30 mil PVC liner or equivalent, that contamination will be minimized. If effluent meets Treatment Level 3N and EPCPH has a maintenance oversight program in accordance with section 14.D. of these regulations, the distance addition is not required. Flows equal to or greater than 2,000 gallons per day must be hydrologically analyzed for flow, velocity, hydraulic head, and other pertinent characteristics as means of estimating distances required to minimize contamination as part of the EPCPH site application process.

**Table 7-2 On-site Wastewater Treatment System Design Consideration and Treatment Requirements – Separation Distances from Soil Treatment Area**

| ITEM | OWTS DESIGN CONSIDERATION  | Treatment Levels 1 and 2             | PRESSURE DOSING REQUIRED          |                                   |   |
|------|--|--------------------------------------|-----------------------------------|-----------------------------------|---|
|      |  |                                      | Treatment Level 2N                | Treatment Level 3                 | Treatment Level 3N                            |
|      | <b><u>Horizontal Separation Distances</u></b>  |                                      |                                   |                                   |   |
| 1    | Distance from soil treatment area to on-site well  | Greater than or equal to 100 feet    | Greater than or equal to 100 feet | Greater than or equal to 100 feet | Greater than or equal to 75 feet <sup>1</sup> |
| 2    | Distance from soil treatment area to pond, creek, lake, or other surface water feature           | Greater than or equal to 50 feet     | Greater than or equal to 25 feet  | Greater than or equal to 25 feet  | Greater than or equal to 25 feet              |
| 3    | Distance from soil treatment area to dry gulch or cut bank                                       | Greater than or equal to 25 feet     | Greater than or equal to 10 feet  | Greater than or equal to 10 feet  | Greater than or equal to 10 feet              |
|      | <b><u>Vertical Separation Distances</u></b>  |                                      |                                   |                                   |   |
| 4    | Depth in feet from soil treatment area infiltrative surface to restrictive layer or ground water | 4 feet (3 feet with pressure dosing) | Greater than or equal to 2 feet   | Greater than or equal to 2 feet   | Greater than or equal to 2 feet               |

NOTE: Treatment levels are defined in Table 6-3.

Reductions in separation distances with higher level treatment may be granted only if EPCBoH regulations have included provisions for operation and maintenance.

<sup>1</sup> Prior to approval, all setback distance reductions to the 100 foot requirement for wells and soil treatment areas must be in full compliance with the minimum standards and variance requirements of the State of Colorado Division of Water Resources: [Rules and Regulations for Water Well Construction, Pump Installation, Cistern Installation, and Monitoring and Observation Hole/Well Construction](#).

**8.8 Design Criteria – General**

- A. Performance: OWTS shall be designed and constructed to achieve the treatment level specified by the design.
- B. Reliability: OWTS shall be designed and constructed such that each component shall function, when installed and operated, in a manner not adversely affected by normal operating conditions including erosion, corrosion, vibration, shock, climatic conditions, and usual household chemicals. Each component shall be free of non-functional protrusions or sharp edges, or other hazards, which could cause injury to persons, animals, or properties. Design shall be such as to exclude flies and rodents and other vectors and to prevent the creation of nuisances and public health hazards and shall provide for efficient operation and maintenance.

- C. Accessibility for Inspection, Maintenance, and Servicing
1. Septic tanks shall have risers over each access manhole and all risers shall extend to or above final grade.
  2. The maximum soil cover over the top of a septic tank is 48" unless otherwise approved by EPCPH.
  3. Each treatment component of an OWTS other than the septic tank and soil treatment area shall be equipped with access manholes with risers that extend to or above final grade, located to permit periodic physical inspection, collection and testing of samples and maintenance of all components and compartments.
  4. Riser Lids
    - a. Each riser lid brought to the surface shall have a secure closing mechanism, such as a lock, special headed bolts or screws, or sufficient weight to prevent unauthorized access.
    - b. EPCPH may require a secondary plug, cap, cover or screen be provided below the riser cover to prevent tank entry if the cover is unknowingly damaged or removed.
  5. Components that require access for maintenance shall include but not be limited to submerged bearings, moving parts, pumps, siphons, valves, tubes, intakes, slots, distribution boxes, drop boxes, cleanouts, effluent screens, filters, inlet and outlet baffles, aerators, treatment equipment and other devices.
  6. Components shall be designed and constructed so that, when installed, they shall be easily maintained, sampled, and serviced according to the manufacturer's recommendations. Easy physical access to treatment components by maintenance personnel and equipment shall be provided.
- D. Plumbing Codes: Plumbing fixtures, building sewers, vents, sewer lines and other appurtenances shall be designed, operated and maintained so as to comply with the minimum requirements of the most recently revised locally enforceable plumbing code. In absence of a local plumbing code, designs shall adhere to the Colorado Plumbing Code (3 CCR 720-1). A local plumbing permit may be required.
- E. Electrical Equipment, If Used
1. All electrical work, equipment, and material shall comply with the requirements of the currently applicable National Electrical Code as designated by the State Electrical Board Rules and Regulations (3 CCR 710-1).
  2. Electrical components shall be protected from moisture and corrosive gases.
- F. Indicators of Failure or Malfunctioning for Systems Utilizing Mechanical Apparatus: A signal device shall be installed which will provide a recognizable indication or warning to the user that the system or component is not operating or is operating but malfunctioning. This indication or warning shall be both audible and visual, and shall be located in a centralized area within visual and audible range of the system user. A signal or message may also be sent remotely to a maintenance provider.

G. Sampling Access

1. If sampling for testing or as a requirement for a permit will be required of effluent from a component other than the soil treatment area, an accessible sampling point shall be provided.
2. If sampling of the treated wastewater from the soil treatment area will be required for testing or as a requirement for a permit, a monitoring well or wells shall be constructed. Monitoring wells shall be located down gradient from the soil treatment area, accessible, and provided with a properly securable cover at or above the ground surface. Monitoring wells up gradient of the system may also be required. Lysimeters or other collection devices under the soil treatment area may be used instead of a monitoring well if approved by EPCPH or other issuer of a permit.

H. Component Operating Instructions

1. The manufacturer of proprietary treatment units utilizing mechanical components shall provide clear, concise written instructions covering the components which, when followed, shall assure proper installation and safe and satisfactory operation and maintenance.
2. If the OWTS uses public domain technology, the design engineer shall provide clear, concise written instructions covering the components which, when followed, shall assure proper installation and safe and satisfactory operation and maintenance.

- I. Surface Activity: Activity or use on the surface of the ground over any part of the OWTS must be restricted to that which shall allow the system to function as designed and which shall not contribute to compaction of the soil or to structural loading detrimental to the structural integrity or capability of the component to function as designed. During construction, equipment shall be kept off of the ground surface above the soil treatment area and out of the excavation to prevent compaction. If compaction occurs, the disturbed or compacted soil shall be re-evaluated and new percolation tests may be performed to the disturbed or compacted soil and the system redesigned if the parameters have changed.

J. Floodplains

1. New OWTS's and replacement OWTS's installed in a 100-year floodplain shall meet or exceed the requirements of the Federal Emergency Management Agency and the local emergency agency. Repairs of an existing system shall meet the requirements as feasible. The system as approved by the shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.
2. No new or expanded OWTS shall be installed in a floodway designated in a 100-year floodplain. For any system repair that may affect the floodway delineation, appropriate procedures shall be followed including revision of the floodway designation, if necessary.

K. Business Commercial, Industrial, Institutional or Multi-Family Dwelling Wastewater Systems

1. An OWTS that will serve a business, commercial, industrial or institutional property, or a multifamily dwelling shall:
  - a. Be designed by a professional engineer;

- b. Receive only such biodegradable wastes for treatment and distribution as are compatible with those biological treatment processes as occur within the septic tank, any additional treatment unit and the soil treatment area; and,
- c. Receive authorization by rule or a class V underground injection permit from the United States Environmental Protection Agency (EPA) before an application for an OWTS permit is approved if the system may receive non-residential wastewater or is otherwise covered by the EPA underground injection control program.

## **8.9 Design Criteria - Components**

### **A. Tanks and Vaults**

1. Water tightness
  - a. Septic tanks, vaults, pump tanks, other treatment components, risers and lids shall not allow infiltration of ground water or surface water and shall not allow the release of wastewater or liquids through other than designed openings.
  - b. Acceptable water tightness testing methods performed at a manufacturer's site or in the field include water filling the tank or vacuum testing.
2. Tank Anchoring: In locations where ground water or floodwaters may cause instability problems to the septic tank, vault, or other treatment unit in the OWTS due to flotation, the tank, vault or unit shall be anchored in a manner sufficient to provide stability when the tank is empty. Risers shall be included in the buoyancy calculations.
  - a. If a manufacturer provides recommendations for anchoring designs, they may be used if they meet the conditions present at the site.
  - b. If a manufacturer does not provide recommendations for provisions to compensate for buoyancy, or if the professional engineer chooses to provide his/her own designs, the anchoring system design shall be prepared by the professional engineer.
3. Identification and Data Marking: All tanks and treatment units shall be permanently and legibly marked in a location for the purpose of inspection that is readily visible when inspected before backfilling. The marking inscription shall include the following:
  - a. Name of manufacturer;
  - b. Model or serial number, if available;
  - c. Effective volume and unit of measure;
  - d. Maximum depth of earth cover and external loads the tanks is designed to resist; and,
  - e. Inlet and outlet identifications, if relevant.

