

Custer County
On-Site Wastewater Treatment
Systems
(O.W.T.S.)
Regulations



Adopted October 5, 2016

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Section 1: Scope, Applicability, and General Provisions

1.1 Title

These regulations shall be known as the Custer County On-Site Wastewater Treatment System (O.W.T.S.) Regulations or the Custer County Septic Regulations.

1.2 Authority

These regulations have been adopted by the BOCC of Custer County acting as a Board of Health under authority contained in Title 25, Article 10, Colorado Revised Statutes (C.R.S.) 1973, as amended.

1.3 Purpose

These regulations are designed and enacted for the purpose of protecting public health, safety, and welfare; preserving the environment; controlling the causes of disease and infection; controlling the pollution of air, water and land by requiring minimum standards governing the use, location, design, construction, installation, repair, alteration and operation of On-Site Wastewater Treatment Systems; by providing for the issuance of permits for such activities, by authorizing inspections, by providing for fees, by providing penalties for violations of these regulations, and issuance of cease and desist orders.

1.4 Policy

The Custer County Board of Health declares that their general policy is to recommend the use of public sewer systems where and whenever feasible, and to limit the installation of On-Site Wastewater Treatment Systems only to areas in which public systems are not feasible. These regulations shall apply to On-Site Wastewater Treatment Systems which do not discharge into surface waters.

1.5 Inclusion

In designing, installing, or maintaining an OWTS, all technical requirements, including, but not limited to, soil evaluations, percolation tests, flow calculations, isolation distances (vertical and horizontal), sizing of OWTS components and all design submittals shall be as provided in Regulation 43 (On-Site Wastewater Treatment System Regulations) unless otherwise noted within this Regulation.

1.6 Liability

The issuance of a septic permit and specifications of terms and conditions therein shall not constitute assumption or create a presumption that the Custer County Board of Health or its employees may be liable for the failure of any system; nor act as a certification that the equipment used in the system or any component thereof used in its operation; or that the system for which the permit was issued insures continuous compliance with the provision of Article 10 of Title 25, C.R.S., the rules and regulations adopted thereunder or any terms and conditions of a permit.

1.7 Inspection and Right of Entry

Upon written or verbal complaint or as a result of an application for a permit or variance having been filed, or for other good cause, such as suspected contamination, the designated Planning and Zoning Office staff, acting as the County Sanitarian, in order to enforce these regulations shall have the authority to enter upon or into property with reasonable notice to assess compliance with these regulations.

1.8 Amendments

Changes to these regulations may be made by resolution of the Custer County BOCC acting as the County Board of Health.

1.9 Jurisdiction

These rules and regulations are promulgated by the Custer County Board of Health under the authority of C.R.S § 25-10-104 and as amended.

1.10 Severability

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

1.11 Saving Clause

The repeal of any regulation adopted hereunder shall not deny any right, action or cause of action, which arose under existing regulations.

Section 2: Definitions

The following are supplemental definitions to the Colorado "On-Site Wastewater Treatment System Regulation, Regulation #43":

Bathroom: Consists of a toilet and/or shower/bathtub and may contain one or more sinks.

Bedroom: For the purposes of these regulations in determining the size of a septic system, a bedroom shall be a room with certain features, which includes but is not limited to the following:

1. Rooms designated den, study, hobby room etc. with a clothes closet.
2. A method to close off the room to assure privacy;
3. A minimum of One Hundred (100) square feet in size.
4. A loft may be considered a bedroom.

BOCC: Board of Custer County Commissioners

Board of Health: Custer County Board of County Commissioners (BOCC)

Closet: A small enclosed space used for hanging clothes.

County Sanitarian: Custer County Planning and Zoning.

County Authorized Percolation Technician: An individual who has met the criteria as outlined in these regulations and has been approved by the BOCC acting as the Custer County Board of Health.

County Use Tax: Tax due on building materials purchased without paying any local sales tax. Usually this applies to materials purchased outside Custer County that are delivered to property within Custer County on which County tax has not been collected.

Engineer Designed Septic System: An On-Site Wastewater Treatment System designed by a Colorado Licensed Professional Engineer.

Homeowner: The recorded property owner.

