



Adoption of Public Health Regulation

In order to comply with state requirements, our local Onsite Wastewater Regulation needs to be updated to be consistent with the newly adopted state Regulation 43. Below is a description of the timeline for the proposed regulation which is attached for your reference. Tonight's purpose is to give the public an opportunity to provide input on this regulation before your board considers its adoption.

DCHD Regulation 26-01 Onsite Wastewater Treatment Systems

The deadline to enact a local regulation before the state regulation goes into effect by default is June 15, 2026. Further, this regulation had to be provided to the state at least 30 days prior to adoption, we sent the attached regulation to them in early February to meet this deadline. There is also a requirement that we adopt the regulations at least 45 days before they go into effect, this requires March action for an April 2026 implementation.



**DOUGLAS COUNTY ON-SITE
WASTEWATER TREATMENT SYSTEM
REGULATION NO. 26-01**

**PROMULGATED BY THE BOARD OF HEALTH OF
DOUGLAS COUNTY HEALTH DEPARTMENT**

**Effective Date
April 26, 2026**

**Pursuant to Title 25-10-101, et seq. Colorado Revised
Statutes and the Colorado Department of Public Health
and Environment Water Quality Control Commission
On-Site Wastewater Treatment System
Regulation #43, 5 CCR-1002-43**

This document describes the rules and regulations for the use and permitting of On-Site Wastewater Treatment Systems in Douglas County. This Regulation should be used by anyone seeking a permit, designing a system, installing a system, or repairing a system.

26.1 Title and Authority:

These requirements will be known as the Douglas County Health Department On-site Wastewater Treatment Systems Regulation.

These requirements have been adopted by the 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 Douglas County Health Department to implement these regulations on behalf of the Board of Health.

26.2 Scope and Purpose:

A. Declaration

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

B. Purpose

1. The purpose of these regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of the OWTS with a design capacity of less than or equal to 2,000 gallons per day within Douglas 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 Douglas County but not over the territory of any municipal corporation that maintains its own public health agency.

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

1. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)]

E. Severability

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

26.3 Incorporation of Regulation 43

A. Included by Reference

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date, June 15, 2025", are made a part of these Regulations and will apply except where identified as an option of the local public health agency or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these Regulations. All aspects of an On-site Wastewater Treatment System including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in these Regulations.
2. Allowable local options identified in Regulation 43 and the designated decisions for these Regulations are identified in the attached "Appendix A to OWTS Regulation for Douglas County". Appendix A is made a part of these Regulations.

26.4 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 Douglas County Health Department.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires 12 months after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.
4. Applicant may apply for an extension of a permit upon written request by the applicant and at the discretion of the Department.
 - i. An expired permit may only be extended if:
 1. There has been no change in the plans and specifications of the proposed system as set out in the original application and;
 2. The surrounding land, its use or zoning, have not changed so as to cause the original application not to be acceptable under these Regulations and;

3. The property has not received verifiable complaints or violations that may preclude the Department from determining that a permit extension is warranted.
5. 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 Douglas County Health Department. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
6. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
7. Application for a product development permit may be approved by the Douglas County Health Department consistent with requirements of section 43.4(l) of Regulation 43.
8. Other Conditions requiring a permit:
 - i. A Major Repair Permit shall be required for the following types of repairs or alterations for any system:
 1. Replacement of an existing soil treatment area.
 2. Addition of soil treatment area.
 3. Expansion of an existing soil treatment area
 4. Implementation of a soil based remediation system.
 - ii. A Minor Repair Permit shall be required for the following types of repairs or alterations for any system:
 1. Addition or replacement of a septic tank
 2. Implementation of a septic tank based remediation system
 3. Addition of a lift station or pump and associated piping, where a lift station, pump or piping were not part of the original OWTS system.
 - iii. Expansion Permits shall be required if a major remodel of a dwelling or accessory dwelling unit occurs to a property with an existing OWTS beyond what the system was originally designed for. The homeowner will be required to upsize the system to accommodate additional flow

if more than one bedroom is added and/or if an additional source of wastewater is added.

1. When expanding Soil Treatment Areas, the designer will be required to add sufficient tank capacity to meet the required capacity based on the proposed number of bedrooms. If the expansion is a complete replacement of the system, a new installation permit will be required.

B. Board of Health Review [43.4(B)(9) and (10)]

1. When an application is denied by Douglas County Health Department, an applicant may request review by the local board of health.
2. Denials of permits shall be made in writing by the Department stating reasons for the denial and requirements for reconsideration of the application.
 - i. 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.
3. Any applicant who is denied a permit, or any person who is adversely affected by the denial or issuance of a permit, within 30 days following such denial, may request a hearing before the Board of Health.
4. Upon a finding, by the Board of Health after the review of a denial of a permit as provided by C.R.S. 25-10-111. That an applicant for OWTS has demonstrated that the system will be constructed and used in such a manner as to comply with the declaration and intent of these Regulations and all applicable state and local rules and regulations and required terms and conditions in any permit issued pursuant thereto, a permit may be issued therefore.

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

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

2. Fees are non-refundable and shall be made to the Department by an applicant at the time an application is submitted for a permit to construct and install a new system, for the repair or alteration of an existing system, or for a Use Permit of a system.

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

1. A surcharge fee will be collected for each permit issued by Douglas County Health Department with a portion of the fee retained to cover local administrative costs and the remainder must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding the state's OWTS program. The surcharge fee is identified in Regulation 5 CCR 1002-102, Section 102.5(3)(d).

26.5 Inspections [43.4(E)]

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

1. The applicant must notify the local public health agency or its designee 48 hours in advance so the local public health agency or its designee can conduct a field inspection of the septic tank before backfilling.

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

1. The applicant must notify the local public health agency or its designee 48 hours in advance so the local public health agency or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

C. Site Evaluation Inspections

1. After receiving a completed application for an OWTS permit, the application shall be reviewed by the Department and a site evaluation shall be made by the Department, unless one has been previously made. A determination may be made by the Department as to the suitability of the site and the proposed design based upon observation of marked test pits to verify depth of the ground water table, suitable soil, depth to bedrock, in addition to, ground slope and pertinent physical features.