### **B. Septic Tanks**

1. The manufacturer shall provide sufficient information to demonstrate that the tank will meet the design specification.

2. Sizing Requirements:
  - a. Sizing for residential capacity for new installations shall be based upon the number of bedrooms according to Table 9-1:

**Table 9-1 Minimum Septic Tank Size Based on Number of Bedrooms**

| Number of Bedrooms      | Tank Capacity (gallons) |
|-------------------------|-------------------------|
| 2 or 3                  | 1,000                   |
| 4                       | 1,250                   |
| Each Additional Bedroom | 250                     |

- b. For multi-family and non-residential applications, a septic tank shall be sized to permit detention of incoming wastewater design flows for a minimum of 48 hours.
  - c. For systems that remove toilet waste for separate treatment, tank capacity may be less than 1,000 gallons, if it provides a minimum of 48 hours detention time.
  - d. Minimum tank size for new installations other than for a single-family residence is 400 gallons.
3. Testing of Septic Tank Water tightness
  - a. Testing of septic tanks must be performed and evaluated as specified in section 9 of ASTM C1227-12 (Standard Specification for Precast Septic Tanks) for concrete tanks or in Standard IAPMO/ANSI Z1000-2007 (American Standards for Prefabricated Septic Tanks) for other prefabricated septic tanks.
  - b. Each unit shall be inspected in the field for conditions that may compromise its water tightness.
  - c. The inspection in the field shall be conducted by EPCPH and be performed after the tank installation but before backfilling.
  - d. If the inspection in the field indicates that the tank may be damaged or is not watertight, the inspector may require that the tank be tested for water tightness by the tank manufacturer or the system contractor.
4. Septic Tank Design and Dimension Criteria
  - a. A septic tank shall have two or more compartments or more than one tank may be used in series. The first compartment of a two-compartment tank or the first tank in a series shall hold no less than one-half of the required effective volume unless the system design incorporates a TL2 or higher component, and the manufactures requirement for tank volume is less.
  - b. Inlet invert shall be at least two inches higher than the outlet invert.
  - c. Inlet tee or baffle shall extend above the surface of the liquid at least five inches and shall extend a minimum of eight inches below the liquid surface.

- d. All new septic tank installations shall incorporate an effluent screen on the outlet of the tank. The effluent screen must be located so that it has sufficient clearance to be removed through the access opening with an approved riser in place.
- e. The distance from the outlet invert to the underside of the tank top shall be at least ten inches.
- f. Liquid depth shall be a minimum of 30 inches and the maximum depth shall not exceed the tank length.
- g. The transfer of liquid from the first compartment to the second or successive compartment shall be made at a liquid depth of between 35 and 40 percent of the liquid depth measured from the liquid surface.
- h. At least one access manhole no less than 20 inches across shall be provided in each compartment of a septic tank.
- i. A septic tank shall have a minimum of 25 square feet of liquid surface area and have at least a six-foot separation between inlets and outlets. Septic tanks in series, combined, shall have a minimum of 25 square feet of liquid surface area and the sum of the distances between inlets and outlets of all tanks must be at least six feet. The requirements for liquid surface area and separation between inlet and outlet may be waived for tanks with less than 750 gallon effective volume.

5. Concrete Septic Tank Structural Design

- a. Concrete septic tanks shall comply with the structural design criteria of ASTM C1227-12 (Standard Specification for Precast Septic Tanks).
- b. The design for each tank model and size by each manufacturer must be certified by a professional engineer as complying with these design and structural requirements and the water tightness standard of this regulation.
- c. Certification by a professional engineer must be submitted to ECPH for acceptance.
- d. Tank slab lids or mid-seam tanks shall be sealed to be watertight.
- e. Connections between tank and risers shall be sealed to be watertight.

6. Fiberglass, Fiberglass-Reinforced Polyester, and Plastic Tanks

- a. All fiberglass, fiberglass-reinforced polyester, and plastic tanks shall meet the minimum design and structural criteria of IAPMO/ANSI Z1000-2007 (American Standards for Prefabricated Septic Tanks) and be certified by a professional engineer as meeting these standards. The professional engineer certifying the criteria must be registered or licensed in the United States, but need not be registered in Colorado.
- b. All tanks shall be sold and delivered by the manufacturer or manufacturer's designated representative, preferably completely assembled. On-site tank assembly will be allowed on an as-needed basis.



- c. Tanks shall be structurally sound and support external forces as specified in the standard referenced above when empty and internal forces when full. Tanks shall not deform or creep resulting in deflection of more than five percent in shape as a result of loads imposed.
  - d. All tanks shall be constructed of sound, durable materials and not be subject to excessive corrosion, decay, frost damage, or cracking.
  - e. All seams or connections including to risers shall be sealed to be watertight.
7. Metal tanks are prohibited.
- C. Abandonment of Tank
- 1. A tank may be completely removed and the parts disposed of safely.
  - 2. If the tank will remain in place:
    - a. The tank shall be pumped to remove as much waste as possible;
    - b. The bottom of the tank shall be broken so the tank neither floats nor fills with water;
    - c. The top must be collapsed and the sides may be broken into the void;
    - d. The remaining void shall be filled with gravel, sand or compacted soil; and,
    - e. The filled excavation will be graded to surroundings, allowing for settling.
  - 3. EPCPH may require abandonment of a tank that is deemed to be a hazard.
- D. Pipe Standards and Bedding Requirements:
- 1. Pipe Standards
    - a. All wastewater lines used in an OWTS shall be constructed of compatible pipe, primer, bonding agent, and fittings.
    - b. Where un-perforated plastic pipe and fittings are used for gravity flow, the minimum wall thickness of the pipe shall conform to ASTM Standard D 3034 or equivalent or greater strength. Schedule 40 pipe is preferred.
    - c. Perforated distribution pipe surrounded by rock within a soil treatment area shall have a minimum wall thickness and perforations conforming to ASTM Standard D 2729 or equivalent or greater strength. Corrugated polyethylene pipe with smooth interior that meets ASTM F405 or AASHTO M252 specifications or equivalent may be used.
    - d. Schedule 40 or pipe of equivalent or greater strength shall be used for the placement of piping under driveways or roadways and in instances where sewer line setback distances are granted a variance for any reason.
    - e. Tile pipe, open-joint pipe, and cast iron pipe must not be used in an OWTS.

- f. Pressure pipe must be rated for the intended use to accommodate pump discharge pressure.
  2. Bedding: All system piping, except for distribution laterals within the soil treatment area, shall be bedded with select material before final inspection by EPCPH. Select bedding material shall consist of loose, granular material, free from stones, clods, frozen soil, or other deleterious material. Select material may consist of on-site job-excavated or imported material. Bedding material must be mechanically compacted to support piping.
- E. Distribution Box: A distribution box, if used, shall be of sufficient size to distribute effluent equally to the lateral lines of a trench or absorption bed system. The box shall be constructed with the inlet invert at least one inch above the level of the outlet inverts. Flow equalizers or similar devices shall be used to adjust the flow between lines. Access to the box shall be provided with a manhole riser with access lid at or above grade if the top of the box does not reach final grade.
- F. Drop Box: In sequential or serial distribution, a watertight box may be used to transfer the effluent to the following trench when the effluent in a trench has received the designed level for overflow to the next trench. A drop box shall have a riser at or above final grade, if the top of the drop box does not reach final grade. Outlet lines in sequential distribution shall be designed and installed so that they may be capped off for resting periods.
- G. Stepdown/Relief Line: In sequential or serial distribution, an un-perforated pipe may be used to transfer the effluent to the following trench when the effluent in a trench has received the designed level for overflow from that trench.
- H. Wastewater Pumping and Dosing Siphon Systems
1. Pumps
    - a. Non-clog pump opening shall have at least two-inch diameter solids handling capacity where raw wastewater is pumped. A pump opening shall not have more than 3/4-inch diameter solids handling capacity if previously settled effluent is pumped.
    - b. Pumps must be certified to the applicable UL or CSA electrical safety standard, bear the seal of approval of CSA, UL or an equivalent testing program and be constructed of corrosion resistant materials.
    - c. Grinder pumps must also be certified to NSF/ANSI Standard 46 and bear the seal of approval of the NSF or equivalent testing and certification program.
  2. Floats and Switches
    - a. Automatic liquid level controls must be provided to start and shut off pumps at a frequency or level specified in the design.
    - b. Floats must be mounted on a stem separate from the pump discharge piping to allow for removal, adjustment, and replacement of the float without removing the pump.
    - c. Float switches must be certified to the applicable UL or CSA electrical safety standard, bear the seal of approval of CSA, UL or an equivalent certification program and be constructed of corrosion resistant materials.

