



DELTA COUNTY
ENVIRONMENTAL HEALTH

ON-SITE WASTEWATER TREATMENT SYSTEM (OWTS) REGULATIONS

Delta County Board of Health

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1.1 Title and Authority

These requirements will be known as the “Delta County On-site Wastewater Treatment Systems Regulation.”

These requirements have been adopted by the Delta County Board of Health (“Board”) pursuant to and under authority contained in the Water Quality Control Division’s (hereafter “Division”) On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated Delta County Health Department (“Department”) Director (“Environmental Health Director” hereafter “*EH Director*”) or his/her designee to implement these Regulations on behalf of the Delta County Board of Health.

1.2 Scope and Purpose

A. Declaration

1. This regulation applies to On-site Wastewater Treatment Systems (hereafter “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 OWTS with a design capacity less than or equal to 2,000 gallons per day within Delta County, Colorado.

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 Delta County. These Regulations also apply to any OWTS approved for use by, and located within the following municipalities: Town of Cedaredge, Town of Crawford, City of Delta, Town of Hotchkiss, Town of Orchard City, and Town of Paonia.
2. Whenever the term local board of health or local public health agency is used in this regulation, said terms must also include the Division under its designated authority for the purposes of administering and enforcing the provisions of this regulation where necessary to protect the public health and environment.

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

1. Prohibition of OWTS Where Public Sewer Service is Available. 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. In such cases, it is the responsibility of the applicant to provide evidence denying connection to a public sewer service.

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.

1.3 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, April 30, 2018”, 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 or require additional elements prior to permitting due to local ordinance or resolution, and included in these Regulations. All aspects of an OWTS 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. Additional Division technical guidance may be provided by the Department to assist with the statewide application of sections of Regulation 43.

2. Allowable local options identified in Regulation 43 and the designated decisions for these Regulations are identified in the attached *"Appendix A to OWTS Regulations for Delta County."*
3. Reductions in soil treatment area size or separation distances, and wide beds with higher level treatment units are allowed under these regulations. Area is allowed provided that oversight for inspection and maintenance of higher level treatment units is conducted according to section 1.10 of these regulations.

1.4 Permits and Fees

A. Permits [43.4(B)]

1. Prior to installing, modifying, or repairing an OWTS (permitted or previously unpermitted), the applicant must obtain a permit from the Department. An unpermitted OWTS must obtain an emergency permit and undergo an operational inspection prior to or during modification or repair using a department provided inspection form or equivalent National Association of Wastewater Technicians form (NAWT) and the OWTS shall be upgraded to meet the requirements of these regulations. Inspection reports shall be provided to the department by the inspector and become part of the permit. A copy of the Department's inspection form is provided on the Department's website (www.deltacounty.com).
2. The permit application must include information identified in section [43.4(B)(3)] of Regulation 43 and 1.5(A) of this regulation.

If the application for a new OWTS is submitted for a lot size of less than .5 acres, the permit shall be denied. If the property is not of sufficient size to accommodate a conforming OWTS while meeting all setbacks, an OWTS permit shall be denied. Board of Health review may be permitted under 1.5(B) of these regulations.
3. An OWTS permit expires one (1) year after the date of issuance if construction has not commenced. Applications will be purged from the Department's system if not renewed within 24 months. On a case by case basis, a permit renewal may be granted after review by the EH Director and may require submission of an updated design.
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 EH Director. After a permit is invalidated, a new application and subsequent permit is required to begin construction along with an updated engineer's design.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit. Continued use of the system requires that the property owner obtain an emergency permit from the Department prior to repairing the system.
6. Application for a product development permit (i.e. novel design or product installation) may be approved by the EH Director consistent with requirements of section [43.4(l)] of Regulation 43.

