

CLEAR CREEK COUNTY Public and Environmental Health	General Requirements and Prohibitions	Section 3
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1. General Requirements

- A. The owner of any structure or land site where people live, work, or congregate shall ensure that the structure or land site contains a properly functioning OWTS or sanitary sewer connection. Any toilet, sink, tub, shower, or any other fixture that discharges wastewater shall be connected to either the OWTS or sanitary sewer.
- B. All systems shall be designed by a professional engineer.
- C. If records do not exist for a property, it is the responsibility of the property owner to provide the Department with evidence of an existing, approved system and other information outlined in Section 4.10.

2. Design Capacity

- A. Any OWTS with design capacity less than 2,000 gpd shall comply with these Regulations and the OWTS Act, which shall govern all aspects of OWTS permits, performance, location, construction, alteration, installation, and use.
- B. Any OWTS with design capacity equal to or greater than 2,000 gpd shall comply with these Regulations, site location, and design approval in section 25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, 25-8-501, et seq. C.R.S. Applicable Commission regulations include, but are not limited to, the following:
 - 1. Regulation 22 - Site Location and Design Approval Regulations for Domestic Wastewater Treatment Works (5 CCR 1002-22).
 - 2. Regulation 41 - The Basic Standards for Ground Water (5 CCR 1002-41).
 - 3. Regulation 42 - Site-Specific Water Quality Classifications and Standards for Ground Water (5 CCR 1002-42).
 - 4. Regulation 61 - Colorado Discharge Permit System Regulations (5 CCR 1002-61).
 - 5. Regulation 62 - Regulations for Effluent Limitations (5 CCR 1002-62).
- C. 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.

3. Discharge to State Waters

- A. Any system that will discharge into state waters shall be designed by a professional engineer. The state discharge permit application shall be submitted for preliminary approval to the Board of Health.
- B. Once approved by the Board of Health, the state discharge permit application shall be submitted to the Water Quality Control Division for review in accordance with the Water Quality Control Act, §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.

4. Access to Site

- A. For the purpose of inspecting and enforcing these Regulations and the terms and conditions of any permit issued and investigating and responding to complaints, the health officer is authorized to enter upon private property at reasonable times and upon reasonable notice for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and these Regulations and the terms and conditions of any permit issued and to inspect and conduct tests in evaluating any permit application.
- B. The owner or occupant of every property having an OWTS shall permit the health officer access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

5. Surface Activity

- A. Activity or use on the surface of the ground over any part of the OWTS shall be restricted to that which will allow the system to function as designed and which will 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.
- B. 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 required to be performed to the disturbed or compacted soil and the system redesigned if the parameters have changed.

6. Floodplains

- A. New OWTS and replacement OWTS installed in a 100-year floodplain shall meet or exceed the requirements of the Federal Emergency Management Agency (FEMA) and Clear Creek County Office of Emergency Management. Repairs of an existing system shall meet the requirements as reasonably feasible. The system as approved by the health officer shall be designed to minimize

Section 3 General Requirements and Prohibitions

or eliminate infiltration of floodwaters into the system and discharge from the system into the floodwaters.

- B. 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.

7. General Prohibitions

- A. 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.
- B. 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.
- C. No person may connect more than one dwelling, commercial, business, institutional, or industrial unit to the same OWTS unless such multiple connection was specified in the application submitted and in the permit issued for the system.
- D. Construction and use of cesspools, pit privies, slit trenches, or aerosol disposal systems is prohibited.
- E. No city shall issue to any person:
 - 1. A permit to construct or remodel a building or structure that is not serviced by a sewage treatment works until the health officer has issued a permit for an OWTS; and
 - 2. An occupancy permit for the use of a building that is not serviced by a sewage treatment works until the health officer makes a final inspection of the OWTS, provided for in section 25-10-106 (1) (h), C.R.S., and the health officer approves the installation.

8. Prohibitions of Systems in Unsuitable Areas

- A. The Board of Health may prohibit issuance of OWTS permits in accordance with applicable land use laws and procedures for defined areas in which the Board of Health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.
- B. If the Board of Health is going to prohibit the issuance of OWTS permits pursuant to Section 3.8.A, then it will conduct a public hearing, after providing written notice to all affected property owners as shown in the records of the Clear Creek County Assessor and publishing public notice in a newspaper of general circulation, at least 20 days prior to the hearing, to consider the prohibition of permits for systems in defined areas that contain or are subdivided for a density

Section 3 General Requirements and Prohibitions

of more than two dwelling units per acre. In such a hearing, the Board of Health may request affected property owners to submit engineering and geological reports concerning the defined area and to provide a study of the economic feasibility of constructing an OWTS.

9. Community Sewers

- A. No OWTS permit will be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

10. Subdivisions

- A. Any division of land pursuant to the Clear Creek County Subdivision Regulations that creates new parcels of less than five (5) acres occurring after May 14, 1990, shall be provided with central sewage treatment works. The health officer may require applicants to submit additional engineering and geologic reports or data, including a study of the economic feasibility of central sewage treatment works utilization.

11. Experimental Systems

- A. 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 Department may approve an application for a type of system not otherwise provided for in these Regulations 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.
- B. The Department 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.

12. Fees

- A. Non-refundable permit and license application fees as established by the Board of Health shall be remitted to the Department at the time of application.
- B. Fees that are assessed to the permit shall be remitted prior to the final approval of the permit.

13. Material Incorporated by Reference

- A. Throughout these Regulations, standards and requirements by outside organizations have been adopted and incorporated through Regulation 43. 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.

Section 3 General Requirements and Prohibitions

- B. 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.