D. Final Inspection of Construction, Installation, Alteration or Repairs

1. All system construction, installations, alterations, and permitted repairs require a final inspection and approval from the Department prior to backfill

being placed to cover any part of the system to confirm that it was installed according to the permit requirements.

2. If the property line is within 10 feet and/or if potable water lines are within 10 feet, they must be clearly marked before final inspection by the Department.
3. It is the responsibility of the owner, the owner's agent, or the licensed Systems Contractor to notify the Department at least 48 hours in advance that the progress of work has been sufficiently completed to allow inspection before the system is placed in use. An inspection by the Department shall be made after being notified that the system is ready for an inspection.
4. A scaled record drawing showing all components of the OWTS including their location from known and findable points, dimensions, depths, sizes, manufacturers' names and models as available, and other information related to locating and maintaining the OWTS components, shall be prepared and submitted to the Department.
5. Engineered Systems [43.4(F)]
 - i. Final inspection and approval of all engineered OWTS shall also be made by the professional engineer or under the supervision of the professional engineer before backfill is placed to cover any part of the system.
 1. If the professional engineer is not available, another professional engineer may provide the inspection(s) and will become the professional engineer of record and be responsible for the system.
 - ii. The professional engineer shall submit to the Department a letter certifying the construction of the OWTS system has been in conformance with the plans and specifications approved by the Department and the scaled record drawing of the system as required.
 1. The professional engineer's letter shall include any modifications to the permitted and approved design, general observations noted during the inspection(s) and the corresponding dates of all inspections made.
 2. For designs that include a pressurized distribution system, a residual head test (squirt height) at the distal end of each

lateral must be conducted to determine the adequacy of system design and construction. Results from this inspection must be included within both the engineer's certification and the final permit acceptance documents.

6. All deficiencies documented during an inspection must be communicated to the installer and to the engineer and/or designer. Deficiencies may require an additional inspection from the Department. Photographs of deficiencies may be accepted at the Department's discretion. When deficiencies are severe in nature or are unable to be verified with photographs, additional re-inspections may be required to verify compliance.
7. The Department will determine if work has been performed in accordance with the permit requirements and design. The Department will determine if the system complies with the OWTS Act and the Regulations adopted thereunder.
8. The Department will issue a permit for the OWTS system upon correction of all deficiencies and receipt of all necessary paperwork and fees.

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

- A. Within the Cherry Creek and Chatfield Watersheds in Douglas County, no new OWTS shall be constructed within the 100-year floodplain as designated by the Urban Drainage and Flood Control District, or the Federal Emergency Management Agency, if no Urban Draining and Flood Control District designation exists. The restriction shall not apply to the replacement of, or improvements to, the operation of existing OWTS located within the 100-year floodplain.

26.7 Licensing [43.4(K)]

- A. Standards of Performance for License Holders
 1. Mistakes made while acting in a professional capacity with a license issued by this Department can have severe consequences for property owners as well as public health and the environment. Failure to meet the accepted standards outlined in this Regulation may lead to disciplinary action.
 - i. License holders are committed to the highest standards of integrity and professionalism.
 - ii. License holders shall endeavor to know and understand the local, state, and national statutes, laws, ordinances, and regulations applicable to the onsite wastewater treatment system activities.

- iii. License holders should continually seek to improve their own professional expertise by staying informed of scientific and technological developments.
- iv. License holders shall avoid any act that fails to meet the required standards of profession due to negligence or incompetence. This could range from providing subpar services to making grave errors in judgement.
- v. License holders shall convey their credentials, training, experience, and abilities with integrity.
- vi. License holders shall avoid conflicts of interest through disclosure to appropriate parties.
- vii. License holders shall admit and take responsibility for their own errors or when neglecting to follow recognized processes, procedures, or employ recognized methods or techniques.
- viii. Being convicted of a crime, particularly one related to professional duties, can lead to immediate disciplinary action, including license revocation.

B. System Contractors [43.4(K)(1)]

1. No person shall install, construct, alter, or repair an OWTS unless they hold a valid System Contractor license issued by the Department.
2. An applicant for a System Contractor license is required to submit all appropriate fees for testing, licensing, and renewal of an expiring license on forms supplied by the Department.
3. A System Contractor applicant must take and pass the Department's written systems contractor examination (e.g. Part A Exam) and provide documentation of completion of the National Association of Wastewater Technicians (NAWT) Installers Course or approved equivalent upon initial application for a license and anytime the NAWT Certificate is renewed thereafter.
4. Prior to issuance or the renewal of a license, the Department may require the applicant to demonstrate adequate knowledge of these Regulations. This may include, but is not limited to, passing an exam prepared by the Department, submitting proof of attendance at professional conferences, or attending educational classes conducted by the Department.
5. Employees of a licensed System Contractor need not be individually licensed, but the licensee will be held responsible for the work of the employee.

- i. The Department may verify employment of any individual under the supervision of the licensed System Contractor via an employment verification letter, a W-2 document, a recent pay stub, or other official documentation as determined by the Department.
6. Existing System Contractor licenses shall expire on December 31st of 2026.
 - i. Thereafter, System Contractor licenses that are expired and are renewing shall be set to expire on the final day of the month concurrently with the expiration of the applicable NAWT Certificate.
 1. Fees issued will be prorated monthly until the first date of expiration.
 - ii. Thereafter, subsequent license renewals will have fees assessed for a period of two years.
7. New System Contractors that are approved for a license following December 31, 2026 shall have their license expiration date set to final day of the month concurrently with the expiration of the applicable NAWT Certificate. Fees issued will be assessed for a period of two years.
8. A license which lapses because of failure to renew shall be subject to the fee established for a new license upon re-application. License fees are non-refundable in the amount established by resolution of the Board of Health.
9. Systems Contractors must:
 - i. Verify that a permit for an OWTS has been issued under their license prior to commencing excavation and by maintaining a copy of the permit and the design and specifications at the site of the installation.
 - ii. Verify that there have been no changes in the site conditions under which the permit was issued prior to commencing construction. If any condition on the permit, the supporting engineering, or otherwise provided for in these Regulations cannot be met, the Systems Contractor shall notify the Department before proceeding with the installation.
 - iii. Perform all work in accordance with these Regulations and with the conditions specified on the permit and the supporting engineering design including, but not limited to, assuring that all required inspections are scheduled with, and performed by the Department.
 - iv. Engineered systems shall be inspected by or under the supervision of the professional engineer responsible for the design. The System Contractor shall notify the professional engineer to make all specified inspections during construction.