7. Property ownership changes: Permits, applications, and their attachments (i.e. design, site and soil evaluation) are non-transferable.
 8. Source and type of water supply: Permit applicants will provide the engineer and the Department with information of source and adequacy of water supply. Pursuant to Delta County [Land Use Code](#) [Chapter 5, Section 3(B)3], adequate evidence shall be provided that a water supply that is sufficient in terms of quality, quantity, and dependability will be available to ensure an adequate supply of water for the type of subdivision or development proposed. In cases where above ground water tanks are used as a source of potable water, the setback distance for cisterns shall not apply so long as the tank itself doesn't make contact with the ground.
 9. Conditions for Temporary Occupancy of a Dwelling [43.4 (O) 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. Pursuant to Delta County Land Use Code [Chapter 2, Section 3(B)2]: A recreational vehicle, or other similar structures not intended for permanent living, may be considered single-family detached residences when connected to permanent, reliable infrastructure, including power, water, and either sewer or a permitted individual sewage disposal system.
 10. Floodplain: No permits shall be issued for systems to be repaired, altered or installed within a floodway. Permits will be issued for structures in the 1% ~~and 2%~~ floodplain (100yr ~~& 500yr~~) only after a structure has obtained a Floodplain Permit from the Department.
 11. Multiple Systems: A permit is required for each system when multiple systems are installed on a single property.
- B. 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. A copy of the Fee Schedule that includes the OWTS fee is contained in Attachment A. Fees are reviewed and set by the Board of Health annually at the January meeting. In some cases fees paid may be returned when applications are incomplete or determination is made by the EH Director that fees are unnecessary, or the Board of Health may determine, upon review on a case-by-case basis, that the fees place undue financial hardship on the applicant.
 2. Waiver of fees [43.4(B)(4)(c)]: The EH Director may waive the fees either in cases of extreme financial hardship.
- C. Surcharge [43.4(B)(5)]
1. A surcharge of \$23.00 will be collected for each permit issued by the Department and included in the cost of the permit listed in the Fee Schedule. Of that fee, the Department will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding its OWTS program.

1.5 Application Review

- A. Engineered Designs [43.5,6.A.2.a]
1. Registered Professional Engineer Designs:
 - a. All new construction and new installation of onsite wastewater treatment systems shall be designed by a registered professional engineer, except for the following systems: vaults, and repairs, or replacement of existing systems where registered professional engineer designs are otherwise required according to 1.5(A)1c.

Designs submitted to the Department by an engineer for approval shall be site specific.

- b. The design plans submitted, either hardcopy or electronically, by an engineer shall include all items in the Site and Soil Evaluation Design Document [43.5.G], in addition to the following:
 - i. site plan (plan view) drawn to scale that includes relative distances,
 - ii. design data sheet that includes all sizing rationale,
 - iii. elevation drawing with cross sections showing grade/slope with construction details, from the house to the leach field identifying OWTS components,
 - iv. property boundaries, floodplain, easements and rights-of-way (ROW's),
 - v. addresses for each habitable structure shall be obtained from the authorizing agency pursuant to Delta County Resolution 2007-R-44.
 - vi. concise step-by-step construction technique, along with specifications of materials and equipment to be used,
 - vii. Registered Professional Engineer's stamp or seal on the plan certifying the final design,
 - viii. soils evaluations and percolation test results performed by the Engineer according to [43.5(D)],
 - ix. Soil profile test pit excavation locations (lat/long),
 - x. written instructions for installation, AND a schematic for tank and pump, with specifications including float heights and alarm type/placement.
- c. The following seven categories of OWTS must be designed by a professional engineer in all cases (new, replacement, or repair). These systems are also subject to the provisions of 1.5(A)3.
 - i. Systems which service exclusively domestic type wastewater from commercial business, institutional, industrial property or multi-family dwellings.
 - ii. For soil types 3A, 4, 4A, 5, R-0, R-1, and R-2, and Treatment levels TL2, TL2N, TL3, and TL3N as specified in Tables 10-1 and 10-1A of Regulation 43.
 - iii. Where soil replacement, mounding or pressure dosing is used.
 - iv. The ground slope is in excess of thirty percent.
 - v. Higher level treatment systems [43.11].
 - vi. Evapotranspiration and Evapotranspiration/Absorption Systems and Non-Pressurized Drip Dispersal System (NDDS).
 - vii. OWTS which have not been otherwise accepted by the Division pursuant to section [43.13(D)]. These OWTS must be permitted in accordance with [43.4(I)].

2. OWTS Sizing and Design Requirements-Wastewater Flows

- a. Single Family Homes:
 - i. Design flow per person must be 75 gallons per day (gpd). [43.6.A.2.a]
 - ii. The minimum design flow for a new home must be for a two-bedroom house unless otherwise noted in this regulation. The minimum design flow for the repair or replacement of an OWTS of an existing one-bedroom home must be for one-bedroom unless bedrooms are added. [43.6.A.2.c.]
 - iii. Single Family Residential Design flows shall be calculated by the following criteria: Bedrooms 1 through 3: 2 people per bedroom; All additional Bedrooms: 1 person per bedroom. [43.6. Table 6-1]

- iv. The Department has the authority to allow adjustment to these flows on a case by case basis as described in sections [43.6.A.2.b.] and [43.6.A.2.f].