3. Location of Pump or Siphon
  - a. A pump may be, or a siphon shall be, installed in a separate tank following the septic tank and be of sufficient volume to allow pump or siphon cycling commensurate with the design capacity. The use of a three-compartment septic tank, sized to provide effective volume in the first two compartments with the pump in the third compartment, is acceptable.
  - b. The final compartment of a septic tank shall not be used as the pump tank unless it can be demonstrated to the satisfaction of EPCPH that the minimum 48-hour detention time will not be decreased and the transfer of effluent to the final compartment is provided with an approved filtering device to assure that only liquid effluent will be discharged, or the pump is screened.
  - c. All pumping or siphon chambers shall be watertight and be of sufficient volume so as to keep the pump submerged at all times.
    - (1) The minimum volume of a stand-alone pumping or siphon chamber shall be 500 gallons.
    - (2) The minimum volume of a pre-fabricated pumping or siphon chamber shall be 250 gallons.
4. Pump or Siphon Discharge Piping
  - a. The discharge line from the pumping or siphon chamber shall be protected from freezing by burying the pipe below frost level or sloping the pipe to allow it to be self-draining. Drainage shall be provided through the bottom of the pump or through a weep hole located in the discharge line prior to exiting the tank.
  - b. The pump discharge piping shall have a quick disconnect union that is easily accessible from grade within the riser to allow for easy pump access and removal.
  - c. The pipe shall be sized to maintain a velocity of two or more feet per second.
  - d. Automatic air/vacuum release valves shall be installed at high points in the pressure line where necessary to prevent air or vacuum locking and allow self draining of the lines.
5. Access
  - a. The pump or dosing system tank, chamber, or compartment shall have a minimum 24-inch diameter access riser, made of corrosion-resistant material, extending to or above ground level.
  - b. The access riser must have a watertight connection to the pump or dosing chamber/compartment to prevent infiltration or exfiltration.
6. Splice Box
  - a. Splice boxes shall be located outside the pump system access riser and be accessible from the ground surface.

- b. No wire splices shall be made inside the tank, dosing chamber or riser. Wire splicing shall be completed with corrosion-resistant, watertight connectors.

7. Controls

- a. The pump system shall have an audible and visual alarm notification in the event an excessively high water condition occurs.
- b. The pump shall be connected to a control breaker separate from the high water alarm breaker and from any other control system circuits.
- c. The pump system shall have a switch so the pump can be manually operated.
- d. The pump system for pressure dosing and higher level treatment systems shall have a mechanism for tracking both the amount of time the pump runs and the number of cycles the pump operates.
- e. Control panels shall be UL listed.

I. Effluent Screens

- 1. Effluent screens which meet NSF/ANSI Standard 46, shall be installed in all septic tanks in new installations and repairs where the septic tank is replaced.
- 2. If a pump or dosing siphon is used to remove septic tank effluent from the final compartment of the septic tank, an effluent screen must be provided prior to the pump or siphon inlet. A pump vault equipped with a filter cartridge may be considered equivalent to an effluent screen preceding the pump.
- 3. The effluent screen shall be cleaned at manufacturer-recommended intervals, or more often, if use patterns indicate.
- 4. An alarm may be installed on an effluent screen indicating need for maintenance. EPCPH may require all effluent screens to be equipped with alarms.
- 5. The handle of the effluent screen shall extend to within 15" of the riser lid so as to allow for ease of maintenance.

J. Grease Interceptor Tanks

- 1. All commercial food service facilities and other facilities generating fats, oils and greases in their waste must install a grease interceptor tank.
- 2. Grease interceptor tanks shall treat only those portions of the total wastewater flow in which fats, oils and grease are generated.
- 3. All grease interceptor tanks shall have an appropriately sized watertight, secure access riser made of corrosion resistant material extending to, or above, grade.

**8.10 Design Criteria– Soil Treatment Area**

- A. The size and design of the soil treatment area shall be based on the results of the site and soil evaluation, design criteria, and construction standards for the proposed site and OWTS selected.

- B. At proposed soil treatment area locations where any of the following conditions are present, the system shall be designed by a professional engineer and approved by EPCPH:
1. The soil classifications are Types 0, 3A, 4, 4A, and 5 and Treatment Levels TL2, TL2N, TL3, and TL3N as specified in Table 10-1 of this regulation;
  2. The maximum seasonal level of the ground water surface is less than four feet below the bottom of the proposed absorption system;
  3. A restrictive layer exists less than four feet below the bottom of the proposed absorption system;
  4. The ground slope is in excess of thirty percent; or,
  5. Pressure distribution is used.

C. Calculation of Infiltrative Surface of Soil Treatment Area

1. The infiltrative surface of a trench or bed receiving any treatment level of effluent is only the bottom area. No sidewall credit is allowed except in deep gravel trenches and seepage pits that are permissible in repairs.
2. Long-term acceptance rates (LTARs) are shown in Table 10-1.
3. Factors for adjusting the size of the soil treatment area are in Tables 10-2 and 10-3.
4. The required area for a soil treatment area is determined by the following formula:

$$\text{Soil Treatment Area in square feet required} = \frac{\text{Design Flow (in gallons per day)}}{\text{LTAR (in gallons per day per square foot)}}$$

- a. Adjusted Soil Treatment Area = Required Soil Treatment Area x Size Adjustment Factor(s).
- b. Size adjustment factors for methods of application are in Table 10-2.
- c. Size adjustment factors for types of storage/distribution media are in Table 10-3.
- d. A required soil treatment area receiving TL1 effluent may be multiplied by one size adjustment factor from Table 10-2, Table 10-3, or both.
- e. A soil treatment area receiving TL2, TL2N, TL3, or TL3N effluent must be pressure dosed. The distribution media in Table 10-3 may be used for distribution of higher level treatment system effluent, but an additional reduction factor from Table 10-3 shall not be used.

**Table 10-1 Soil Treatment Area Long-term Acceptance Rates by Soil Texture, Soil Structure, Percolation Rate and Treatment**

| Soil Type, Texture, Structure and Percolation Rate Range |  |  |                            |                        | Corresponding Long Term Acceptance Rate (LTAR) in gallons per sq. ft. per day |  |                                 |                                |                                   |
|--|--|--|----------------------------|------------------------|---|--|---------------------------------|--------------------------------|-----------------------------------|
| Soil Type  | USDA Soil Texture  | USDA Soil Structure-Shape                      | USDA Soil Structure-Grade  | Percolation Rate (MPI) | Treatment Level 1 <sup>2</sup>  | Treatment Level 2 <sup>2</sup>                                       | Treatment Level 2N <sup>2</sup> | Treatment Level 3 <sup>2</sup> | Treatment Level 3N <sup>2,3</sup> |
| 0  | Soil Type 1 with more than 35 percent rock (>2 mm) and Soil Types 2-5 with more than 50 percent rock (>2 mm) | --   | 0 (Single Grain)           | <5                     | 1.0 (minimum 3-foot deep unlined sand filter required <sup>2</sup> )          | 1.0 (minimum 2-foot deep unlined sand filter required <sup>2</sup> ) |                                 |                                |                                   |
| 1  | Sand, Loamy Sand   | --   | 0                          | 5-15                   | 0.80  | 1.25   | 1.25                            | 1.40                           | 1.40                              |
| 2  | Sandy Loam, Loam, Silt Loam  | PR (Prismatic)<br>BK (Blocky)<br>GR (Granular) | 2 (Moderate)<br>3 (Strong) | 16-25                  | 0.60  | 0.90   | 0.90                            | 1.00                           | 1.00                              |
| 2A   | Sandy Loam, Loam, Silt Loam  | PR, BK, GR<br>0 (none)                         | 1 (Weak)<br>Massive        | 26-40                  | 0.50  | 0.70   | 0.70                            | 0.80                           | 0.80                              |
| 3  | Sandy Clay Loam, Clay Loam, Silty Clay Loam  | PR, BK, GR                                     | 2, 3                       | 41-60                  | 0.35  | 0.50   | 0.50                            | 0.60                           | 0.60                              |
| 3A   | Sandy Clay Loam, Clay Loam, Silty Clay Loam  | PR, BK, GR<br>0                                | 1<br>Massive               | 61-75                  | 0.30  | 0.40   | 0.40                            | 0.50                           | 0.50                              |
| 4  | Sandy Clay, Clay, Silty Clay   | PR, BK, GR                                     | 2, 3                       | 76-90                  | 0.20  | 0.30   | 0.30                            | 0.30                           | 0.30                              |
| 4A   | Sandy Clay, Clay, Silty Clay   | PR, BK, GR<br>0                                | 1<br>Massive               | 91-120                 | 0.15  | 0.20   | 0.20                            | 0.20                           | 0.20                              |
| 5  | Soil Types 2-4A  | Platy  | 1, 2, 3                    | 121+                   | 0.10  | 0.15   | 0.15                            | 0.15                           | 0.15                              |

NOTE: Shaded areas require system design by a professional engineer.

1 Treatment levels are defined in Table 6-3.

2 Unlined sand filters in these soil types shall provide pathogen removal. Design shall conform to section 11.C.2.c, Unlined Sand Filters

3. In site conditions where “decomposed granite” or the “Dawson Sandstone” formation is encountered, refer to section 8.5.D.4.e.(6) for soil testing requirements.