- v. Suspend work and notify the Department should there be any change in site conditions after construction begins that would prevent the installation of the system in accordance with permit conditions or as otherwise provided for in the Regulations. Construction may resume only after authorization by the Department.

C. Systems Cleaners [43.4(K)(1)]

1. No person shall engage in the cleaning or pumping of septic tanks, vaults, holding tanks, or other components of OWTS Systems or the transportation of sewage to a disposal site unless they hold a valid Systems Cleaner license issued by the Department.
2. An applicant for a Systems Cleaners license is required to submit all appropriate fees for testing, licensing, and renewal of an expiring license on forms supplied by the Department.
3. A Systems Cleaner applicant must provide documentation of completion of the National Association of Wastewater Technicians (NAWT) Vacuum Truck Course or approved equivalent upon initial application for a license and anytime the NAWT Certificate is renewed thereafter.
4. The Systems Cleaner shall maintain records of pumping and disposal records for a minimum of 12 months and submit the following information to the Department upon request:
 - i. Any copy of a contract or written agreement with a facility approved by the Department for accepting septage
 - ii. A record of the total volume of septage disposed at each facility in the past year
 - iii. A record of each OWTS which is cleaned
 - iv. Any other documentation as required by the Department
5. Prior to the issuance or the renewal of a license, the Department may require the applicant to demonstrate adequate knowledge of these Regulations. This may include, but is not limited to, passing an exam prepared by the Department, submitting proof of attendance at professional conferences, or attending educational classes conducted by the Department.
6. Employees of a licensed Systems Cleaner need not be individually licensed, but the licensee will be held responsible for the work of the employee.
 - i. The Department may verify that a person is an employee of a licensed Systems Cleaner via an employment verification letter, a W-2 document, a recent pay stub, or other official documentation as determined by the Department.

7. Existing System Cleaners licenses shall expire on December 31, 2026.
 - i. Thereafter, System Cleaners licenses that are expired and are renewing shall be set to expire on the final day of the month concurrently with the expiration of the applicable NAWT Certificate.
 1. Fees issued will be prorated monthly until the first date of expiration.
 - ii. Thereafter, subsequent license renewals will have fees assessed for a period of two years.
8. New System Cleaners that is approved for a license following December 31, 2026 shall have their license expiration date set to final day of the month concurrently with the expiration of the applicable NAWT Certificate. Fees issued will be assessed for a period of two years.
9. A license which lapses because of failure to renew shall be subject to the fee established for a new license upon reapplication. License fees are non-refundable in the amount established by resolution of the Board of Health.
10. Systems Cleaners must:
 - i. Dispose of septic tank waste at a site approved by the Department for accepting or treating such wastes and in a manner that is not injurious to public health or the environment.
 - ii. Maintain a record of each OWTS which is cleaned, serviced, or inspected. The report must include the following:
 1. Name of the licensed System Cleaner
 2. Name of the property owner and their contact information
 3. Property street address
 4. Date of service
 5. Description of service performed
 6. Volume of tank pumped
 7. Date and location of disposal
 8. Indications of system failure
 9. Any other pertinent information
 - iii. Prior to pumping any tank or any other component, the Systems Cleaner must observe the liquid level within the tank.
 1. If the System's Cleaner suspects that the OWTS system is in a state of failure, they will inform the property owner and are required to contact the Department with necessary information within 48 hours.

- iv. Remove the liquid, sludge and scum from all compartments of the tank(s). Cleaning shall be effective in reducing solids and scum to the point of a near new system.
- v. Clean any filters or other devices which require routine maintenance and cleaning, if necessary.
- vi. Maintain equipment so that no spills will occur during pumping or transportation and so that employees are not subjected to health hazards from exposure to sewage.
- vii. Dispose of collected sewage only at sites approved by the Department. The Department may require a Systems Cleaner to provide additional documentation regarding their disposal methods and practices.

D. Systems Maintenance Providers [43.4(K)(1)]

1. Beginning January 1, 2027, no person shall engage in routine or periodic Systems Maintenance actions taken to ensure that an OWTS is functioning as intended and/or is meeting performance requirements unless they hold a valid Systems O&M Contractors license issued by the Department.
2. The O&M Contractors license is non-transferable and shall follow the individual if they change employment.
3. An applicant for an O&M Contractors license is required to submit all appropriate fees for testing, licensing, and renewal of an expiring license on forms supplied by the Department.
4. A Systems O&M Contractors license applicant must provide documentation of completion of the NAWT Operation and Maintenance 1 Course and NAWT Operation and Maintenance 2 Course or approved equivalent upon initial application for a license and anytime the NAWT Certificate is renewed thereafter.
5. Prior to the issuance or the renewal of a license, the Department may require the applicant to demonstrate adequate knowledge of these Regulations. This may include, but is not limited to, passing an exam prepared by the Department, submitting proof of attendance at professional conferences, or attending educational classes conducted by the Department.
6. A new Systems O&M Contractor that is approved for a license beginning January 1, 2027 shall have their license expiration date set to final day of the month concurrently with the expiration of the applicable NAWT Certificate. Fees issued will be assessed for a period of two years.

7. A license which lapses because of failure to renew shall be subject to the fee established for a new license upon reapplication. License fees are non-refundable in the amount established by resolution of the Board of Health.
8. An O&M Contractor must:
 - i. Complete any training required to conduct operation and maintenance inspections on any public domain technology system(s) or any specific proprietary system(s).
 - ii. All inspection reports from an O&M inspection are required to be submitted to the Department regardless of outcomes or findings.
 - iii. Submit any contract or any contract renewals for O&M system maintenance of a specific property to the Department.
 - iv. Alert the Department when an O&M contract for a property expires.
 - v. If the O&M Contractor suspects that the OWTS system is in a state of failure, they will inform the property owner and contact the Department with necessary information within 48 hours.