On-Site Wastewater Treatment System (O.W.T.S.) Variance: Permission to deviate from a standard or engineer designed septic system with an alternative system.

Soil Treatment Area (S.T.A.): The physical location where final treatment and dispersal of effluent occurs.

Section 3: Administrative

3.1 General permitting process for a septic system

- A. Prior to the construction, installation or repair of any O.W.T.S. in Custer County a homeowner or agent must obtain and complete a permit application.
- B. Acquire an acceptable percolation (perc) test performed by an authorized County Percolation Technician, Colorado Licensed Professional Engineer, or Geologist. Perc test results shall include a plot plan.
- C. The following additional information will be required with the permit application:
 1. Source and type of water supply;
 2. Plot plan showing the location of the proposed system in relation to: lot lines, existing or proposed well(s), bodies of water, water carrying features existing or proposed structures;

3. Copy of the proposed floor plan with indication of the number of bedrooms identified. Rooms not identified that meet the definition of a bedroom shall be counted as a bedroom. Any changes of use of a room shall be reported to the Planning and Zoning Office to insure that the septic system is sized correctly for the structure;
 4. If conditions dictate an engineer design, a system plan with an original stamp and signature shall be submitted along with the permit application.
 5. Directions to the property.
- D. Submit the completed application, additional documentation and fee to the Planning and Zoning Office.
 - E. Applications will be reviewed, processed and accepted or rejected by the Office staff.
 - F. The Planning and Zoning Office will send the permit to the named septic contractor once it is approved. Upon approval, the contractor may start installation.
 - G. The permit is valid for one (1) year from the approval date.
 - H. After the entire system is installed, but not backfilled, the applicant or septic contractor must contact the Planning and Zoning Office and the design engineer (if applicable) to arrange an inspection.
 - I. The applicant or septic contractor must show proof that they paid any County Use Tax due before the permit is closed.
 - J. A septic contractor's license will not be renewed if the project has been inspected and passed but the contractor has not signed the septic permit and paid any county use tax if due.

3.2 Engineer designed septic permit requirements

- A. Criteria as outlined in Section 6.1 shall determine the necessity for an engineer to design the system.
- B. The general permitting process as outlined in Section 3.1 will be followed.

3.3 Permit Fees

- A. Fees are established by the BOCC published in the Custer County Planning and Zoning Fee Schedule.
- B. The permit fee is non-refundable.
- C. Misrepresentation on an application may cause a permit to be voided and may require a new application and new fees.

3.4 Invalidated Permits

- A. Expiration: Permits for systems which are not completed within one (1) year of approval become invalid. A new application shall be required.
- B. Change of property ownership: Any change in ownership of a property shall invalidate any permit issued for systems not yet completed.
- C. Change of use: Any change of the intended use of a proposed septic system shall invalidate the permit.

3.5 Septic System Prohibitions

- A. Septic Permits are not valid for excavation of foundations or building sites. Any excavation performed without the appropriate Zoning Permit will subject the land owner to post-construction fees.
- B. Prior to issuance of a permit to construct or remodel a habitable building or structure, which is not serviced by a sewage treatment district, an O.W.T.S will be required.
- C. A septic system, which does not comply with the provisions in Section 5.2.D.2 of these regulations regarding minimum separation between the highest level of the groundwater and the bottom of an absorption system, shall not be allowed unless the design mitigates the groundwater contamination.
- D. Only one dwelling, commercial, institutional, or industrial business unit shall be connected to the same O.W.T.S., unless such system is designed by an engineer.
- E. It is illegal for anyone to occupy any type of structure without connection to a sewer, domestic wastewater treatment works, or an approved septic system installed and in service.
- F. It is illegal for anyone to allow a sewage disposal system to contaminate surface or groundwater.
- G. Construction, alteration, repair or use of an outhouse/pit privy, cesspool and silt trench is prohibited within Custer County.
- H. Systems which recycle treated wastewater for potable purposes will not be allowed unless they consistently meet all of the sanitation and maximum contaminant level requirements of rules, regulations and standards of the Colorado Department of Public Health and Environment and the Custer County Board of Health.

Section 4: Site Requirements

4.1 Site Requirements

- A. A plot plan will be required as described in Section 3.1.C.2. The information will be verified by the County Sanitarian during all required inspections.
- B. The percolation site will be verified by the County Sanitarian during all of the required inspections.