3. Effluent Screens [43.9.J]

- a. Effluent screens may be installed at the option of the owner, except in the following circumstances:
 - i. If the OWTS is designed by an engineer and an effluent filter is required.
 - ii. If a pump or dosing siphon is used to remove septic tank effluent from the final compartment of a septic tank, the effluent must be filtered prior to dispersal into the soil treatment area. An effluent screen, pump vault equipped with a filter cartridge, or a filter on the discharge pipe, would be considered acceptable. [43.9.J.2]
 - iii. Where an ejector pump, grinder pump or non-clog pump is proposed for use prior to the septic tank, an effluent screen must be installed on the outlet of the septic tank. [43.9.J.5]
- b. The effluent screen must be cleaned at manufacturer-recommended intervals, or more often, if use patterns indicate. [43.9.J.3]
- c. The handle of the effluent screen must extend to within 12 inches of grade.

4. Design Criteria – Other Facilities

- a. Vaults may be permitted for temporary use, occasional use, or seasonal use where a property cannot accommodate an OWTS with a soil treatment system. Vaults and vault privies may be approved for use by the EH Director provided that they meet the criteria in section [43.12.C].
- b. New Pit Privies are prohibited [43.12.D.2.a]. Pit privies currently in existence may continue to be used unless the use of the pit privy is deemed to be harmful to the public health or environment.
- c. New and existing Slit Trenches are prohibited and notice of violation will be served to property owners. [43.12.F].

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

- 1. When a permit application is denied by the Department an applicant may appeal to review by the local board of health. This review is not subject to the requirements for Variance in section [43.4(N)].
 - a. A request for administrative review by the Board of Health shall be made within sixty (60) days of the date of denial, as established by the date of the USPS postmark, confirmation of receipt gained via an email reply of such by the respondent, of an application or plans by the Director, or assessment of a fee or fees paid. Application shall be made on forms provided by the Department.
 - b. The applicant must bear the burden of supplying the local board of health with sufficient evidence to document either:
 - i. that the denied system will 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 this regulation, and comply with all applicable state and local regulations and required terms and conditions in any permit issued pursuant thereto,
 - ii. or that a hardship exists which would place an undue burden on the applicant..
 - c. Denial shall become final upon the expiration of time for filing a request, or when final action is taken on a request by the Board, whichever is later.

d. Such review must be conducted pursuant to the requirements of section 24-4-105, C.R.S.

1.6 Inspections [43.4(E)]

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

1. The applicant must contact the Department at least 3 days prior to inspection so that the Department can conduct a field inspection of the septic tank and all wastewater piping before backfilling. Approval of the completed system shall not be granted without inspection by the Department.

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

1. The applicant must contact the Department at least 3 days prior to inspection so that the Department can conduct field inspection of the soil treatment area and all related components of the OWTS prior to being backfilled. Approval of the completed system shall not be granted without inspection by the Department.

C. Unpermitted Systems and Enforcement Inspections [43.4(D)(E)(G)(H)(1)]

1. For any existing unpermitted OWTS in Delta County to receive an emergency permit for modification or repair, the property owner shall have the tank pumped and the OWTS inspected by the Department, a Professional Engineer ("P.E."), or a certified NAWT Inspector, and must receive an inspection report for an emergency permit to be issued.
2. Applications for emergency permit and inspection reports must be made on forms furnished or approved by the Department. Inspectors must be a Professional Engineer ("P.E."), or a certified by National Association of Wastewater Technicians (NAWT) or an equivalent program approved by the Department. Inspectors for higher level treatment systems must have training relevant to the specific system or certification by the equipment manufacturer. The applications must include, as appropriate:
 - a. Owner's name and contact information;
 - b. Physical address of structure for the OWTS;
 - c. Legal description of property;
 - d. Name of Inspector, Inspector's NAWT, P.E., or other applicable certification number;
 - e. Date and time of the inspection(s);
 - f. A septic tank inspection report completed within the previous 12 months, including a septic tank location and pumping receipt, when applicable, based on the inspection report;
 - g. An inspection report completed within the previous 12 months for any mechanical components such as pumps, alarms or higher level treatment systems; and
 - h. An inspection report completed within the previous 12 months providing a detailed report noting the condition of the soil treatment area.
3. For the purpose of inspecting and enforcing applicable regulations, the terms and conditions of any permit issued, and investigation and responding to complaints the Department is authorized to enter upon private property at reasonable times and upon >3 days notice for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and applicable regulations adopted pursuant thereto and the terms and conditions of any permit issued and to inspect and conduct tests in evaluating any permit application. The owner or occupant of every property having an OWTS must permit Department staff access to the property to make inspections, conduct **non-destructive** tests, take samples and monitor compliance. Owner/occupant authorized non-destructive testing obtains information on system