\* Higher LTAR’s for Treatment Level 3N may be allowed for OWTS required to have a discharge permit, if the capability of the design to achieve a higher LTAR can be substantiated.

D. Allowable Soil Treatment Area Reductions and Increases:

1. The soil treatment area size determined by dividing the design flow rate by the long-term acceptance rate may be adjusted by factors for method of treatment, soil treatment area design, and type of distribution media.
2. For the purpose of the table, a “baseline system,” i.e. adjustment factor of 1.00, is considered to be Treatment Level 1 (TL1) applied by gravity to a gravel-filled trench.
3. The maximum reduction from all combined reductions including higher level treatment shall be no greater than 50 percent of the baseline system required for a soil treatment area.
4. Reductions for use of the higher level treatment categories listed in Table 10-1 shall only apply provided the system is inspected and maintained as specified in the requirements of section 8.14.D., Permitting and Oversight of Maintenance for Soil Treatment Area Reductions and Vertical and Horizontal Separation Distance Reductions Based on Use of Higher Level Treatment.

**Table 10-2 Size Adjustment Factors for Methods of Application in Soil Treatment Areas Accepting Treatment Levels 1, 2, 2N, 3 and 3N Effluent**

| Type of Soil Treatment Area | Method of Effluent Application from Treatment Unit Preceding Soil Treatment Area |                        |                |
|-----------------------------|--|------------------------|----------------|
|                             | Gravity  | Dosed (Siphon or Pump) | Pressure Dosed |
| Trench                      | 1.0  | 0.9                    | 0.8            |
| Bed                         | 1.2  | 1.1                    | 1.0            |

**Table 10-3 Size Adjustment Factors for Types of Distribution Media in Soil Treatment Areas Accepting Treatment Level 1 Effluent**

| Type of Soil Treatment Area | Type of Storage/Distribution Media Used in Soil Treatment Area |  |          |
|-----------------------------|--|--|----------|
|                             | Rock or Tire Chips   | Manufactured Media Other Than Chambers | Chambers |
| Trench or Bed               | 1.0  | 0.9                                    | 0.7      |



## E. Design of Distribution Systems

### 1. General

- a. The infiltrative surface and distribution lines must be level.
- b. The infiltrative surface must be no deeper than four feet unless adequate treatment at a deeper level can be demonstrated and is approved by EPCPH. The depth will be measured on the down-slope side of the trench or bed.
- c. Trenches must follow the ground surface contours so variations in infiltrative surface depth are minimized. Beds must be oriented along contours to the degree possible.
- d. Pipe for gravity distribution must be no less than three inches in diameter.
- e. A final cover of soil suitable for vegetation at least ten inches deep must be placed from the top of the geotextile or similar pervious material in a rock and pipe system, chamber, or manufactured media up to the final surface grade of the soil treatment area.
- f. Following construction, the ground surface must be graded to divert stormwater runoff or other outside water from the soil treatment area. The area must be protected against erosion. Subsurface drains upslope of the soil treatment area may be installed to divert subsurface flow around the area.
- g. Backfilling of soil treatment areas shall be accomplished in a manner that does not impair the intended function and performance of the storage/distribution system. The final cover shall also allow for the establishment of vegetative cover, oxygen transfer, minimize settlement and maintain proper drainage.

### 2. Distribution Lines

- a. Distribution between lines in a soil treatment area must be as equal as possible. Uneven settling of portions of the distribution system following construction must be addressed by provisions in the design to adjust flows between lines.
- b. Distribution lines shall not exceed 150 feet .
- c. Distribution lines longer than 100 feet shall be pressure dosed or the application of the effluent shall be at the center of the line.

- d. The end of a distribution pipe must be capped, unless it is in a bed or trenches in a level soil treatment area, where the ends of the lines may be looped.
- e. Inspection Ports
  - (1) An inspection port accessible from ground surface must be installed at the terminal end of each line. The bottom of the inspection port tube must extend to the infiltrative surface and not be connected to the end of the distribution pipe. Inspection ports in chambers may be installed according to manufacturer's instructions if the infiltrative surface is visible or can be measured from the inspection port.
  - (2) Additional inspection ports connected to distribution pipes may be installed.
  - (3) In addition, EPCPH may require an inspection port at the initial end of each line.
  - (4) The top of inspection ports may be below the final grade of the surface if each has a cover at the surface such as a valve box for a lawn irrigation system.
- f. Trenches
  - (1) The maximum width of a trench shall be 36".
  - (2) The separating distance between trenches must be a minimum of six feet sidewall-to-sidewall.
  - (3) Perforated distribution pipe used in a trench must be as close to the center of the trench as possible.
  - (4) Perforations must be oriented downward unless pressure distribution is used and provision for pipe drainage is included.
- g. Beds
  - (1) Maximum width for a bed shall be 12 feet, unless the bed receives effluent meeting Treatment Level 2 quality or better.
  - (2) The separating distance between beds must be a minimum of six feet sidewall-to-sidewall.
  - (3) The separating distance between parallel distribution lines in an absorption bed must not exceed six feet and a distribution line must be located within three feet of each sidewall and endwall of the absorption bed.
- h. Serial and Sequential Distribution:
  - (1) A serial or sequential distribution system may be used where the ground slope does not allow for suitable installation of a single

level soil treatment area unless a distribution box or dosing chamber is used.

- (2) The horizontal distance from the side of the absorption system to the surface of the ground on a slope must be adequate to prevent lateral flow and surfacing.
- (3) Adjacent trenches or beds must be connected with a stepdown/relief line or a drop box arrangement such that each trench fills with effluent to the top of the gravel or chamber outlet before flowing to succeeding treatment areas.

3. Storage/Distribution Media

a. Rock and Pipe

- (1) The pipe must be surrounded by clean, graded gravel, rock, or other material of equal efficiency which may range in size from 1/2 inch to 2 1/2 inches. At least six inches of gravel, rock or other material must be placed below the pipe. The gravel, rock or other material must fill the trench around the pipe and at least two inches above the top of the distribution pipe. Gravel, rock or other material shall meet the following gradation:

| <u>Sieve Size</u> | <u>% Passing</u> |
|-------------------|------------------|
| 2 1/2"            | 100              |
| 2"                | 100              |
| 1 1/2"            | 80 – 100         |
| 1"                | 20 – 55          |
| 3/4"              | 0 – 15           |
| 3/8"              | 0 – 10           |
| #200              | <2%              |

Note: CDOT #4 (Coarse Aggregates AASHTO 43) meets the above noted gradation.

- (2) The top of the placed gravel or such material used must be covered with non-woven permeable geotextile fabric meeting a maximum thickness rating of 2.0 ounces per square yard or equivalent pervious material. An impervious covering must not be used.

b. Tire Chips

- (1) The pipe may be surrounded with clean, uniformly-sized tire chips.

- (2) Tire chips must be nominally two inches in size and may range from 1/2 inch to a maximum of four inches in any one direction.
- (3) Wire strands must not protrude from the tire chips more than 0.75 inches.
- (4) Tire chips must be free from balls of wire and fine particles less than two mm across.
- (5) The top of the tire chips used must be covered with non-woven permeable geotextile meeting a maximum thickness rating of 2.0 ounces per square yard or equivalent pervious material. An impervious covering must not be used.

c. Chambers

- (1) Chambers must be installed with the base on the infiltrative surface.
- (2) Installation must be according to manufacturer's instructions or these regulations, whichever is more stringent.
- (3) Effluent may be distributed by gravity or pressure dosing.

d. Manufactured Media

- (1) Manufactured media must be installed with the base on the infiltrative surface.
- (2) Installation must be according to manufacturer's instructions or these regulations, whichever is more stringent.
- (3) Effluent may be applied by pressure distribution only if the manufacturer specifies suitability of the product for that use.

e. Pressure Distribution

- (1) Design of pressure distribution systems must include:
  - (i) Dose size and frequency for flows and soil or media long-term acceptance rate;
  - (ii) Pipe diameter and strength requirements;
  - (iii) Orifice size and spacing; and
  - (iv) Distal pressure head.
- (2) Cleanouts must be installed at the end of each line. Each cleanout must be easily accessible for maintenance.

f. Driplines

- (1) The infiltrative surface area must be calculated using the long-term acceptance rate for the site or a more conservative value if recommended by the manufacturer.
  - (2) Driplines must be installed on manufacturer's spacing recommendations.
  - (3) Drainback must be provided for all drip lines, pipes and pumps.
  - (4) Provisions must be made to minimize freezing in the distribution lines, driplines, relief valves, and control systems.
  - (5) Provisions must be made for back flushing or other cleaning.
- g. The construction of new seepage pits for the treatment and dispersal of on-site wastewater on new sites is prohibited unless:
- (1) All other "shallow", soil based treatment options have been considered first, and cannot be installed;
  - (2) The seepage pit is designed by a professional engineer; and
  - (3) The design includes higher level treatment of at least TL2.
  - (4) Construction of seepage pits shall follow the criteria as established in section 8.10.1.4.c and d.