Section 5: Installation Requirements

5.1 General Requirements

- A. Sanitation Requirement: The owner of any structure and/or property where people live, work or congregate shall insure that there are adequate and convenient sanitary facilities. Sewage disposal systems must be maintained in good working order. Under no condition shall sewage or effluents be permitted to be discharged upon the surface of the ground or into waters of the state, unless the sewage or effluent meets the water quality standards of the Colorado Water Quality Control Commission.
- B. Reliability: O.W.T.S. shall be designed and constructed such that each component shall function correctly when installed and operated under normal operating conditions and not be adversely affected by erosion, vibration, shock, climatic conditions, and usual household chemical usage. Design shall prevent the creation of nuisances and public health hazards, and shall provide for efficient operation and maintenance. Over dug areas shall be properly compacted.
- C. Pipe Requirements:
 - 1. All lines used in O.W.T.S. shall be constructed of compatible pipe, bonding agent and fittings.
 - 2. The minimum standard of all building sewer and effluent lines shall be 4 inch ID schedule 40 or equivalent size type PVC.
 - 3. All piping shall be at least four (4) inches in diameter and properly bedded prior to back-fill, unless otherwise specified in an engineer system
 - 4. No Sanitary Tees are allowed to be used in constructing the baffles or manifold system.
- D. Dimensions of the plot plan must be verifiable on site during the inspection process.
- E. Any tree whose drip-line extends over the soil treatment area must be removed.

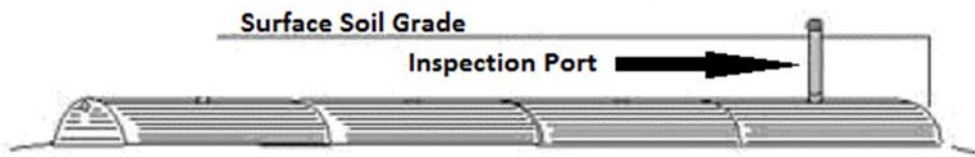
- F. All components of an O.W.T.S. must be ten (10) feet from property lines.

5.2 Component Requirements

- A. Building Sewer requirements:
 1. The grade of the building sewer will be a minimum of 2% (that is, $\frac{1}{4}$ inch drop per foot). The ten (10) feet immediately preceding the septic tank must be 2% or $\frac{1}{4}$ inch per foot.
 2. The ten (10) feet of pipe preceding the tank must be a continuous stick and not contain any connections.
 3. Bends in the building sewer shall be limited to forty-five (45) degrees or less. Long sweep ninety (90) degrees can be used or double 45 degree fittings in a long sweep configuration.
 4. A double clean-out shall be installed in all building sewer lines. The first clean-out shall be within five (5) feet of the structure including decks. Subsequent clean-outs will be spaced no more than a hundred (100) feet thereafter.
- B. Septic tank requirements:
 1. The minimum size for a septic tank shall be one thousand (1000) gallons for three (3) or less bedrooms and shall increase 250 gallons for every additional bedroom.
 2. Tanks, including risers and lids, must be constructed and installed so as to withstand earth and hydrostatic pressures when full or empty.
 3. Installation of a septic tank will be no closer than ten (10) feet from the structure and ten (10) feet from the soil treatment area.
 4. Septic tank design must be pre-approved by the CDPHE.
 5. Contractor must provide an as-built site plan of the underground elements of the finished O.W.T.S. to the homeowner upon completion.
 6. Where pipes enter or exit the tank, seals shall be watertight.
 7. Plastic tanks must be pre-approved by the CDPHE.
 8. All septic tanks are required to have risers over each access manhole. A secondary cover shall be provided below the riser cover to prevent tank entry.
 9. When backfilling, the septic tank risers shall extend to or above final grade.
 10. All piping shall use colored primer before gluing.
- C. Effluent line requirements:
 1. The first ten (10) feet of the effluent line out of the tank shall be not less than 3% ($\frac{3}{8}$ inch per foot), well bedded and supported. The remainder of the effluent line shall be not less than 2% ($\frac{1}{4}$ inch per foot).
- D. Soil Treatment Area requirements:

1. The minimum soil treatment area size will be designed for two (2) bedrooms and shall not be less than three hundred (300) square feet based on a pipe and gravel system.
2. A minimum of four (4) feet of suitable soil is required below the bottom of the soil treatment area. In order to ensure four (4) feet above seasonal water level or bedrock an engineered mound system may be required.
3. All chambers will be installed per manufactures recommendations using a minimum of four (4) screws on each end plate. The screws shall be placed in such a manner as to hold the top and the bottom of the end plates in place.
4. All pipes entering or exiting a chamber must be secured with at least two (2) screws.
5. All effluent points of distribution must be level and have equal distribution.
6. Each run will be one hundred (100) feet maximum for gravity fed at one end and up to one hundred fifty (150) feet if pressure dosed or effluent applied at center of lateral or chamber.
7. The final grade shall be such that any surface water drainage will be directed away from the soil treatment area.
8. Maximum width for a bed system shall be twelve (12) feet.
9. An inspection port accessible from ground surface must be installed. Inspection ports shall be installed at the distal end of the last leaching chamber in a bed or in the last leaching chamber in every line or in the last pipe of a rock and pipe system. Ports will be installed so as to maintain a separation of at least 2 inches from the bottom of an absorption trench or otherwise allow the free infiltration of sewage effluent. See example below.

Leach Chambers Showing Inspection Port



Inspection Port must be installed in the last Leach Chamber in each Absorption Trench or Leach Chamber farthest from inlet in an Absorption Bed.

Section 6: Engineer Design Systems

6.1 Engineer Design Requirements

- A. The system must be designed by a Colorado Licensed Professional Engineer if any of the following conditions exist:
 - 1. The percolation rate is outside the range of 5-60 minutes per inch drop of water.
 - 2. Ground slope exceeds 30% through any portion of the proposed system.
 - 3. The distance from the surface of the ground to bedrock is less than eight (8) feet at perc site. The distance to the highest level of groundwater is less than eight (8) feet from the surface at the perc site.
 - 4. The sewage disposal system is intended to provide service for more than one individual dwelling unit.
 - 5. Multiple systems or their components are located closer than five hundred (500) feet apart on the same property.
 - 6. The lot size is less than one (1) acre.
 - 7. The system proposed is other than a standard septic system or approved alternative.
 - 8. The soil treatment area is on imported material.
 - 9. The design flow of the effluent will exceed 2000 gallons per day.
 - 10. It is a system intended for commercial use.
 - 11. A failed engineered system is being repaired.
 - 12. A pressure distribution system.
 - 13. A business, commercial, industrial, institutional, or multi-family.

Section 7: On-Site Wastewater Treatment System (O.W.T.S.) Variances

7.1 Variance Procedure from the Requirements of These Regulations

- A. Variances Allowed
 - 1. An applicant may request the Board of Health to approve a variance from any requirement of these Regulations that is either more stringent than or not addressed by Regulation 43. Variances cannot be granted by staff.
 - 2. Approval of a variance shall be based upon evidence presented by the applicant showing that the variance:
 - a. would not be injurious to the public health, water quality, or environment; and
 - b. would prevent a substantial hardship to the applicant.

3. Variances shall not be granted under the items identified in section 43.4(O)(5) of Regulation 43.
- B. Variance Procedure
1. Variance requests shall include all items identified in section 43.4(O)(2)(d) of Regulation 43.
 2. 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.
 3. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.
 4. Variance procedures and public hearings will follow the same outline as the Custer County Zoning Resolution BZA Variance Procedures (Sections 4.3.e, 4.3.f, 4.3.g).
- C. Variances Requiring Public Hearings
1. The following requests will require a variance:
 - a. Vaults/Vault Privy,
 - b. Chemical Portable toilets,
 - c. Incinerating toilets,
 - d. Composting toilets.
 2. 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.

Section 8: Alternative System

8.1 Chemical/Portable Toilet

- A. Chemical/Portable Toilets may be approved under the following conditions:
1. Only during construction, under emergency circumstances, or for occasional camping.
 2. Variance for chemical/portable toilet systems will not be granted for more than one (1) year without an action of the BOCC.
 3. No contamination of ground or surface water will occur.
 4. The superstructure surrounding a chemical/portable toilet shall afford privacy and be fly and vermin proof.