- performance, soil chemistry, and equipment integrity without the risk of damaged equipment or degraded soils conditions.
4. If access is denied, the Department may apply to a court of competent jurisdiction within Delta County for an order authorizing entry.
 5. Whenever the Department determines that any installed system is not functioning in compliance with this Regulation, Regulation 43 or the OWTS Act or finds that any such system constitutes a hazard to public health or is in need of repair or maintenance, the Department shall issue a notice of violation to the responsible party. Such notice shall be in writing, shall state the nature of the violation or noncompliance and the corrective action required. The notice of violation shall be served upon the owner and/or occupant of the property, or upon any other responsible person.
 6. Service of said notice of violation shall be as provided by the Colorado Rules of Civil Procedure for service of process, or by Registered or Certified Mail, Return Receipt Requested, deliverable to addressee only. Service by mail shall be completed upon receipt by the Department of the return receipt. If one or more persons cannot be found or served after a diligent effort, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case the Department shall include in the record a statement as to why the posting was necessary.

D: Cease and Desist Orders: See[43.4 (P)]

E. Final Approval [43.4(F)]:

1. Prior to the final permit being issued, the P.E. shall submit a letter to certify to the Department:
 - a. the construction and installation of the system have been completed in accordance with the terms of the permit and these Regulations, and
 - b. shall, after the installation is completed, issue their written certification to the Department within ninety (90) days, and
 - c. shall provide with certification a set of updated record drawings ("as-builts") noting changes in the following:
 - i. Site address with north arrow
 - ii. Replacement Area
 - iii. Size of tank, all components and structure to scale
 - iv. Scaled drawing indicating the location of the system in relation to permanent structures or features, including the dimensions of a house from triangulation points
 - v. Water line location and water source (i.e. well, cistern, tap)
2. After receipt of the as-built drawings and letter, final permits will be available online, and copies obtained from the Department at no cost to the property owner.
3. If certification has not been received by the Department from the P.E. within ninety (90) days, privileges to design OWTS in Delta County by the P.E. may be suspended after review by the EH Director and notification of such will be made via personal service and/or certified mail to the P.E. with confirmation of receipt.

1.7 Licensing

A. Systems Contractors [43.4(K)(1)]

1. No person shall engage in the business of installing an on-site wastewater treatment system nor shall any person for hire install, renovate, replace or repair an OWTS unless that person holds a valid OWTS Contractor's License. This shall not preclude the owner of a property from being able to install an OWTS on his/her personal property. The initial fee as established by the Board of Health for the OWTS Contractor's License shall be

payable upon application. The applicant must satisfactorily pass a written exam as required by Department policy, after which a license will be issued.

2. This license shall expire one (1) year from the date of issuance. Licenses may be renewed upon payment of an annual renewal fee as established by the Board of Health.
3. The OWTS contractor shall have a licensed installer on site supervising every installation, repair or alteration of any OWTS being conducted in Delta County.
4. Any licensed OWTS contractor shall be responsible for the work performed by his/her employees.
5. The Board of Health may revoke the license of an OWTS contractor for violation of the applicable provisions of the OWTS Act and the implementing regulations or for other good cause shown, after a hearing conducted upon reasonable notice to the systems contractor and at which the systems contractor may be present, with counsel, and be heard.
6. Any licensed OWTS contractor whose license has been revoked cannot apply for a new OWTS contractor license for one (1) calendar year after such revocation.
7. Any license which lapses because of failure to renew, or is revoked shall be subject to the fee for a new license upon reapplication.