## F. Alternating and Sequencing Zone Systems

### 1. Alternating Systems

- a. An alternating system must have two zones that must be alternated on an annual or more frequent basis.
- b. Each section must be a minimum of 50 percent of the total soil treatment area. Size adjustment factors for methods of effluent application or type of distribution media shall not be allowed.
- c. A diversion valve or other approved diversion mechanism may be installed on the septic tank effluent line allowing soil treatment area sections to be alternated.
- d. The diversion mechanism must be readily accessible from the finished grade.

### 2. Sequencing Zone Systems

- a. Sequencing zone systems have more than two soil treatment area sections that are dosed on a frequent rotating basis.
- b. Where soil conditions are similar between the sections, each section area shall be the same size. If soil conditions are such that long-term

acceptance rates are different, each section may be sized for the same dose, but different long-term acceptance rates.

- c. An automatic distribution valve must be used.
  - d. Dosing of each system must be evaluated by the design engineer based on projected daily flow rates, number of zones, and soil types.
- G. Dosing: Dosing may be used for soil treatment area distribution. The dose must be sized to account for the daily flow and the dosing frequency.
- H. Soil replacement is permitted to bring the soil within the requirements of suitable soil. Added soil must meet the specifications of sand filter media, as specified in section 43.11.C.2.a.(1). All added soil must be completely settled prior to installation of components as specified and approved by the design engineer. The loading rate for sand filters must be used. Pressure distribution must be used.
- I. Repairs
- 1. When space is not available or if there are other site limitations that preclude other soil treatment area options for OWTS repairs, wide beds, deep gravel trenches, and seepage pits may be considered for repairs only. Other options are vaults or higher level treatment systems.
  - 2. Wide Beds: For repairs, beds may be wider than 12 feet without being required to receive effluent meeting Treatment Level 2 quality or better.
  - 3. Deep Gravel Trenches
    - a. The length of an absorption trench or bed may be calculated by allowance for the sidewall area of additional depth of gravel in excess of six inches below the bottom of the distribution pipe according to the following formula:  
$$\text{Adjusted Length} = L \times \frac{(W+2)}{(W+1+2D)}$$

Where:

L = length of trench prior to adjustment for deep gravel  
W = width of trench or bed in feet  
D = additional depth in feet of gravel in excess of the minimum required six inches of gravel below the distribution pipe
    - b. For repairs, potential for risk to public health and water quality may be evaluated by EPCPH. If risk is low in the determination of EPCPH, a Deep Gravel Trench system without higher level treatment may be used. However,
    - c. If in the opinion of EPCPH, the risks to public health are high, then TL2 or higher must be attained prior to final dispersal.
    - d. Maximum allowable additional depth is four feet.

- e. Percolation tests and soil profile hole or soil profile excavation test pit evaluations must be performed at the proposed infiltrative surface depth.
  - f. The reduction in field size area with the use of chambers cannot be applied to deep gravel systems.
4. Seepage Pits
- a. For repairs, potential for risk to public health and water quality may be evaluated by EPCPH. If risk is low in the determination of EPCPH, a seepage pit without higher level treatment may be used.
  - b. If in the opinion of EPCPH, the risks to public health are high, then TL2 or higher must be attained prior to final dispersal.
  - c. A seepage pit shall consist of a buried vertical cylinder with holes in the wall.
    - (1) Pits must be provided with both vertical sidewall and top supporting structural concrete or other material of equal structural integrity.
    - (2) The excavation must be larger than the cylinder by at least 12 inches on each side.
    - (3) The over-excavated volume must be filled with clean, washed rock ranging in size from 1/2 inch to 2 1/2 inches.
    - (4) The capacity of the pit must be computed on the basis of long-term acceptance rates determined for each stratum penetrated. The weighted average of the results must be used to obtain a design figure.
    - (5) Soil strata in which the percolation rate is slower than 30 minutes per inch must not be used for absorption or seepage. These strata must not be included in the weighted average to determine the long-term acceptance rate.
    - (6) The infiltrative surface of the pit is the vertical wall area (based on dug perimeter) of the pervious strata below the inlet invert plus the bottom area inside the vertical cylinder.
  - d. Pits must be separated by a distance equal to three times the greatest lateral dimension of the largest pit. For pits over 20 feet in depth, the minimum space between pits must be 20 feet.
5. Vaults
- a. Criteria for vaults are in section 8.12.D. of these regulations.
6. Higher Level Treatment Options
- a. Reduction in required soil treatment area for repairs is acceptable with higher level treatment.

- b. Design criteria for higher level treatment systems are in section 8.11.

### **8.11 Design Criteria – Higher Level Treatment Systems**

#### **A. General**

1. Higher level treatment systems must be designed by a professional engineer.
2. Higher level treatment systems may be public domain technology systems or proprietary systems.
  - a. Public domain technology systems must be designed, installed and maintained according to established criteria and additional criteria established by EPCPH. When design criteria are not specifically provided in this regulation, the criteria used in the design must be from a reference commonly used as an industry standard and the criteria must be cited in the design.
  - b. Proprietary systems must be designed, installed, and maintained according to manufacturer's instructions and additional criteria identified in the Technology Review and Acceptance process, section 8.13.
3. Reductions to soil treatment area or separation distances based on higher level treatment is approved subject to compliance with section 8.14.D of these regulations.
4. Soil treatment areas for higher level treatment systems must be pressure dosed.
5. Systems must be capable of accommodating all anticipated flows and organic loads.
6. Ventilation and air systems: Mechanical components must be installed in a properly vented location and all vents, air intakes, and air hoses must be protected from snow, ice, or water vapor accumulations.
7. Covers, barriers, or other protection: All systems must be installed to include protection of openings against entry of insects, rodents, other vectors and unauthorized people.

- B. The treatment levels identified in Table 6-3 are specified in this section for public domain technology, and proprietary treatment systems shall be assigned a treatment level by the technology review and acceptance process in section 8.13. Adequate maintenance for each must be required and documented as in section 8.14.D.

#### **C. Sand Filters**

1. Sand filters, such as a lined intermittent sand filter or recirculating sand filter, may be used as a pre-treatment system where the treated effluent is collected and dispersed to a soil treatment area or where site conditions require importing treatment media, such as an unlined sand filter, a soil replacement system, or a mounded system.
2. Filter media used for all systems noted in section 8.11.C.3 shall comply with the definition of "sand filter media" as noted in these regulations.



3. Intermittent (Single Pass) Sand Filters

a. General

- (1) The sand below the distribution lines must be at least two feet deep.
- (2) Distribution system
  - (i) Dispersal of effluent to the surface of the sand filter must be by a pressurized distribution system for equal distribution.
  - (ii) Pipes used to disperse the effluent must be surrounded by coarse screened gravel or crushed stone. All of the gravel or stone must meet the gradation specified in Section 8.10.E.3.a.
  - (iii) Manufactured media may be used as an alternative to gravel or stone.
  - (iv) The separation distance between parallel distribution lines must not exceed six feet, and a distribution line must be located within three feet of each filter sidewall.
- (3) Application Rates
  - (i) When receiving wastewater that meets TL1 treatment level, a maximum sand filter application rate of 1.0 gpd/ft<sup>2</sup> must be used.
  - (ii) When receiving wastewater that meets TL2, TL2N, TL3, or TL3N treatment levels, the sand filter must be sized based on the long-term acceptance rate for Soil Type 1.
  - (iii) An intermittent sand filter must not be used to treat wastewater that does not conform to TL1 treatment level or better.

b. Lined Sand Filters

- (1) Lined sand filters must have an impervious liner on the sides and bottom of the filter. The liner must consist of a 30 mil thickness PVC material or equivalent.
- (2) A minimum four-inch diameter under-drain pipe must be used. The under-drain pipe must be surrounded by gravel or stone meeting the gradation specified in Section 8.10.E.3.a. Manufactured media may be used as an alternative to gravel or stone.
- (3) Under-drain effluent collected below the sand filter shall be dispersed to a soil treatment area. The soil treatment area receiving the sand filter effluent may be sized with a long-term acceptance rate for TL3 effluent.

- c. Unlined (Open Bottom) Sand Filters
- (1) The bottom of the sand filter receiving TL1 must be no less than two feet above the high ground water surface or bedrock for installations in which effluent percolates downward through the soil.
  - (2) The bottom of the sand bed receiving TL2, TL2N, TL3 or TL3N must be at least 6" above the high ground water surface or bedrock.
  - (3) An unlined sand filter is to be sized based on section 8.11.C.2.a.(4)(i) or the long-term acceptance rate of the receiving soil for TL3, whichever results in the larger area.

d. Mounded Sand Filters (Mound Systems)

- (1) "Mounded Sand Filter" means an above grade pressure distribution dispersal system whereby the invert of the lateral is installed at or above original grade at any point within the soil treatment area, and approved sand filter media has been placed between the soil interface and the distribution system. The final cover shall be of a sandy textured soil to transport oxygen, stabilize the surface and support vegetative growth.
- (2) Mounded sand filters must conform to section 11.C.3.c. for unlined (open bottom) sand filters.
- (3) The basal area and linear loading rate must be determined from the loading rate for the soil type under the mound and the slope of the site.
- (4) The final required cover over a mound must extend at least 12" horizontally from the edge of the distribution media prior to sloping down to existing grade. The slope of the mound must be no greater than three feet horizontal to one foot vertical.
- (5) The surface of the mounded area must be planted with a suitable vegetative cover.
- (6) If the thickness of the sand is at least two feet, the treatment level for mounded sand filters is TL2 and it does not need an additional two-foot unlined sand filter.