E. System Inspectors [43.4(K)(1)]

1. Beginning January 1, 2027, no person shall engage in the inspecting of septic tanks, vaults, holding tanks, or other components of OWTS Systems unless they hold a valid System Inspectors license issued by the Department.
2. The System Inspector license is non-transferable and shall follow the individual if they change employment.
3. An applicant for a System Inspectors license is required to submit all appropriate fees for testing, licensing, and renewal of an expiring license on forms supplied by the Department.
4. A System Inspector applicant must provide documentation of completion of the NAWT Inspection Training course or approved equivalent upon initial application for a license and anytime the NAWT Certificate is renewed thereafter.
5. Prior to the issuance or the renewal of a license, the Department may require the applicant to demonstrate adequate knowledge of these Regulations. This may include, but is not limited to, passing an exam prepared by the Department, submitting proof of attendance at professional conferences, or attending educational classes conducted by the Department.
6. A new System Inspector that is approved for a license beginning January 1, 2027 shall have their license expiration date set to final day of the month concurrently with the expiration of the applicable NAWT Certificate. Fees issued will be assessed for a period of two years.

7. A license which lapses because of failure to renew shall be subject to the fee established for a new license upon reapplication. License fees are non-refundable in the amount established by resolution of the Board of Health.
8. System Inspectors must:
 - i. Submit complete and accurate reports with information outlined in section 26.10 within seven days of inspection to the Department.
 - ii. All inspection reports from a system inspection that meet the criteria outlined in 26.10 of this Regulation are required to be submitted to the Department regardless of outcomes or findings.
 - iii. If the System Inspector suspects that the OWTS system is in a state of failure, they will inform the property owner and are required to contact the Department with necessary information within 48 hours.

F. License Holder Disciplinary Actions

1. Notice of Violation
 - i. A formal written document notifying the licensee that they have broken a law, local ordinance, or regulation. It serves as an official notice of non-compliance and often requires the correction of the issue within a specified timeframe to avoid further penalties.
2. Letter of Reprimand
 - i. A formal written warning indicating continued behavior following a formal Notice of Violation(s) or for a serious grievance that was deemed unacceptable by the Department and must not be repeated.
3. Probationary Meeting
 - i. A formal meeting following or in conjunction with a Letter of Reprimand to be held at the discretion of the Public Health Officer.
 - ii. A professional license is in probation for a period of time during which a license holder may continue practicing, but must adhere to specific conditions, such as additional training or regular reporting to the Department.
4. Suspension or Revocation of Licenses
 - i. Licenses for systems contractors, systems cleaners, O&M contractors, and system inspectors may be suspended or revoked by the Board of Health for failure to comply with these regulations.
 - ii. Revocation or suspension must take place after a hearing before the Board of Health. The license holder must be given no less than ten days' notice of the hearing and may be represented at the hearing by counsel.

- iii. The Board of Health may lift the suspension or revocation after a hearing at which it is determined that a person has corrected or rectified the conditions that caused the suspension or revocation.
5. Fines and Penalties
- i. Upon finding by the Board of Health that a person is in violation of this Regulation, the Board may assess a penalty of up to fifty dollars per day of violation. In determining the amount of the penalty to be assessed, the Board shall consider the seriousness of the danger to the health of the public that is caused by the violation, the duration of the violation, and whether the person has been previously determined to have committed a similar violation.
 - ii. A person subject to a penalty assessed pursuant to the OWTS Act may appeal the penalty to the Board of Health by requesting a hearing before the appropriate body. The request must be filed within thirty days after the penalty assessment is issued. The Board of Health shall conduct a hearing upon the request in accordance with section 24-4-105, C.R.S.

26.8 Variances [43.4(N)]

A. Variances Allowed

1. The Board of Health may approve a variance from a requirement of this Regulation within the restrictions of 43.4.N.5. Variances cannot be granted by staff.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance would not be injurious to public health, water quality, or the environment and would prevent a substantial hardship to the applicant.
3. Variances must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.

B. Variance Procedure

1. Variance requests must be provided in writing to the Douglas County Health Department within 60 days after a determination has been rendered. The applicant must bear the burden of supplying the Board of Health with sufficient evidence to document that the denied OWTS system shall be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of the Regulation,

comply with the declaration and intent of these Regulations, and comply with all applicable state and local regulations and required terms and conditions in any permit.

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

C. Variances Requiring Public Hearings.

1. Upon receipt of the request for a variance and all required information in 43.4(N)(2)(d), the Department shall schedule a public hearing before the Board of Health. The Department will issue a Public Notice of the Hearing and may send notice via certified mail, with a minimum 20 day reply time from the date of mailing, to all adjacent property owners. The applicant, engineer, other subject matter experts and/or adjacent property owners may attend the hearing and present testimony regarding the request for a variance. Applicants may also be represented by legal counsel at any public hearing or meeting. Such review must be conducted pursuant to the requirements of C.R.S. 24-4-105.
2. Following the Public Hearing, the Board of Health shall vote on the proposed variance. Approval of the variance shall require a majority vote of the Board of Health. The applicant will receive written notification of the decision regarding the request for a variance. Variances 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 party obtaining the variance.

26.9 Transfer of Title Inspections [43.4(L)]

- A. Douglas County Health Department does not require a property owner of a residence or other building/facility served by an OWTS to have a required inspection of that system to demonstrate that the system is functioning according to design prior to the covered transaction of a property.