Section 9: Septic Inspections

9.1 Notification for Inspection

After the construction but prior to covering the O.W.T.S., the septic contractor or homeowner shall arrange for an inspection by the Planning and Zoning Office. The Licensed septic contractor and or homeowner must pay any Custer County Use Tax due at that time. If the contractor is not present final approval will not be granted until all Custer County Use Tax is paid and the form is signed.

9.2 Engineer designed systems

Engineer designed systems require the engineer be present at the time of the inspection by the Planning and Zoning Office. The installing contractor has the responsibility of coordinating this inspection. The engineer's signature on the septic permit verifies the system was installed according to design.

9.3 General Inspection Requirements

- A. All components including piping must be visible during inspection.
- B. The lids must be off the tank manholes exposing the inside of the tank.
- C. The date, size, model or serial number, effective volume, maximum depth of earth cover and external loads the tank is designed to resist shall be exposed.
- D. In the event the system is covered by snow or dirt, the system must be cleared prior to inspection.
- E. Screws on chambers must be visible during inspection.
- F. The owner shall assure reasonable and safe access for the inspection.

9.4 Inspection stages

- A. Prior to the system being placed into service, and before any components are covered, the system contractor shall provide the Planning and Zoning Office with notice that the work has been completed. The inspection will determine if all work has been performed in accordance with the permit requirements and the system is in compliance with Article 10, Title 25, C.R.S. and the regulations adopted herein.

Upon final inspection of the system and the Custer County Sanitarian finds it installed in accordance with these regulations, final approval will be granted for covering the exposed system and the permit completed after proof of Custer County Use Tax has been paid. If the system has been designed by or constructed under the supervision of a

Colorado Licensed Professional Engineer, the engineer shall certify in writing that construction and installation of the system has been completed in accordance with the engineering specifications, the terms of the permit and these regulations.

- B. Final grading of the septic system will be inspected at the Compliance Inspection.

9.5 Re-Inspections

- A. If the septic system fails any inspection stage, a re-inspection must be initiated by the installing contractor or homeowner after the deficiency has been corrected.
- B. A fee for the re-inspection will be collected by the Planning and Zoning Office before the re-inspection is completed.

Section 10: County Authorization and Licensing

10.1 Authorized County Perc Technician

- A. To be authorized as a County Perc Technician by the BOCC, the applicant must:
 - 1. Train under a Colorado Licensed Professional Engineer.
 - 2. Submit a letter from the supervising engineer stating the applicant is sufficiently trained to perform soil percolation tests.
 - 3. Provide documentation of the procedure used to perform perc tests.
 - 4. Submit names, locations, and results of the soil percolation tests performed under the direct supervision of the engineer.
 - 5. Following three years after the effective date of this regulation, a visual and tactile evaluation of a soil profile test pit excavation shall be used instead of soil profile holes when percolation tests are performed to determine long-term acceptance rates.
- B. Upon review, the BOCC will approve or deny the request to be authorized as a County Perc Technician.
- C. Custer County reserves the right to revoke the authorization of County Perc Technician after a public hearing has taken place.

10.2 Licensed Septic Contractors

- A. General requirements:
 - 1. O.W.T.S. will be installed by a contractor licensed by Custer County Planning and Zoning Office or by employees acting under the direct supervision of the licensed contractor.

2. Installation of systems that are designed by a registered engineer must be installed by a County licensed contractor.
 3. Installation of sewage disposal systems by contractors or their employees must be signed off by the license holder.
 4. Installation, renovation or repair of O.W.T.S. shall be in compliance with these regulations.
 5. A septic permit must be approved and signed by the Planning and Zoning Office before construction begins. Septic Permits are not valid for excavation of building sites or foundations.
- B. Septic Contractor Licensing:
1. Submit completed application and fee to the Planning and Zoning Office.
 2. Applications will be reviewed, processed, and accepted or rejected by the Planning and Zoning Office staff.
 3. Contractors desiring to become licensed in Custer County must pass a Contractor Test.
 4. Once the individual has passed the Contractor Test, a license will be issued. The license will be valid for one (1) year and is renewable.
 5. There will be an initial fee for a septic contractor's license, and an annual renewal fee. A license that lapses because of failure to renew or is revoked shall be subject to the fee and procedures established for new licenses.
 6. The BOCC may modify the qualification standards for Septic Contractor's licenses.
- C. License revocation: A Septic Contractor's license may be revoked for cause by the Custer County Board of Health.
- D. Septic Re-Inspection: If a septic system installation fails inspection due to the negligence of the septic contractor, the septic contractor will be liable to pay the Septic Re-Inspect Fee. This fee is found on the Custer County Planning and Zoning Fee Schedule. If the septic system contractor continues to fail inspections the license will be revoked.