4. Recirculating Sand Filters

- a. A recirculating sand filter must have an impervious liner on the sides and bottom of the filter. The liner must consist of a 30 mil thickness PVC material or equivalent.
- b. A minimum four-inch diameter under-drain pipe must be used. The under-drain pipe must be surrounded by washed coarse screened gravel or crushed stone. All of the gravel or stone must pass a 2 1/2-inch screen and must be retained on a 3/4-inch screen. Manufactured media may be used as an alternative to gravel or stone.

- (1) Filter media effective size (D10) must range from 1.0 to 1.50 mm and the uniformity coefficient (D60/D10) must be less than 4.0. Fines passing a 200 mesh sieve must be less than one percent.
  - c. Sand depth must be a minimum of two feet.
  - d. Typical loading rates are 3.0 to 5.0 gpd/ ft<sup>2</sup>. Rate must not exceed 5.0 gpd/ ft<sup>2</sup>.
  - e. Design re-circulation ratios may be 3:1 to 5:1.
  - f. Effluent collected from the sand filter must be discharged to a soil treatment area. The soil treatment area receiving the sand filter effluent may be sized with a long-term acceptance rate for TL3N effluent.
- D. Rock Plant Filter (Constructed Wetland) Treatment Before a Soil Treatment Area
- 1. A rock plant filter system must be designed by a professional engineer.
  - 2. The design must be site specific and include specifications for: loading, capacity, dimensions, liner material, filter media, effluent depth and depth control mechanism, density and species of plant material, and other site specific information.
  - 3. The treated effluent from a rock plant filter must be distributed to a soil treatment area.
  - 4. Although producing higher level treatment, rock plant filters must not be assigned a treatment level higher than TL1 because of system and seasonal variability.

#### **8.12 Design Criteria – Other Facilities**

- A. An OWTS treating the wastewater remaining after the separation of the toilet wastes must meet all minimum design and construction standards for a TL1 OWTS based on the volume and character of wastes for the fixtures and the number of persons to be served.
- B. Evapotranspiration and Evapotranspiration/Absorption Systems:
  - 1. An evapotranspiration system may be designed to consider evaporation and transpiration only, or in soil types 3A, 4, 4A and 5, absorption may also be considered.
    - a. An evapotranspiration system or evapotranspiration/absorption system must be designed by a professional engineer.
    - b. Data to be furnished must include, but shall not be limited to: dimensions; distribution system design; specifications of gravel and wicking sand if used, liner material if used, and bedding; properties of the soil under the evapotranspiration system and provision for vegetation cover.

- c. The following formula may be used as a guide for determining the area necessary for total evapotranspiration of septic tank effluent:  
  

$$\text{Area (in square feet)} = \frac{\text{Design Flow (in gallons per day)} \times 586}{\text{Lake Evaporation Rate at the Site (in inches per year)}}$$
- d. As an alternative, a system may be designed and sized on the basis of a monthly water balance for the system. Such a design would provide for total storage of average daily flows for all periods in which evapotranspiration is not shown to occur.
- e. If the design provides wicks (sand structures which penetrate through the rock media to the bottom of the bed), they must be equal to 10 to 15 percent of the bed surface area. The wicks must be uniformly spaced throughout the bed.
- f. Sand utilized in evapotranspiration or evapotranspiration/absorption beds for wicks must meet the gradation requirements in Table 12-1 and be approved by the design engineer.

**Table 12-1 Gradation of Wicking Sand for Evapotranspiration Beds**

| Sieve Size | Percent Passing |
|------------|-----------------|
| 4          | 100             |
| 40         | 50-70           |
| 200        | <15             |

- g. Adequate surface area must be provided to evaporate/transpire total annual average daily flows at a rate equivalent to local net lake evaporation including over the part of the year when the evaporation rate is not measured.
- h. If the system is designed as an evapotranspiration/absorption system, the amount of storage and evapotranspiration capacities may be reduced by the volume of effluent absorbed by the soil based on the long-term acceptance rate for that soil type.
- i. Except for dwellings, if the system is designed for summer use only, as determined by EPCPH, the surface area may be multiplied by 0.6 to obtain the required area.
- j. Evapotranspiration beds and evapotranspiration-absorption beds may be wider than 12 feet.

**C. Wastewater Ponds**

- 1. Construction of new wastewater ponds for single-family homes is prohibited.
- 2. A septic tank must precede the wastewater pond.
- 3. The depth of the design volume of the wastewater pond must be five feet.

4. A wastewater pond must have two feet of free board above the design volume of the pond.
  5. A wastewater pond must be fenced to keep out livestock, pets, vermin, and unauthorized people.
  6. Wastewater ponds must be designed on the basis of monthly water balance including design flow, precipitation, evaporation, and seepage.
  7. Wastewater ponds must be constructed so the seepage out of the bottom or sides does not exceed 1/32 of an inch per day. If this limit cannot be achieved using compacted natural soil materials including soil additives, an impermeable synthetic membrane liner must be used.
  8. Maintenance must include preventing aquatic and wetland plants from growing in or on the edge of the pond, protecting sides from erosion, and mowing grasses on the berm and around the pond.
  9. Wastewater ponds must be designed by a professional engineer.
- D. Vaults Other Than Vault Privies
1. Vaults for full time use in new construction are prohibited where a property can accommodate an OWTS with a soil treatment area.
  2. EPCPH may allow vaults for use at a permanent facility, except where section 12.D.1. applies.
  3. Vaults for full time use may be permitted when a failing OWTS cannot be replaced.
  4. Vaults may be permitted for limited use occupancy on a property which cannot accommodate an OWTS with soil treatment area.
  5. A vault may be permitted if the facility is on land where the installation of an OWTS with soil treatment area is not permitted.
  6. Vaults may be permitted for systems where some of the wastewater flows are separated, such as toilet wastes only, into a vault. The portion not retained in the vault must be treated in an adequately-sized OWTS.
  7. Variances may be granted for specialized commercial uses.
  8. A vault must have a minimum 500 gallon effective volume or be capable of holding a minimum of the two-day design wastewater flow, whichever is larger.
  9. A visual or an audible signal device or both, indicating filling to a maximum of 75 percent capacity, must be installed to indicate when pumping is necessary.
  10. Concrete vaults must meet the strength and water tightness requirements for septic tanks. Prefabricated fiberglass, fiberglass-reinforced polyester, and plastic tanks may be used as vaults, if the tank manufacturer provides testing criteria certifying them for this use.

E. Privies

1. Vault Privy

- a. EPCPH allows the construction of new vault privies.
- b. EPCPH will allow the continued use of existing vault privies.
- c. Effective volume of the vault must be no less than 400 gallons and it must be constructed of concrete or plastic. The vaults for privies must meet the structural and water tightness standards of vaults.
- d. A vault privy must be built to include: fly- and rodent-tight construction, a superstructure affording complete privacy, an earth mound around the top of the vault and below floor level that slopes downward away from the superstructure base, a floor, and a riser of concrete or other impervious material with hinged seats and covers of easily cleanable, impervious material. All venting must be fly-proofed with No. 16 or tighter mesh screening.
- e. Vault privy construction shall comply with 8.12.D.10.
- f. Vault privies shall comply with 8.8.C.1 - 4. for serviceability.

2. Pit Privy

- a. When EPCPH determines that all other OWTS options have been investigated, and site conditions preclude their installation, EPCPH may allow the construction of pit privies.
- b. When EPCPH determines that all other OWTS options have been investigated, and site conditions preclude their installation, EPCPH may allow the continued use of existing pit privies.
- c. The construction of pit privies shall adhere to the following design criteria:
  - (1) The bottom of the pit must be located above at least four feet of suitable soil and four feet above a limiting condition;
  - (2) The pit must have at least 400 gallons of effective volume; and
  - (3) The superstructure must provide complete privacy and have fly- and rodent-tight construction, an earth mound around the top of the pit and below floor level that slopes downward away from the superstructure base, a floor, and a riser of concrete or other impervious material with hinged seats and covers of easily cleanable, impervious material. All venting must be fly-proofed with No. 16 or tighter mesh screening.