B. Systems Cleaners [43.4(K)(3)]

1. No person shall engage in the cleaning of OWTS or the transportation of sewage, septage, or chemical toilet wastes to a disposal site unless that person holds a valid OWTS Cleaner's License. The initial fee as established by the Board of Health for the OWTS Cleaner's License shall be payable upon application. The applicant will be required to demonstrate knowledge of section 1.7 (B)7, of this regulation before issuance of a license.
2. This license shall expire one (1) year from the date of issuance. Licenses may be renewed upon payment of an annual renewal fee as established by the Board of Health.
3. Any licensed OWTS Cleaner shall be responsible for the work conducted by his/her employees.
4. The Board of Health may revoke the license of an OWTS cleaner for violation of the applicable provisions of the OWTS Act and the implementing regulations or for other good cause shown, after a hearing conducted upon reasonable notice to the OWTS cleaner and at which the OWTS cleaner may be present, with counsel, and be heard.
5. Any licensed OWTS cleaner whose license has been revoked cannot apply for a new OWTS cleaner license for one (1) calendar year after such revocation.
6. Any license which lapses because of failure to renew, or is revoked shall be subject to the fee for a new license upon reapplication.
7. OWTS Cleaner Requirements
 - a. On both the right and left sides near the front of the body of the vehicle, the name and telephone number of the owner shall be printed in letters not less than three (3) inches high and shall be clearly legible.
 - b. A cleaner shall maintain his/her equipment so as to insure that no spillage of sewage will occur during collection, transportation, or disposition. Maintenance shall also be such that the cleaner or his/her employees are not subjected to undue health hazards.
 - c. A cleaner shall dispose of the collected sewage only at an acceptable site, as determined by the Department.
 - d. A current permit to dispose of sewage, septage or chemical toilet wastes must be maintained by the OWTS Cleaner.
 - e. The OWTS cleaner must maintain documentation that describes the following information:
 - i. Date;
 - ii. Location;
 - iii. Type of waste collected;
 - iv. Amount of waste collected;

- v. Date of disposal;
 - vi. Name and location of disposal facility
 - 8. The Board of Health may suspend or revoke the license of an OWTS cleaner for violation of the applicable provisions of the OWTS Act and the regulations adopted under said section or for other good cause shown after a hearing conducted upon reasonable notice to the systems cleaner and at which the systems cleaner may be present, with counsel, and be heard. 25-10-109, C.R.S.
- C. OWTS Designers [43.6(l)2b]
 - 1. OWTS Designers must be licensed by the State of Colorado as Professional Engineers and shall have knowledge and experience in designing on-site wastewater treatment systems as well as knowledge and understanding of State and Local OWTS Regulations.
 - 2. OWTS Designers must register, at no cost, with the Department. The department shall be notified by the designer of any changes in the status of their license. A list of registered P.E.s will be provided on the Department website with date of license expiration and can request to be removed.
 - 3. If OWTS Designs are incomplete, not in compliance with this Regulation 1.5(A)1, or demonstrate lack of competence designing on-site wastewater treatment systems the Department may deny the permit, require demonstration of competence to the Board of Health and/or require review by CDPHE's Division before a permit will be issued.

1.8 Variances [43.4(N)]

- A. Variances Allowed
 - 1. The Board of Health may approve a variance from a requirement of this Regulation. Variances to setbacks that are less stringent than Regulation 43 will not be allowed. 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 will result in no greater risk to public health or environmental degradation than that associated with compliance with the requirements of this Regulation or that the variance 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 to the Board of Health in writing to the Board of Health along with any associated fees a minimum of 20 days prior to the Board of Health Meeting.
 - 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 [43.4 (2c,d)(6)]
 - 1. When a proposed variance for a system repair or upgrade would result in encroachment on minimum distances to physical features on the applicant's property or neighboring properties required by the Division, OR where the property is less than .5 acres, the hearing procedures in [43.4.N.2], *Requirements for Variance Consideration* must be followed.

2. Prior to rendering a variance request requiring a public hearing, a public hearing must be held. The hearing must be the subject of a public notice or notice must be sent via certified mail, with a minimum 20-day reply time from the date of mailing, to all adjacent property owners.

1.9 Special Soil Types Requiring Advanced Design Considerations [43.5(D)(1)&(4)(e)(6)]

- A. **Delta County has soil with high salt content (sodic), which requires extra care and attention when designing OWTS' in those areas of the County.** It is recommended checking the project site for sodic soils using the Natural Resources Conservation Service (NRCS)- [Soil Survey tool online](#). Suitabilities and Limitations for Use and Sodium Absorptions Ratings (or SAR) can be useful in determining whether more advanced designs are necessary. If sodic soils are present, performing a long-term percolation test, using dosed systems and other approaches are recommended to avoid failed systems. If soils are questionable, the Department shall be consulted for clarification and additional guidance.
- B. New OWTS' located near cut-banks that are exposed to accelerated erosion and weathering may be required to increase setback distances to avoid failure due to surfacing effluent, pitting, or ponding of effluent below the bank.

