

# LAKE COUNTY ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

**ADOPTED: January 11, 2018**

**Effective: February 26, 2018**

***with the exception of sections noted as effective March 1, 2019***

## 1.1 Title and Authority

These requirements will be known as the Lake County On-site Wastewater Treatment Systems Regulations.

These requirements have been adopted by the Lake County Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated the Lake County Public Health Agency to implement these Lake County On-site Wastewater Treatment Systems Regulations on behalf of the Board of Health.

## 1.2 Scope and Purpose

### A. Declaration

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

### B. Purpose

1. The purpose of these Lake County On-site Wastewater Treatment Systems 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 Lake County, Colorado.
2. The owner of any structure where people live, work, or congregate that is not connected to a sewage treatment works shall ensure that the structure contains a functional toilet, and lavatory that are connected to an OWTS in good working order and constructed, installed, and maintained in accordance with Regulation 43.
3. Use of a vault or pit privy requires a written variance request and approval from the Lake County Board of Health. Use of a vault or pit privy requires use permitting in accordance with section 1.11 of these regulations. Vault or pit privies for full time use in new construction are prohibited where a property can accommodate an OWTS with a soil treatment area. Vault or pit privies may be allowed for limited use occupancy on a property which cannot accommodate an OWTS with soil treatment area or if the dwelling does not have running water. Limited use occupancy means the occupancy of a structure or dwelling on less than a full-time, year-round basis, i.e. no more than 90 consecutive days or a total occupancy of 180 days per year.
4. Under no condition shall sewage contaminated material, sewage or effluent be permitted to be discharged upon the surface of the ground or into State waters unless it meets the minimum requirements of the Colorado Water Quality Control Commission. Abatement of any nuisance conditions arising from a malfunctioning or defective on-site wastewater treatment system is the responsibility of the property owner. All graywater from showers, laundry, or sinks shall disposed of as wastewater into a permitted OWTS. Running lines from RVs, structures or dwellings out to the ground is prohibited. Lake County has not adopted graywater regulations as required by State Regulation 86. Lake County does not have a program for permitting and inspection of such graywater systems. Therefore, graywater systems are not allowed in Lake County as of the effective date of these regulations.
5. All persons shall dispose of septage and/or soils removed from an OWTS at an approved site and in an approved manner.

### C. Jurisdiction

## Lake County On-site Wastewater Treatment Systems Regulations

1. These Lake County On-site Wastewater Treatment Systems Regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Lake County.
- 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.

### 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, June, 30, 2017", are made a part of these Lake County On-site Wastewater Treatment Systems 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 Lake County On-site Wastewater Treatment Systems 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 Lake County On-site Wastewater Treatment Systems Regulations.
  2. Allowable local options identified in Regulation 43 and the designated decisions for these Lake County On-site Wastewater Treatment Systems Regulations are identified in the attached "Appendix A to OWTS Lake County On-site Wastewater Treatment Systems Regulations for Lake County. Appendix A is made a part of these Lake County On-site Wastewater Treatment Systems Regulations.
- B. Excluded
1. Reductions in soil treatment area size or separation distances, and wide beds with higher level treatment units are not allowed under Lake County On-site Wastewater Treatment Systems Regulations. All designs must be based on TL-1 parameters as defined in Regulation 43. Area or separation distance reductions and wider beds for higher level treatment can only be allowed in the future if these Regulations are amended to include a program of oversight for inspection and maintenance of higher level treatment units, and this amendment is accepted by the Division.

### 1.4 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 Lake County Public Health Agency.
  2. The permit application must include all information identified in section 43.4(B)(3) of Regulation 43.
  3. An OWTS permit expires one year after the date of issuance if construction has not commenced unless the permit is renewed. After expiration, a new application must be required to begin construction.
  4. Any change in plans or specifications of the OWTS after the permit has been issued

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invalidates the permit unless the permittee receives written approval from the Lake County Public Health Agency and the design engineer. After a permit is invalidated, a new application and subsequent permit is required to begin construction unless the Lake County Public Health Agency approves otherwise.