26.10 Permit for the Continued Use of an On-Site Wastewater Treatment System [43.4.M]

A. Events Requiring Use Permits

1. The owner of a property served by an OWTS shall obtain a Use Permit, or the renewal of a Use Permit, as applicable prior to the occurrence of one or more of the following events:
 - i. Following a new installation, construction, alteration or repair of an on-site wastewater treatment system.
 - ii. A major remodel as defined by these Regulations.
 - iii. A change in use of the property from residential to commercial.
 - iv. The addition of an auxiliary building or accessory structures with plumbing.
 - v. The addition of auxiliary dwelling units (ADUs).
 - vi. Prior to receiving Department approval for a short-term rental (STR).
 - vii. The connection of a modular unit or a mobile home to the system.
 - viii. The expiration of a Higher-Level Treatment system Use Permit.
 - ix. Other conditions that the Department may deem appropriate.
2. A use permit will not be required in the following situations:
 - i. Properties with an OWTS that were never connected to a dwelling or structure or were never occupied.
 - ii. Covered Transactions

B. Application Requirements for a Use Permit

1. The applicant must all required information to the Department when applying for a Use Permit or upon renewal of a Use Permit.
2. Completed application on the forms provided by the Department, including:
 - i. Owner's name and contact information
 - ii. Physical address of property
 - iii. Legal description of property
 - iv. Name of Systems Inspector including the inspector's NAWT certification number or any other Department approved certification number.
 - v. Date and time of inspection(s)
3. For Higher Level Treatment applications see additional requirements in section 26.12 of this Regulation.
4. At the time the application is submitted, a non-refundable Use Permit fee will be collected in the amount established by resolution of the Board of Health, as outlined in the Current Fee Schedule.

5. Applications for a Use Permit will expire twelve months from the date of application, unless a Use Permit is issued. A new application must be submitted to the Department to pursue obtaining a Use Permit.

C. Inspection Requirements for a Use Permit

1. A completed inspection report on forms supplied by the Department with applicable comments on the existing OWTS system conducted by a licensed Systems Inspector verifying the condition of the OWTS system and was conducted within the previous 12 months.

- i. Verification that the OWTS system was originally permitted and approved by the Department.
- ii. Tanks shall be inspected to assure that they are structurally sound and that all components such as lids, baffles, tees, vents, etc. are present and in good condition.
- iii. All components that are found to be in a state of malfunction or failure shall be noted and disclosed within the inspection report.
- iv. Documentation on the septic tank condition. At minimum:
 1. A structurally sound septic tank, in good working order, and provided with safe and secure lids. The liquid level in the tank shall not be below the outlet invert. The liquid level in the tank shall not be above the outlet invert.
 2. All internal devices and components such as tees, effluent filter and baffles that were originally provided with the tank or added later must be intact and in working order.
 3. Verification that the system has been pumped within twelve months of the Use Permit inspection date.
- v. Documentation on the condition of soil treatment area. At minimum:
 1. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure.
 2. There are no unapproved wastewater discharges from the system or structure.
- vi. Documentation on the mechanical component conditions. At minimum:
 1. Alarms, control devices, components, and other mechanical devices necessary for the operation of the system are present and in good working order.

- vii. Verification that all deficiencies identified during the inspection, as set forth in inspection report(s), have been corrected in accordance with these Regulations.
 - viii. Other criteria deemed appropriate by the Department.
 - 2. All Use Permit inspections shall include applicable photos documenting observations and/or deficiencies to include the following:
 - i. System cleanout(s), tank(s), tank orientation, risers and lids, interior of tank, inlet line, outlet line, baffle(s)/tee(s), operational water levels, effluent filters, pump chambers and related components, floats, valve/control boxes, STA area, automatic distributing valves, D boxes, flushing valves, observation ports from grade, observations ports interior, and any other items deemed necessary by the Department.
 - 3. For Higher Level Treatment inspections see additional requirements in section 26.14 of this Regulation.
- D. System Evaluation and Determination for Issuance of a Use Permit
 - 1. Items noted in the inspection report that do not comply with the following criteria and conditions must be corrected along with obtaining necessary permits and inspections prior to the issuance of a Use Permit:
 - i. Any OWTS system determined to have a “Malfunction/Deficiency” as defined in this Regulation shall be repaired by a licensed Systems Contractor in accordance with the terms of these Regulations.
 - ii. Any OWTS system determined to be in “Failure” as defined in this regulation shall be reported to Douglas County Health Department for review within 48 hours and a licensed Systems Contractor shall obtain any required permits prior to completing repairs.
- E. For Higher-Level Treatment System Evaluation and Determination for Issuance of a Use Permit see 26.14.
- F. Issuance of a Use Permit
 - 1. An OWTS system that is determined to be functioning in accordance with the Regulations will be issued a Use Permit by the Department, setting forth any terms and conditions of approval.
 - i. Statement of the size, type and capacity of the system and a record drawing, either from the Department’s records or from the inspection reports
 - ii. Evidence of past system failures as shown in Department’s records
 - iii. Circumstances or factors that may have affected the ability of the inspector to evaluate the system

- iv. Whether the system meets the permitting requirements of the Department
 - v. Other information the Department may deem appropriate.
 2. The Use Permit will remain valid for a maximum period of twelve months from the Use Permit inspection date. Permits may be extended. See 26.4(A).
- G. Conditional Use Permit
 1. If it is determined by the Department that an OWTS does not meet the requirements for issuance of a Use Permit, a Conditional Use Permit may be issued, provided that the property owner agrees to obtain a permit and complete all necessary repairs to the system, or connect to a sanitation district, within ninety days. The property owner must submit a signed Agreement to Repair form and have it notarized prior to the Department issuing a Conditional Use Permit.
 2. If conditions are as such that they limit the property owner's ability to complete the required repairs within ninety days, the Department may extend the Conditional Permit for no longer than twelve months on a case-by-case basis if good cause is demonstrated.
- H. Revocation of a Use Permit
 1. A Use Permit must be revoked if it is determined that the system is no longer functioning in accordance with this Regulation or that false or misleading material statements were made on the application or inspection reports.
 2. Any change in design or specifications of the OWTS after the permit has been issued invalidates the permit unless the permit holder receives written approval from the Department for such changes.
 3. The Department may revoke a Use Permit for non-compliance with the permit conditions or the requirements of these Regulations.
- I. Penalties
 1. Failure to obtain or renew a Use Permit as provided by this Regulation will subject the owner who failed to obtain the Use Permit to the penalties as more fully set forth in C.R.S. 25-10-113.

