

# **CHEYENNE COUNTY HEALTH DEPARTMENT (CCPH) ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS) REGULATIONS**

## **1. Title and Authority**

These requirements shall be known as the “Cheyenne County Public Health On-Site Wastewater Treatment Systems Regulations.”

These requirements have been adopted by the Cheyenne County Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated the Cheyenne County Health Department and its designee, if appropriate, to implement these regulations on behalf of the Board of Health.

## **2. Scope and Purpose**

### **A. Declaration**

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

### **B. Purpose**

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

### **C. Jurisdiction**

1. These regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Cheyenne County.

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

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

### **E. Severability**

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

### **F. Designee**

1. Designee shall be defined and understood as a qualified entity that has been approved by the Cheyenne County Board of Health to perform OWTS services as required by statute and regulation. The designee shall not have a conflict of interest in the design, construction, or use of the on-site wastewater treatment system that it is approving.

## **3. Incorporation of Regulation 43**

### **A. Included By Reference**

1. The requirements of the Colorado Water Quality Control Commission’s “On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43,” and future revisions thereto, are made a part of these regulations and shall apply except where identified as an option of the local public health agency or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction,

alteration, inspection, maintenance, and use shall be as provided in Regulation 43 and any additional requirements contained in these Regulations.

2. Allowable local options identified in Regulation 43 but not identified in this text and the designated decisions for these regulations are identified in the attached “Appendix A to OWTS Regulations” for Cheyenne County. Appendix A is made a part of these regulations.

A. Excluded

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

**4. Permits and Fees**

A. Permits [43.4(B)]

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

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

1. When an application is denied by the Cheyenne County Public Health Department, an applicant may request review by the local board of health. This request must be in writing and must be received by the Cheyenne County Public Health Department within 3 months of the date on the Cheyenne County Public Health Department’s denial letter. The letter should be addressed to the following: **Cheyenne County Board of Health, PO Box 567, 51 South 1<sup>st</sup> East, Cheyenne Wells, Colorado 80810.**

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

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

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

1. Surcharge of \$25.00 will be collected for each permit issued by the Cheyenne County Public Health Department. Of that fee, the Cheyenne County Public Health Department will retain five dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

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

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

1. The applicant must notify the Cheyenne County Public Health Department so they, or their designee, can conduct a field inspection of the septic tank before backfilling.

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

1. The applicant must notify the Cheyenne County Health Department so they, or their designee, can conduct a final field inspection of all related components of the OWTS before backfilling.
2. Before a system is placed in use, the owner, the owner's agent or the systems contractor must provide the Cheyenne County Public Health Department or its designee 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 Cheyenne County Public Health Department OWTS Regulations 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 the Cheyenne County Public Health Department or its designee.
4. The Cheyenne County Public Health Department or its designee 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.

**6. Licensing: RESERVED**

Any licensed OWTS cleaner shall be responsible for his work and the work performed by his employees.

**7. Variances [43.4(O)]**

A. Variances Allowed

1. The Cheyenne County Board of Health may approve a variance from a requirement of this regulation. Variances cannot be granted by staff.
2. Approval of a variance shall be based upon evidence presented by the applicant showing that the variance:
  - a) Would not be injurious to the public health, water quality, or environment; and
  - b) Would prevent a substantial hardship to the applicant.
3. Variances shall not be granted under the items identified in section 43.4(O)(5) of Regulation 43.

B. Variance Procedure

1. Variance requests shall be provided in legible writing (typewritten preferred), signed and dated by the applicant, placed in an envelope, and hand-delivered or mailed to the following address:

**Cheyenne County Public Health Department**

**OWTS Variance Request**

**PO Box 38**

**560 West 6 North**

**Cheyenne Wells, Colorado 80810**

2. All variance requests must be submitted at least one (1) month prior to the next regularly scheduled Cheyenne County Board of Health (BOH) meeting to be considered at that meeting. If

the variance request submission does not allow for one (1) month, then the request may not be heard until the BOH meeting subsequent to the next regularly scheduled meeting.

3. Variance requests shall include all items identified in section 43.4(O)(2)(d) of Regulation 43.
4. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Cheyenne County Board of Health shall determine if this item has been addressed prior to granting a variance.
5. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

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

A. Percolation Holes

1. The Cheyenne County Public Health Department or its designee may require that percolation holes remain open for verification of test results by the Cheyenne County Public Health Department or designee.

B. Profile Test Pits

1. The Cheyenne County Public Health Department or its designee may require that the profile test pits remain open for verification of test results by the Cheyenne County Public Health Department or designee.

**9. Transfer of Title Inspections: RESERVED**

**10. Appendix A to OWTS Regulations for CCPH: Attached**