F. Incinerating, Composting and Chemical Toilets

1. EPCPH may permit incinerating, composting and chemical toilets.

2. Permitting of an incinerating or composting toilet may also be subject to the jurisdiction of a local agency regulating plumbing or the Colorado Plumbing Board, whichever has jurisdiction over plumbing in the location.
3. An incinerating or composting toilet may be used for toilet waste where an OWTS is installed for treating wastewater remaining after removal of toilet waste. Subject to EPCBoH or other applicable regulations or codes (e.g., Colorado Plumbing Code if a local code does not exist), the compartment may be located within a dwelling or building provided the unit complies with the applicable requirements of this regulation, and provided the installation will not result in conditions considered to be a health hazard as determined by EPCPH. Compartment and appurtenances related to the unit must include fly-tight and vector-proof construction and exterior ventilation.
4. Incinerating Toilets: An approved incinerating toilet must be designed and installed in accordance with all applicable federal, state, and local air-pollution requirements and manufacturer's instructions.
5. Composting Toilets
  - a. An approved composting toilet must treat deposits of feces, urine, and readily decomposable household garbage that are not diluted with water or other fluids and are retained in a compartment in which aerobic composting will occur.
  - b. The effective volume of the receptacle must be sufficient to accommodate the number of persons served in the design of the unit installed. The effective volume of the unit must include sufficient area for the use of composting materials which must not be toxic to the process or hazardous to persons and which must be used in sufficient quantity to assure proper decomposition.
  - c. Residue from the composting toilet must be removed when it is filled to 75 percent of capacity. Residue from the unit must be properly disposed of by methods recommended by the manufacturer and acceptable to EPCPH. Disposal methods must prevent contamination of water and not cause a public health nuisance. Disposal using solid waste practices is recommended.
  - d. If a system will be installed where low temperature may be a factor, design and installation must address the effects of the low temperature.
  - e. Composting toilets must be operated according to manufacturer's specifications.
6. Portable Chemical Toilets
  - a. Use of a portable chemical toilet in permanently occupied buildings is prohibited except during construction or under emergency circumstances as determined by EPCPH. Proper ventilation of a chemical toilet used inside a structure is required.

- G. Slit Trench Latrine
1. The use of a Slit Trench Latrine is prohibited.
- H. Treatment Systems Other Than Those Discharging Through a Soil Treatment Area or Sand Filter System
1. For systems discharging to State Waters, see section 2.C.
  2. Systems that discharge other than through a soil treatment area or a sand filter system must:
    - a. Be designed by a professional engineer;
    - b. Be reviewed by EPCPH; and,
    - c. Not pose a potential health hazard or private or public nuisance or undue risk of contamination.
  3. EPCPH shall permit only systems that do not allow drainage of effluent off the property of origin, unless it determines it is appropriate to allow such effluent drainage.
  4. The following minimum performance criteria must be required for all permitted systems pursuant to this section:
    - a. If effluent discharge is made into areas in which the possibility exists for occasional direct human contact with the effluent discharge, the effluent at the point of discharge must meet the minimum treatment criteria of TL3 effluent and specifically adhere to each of the following standards:
      - (1) The geometric mean of the fecal coliform density must not exceed 25 per 100 milliliters when averaged over any five consecutive samples, and no single sample result for fecal coliform can exceed 200 per 100 milliliters.
      - (2) The arithmetic mean of the standard five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) must not exceed ten milligrams per liter when averaged over any three consecutive samples.
      - (3) The arithmetic mean of the total suspended solids must not exceed ten milligrams per liter when averaged over any three consecutive samples.
    - b. If the effluent discharge is made into an area so restricted as to protect against the likelihood of direct human contact with the discharged effluent, the effluent at the point of discharge must meet the treatment criteria of TL2 effluent and specifically adhere to each of the following standards:
      - (1) The geometric mean of the fecal coliform density must not exceed 500 per 100 milliliters when averaged over any five consecutive samples, and no single sample can exceed 5000 fecal coliform per 100 milliliters.



- (2) The arithmetic mean of the standard five-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>) must not exceed 25 milligrams per liter when averaged over any three consecutive samples.
  - (3) The arithmetic mean of the total suspended solids must not exceed 30 milligrams per liter when averaged over any three consecutive samples.
5. To determine compliance with the standards contained in this section, the required sampling frequency for fecal coliform, CBOD<sub>5</sub>, and total suspended solid levels must be performed at least once per month when the system is in operation and the results submitted to EPCPH for compliance with the permit requirements.
6. Methods of Analysis - Sampling Points:
- a. All effluent samples must be analyzed according to the methods prescribed in the American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition.
  - b. The sampling point must be a location that is representative of final discharge from the system.

**8.13 Technology Review and Acceptance:** Review and acceptance of technology shall be accomplished by the Division, and not by EPCPH, pursuant to the provisions of Regulation 43 as reiterated in this section 8.13.

- A. 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, or proprietary products that have received Division review and acceptance before EPCPH may permit them for use.
- B. The Division must review and accept proprietary products in these technology categories:
  - 1. Proprietary treatment products (e.g. treatment systems, remediation systems);
  - 2. Propriety distribution products (e.g. manufactured distribution products or subsurface dripline);
  - 3. Septic tanks;
  - 4. Composting toilets;
  - 5. Incinerating toilets; and,
  - 6. Others as needed.
- C. Product Acceptance Requirements – General:
  - 1. To qualify for product acceptance, manufacturers desiring to sell or distribute proprietary products in Colorado must submit a completed application to the Division in the format provided by the Division and a report describing in detail

the test procedures and data confirming the performance and properties of the product claimed by the manufacturer. Products within a single series or model line sharing distinct similarities in design, materials, capacities, configuration, and claiming the same level of treatment may be accepted under a single application. Products outside of the series or model line must be accepted under separate applications. The following information must be included in the application:

- a. Manufacturer's name, mailing address, street address, and phone number;
  - b. Contact individual's name, mailing address, street address, phone number and email address. The contact individual must be vested with the authority to represent the manufacturer in the acceptance process;
  - c. Category of product (e.g., proprietary treatment product, proprietary distribution product, septic tank);
  - d. Name, including specific brand and model, of the proprietary product;
  - e. A description of the functions of the proprietary product, along with any known limitations on the use of the product;
  - f. Product description and technical information, including dimensioned drawings; materials and characteristics; component design specifications; and volumes, design capacity, and flow assumptions and calculations, as relevant;
  - g. Siting and installation requirements;
  - h. Product performance information in appropriate product section;
  - i. Detailed description, procedure and schedule of routine service and maintenance events;
  - j. Copies of manufacturer's literature to include sales and promotion, design, installation, operation and maintenance, and owner instructions; and,
  - k. Identification of information subject to protection from disclosure and trade secrets, if any.
2. Upon receipt of an application, the Division must verify that the application is complete and meets the requirements for which the product is being evaluated. If the application is found to be complete, and the requirements of this section needed to accept the product are met, the Division shall place the product on a list of accepted proprietary products for the type of product.
  3. Manufacturers must have readily accessible and up to date information for designers, regulators, product owners, and other interested parties about their product including:
    - a. Product manuals;
    - b. Design instructions;

- c. Installation instructions;
  - d. Operation and maintenance instructions; and
  - e. A list of representatives and manufacturer-certified service providers in Colorado, if any. If none exist, information on how service on the product will be provided in Colorado.
4. If, at any time after a proprietary product has been accepted for use, the Division receives information that the product so accepted does not meet the required standards, or in any way constitutes a public health or environmental hazard, the Division may, at its discretion, revoke the product acceptance. The Division shall notify the manufacturer and Department within 30 days of any revocation.

D. Proprietary Treatment Product Acceptance Requirements

- 1. If a proprietary treatment product is submitted to meet a specific treatment level, a report with test procedures and data must be submitted to the Division to demonstrate that it can meet the treatment level for which the approval is being requested on a consistent basis in actual installations. The Division must approve the test methods and programs. Test results from product certification testing must also be submitted.
- 2. If a product is accepted for a specific treatment level, the product may also be used for applications requiring lower treatment levels. Reductions based on higher level treatment may not be applied unless EPCPH has a maintenance oversight program in place as described in section 14.D.
- 3. Field Performance Testing
  - a. Testing must be performed by a neutral third party.
  - b. Testing for residential applications must be performed on a minimum of 12 single-family homes under normal operating conditions.
  - c. Each system must be tested over a period of at least one year.
  - d. Each system must be sampled at least four times during the year with the sampling evenly distributed throughout the year.
  - e. Laboratory results for all parameters for which acceptance is being requested must be submitted.
  - f. Testing may be performed in Colorado under a Product Development Permit.
  - g. Testing may be performed in locations other than Colorado, if elevation and climate conditions are similar to those in Colorado.
    - (1) Increased elevation results in lower atmospheric pressure and lower oxygen content. If components are changed or adjustments made to compensate for these conditions, those changes or adjustments must be specified.

- (2) Colorado has a semi-arid climate. If components are changed or adjustments made to compensate for these conditions, those changes or adjustments must be specified.
- (3) If nitrogen reduction is claimed, the provisions for nitrification at cold temperatures must be specified.
- h. The report conclusions must indicate the proprietary treatment unit can consistently be expected to meet the treatment level for which acceptance is being requested.
- i. The report must include estimated operating costs for the first five years of the treatment system's life. This must include both estimated annual electricity or other energy costs, and routine inspection and maintenance costs, including replacement of parts.
  - (1) Energy and other costs are to be based on typical Denver, Colorado, costs at the time of the acceptance request.
  - (2) Replacement part costs must include shipping and handling.
  - (3) If media or other major part replacement is expected during the normal life of the system, the cost of replacement and the typical replacement interval must be included even if replacement is not expected within five years.
- j. If a proprietary product has been accepted for use in Colorado under NSF/ANSI 40 or equivalent testing and at least one product unit has been installed in Colorado prior to the effective date of this regulation, the acceptance for use in Colorado may continue as treatment level 2.