26.11 Special Soil Types Requiring Different Testing Procedures [43.5(D)(4)(e)(6)]

A. Requirements for Dawson Arkose (DA) and cemented sands (CS) Soil

1. Dawson Arkose (DA) and cemented sands (CS) have characteristics of Type 3A and 4A soils, from Table 10. In addition, DA may be cemented to varying degrees. If DA or CS are present on the site, the site evaluator will determine if the DA or CS is suitable soil.

2. At minimum, the site evaluator will evaluate the following characteristics:
- i. Whether the material is fractured and jointed.
 - ii. The cementation class of the DA or CS, as applicable. Using the cementation classes from the Rupture Resistance Table on page 2-63 of the Natural Resources Conservation Service Field Book for Describing and Sampling Soils, National Soils Survey Center NRCS-USDA, 2012 (NRCS Field Book), the following cementation classes will be considered suitable: Non-Cemented (NC), Extremely Weakly Cemented (EW), Very Weakly Cemented (VW), Weakly Cemented (W). If the DA or CS has the following cementation classes, it will be considered a limiting layer: Moderately Cemented (M), Strongly Cemented (ST), Very Strongly Cemented (VS), Indurated (I).
 - iii. The DA or CS material is within four feet of the deepest infiltrative surface of the trenches.
 - iv. At a minimum, Dawson Arkose and Cemented sands will be classified as a Type 3A soil, unless, based on additional data or information, the professional engineer recommends it be classified as Soil Type 4, 4A, or 5.
 - v. The table below summarizes characteristics 1 and 2 above. A “yes” answer to either question below means the material is unsuitable.

CHARACTERISTIC	ANSWER (A YES ANSWER MEANS THE DA OR CS IS A LIMITING LAYER)
Is material fractured and/or jointed?	Yes / No
Is the cementation class M, ST, VS, or I?	Yes / No

- vi. In Dawson Arkose, the percolation rate measurement test shall be a minimum of four hours, or until the last three successive drops vary by less than one minute per inch, whichever is greater.

26.13 Requirement for the On-Site Evaluation of Soil Profile Test Pits or Percolation Holes [43.5(E)]

- A. In Dawson Arkose, a percolation test conducted shall be a minimum of four hours, or until the last three successive drops vary by less than one minute per inch, whichever is greater.

26.14 Oversight program of inspections, maintenance, recordkeeping and enforcement for higher level treatment systems [43.14(D)]

- A. In addition to the Use Permit application requirements outlined in 26.10(B) of this Regulation, for higher level treatment systems, the following will also apply:
1. Location of OWTS specifying location of septic tank, higher level treatment system (if present), soil treatment area and other components.
 2. Description of OWTS installed.
 3. The type of higher-level treatment system and level of treatment to be provided.
 4. Name of service provider.
 5. Copy of operation and maintenance service contract of at least one year duration.
- B. In addition to the Use Permit inspection requirements outlined in 26.10(C) of this Regulation, for higher level treatment systems, the inspection and maintenance of a system shall be performed by a licensed O&M Contractor in accordance with the manufacturer's recommendations or by using the following, whichever is more stringent.
1. Tanks shall be inspected to assure that they are structurally sound and that all components such as lids, baffles, tees, vents, etc. are present and in good condition. The liquid level in the tank shall not be lower than the outlet invert.
 2. Effluent filters shall be inspected and cleaned at an appropriate interval to assure proper function
 3. Each motor, pump, and all associated appurtenances shall be inspected to ensure that they are operating properly.
 4. Internal electrical connections shall be inspected to assure that they are not damaged or otherwise subject to corrosion or damage that could cause a failure or electrical short-circuit.
 5. The control panel and its appurtenances shall be inspected to assure that all components such as timers, event recorders or counters, audible and visual alarms, auto-dialers, etc. are functioning properly. Batteries shall be checked and replaced as needed.
 6. Components intended to agitate or introduce air into the wastewater such as impellers, air jets, bubblers, air diffusers, aspirators, paddles, etc. shall be inspected to assure that they are functioning properly and are free from lint, hair, and other debris. Blowers or compressors shall be inspected to assure that they are operating properly and that vents are clear and air filters

are cleaned or replaced. If so equipped, the ammeter or voltage regulator shall be checked to verify that the motor is not drawing excess current.

7. All components such as media filters, sand filters, suspended growth media, etc. shall be inspected to verify that there is no damage, excess sludge buildup, clogging, filter bridging, etc. and that spray or dispersal nozzles are free from debris and are functioning properly.
 8. The STA shall be inspected to verify that no wastewater is being discharged onto the surface of the ground and that it is not being impacted by erosion, runoff, excess or improper vegetation, or compaction.
 9. The service provider shall also note any unusual or abnormal conditions such as excessive or strong odors, noise, improper wastewater color and odor, etc. that may indicate an operational problem with the system.
 10. Upon completion of the service inspection the service provider shall close and secure all inspection or access ports, reset the control panel, and restore the system for normal operation.
- C. In addition to minimum criteria for issuance of a Use Permit outlined in 26.10(E) of this Regulation, for higher level treatment systems, a Use Permit shall specify the following for each component that requires routine maintenance, including:
1. Type, make, and model of the component(s) requiring maintenance.
 2. Name of the Systems Maintenance Provider including the provider's NAWT certification number or any other Department approved certification number.
 3. Length of service contract and the expiration date of the contract.
 4. Required service intervals.
 5. Reporting requirements to include, at a minimum:
 - i. Date system was inspected and/or serviced.
 - ii. Condition of system at time of inspection.
 - iii. Maintenance tasks performed, if any.
 6. Sampling requirements, if applicable.

26.15 Additional local requirements, as needed.

- A. Appendix A to OWTS Regulations for Douglas County Health Department

APPENDIX A TO OWTS REGULATION FOR DOUGLAS COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATION

26.15 Definitions and Abbreviations:

A. Architectural Drawing: see Construction Documents.

B. Accessory Structure: a subordinate structure detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

C. Accessory Dwelling Unit (ADU): an attached or detached unit situated on one lot with an established principal dwelling which shall not be held in ownership by other than the owner of the principal dwelling. The ADU shall be arranged, designed, or intended for occupancy by not more than one family in compliance with the County building code.

