

Environmental Health Division Update – March 2025

The Water Quality Control Commission adopted updates to the statewide OWTS Regulation 43 which become effective on June 15, 2025. Subsequently each local agency must adopt local regulations that are at least as stringent by June 15, 2026.

The Douglas County Health Department has been conducting a review of any applicable changes and updates. DCHD proposes to adopt Regulation 43 with a specific local public health annex to become consistent with the changes and electable options provided by the state.

The main goals of this revision are to:

- Select from the 15 local customizations provided by the state.
- Address issues or concerns that have been identified over the last several years.
- Clarify items that may have caused confusion.
- Continue aligning Colorado's regulations with accepted industry standards.
- Protect Public Health and the Environment.

Outreach efforts included adding the proposed draft to the county website, adding information to all outgoing emails from the main EH inbox, an electronic newsletter to all active OWTS professionals, and a newspaper notice for a Public Hearing on February 12, 2026.

Many of the local customizations will remain unchanged from the previous version of the regulation. This includes the licensing of contractors and cleaners, the allowance for the Board of Health to review and approve variances, how we determine occupancy and flow rates, allowing for vault privies, and permits for the continued use of a system. We will continue with the implementation of an operations and maintenance program which allows for reduction in soil treatment area size when using higher level treatment.

Provisions were made for the continued protection of the Cherry Creek and Chatfield Watersheds by preventing OWTS construction in 100-year flood plains and for the continued inclusion of how to approach Dawson Arkose soils found here in Douglas County.

Some proposed changes include new licensing of systems maintenance providers and of external inspectors. Staff propose ending the Transfer of Title program in which the current property owner is required to have a third-party inspection of their existing system to obtain a permit from this Department prior to the sale of their property. Staff propose that this should be a part of the due diligence process while buying a home and should be an electable option for the new homeowner to decide for themselves.

Clarification was sought from other county departments about county specific definitions and efforts were made to align processes regarding auxiliary structures and short-term rentals.

These local regulations will become effective following a public hearing before the Board of Health and the review and acceptance by the Colorado Department of Public Health and Environment (CDPHE).

Since December, EH has:

- Conducted 410 inspections
 - 11 Body Art inspections
 - 39 Childcare facility inspections
 - 20 Recreational Water inspections
 - 332 Retail Food Establishment inspections
 - 8 Waste Tire Generator inspections
- Assisted owners and builders with 16 plan reviews
- Responded to 32 complaints
- Received 108 permit applications
 - 24 New Installation OWTS permits
 - 2 Major Repair/Expansion OWTS permits
 - 16 Minor Repair OWTS permits
 - 65 OWTS Use permits
- Reviewed 35 Land Use referrals