E. Proprietary Distribution Product Acceptance Requirements

- 1. Proprietary manufactured distribution products must:
  - a. Be constructed or manufactured from materials that are non-decaying and non-deteriorating and do not leach chemicals when exposed to septic tank effluent and the subsurface soil environment;
  - b. Provide liquid storage volume at least equal to the storage volume within the assumed 30 percent void space in a rock and pipe distribution system assuming six inches of rock below the pipe and two inches above the pipe;
  - c. Maintain the integrity of the trench or bed. The material used, by its nature and its manufacturer-prescribed installation procedures, must withstand the physical forces of the soil sidewalls, soil backfill and the weight of equipment used in the backfilling; and
  - d. If the width of a proprietary manufactured distribution product is within 90 percent of the width of the excavation, it may be approved as being equivalent to the full width of the excavation, if information is provided that demonstrates distribution over the full width.

2. Proprietary subsurface dripline products must:
  - a. Be warranted by the manufacturer for use with OWTS effluent;
  - b. Specify required treatment level of influent to the driplines;
  - c. Be designed for resistance to root intrusion; and
  - d. Incorporate emitters that may be controlled either by use of pressure-compensation emitters or with a pressure regulator.

F. Proprietary Remediation Product Acceptance Requirements

1. Manufacturers of products for remediation of a soil treatment area must submit test data as described in field performance testing, section 13.D.3. demonstrating that the soil treatment area has been remediated for a period of at least three years.
2. Remediation must be demonstrated by showing that a soil treatment area that had been surfacing, does not surface again after use of the proprietary remediation product when the OWTS is operated under the same conditions as it was before the surfacing began.
3. Laboratory data may be submitted but will not take the place of field performance testing.
4. In addition to the field performance testing, the following additional requirements must be met for the appropriate situation.
  - a. For aeration or other higher level treatment installed following the septic tank, test data as described in field performance testing must be submitted demonstrating that the septic tank effluent strength has been reduced.
  - b. For aeration or other higher level treatment installed inside septic tank, test data as described in field performance testing must be submitted demonstrating that the septic tank effluent strength has been reduced and is lower than TL1.
  - c. For chemical and/or biological remediation, the chemicals or biological agents used in the remediation product must be demonstrated to have no negative effects on public health, environment, and soil properties. A material safety data sheet must be submitted, if available.
  - d. For physical remediation, the process used must be demonstrated to have no negative effects on public health, environment, and soil properties. The physical remediation process must not be repeated during the test time period.

G. Septic Tank Acceptance Requirements

1. Septic tank design must conform to the requirements of section 9.B. of this regulation.
2. Each manufacturer must test five percent of its tanks for water tightness at the manufacturing facility, unless the tanks are certified for use as a septic tank by the International Association of Plumbing and Mechanical Officials (IAPMO) or Canadian Standards Association (CSA), or the manufacturer participates in the Plant Certification Program of the National Precast Concrete Association (NPCA).
3. Water tightness results must be sent to the Division along with measures taken to repair a tank that fails the test and prevent similar problems in future tanks.
4. IAPMO, CSA, and NPCA certifications must be submitted to the Division for acceptance.

H. Composting Toilet Acceptance Requirements

1. Composting toilets must meet the requirements of NSF/ANSI Standard 41 and bear the seal of approval of the NSF or an equivalent testing and certification program.

I. Incinerating Toilets Acceptance Requirements

1. Incinerating toilets must meet the requirements of the NSF Protocol P157 and bear the seal of approval of the NSF or an equivalent testing and certification program.

J. Other Product Acceptance Requirements

1. The Division may adopt review and acceptance requirements for additional products as needed.

**8.14 Operation and Maintenance**

A. Responsibility: The property owner is responsible for maintenance of an OWTS unless the responsibility has been contractually assigned to a tenant or a third party or a public, quasi-public, or political subdivision.

B. Permitting and Oversight of Maintenance for Soil Treatment Area Reductions and Vertical and Horizontal Separation Distance Reductions Based on Use of Higher Level Treatment

1. Purpose: Reductions in requirements for soil treatment areas, vertical separation distances to limiting layers or reductions in horizontal separation distances by using higher level treatment systems are based on the criteria that these systems are functioning as designed. If these criteria are not met, failure or malfunction is likely, which could result in damage to public health and water quality.
2. EPCPH may permit reductions in the size of soil treatment areas and horizontal and vertical separation distances based on higher level treatment of effluent. An oversight program for inspection, maintenance, and repair has been implemented by EPCPH.

3. EPCPH has developed a program of inspections, maintenance, recordkeeping and enforcement to ensure and document that higher level treatment systems are meeting the designed standards. At a minimum:
  - a. Maintain accessible records that indicate:
    - (1) Owner and contact information;
    - (2) Address and tax schedule number;
    - (3) Location of OWTS specifying location of septic tank, higher level treatment system, soil treatment area and other components;
    - (4) Description of OWTS installed;
    - (5) Level of treatment to be provided;
    - (6) Copy of current contract with a service provider;
    - (7) Inspection and maintenance performed:
      - (i) Dates system was inspected and/or maintained;
      - (ii) Name and contact information of inspector and/or maintenance provider;
      - (iii) Condition of system at inspection; and,
      - (iv) Maintenance tasks performed;
    - (8) Permits, if required by EPCPH for the work performed; and
    - (9) Condition of system at completion of any maintenance activity.
  - b. Frequency of inspection and maintenance must be the most frequent of:
    - (1) Manufacturer recommendations for proprietary systems or requirements for public domain technology as specified by the design engineer; or
    - (2) Every 12 months for higher level treatment systems.
  - c. Owner responsibilities:
    - (1) Ensure an OWTS is operating, maintained and performing according to the required standards for the designated treatment level;
    - (2) It is recommended that all TL1 systems shall be evaluated by a licensed OWTS professional a minimum of every 4 years.
    - (3) TL2 systems and higher shall maintain an active service contract with a maintenance provider at all times; and,

- (4) Each time his/her current contract with a maintenance provider is renewed or replaced, send a copy to EPCPH within 30 days of signing.
  
- d. Operation and Maintenance of treatment level 2 (TL2) or treatment level 3 (TL3) components may only be conducted by Certified O & M Specialists.
  - (1). Operation & Maintenance Specialists who conduct O & M inspections shall be certified by National Association of Wastewater Technicians or an equivalent program approved by EPCPH . O & M Specialist of higher level treatment systems must have training and certification by the proprietary product manufacturer. The manufacturer shall be responsible for providing EPCPH a list of certified O & M Specialists annually.
  - (2) EPCPH shall provide and maintain a list of Certified Operation & Maintenance Specialists to the general public. A fee not to exceed actual costs may be charged by EPCPH for the initial license of a Licensed O & M Specialist. A fee not to exceed actual costs may be charged by EPCPH for a renewal of the license. Licenses shall be valid for a period of two years from the date of issuance.
  
- e. EPCPH may decertify any Operation and Maintenance Specialist under any of the following circumstances:
  - 1) The Operation & Maintenance Specialist submits false or misleading information.
  - 2) The Operation & Maintenance Specialist does not maintain the required certification as required by these regulations.
  - 3) Any situation that is determined by EPCPH which does not comply with the intent of this section.
  
- f. Service Label: For higher level treatment systems or other components under a service contract, a clearly visible, permanently attached label or plate giving instructions for obtaining service must be placed at a conspicuous location.

C. Monitoring and Sampling

- 1. For an OWTS for which monitoring of effluent is required, EPCPH or delegated third party must collect and test effluent samples to ensure compliance with the provisions of these regulations.
- 2. Sampling may be required by EPCPH in conjunction with an enforcement action.
- 3. Any owner or occupant of property on which an OWTS is located may request EPCPH to collect and test an effluent sample from the system. EPCPH may perform such collection and testing services. The owner or occupant must pay for these services.



- a. If EPCPH or a delegated third party collects and tests effluent samples, a fee not to exceed that which is allowed by the OWTS Act may be charged for each sample collected and tested. Payment of such charge must be stated in the permit as a condition for its continued use.
- b. Conditions when EPCPH can require routine monitoring:
  - (1) Indications of inadequate performance;
  - (2) Location in sensitive areas;
  - (3) Experimental systems; and/or,
  - (4) Systems under product development permits.
- c. Sampling and analysis must be performed according to American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition, or the most current edition.

#### **8.15 Severability**

The provisions of these regulations are severable, and if any provisions or the application of the provisions to any circumstances are held invalid, the application of such provision to other circumstances, and the remainder of these regulations shall not be affected thereby.

#### **8.16 Materials Incorporated by Reference**

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, 2013 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.