1.10 Operations, Maintenance, and Monitoring Responsibility

- A. **The owner must be 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. As per the requirements of section 43.14.D.4 of Regulation 43, the Delta County Health Department has developed an oversight program for inspections, maintenance, recordkeeping and enforcement. The owner or responsible party may be required, under terms described in the operating permit, to periodically submit maintenance or inspection reports to the Department.
- B. Any person denying responsibility for the proper operation and maintenance of an onsite wastewater treatment system must bear the burden of proof for such denial upon establishment of ownership or possessory rights for the property served by the system.
- C. **The Board of Health shall allow reductions in soil treatment areas, vertical separation distances to limiting layers or reductions in horizontal separation distances** by using higher level treatment systems insofar as they are allowed by Regulation 43 or guidance provided by the Division.
- D. A soil treatment area receiving TL2, TL2N, TL3 or TL3N effluent must be pressure dosed. For products that combine distribution and higher level treatment within the same component, pressure distribution of the effluent over the soil treatment area must be used
- E. Unless required as a condition of approval, **the following inspection and maintenance schedule is recommended for all onsite wastewater treatment systems** to ensure good working order:

Type Of System	Inspection Or Maintenance	Cleaned Or Pumped
Septic Tanks	Annually	Sludge and Scum reaches 25% of effective volume
Vaults, vaulted privies	Annually	At 75% capacity
Aeration or mechanical units	Per Manufacturer's Recommendations OR Permit Conditions	

New Technology Devices	
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Table 1.10 Maintenance Recommendations

- F. For an OWTS for which monitoring of effluent is required, the property owner, or delegated third party, must collect and test effluent samples to ensure compliance with the provisions of these Regulations. Such a requirement for monitoring would be stated on the construction permit, operating permit or both.
- G. Sampling and analysis must be performed according to the American Public Health Association, American Water Works Association, and Water Environment Federation: Standards Methods for the Examination of Water and Wastewater, 21st edition. If soil samples are collected, it is recommended that sampling is conducted per guidance from USDA/NRCS guidelines.

1.11 County Resolutions that are replaced or superseded by this Regulation

- 77-R-008 2/22/1977 Licensing contractors installing individual sewage disposal systems. (sanitation)
- 77-R-007 2/22/1977 Amend individual sewage disposal regulations (sewage disposal)
- 79-R-014 4/23/1979 Licensing of individual sewage disposal system cleaners (sewage disposal)
- 79-R-016 5/29/1979 Amendment of licensing of individual sewage disposal system cleaners (sewage disposal)
- 83-R-014 2/1/83 Sewage Regulations and Fees/Individual Disposal (Sewage Regs & Fees/Disposal Health Department)
- 90-R-012 4/10/1990 Reception #445973 Authorize Delta County Health Dept to collect fees and monitor the use and disposal activities of various persons using the septic tank sewage dumping site. (sewage dumping, fees, monitoring)
- 2007-PHR-01 Increase ISDS Permit Fees
- Delta OWTS Regulations: Adopted: May 20, 2014 - Effective: July 4, 2014
 - Delta OWTS Regulations: Amended: June 16, 2015 - Effective: August 1, 2015
 - Delta OWTS Regulations: Amended: June 19, 2018 – Effective: August 3, 2018

Related County Resolutions and Regulations Cited

- [2022-PHR-01 Resolution to Review and Set 2022 Environmental Health Fees and Annually Thereafter](#)
- [2010-R-039 Adopt Flood Damage Prevention](#)
- [DCHD Reg 1 Nuisance](#)
- [Ordinance 2013-002 Adopt and Enforce Floodplain Regulations](#)
- [Ordinance 2016-01 Amend Ord 2012-02 OWTS](#)
- [Delta County Land Use Code](#)

Appendices and Attachments

- **Appendix A** to OWTS Regulations for Delta County Health Department: Local Options
- **Appendix B** to DELTA COUNTY OWTS Regulations – Water Quality Control Commission Regulation 43. Colorado Water Quality Control Commission Regulation No. 43 – On-Site Wastewater Treatment System Regulation 5-CCR 1002-43. (*Cited as “Reg 43”*)
- **Attachment A:** Delta County Environmental Health Fee Schedule