1. **Attached ADU:** An ADU that is attached to the principal dwelling unit as either an addition to the dwelling or a conversion of existing space within the dwelling.
2. **Detached ADU:** An ADU that is detached from the principal dwelling unit.

D. Bedroom: any space or room within a dwelling having a floor area at least seventy square feet and with any two of the following factors shall be considered as a bedroom:

1. Has doors and walls to separate it from other habitable spaces
2. Includes an egress window
3. Meets the definition of a sleeping loft
4. Has a closet or any other provision for clothing storage
5. Is intended for sleeping

Rooms or spaces determined by these criteria to be bedrooms, regardless of any assigned names, labels, or intended use proposed by the building designer or owner, must be included in the overall bedroom count in terms of sewage flow calculation.

E. Blueprint: see Construction Documents

F. Construction Documents: written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the

elements of a project necessary for obtaining a building permit. Construction drawings shall be drawn to appropriate scale.

G. Covered Transaction: means the transfer, sale, conveyance or change in ownership of any real estate property served by an onsite wastewater treatment system, excluding the following:

1. Change in ownership solely to include or exclude a spouse or child(ren)
2. Transfer subject to life estate
3. Transfer to effect foreclosure or forfeiture of real property, (does not include the subsequent sale of the foreclosed property after being titled to the foreclosing entity)
4. Transfer by redemption from a tax sale (does not include the subsequent sale of the property after being titled to the foreclosing entity)
5. Transfer of property containing premises that have been demolished or are otherwise uninhabitable
6. Transfer for the vacation or granting of a public right of way
7. Transfer from a person to a trust or to themselves as trustee(s) of a trust estate
8. Properties with onsite wastewater treatment systems that have never been used
9. New homes that have not yet been occupied
10. As otherwise determined by the Department

H. Chatfield Reservoir Control Regulation: means Water Quality Control Regulation Number 73, promulgated by the Colorado Water Quality Control Commission as authorized by C.R.S. 25-8-205.

I. Chatfield Watershed: means all portions of Plum Creek, its tributaries, and the South Platte River downstream of the Strontia Springs Reservoir outfall.

J. Chatfield Watershed Authority: means the organization formed by local governments and Title 32 Districts, industry, corporations, and other entities within the Chatfield Watershed to implement point source, non-point source and stormwater controls.

K. Cherry Creek Basin: means the basin consisting of the drainage basin of Cherry Creek, as defined in C.R.S. 25-8.5-104.

L. Cherry Creek Basin Water Quality Authority: means a quasi-municipal corporation and political subdivision of the state, created pursuant to C.R.S. 25-8.5-103.

M. Cherry Creek Reservoir Control Regulation: means Water Quality Control Commission Regulation Number 72 (5 CCR 1002-72), promulgated by the Colorado Water Quality Control Commission pursuant to C.R.S. 25-8-202 (1) (c) and C.R.S. 25-8-205.

N. Dawson Arkose: means the Dawson Arkose formation of the Front Range of Colorado within the hydrogeological area known as the “Denver Basin”. Although cementation of the Dawson Arkose can vary from non-cemented to indurated, in some locations, the Dawson Arkose has the characteristics of Type 3A and 4A soils, from Table 10 in Appendix A. A moist sample of Dawson Arkose will typically exhibit cohesive behavior which allows the Dawson Arkose to form into a mass, which has low to high compressive strength when dried.

O. Department: means the Douglas County Health Department and its employees.

P. Dwelling: means a building or portion thereof permitted for, and used exclusively for, residential occupancy, including single-family, two-family, and multi-family dwellings, but not including garages, barns, recreational vehicles, tents, or similar structures.

Q. Higher Level Treatment (HLT): means designated treatment levels other than treatment level 1 (See Table 6-3). Sand filters are considered HLT systems at the discretion of the Department.

Hotel Unit: means a portion of a structure that is used by a business establishment to provide commercial lodging to the general public for predominantly overnight or weekly stays, classified as a hotel or motel for purposes of property taxation, and not a unit in a condominium as defined in section 38-33.3-103 (30) C.R.S.

R. Lodging Unit: any dwelling, but not a portion thereof, that is available for Short-Term Rental; except that the term excludes a Hotel Unit.

S. Major Remodel: means the manipulation of an existing dwelling or accessory dwelling unit which includes the addition of a bedroom and/or adds an additional source of wastewater.

T. Personal Use Statement: a notarized document used by a property owner to show that a structure will not contain a bedroom and/or the property owner will not use a structure for residency.

U. Short Term Rental (STR): a Lodging Unit available for lease for a term of less than thirty consecutive days.

V. Sleeping Loft: a space designated for sleeping on an intermediate level or levels between the floor and ceiling of a story, open on one or more sides to the room in which the space is located.

26.17 Qualifications for a Competent Technician of Design [43.5(I)]

- A. Design Competencies needed:
 - 1. Knowledge and ability to prepare required design documents
 - 2. Understand principles of OWTS sizing and design
 - 3. Understand function and capacities of system components
 - 4. Understand sizing and design criteria of system components
 - 5. Identify and select appropriate components for site surface and subsurface conditions
 - 6. Understand construction and installation methods and operation and maintenance requirements of OWTS
 - 7. Demonstrations of competence in OWTS design
- B. Obtaining an approved OWTS designer certification through a certifying organization {such as CPOW/NAWT or equivalent} which includes a course with an exam to verify acceptable completion of the course with a passing grade.
- C. The Division or Department shall approve training for OWTS design.

26.18 Detailed Soil Investigation [43.5.F.1.c.]

- A. Soil investigations shall only be good for twelve months from initial date of evaluation.