10.3 Licensed System Cleaners (also referred to as Septic Pumpers)

- A. No person shall engage in the cleaning of sewage disposal systems or the transportation of septage to a disposal site, unless his business holds a valid Custer County Systems Cleaner License. Employees of valid licensed systems cleaner may operate under his license.
- B. Standards of Performance for System Cleaner:
1. Prior to the issuance of a license, a Planning and Zoning Office staff member will require that the applicant demonstrate adequate knowledge of the regulations.
 2. The license stays with the individual and not the business. If a licensed system cleaner leaves, it is the responsibility of the business to ensure that another individual is licensed. The business

- must cease all cleaning of sewage disposal systems and transportation of septage until this requirement has been met.
3. The licenses for each qualified individual will be valid for one (1) year and must be renewed annually.
 4. A system cleaner's license may be revoked at a public hearing held by the BOCC.
 5. A license holder will dispose of the collected septage only at a site authorized by the Planning and Zoning Office.
 6. A license holder must maintain his pumper truck and equipment to ensure that no spillage of septage occurs during transportation and that his employees are not subject to undue health hazards. Hauling shall be accomplished by the use of an enclosed tank.
 7. The Custer County Board of Health will set fees and may modify qualification standards for Septic Cleaner's Licenses.
 8. A Septic Cleaner must provide documentation to the Planning and Zoning Office describing where the sewage is being disposed of.

Section 11: Enforcement

11.1 Authority to Administer and Enforce

Whenever the term Custer County Board of Health, local Health Department, Health Officer or County Sanitarian is used in these regulations, said terms shall also include the Colorado Department of Public Health and Environment or its designated authority for the purpose of administering and enforcing the provisions of these regulations.

11.2 Primary Enforcement Responsibilities

- A. The primary responsibility for enforcement of the provisions of Article 10 of title 25, C.R.S. and the regulations adopted under said section shall lie with the local Health Department, Custer County Board of Health, CCPHNS, or County Sanitarian.
- B. Misrepresentation on an application will cause a permit to be cancelled and will require new application.
- C. Written Complaints: whenever the Planning and Zoning Office, through the investigative process of a written complaint or through personal knowledge, finds a violation of this resolution, they shall notify, in writing, the person responsible for the violations and the landowner of record, if different, and order them to make the necessary corrections within a reasonable period of time. That time is not to exceed five (5) days for imminent health hazards or thirty (30) days for problems that do not constitute an imminent hazard.

11.3 Cease and Desist Orders (Refer to Section IV. N of the State Regulations)

- A. The BOCC may issue an order to cease and desist from the use of any system which is found by the CCPHNS or designated representative not to be functioning in compliance with Article 10 of Title 25, C.R.S. § 25-10-106 (I) (j), and the owner or occupant has not brought the system into compliance or eliminated the health hazard within a defined period of time, not to exceed five (5) days for imminent health hazards or thirty (30) days for problems that do not constitute an imminent hazard.
- B. A cease and desist order issued by the CCPHNS or Custer County Sanitarian may be reviewed in the Custer County District Court and upon a petition filed not later than ten (10) days after the order is issued.

11.4 Violations

- A. Whenever the CCPHNS or designated representative determines that there has been a violation of any provision of these regulations, notice shall be given of such violation to the responsible person or persons and to the owner of record. Such notice shall be in writing, describe the violation(s), and provide a time for correction. Such notice may also be pursued as a class one (1) petty offense, as defined in C.R.S. § 25-10-113 by the Custer County Board of Health.
- B. Service of such notice shall be by registered or certified mail, with return receipt requested.
- C. 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 CCPHNS shall include in the record a statement as to why the posting was necessary.
- D. If satisfactory corrections are not completed in the time provided for correction, a cease and desist order may be sought by the Planning and Zoning Office. A new application for repair or modification of a sewage disposal system must be approved and all work completed, before the cease and desist order is lifted.
- E. Upon a finding by the Custer County Board of Health, under the regulations of the C.R.S., monetary daily penalties may be assessed for each day of violation.