5. The permit shall become invalid if it is determined that material information contained in the application, engineering design or supporting documentation is incorrect, false or misleading.
  6. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
  7. A permit shall be required for the expanded use of an OWTS. The OWTS must be replaced or modified to handle the increased design flow unless it is determined by an engineer that the existing system is adequately designed and constructed for the higher design flow rate.
  8. An OWTS permit is not transferable. Upon a change in property ownership, a new application shall be required to begin or continue construction. Transfer of Title inspections are required for all property sales and transfers; see section 1.10 of these regulations. Limited Occupancy Properties must submit a Change in Ownership Limited Occupancy Agreement form that can be obtained from Lake County Public Health Agency.
  9. A permit to construct, alter, or repair an OWTS may be denied if a municipal or sanitation district sewer mainline exists within 400 feet, as measured by way of public access, or legal easement, to any part of the applicant's property, and if the municipality or district agrees to provide sewer service. Lake County Public Health Agency shall only approve an OWTS permit for a property that is subject to connection to sanitary sewer if all OWTS installation criteria can be satisfied, and when the Lake County Board of Health and the municipality or district agree to the OWTS installation.
  10. Application for a product development permit may be approved by the Lake County Public Health agency consistent with requirements of section 43.4(l) of Regulation 43.
  11. The issuance of a permit and specifications of terms and conditions therein shall not constitute assumption of liability, nor create a presumption that Lake County Public Health Agency or its employees may be liable for the failure or malfunctioning of any system. Permit issuance shall not constitute a certification that the system, the equipment used in the system, or any component used for system operation will ensure continuous compliance with the provision of the OWTS Act, the regulations adopted thereunder, or any terms and conditions of a permit.
- B. Board of Health Review [43.4(B)(9)]
1. When an application is denied by Lake County Public Health Agency, an applicant may request review by the local board of health. Applicants must submit their request for review in writing to the Board of Health within 30 days of receiving the notice of denial.
- 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. No portion of any required application fee shall be refunded by the county if the permit for which such fee is paid is denied.
  3. Waiver of fees [43.4(B)(4)(c)] The Board of Health shall have the power to reduce the amount of the required application fee of the qualified applicant, or to exempt a qualified applicant from the requirement to pay an application fee.
- D. Surcharge [43.4(B)(5)]
1. A surcharge of \$23.00 will be collected for each permit issued by the Lake County Public Health Agency. Of that fee, the Lake County Public Health Agency will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.

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## E. Reimbursement of Extraordinary Review Costs

1. An applicant seeking an OWTS permit under these Lake County On-Site Wastewater Treatment System Regulations shall be required to reimburse the County for any extraordinary review costs actually and necessarily incurred by the County in the review of such applicant's application, in addition to any fee established 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. Such costs may include, without limitation, County Attorney's fees, special counsel fees and the fees of any consultant engaged by the County to assist in the application review process. Reimbursement for such extraordinary fees shall be a precondition for the granting of all permits or approvals requested by the applicant as provided by these Lake County On-Site Wastewater Treatment System Regulations, and/or such reimbursement may be compelled in a civil action brought by the County Attorney on behalf of the County.

## 1.5 Engineered Systems

### A. Colorado Professional Engineers

1. All OWTS in Lake County must be designed by a Professional Engineer.
2. It shall be the responsibility of the applicant to obtain the services of a professional engineer currently licensed by the State of Colorado, and qualified to design OWTS, to perform the site and soil evaluation, design and inspection requirements as set forth in Regulation 43.
3. The engineer shall inspect the OWTS construction and provide Lake County Public Health Agency a written letter certifying that the system was constructed in accordance with the permitted design. Failure to provide the required certification letter may result in the denial of the final approval of the system.
4. If the design engineer is deceased, no longer a practicing engineer, or is otherwise unable to provide such certifications, the Lake County Public Health Agency may accept another Colorado engineer's certification letter or waive the required certifications provided that the installation of the system complies with all aspects of these regulations other than the engineer's certification.