26.19 Wastewater Flow and Strength [Table 6-1] [43.6.A.2.d and e]

- A. For homes up to and including three bedrooms, the assumed number of persons per bedroom is two for design purposes.
- B. For homes with more than three bedrooms, the assumed number of persons is six persons (first three bedrooms x two persons per bedroom) plus one additional person for each bedroom more than three bedrooms.
- C. Determining the number of bedrooms should involve the use of all available information including the assessor's website, a real estate advertisement, the number of bedrooms on an application, the number of bedrooms in the historical file, etc.
- D. The Department may require a Construction Documents of any structure intended to be served by an OWTS system.

26.20 Properties with Accessory Structures [43.6.A.3]

- A. A person shall not connect more than one dwelling, commercial, business, institutional, or industrial unit to the same OWTS unless such multiple connection was specified in the application and design submitted and in the permit issued for the system.
- B. If a dwelling has an accessory structure, the flow may be conveyed into to a separate OWTS constructed to handle the additional flow.
 - 1. If the auxiliary building or accessory structure has a separate OWTS, the facility must be sized based on Table 6-2 and a septic tank detention time of 48 hours.
- C. If a dwelling has an accessory structure, the flow may be conveyed into the OWTS of the dwelling if the Department determines the existing system is adequately sized to handle the additional flow.
 - 1. If the flow from the accessory structure is only generated by residents of the dwelling, it will be assumed that the OWTS for the dwelling will be adequately sized if the flows are combined. The Department will require a Personal Use Statement form in these instances prior to issuing a permit.
 - 2. If the auxiliary building or accessory structure will have users in addition to the residents of the dwelling and the flow will be connected to the OWTS of the dwelling, the OWTS must be able to accommodate the increased flow prior to issuing a permit. The Department will require permitted upgrade(s) in instances when an OWTS cannot accommodate the additional flow.

26.21 Properties Used as Short Term Rentals (STR)

- A. For properties applying to be used as a Short-Term Rental (STR), a Use Permit inspection as outlined in 46.10 shall be completed prior to receiving Department approval.
- B. The number of allowable guests will be based on the size of the original design of the OWTS. If the Department determines that there are discrepancies between the OWTS installed and the proposed use, upgrades will be required prior to receiving a permit for use as a short-term rental.
- C. For properties that will be used as a short-term rental served by a sealed vault, a signaling device with both an audible and visual alarm is required.

26.24 Maximum Distances Between Components of an On-site Wastewater Treatment System and Physical Features [43.7.D]

- A. Components of an OWTS listed in Table 7-1 must be installed or located in accordance with the minimum distance requirements provided in the table or such increased distances provided by local board of health regulations.
- B. The Department may permit the installation of an OWTS at a reduced property line setback as outlined in 43.7.D.1.

26.25 Electrical Equipment, If Used [43.8.F.2]

- A. Systems Contractors shall verify and obtain an electrical permit if the local building code requires a permit.
- B. If electrical wires are shallower than 24 inches, wires must be placed in conduit and/or a Ground Fault Interrupter must be present.

26.26 Requirements for New On-Site Wastewater Treatment Systems In Floodplains [43.8.K.2]

- A. The Cherry Creek Basin Water Quality Authority, Reservoir and Watershed Water Quality Management Goals and Objectives, include the following: Reduce septic system loads (phosphorus) in the Cherry Creek Basin. Consequently, new systems permitted and installed within the Cherry Creek Basin in soil type 1, as indicated in Table 10 in Appendix A, or having percolation rates faster than (less than) 15 minutes per inch shall be subject to the following additional requirements:
 - 1. Soil treatment areas shall be either alternating or sequencing zone systems, in accordance with 43.10.F.4 and 43.10.F.5.
 - 2. The alternating or sequencing zone system must be pressure dosed in accordance with 43.10.E.3.
 - 3. Soil treatment areas' sizes may be adjusted in accordance with 43.10.D.

26.27 Inlet tee must consist of sweeping bend [43.9.B.4.c]

- A. Inlet tee must consist of a sweeping bend.

26.28 Abandonment of Tank and Other OWTS Components [43.9.C]

- A. Within 30 days, the Department shall be notified by a property owner, a Systems Contractor, or the Public Sewage District whenever a tank, soil treatment area, seepage pit, cesspool, privy or vault is abandoned.
- B. The following information shall be submitted as part of the notification:
 - 1. Photos shall be submitted showing proper abandonment
 - 2. A receipt of pumping by a licensed Systems Cleaner

3. Signature from the representative of the public sewer service indicating they are providing sewer service, if applicable.
- C. Abandonment of a Tank see 43.9(C)
- D. Abandonment of Other OWTS Components
1. An absorption bed or trench, mound, or evaporation system may be abandoned in place by disconnecting and capping the inlet line.
 2. A seepage pit, cesspool or other system that contains a large internal void shall be abandoned by pumping out the liquid contents, capping or removing the inlet line, then either collapsing the void or filling with soil or other inert materials to prevent subsidence or collapse.
 3. A non-vaulted privy shall be abandoned by pumping any liquid material from the privy pit, treatment with quicklime or other approved disinfectant, then backfilling the pit with soil or inert materials. The privy structure may remain in place provided the stool is removed or covered, or a solid floor is placed in the structure.

26.28 Length of Distribution Laterals [43.10.E.2.b and c]

- A. The maximum length of distribution laterals must not exceed 150 feet.
- B. Distribution laterals longer than 100 feet must be pressure dosed or through the application of the effluent must be at the center of the lateral through a distribution box.

26.30 Inspection Ports [43.10.F.6.d]

- A. The Department requires inspection ports at the initial end of each lateral in a trench system.

26.31 Design Criteria – Other Facilities [43.12.D.1 and 2]

- A. Vault Privy
 - a. The installation of new vault privies is allowed.
 - b. The continued use of existing pit privies is allowed.
- B. Pit Privy
 - a. The installation of new pit privies is prohibited.
 - b. Existing pit privies shall be abandoned.

26.32 Allowances for Soil Treatment Area Reduction Size [43.12.E.2 and 43.14.D.2]

- A. The Department will permit reductions in soil treatment area (STA) and horizontal and vertical separation distances based on the higher level treatment of effluent.

- B. The use of a composting or incinerating toilet will not reduce the required size of the OWTS.