Appendix A: Differences between State and County Regulations

The information contained in Appendix A defines how Custer County On-Site Wastewater Treatment System Regulations will be administered relative to the options for local public health agencies as provided for within Regulation 43, 5 CCR 1002-43.

ITEM	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item. Decisions must also be identified within the local regulation.)		Citation Reg #43	Citation Local Reg
Same as in Guidelines				
Stringency	Same as Reg 43 with options below chosen, but nothing more Stringent than Reg 43.	<input type="checkbox"/>	43.4.A.2.a.	
	More Stringent than Reg 43. Specify changes on separate page 4 of this form as well as options below.	<input checked="" type="checkbox"/>		10.10.1 10.10.2
Flow Rate – Residential	75 Gal./Person/Day	<input checked="" type="checkbox"/>	43.6.A.2.a.	
	100 Gal./Person/Day	<input type="checkbox"/>	43.6.A.2.b.	
Licensing Systems Contractors and Systems Cleaners	Neither (<i>Do not license contractors or cleaners</i>)	<input type="checkbox"/>	43.4.L	
	Systems Contractors only are licensed	<input type="checkbox"/>	43.4.L.1	
	Systems Cleaners only are licensed	<input type="checkbox"/>	43.4.L.3	
	Both contractors and cleaners are licensed	<input checked="" type="checkbox"/>	43.4.L.1 and 3	
Variances	Variances Allowed (<i>Must have a variance procedure prescribed within the local regulation.</i>)	<input checked="" type="checkbox"/>	43.4.O.1.a. & 2.a.	7.1
	Variances not allowed	<input type="checkbox"/>	43.4.O.1.a	
NEW				
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom	<input type="checkbox"/>	43.6.A.2e.	
	All bedrooms: 2 persons per bedroom	<input checked="" type="checkbox"/>	43.6.A.2.f.	3.C.3 5.2.B

Custer County On-Site Wastewater Treatment Regulations

ITEM	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item. Decisions must also be identified within the local regulation.)		Citation Reg #43	Citation Local Reg
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: number of originally finished bedrooms is only area requiring flow estimates.	<input checked="" type="checkbox"/>		
	If unfinished area is present in house, system must also be sized for 1 or 2 more bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet building code requirements for a bedroom.	<input type="checkbox"/>	43.6.A.2.h.	
Effluent Screen	May be used (<i>owner's option</i>)	<input checked="" type="checkbox"/>	43.9.I.1	
	Required in all new septic tanks	<input type="checkbox"/>	43.9.I.1.	
Length of trenches or beds	100 feet maximum length for any OWTS system	<input type="checkbox"/>	43.10.E.2.c.	
	100 feet maximum for gravity fed at one end and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	<input checked="" type="checkbox"/>	43.10.E.2.b. & c.	5.2.D.6
Inspection ports at initial (front) end of lateral or chamber	Not required	<input checked="" type="checkbox"/>		5.2.D.9
	Required	<input type="checkbox"/>	43.10.E.2.f.(3)	
Vault Privies – new	Allow new vault privies	<input checked="" type="checkbox"/>	43.12.E.1	
	Prohibit new vault privies	<input type="checkbox"/>	43.12.E.1.a.	
Vault Privies - existing	Allow continued use of existing vault privies	<input checked="" type="checkbox"/>	43.12.E.1	
	Require abandonment of existing vault privies	<input type="checkbox"/>	43.12.E.1.b.	
Pit Privies - new	Allow new pit privies	<input type="checkbox"/>	43.12.E.2.	
	Prohibit new pit privies	<input checked="" type="checkbox"/>	43.12.E.2.a.	