## 1.6 Inspections [43.4(E)]

### A. Right-of-Entry

1. For the purpose of inspecting and enforcing applicable regulations and the terms and conditions of any permit issued and investigating and responding to complaints, the Lake County Public Health Agency is authorized to enter upon private property at reasonable times for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and these Regulations 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 shall permit the Lake County Public Health Agency access to the property to make inspections, conduct required tests, take samples, and monitor compliance.
2. The system contractor or owner shall be responsible for providing the Lake County Public Health Agency with sufficient notice to perform all inspections required by a permit.
3. If during the installation of the system an inspection reveals any significant deviation from the design of the permitted system or change in the proposed water supply, or if any aspect of the system fails to comply with these Regulations, the Lake County Public Health Agency shall notify the contractor/owner of the deficiencies.

### B. Site Evaluation [43.5]

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1. A site and soil evaluation must be conducted according to section 43.5 of the Colorado OWTS Regulation 43, for each property on which an OWTS is proposed, to determine the suitability of a location to support an OWTS, and to provide the designer a sound basis to select the most appropriate OWTS design for the location and application. Lake County Public Health Agency or its designee requires a site evaluation inspection prior to any construction, installation, alteration, or repair of an OWTS.
  2. A preliminary investigation shall be performed by Lake County Public Health Agency or its designee including reviewing documented information relative to the site and anticipated conditions. Information gathered as part of the preliminary investigation shall include, but is not limited to items listed in section 43.5 of the Colorado OWTS Regulation 43.
- C. Septic Tank [43.9(B)(3)(c)]
1. The applicant must notify the engineer and Lake County Public Health Agency or its designee no less than 48 business hours prior to the backfilling so the Lake County Public Health Agency or its designee can conduct a field inspection of the septic tank before backfilling.
- D. Soil Treatment Area and Related Components [43.4(F)(3)]
1. The applicant must notify the engineer and Lake County Public Health Agency or its designee no less than 48 business hours prior to the backfilling so the Lake County 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.
- E. Surface Activity
1. Activity or use on the surface of the ground over any part of the OWTS shall be restricted to that which shall allow the system to function as designed, will not require irrigation or watering, and which shall not contribute to compaction of the soil or to structural loading detrimental to the integrity or capability of the component to function as designed.
  2. During construction, equipment shall be kept off the ground surface above the soil treatment area and out of the excavation to prevent compaction. If compaction occurs, the disturbed or compacted soil shall be re-evaluated and new percolation tests may be performed to the disturbed or compacted soil and the system redesigned if the parameters have changed.

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

- A. Board of Health Review
1. The Board of Health may conduct a public hearing to consider a prohibition on the issuance of on-site wastewater treatment system permits for defined areas in which the local Board of Health determines that construction and use of additional OWTS may constitute a hazard to public health or water quality.
  2. The hearing may be conducted after mailing a written notice to all affected property owners as shown in the records of the County Assessor and publishing a legal notice in a newspaper of general circulation at least 10 days prior to the hearing.

### 1.8 Licensing 43.4(K) **Effective March 1, 2019**

- A. Systems Contractors [43.4(K)(1)]
1. Any person engaged in the business of inspecting, installing, upgrading, constructing, chemically treating or renovating/repairing OWTS shall hold a valid Systems Contractor license issued by the Lake County Public Health Agency. Employees of a licensed Systems Contractor need not be individually licensed.
  2. An applicant for a Systems Contractor license shall be required to pass a Lake County Public Health Agency Approved test that demonstrates knowledge of these Regulations.

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A company employing the licensed individual shall only be recognized as licensed as long as the person passing the test remains employed with that company.