Custer County On-Site Wastewater Treatment Regulations

ITEM	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item. Decisions must also be identified within the local regulation.)	Citation Reg #43	Citation Local Reg
Pit Privies - existing	Allow continued use of existing pit privies	<input type="checkbox"/>	43.12.E.2.
	Require abandonment of existing pit privies	<input checked="" type="checkbox"/>	43.12.E.2.b.
Slit trenches	Allow slit trenches	<input type="checkbox"/>	43.12.G.1.
	Prohibit slit trenches	<input checked="" type="checkbox"/>	43.12.G.1.
Wide Beds	Width of beds = maximum of 12 feet for new, wider than 12 feet allowed for repairs	<input checked="" type="checkbox"/>	43.10.E.2.h.(1)
	Maximum 12 feet for new, wider than 12 feet allowed for repairs. Wider beds also allowed for new systems, if higher level treatment is used (<i>with</i>)	<input type="checkbox"/>	43.10.I.2. & 43.10.E.2.h.(1)
Reductions in soil treatment area (STA) size or separation distances for	Allow reductions for higher level treatment. (<i>To allow reductions, local regulation must require mandatory inspections and maintenance, and</i>)	<input type="checkbox"/>	43.14.D.2.
	Reductions in area and separation distances not allowed for higher level treatment systems.	<input checked="" type="checkbox"/>	43.14.D.3.
Transfer of Title inspections	Required (<i>If transfer of title inspections are required, the criteria that inadequate systems must achieve following repair or replacement</i>)	<input type="checkbox"/>	43.4.M.1.
	Not required	<input checked="" type="checkbox"/>	43.4.M.1.
Renewable permit(s)	Used in local regulation (<i>Specify purpose within local regulation.</i>)	<input type="checkbox"/>	43.4.N.1.
	Not used in local regulation	<input checked="" type="checkbox"/>	

Appendix B: County OWTS Regulations exceeding State Regulations

Items that are included in the Custer County On-Site Wastewater Treatment System Regulations that are "more stringent" than Regulation 43 are listed below.

Regulation 43 Requirement (e.g., section, topic)	Local Requirement (attach additional information as needed)	Citation in Local Regulation
43.9.D	Require Sch 40, 4 inch pipe, no sanitary tees, color primer	Section C
43.8.C	Riser lid over each access manhole total (4)	5.2.8
43.10 Design criteria	Chambers need 4 screws on each end plate	5.2.D3
43.10 Design Criteria	All pipes entering or exiting must be secured by 2 screws	5.2.D4
Table 7-1 5 foot setback	10 foot setback	5.2.B.3

Appendix C: Resolution by BOCC

00223872 Sep 04, 2014 10:07A P: 742 P: 117
Debbie Livengood-Custer County Clerk Colorado

CUSTER COUNTY RESOLUTION NO. # 14-04

A RESOLUTION OF the Board of County Commissioners of Custer County, Colorado, acting in their capacity as the Custer County Board of Health to adopt the revised Custer County On-Site Wastewater Treatment Systems Regulations; and

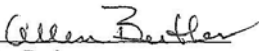
WHEREAS, certain amendments to said regulations have been proposed; and

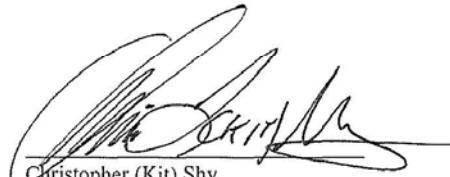
WHEREAS, the Board of County Commissioners held a public hearing on May 30, 2014, after having given notice thereof by publication as required by law; and

WHEREAS, the Board of County Commissioners finds that amendments of said regulations will be in the best interest of the public health and welfare of the present and future residents, citizens and inhabitants of Custer County.

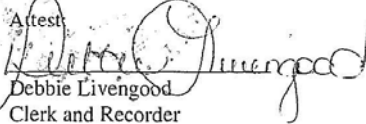
NOW THEREFORE, be it resolved the Board of County Commissioners as the Custer County Board of Health that the revised Custer County On-Site Wastewater Treatment Systems Regulations be and hereby are adopted.

Adopted, this 30th day of May, A.D. 2014


Allen Butler
Chairman


Christopher (Kit) Shy
Vice Chairman


Lynn Attebery
Commissioner

Attest

Debbie Livengood
Clerk and Recorder