3. Systems contractors shall be required to submit all appropriate fees for testing, licensing and renewal of an expiring license. To renew a license, Systems contractors may be required to submit CEU's, certification of class attendance, or pass a Lake County Public Health Agency approved test that demonstrates knowledge of these Regulations.
4. A new license shall be valid January 1 or the date obtained, through December 31 of the calendar year and renewals shall coincide with the calendar year thereafter. A license that lapses because of: failure to renew, revocation or suspension shall be subject to the fee established for a new license upon re-application. If the date of re-application is more than six (6) months from the date the license expired, the applicant shall also be required to pass a Lake County Public Health Agency Approved test that demonstrates knowledge of these Regulations.
5. System Contractors must:
  - a. Verify that a permit to install or repair an OWTS has been issued prior to commencing excavation and maintain a copy of the permit and the engineering design and specifications at the site of the installation;
  - b. Verify that there have been no changes in the site conditions under which the permit was issued prior to commencing construction. If any conditions of the permit, the supporting engineering or otherwise provided for in these regulations cannot be met, the Systems Contractor shall notify the engineer and Lake County Public Health Agency before proceeding with the installation or repair;
  - c. Perform all work in compliance with these regulations, with the conditions specified on the permit and supporting engineering design including, but not limited to, assuring that all required inspections are scheduled with, and performed by the engineer and Lake County Public Health Agency or their designee;
  - d. Suspend work and notify the engineer and Lake County Public Health Agency 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 these Regulations. Construction may resume only after authorized by the engineer and Lake County Public Health Agency or their designee.
  - e. Be responsible for knowing and implementing regulation changes as they occur. Failure to do so may be grounds for revocation of a Systems Contractor License.
  - f. Requirements for Owner-Installers - When the owner of property desires to install the OWTS on his/her own property, he/she is subject to all requirements of regulations 43 and including the requirements of Section 1.8 of these regulations.
  - g. System Contractors conducting inspections shall report each OWTS which is inspected to the Lake County Public Health Agency not more than thirty (30) days after such service is performed, on forms provided by the Lake County Public Health Agency. The report shall include the name of the licensee, name of the service person, legal description of the property, property owner, owner's telephone number, property street address, date of service, description of the service performed, condition of the tank, STA/field, any other components inspected, indications of system failure and any other pertinent information.
  - h. Report to the Lake County Public Health Agency, within 48 business hours, the location of any leaking septic tank or surfacing wastewater that is found.

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

1. Any person engaged in the business of inspecting, cleaning or pumping of septic tanks, vaults, holding tanks or other components of an OWTS, or transporting sewage to a

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- disposal site shall hold a valid Systems Cleaner license issued by the Lake County Public Health Agency. Employees of a Systems Cleaner need not be individually licensed.
2. An applicant for a Systems Cleaner license shall be required to pass a Lake County Public Health Agency Approved test that demonstrates knowledge of these Regulations. A company employing the licensed individual shall only be recognized as licensed as long as the person passing the test remains employed with that company.
  3. Systems cleaners shall be required to submit all appropriate fees for testing, licensing and renewal of an expiring license. To renew a license, Systems Cleaners may be required to submit CEU's, certification of class attendance, or pass a Lake County Public Health Agency approved test that demonstrates knowledge of these Regulations.
  4. A new license shall be valid January 1 or the date obtained, through December 31 of the calendar year and renewals shall coincide with the calendar year thereafter. A license that lapses because of: failure to renew, revocation or suspension shall be subject to the fee established for a new license upon re-application. If the date of re-application is more than six (6) months from the date the license expired, the applicant shall also be required to pass a Lake County Public Health Agency Approved test that demonstrates knowledge of these Regulations.
  5. System Cleaners must:
    - a. Systems Cleaners and inspectors shall report each OWTS which is cleaned, serviced or inspected to the Lake County Public Health Agency not more than thirty (30) days after such service is performed, on forms provided by the Lake County Public Health Agency. The report shall include the name of the licensee, name of the service person, legal description of the property, property owner, owner's telephone number, property street address, date of service, description of the service performed, volume of sewage pumped, volume of tank, condition of the tank, condition of the STA/field, conditions of any other components inspected, indications of system failure and any other pertinent information.
    - b. Be responsible for knowing and implementing regulation changes as they occur. Failure to do so may be grounds for revocation of a Systems Cleaners License.
    - c. Prior to pumping any tank or any other component the Systems Cleaner shall observe the liquid level within the tank.
      1. If the liquid level is found to be above the outlet invert, the tank may be pumped but the Systems Cleaner shall note this condition on their inspection report as an indication that the soil treatment area may be saturated.
      2. If the liquid level is found to be below the outlet invert of the tank, the Systems Cleaner shall fill the tank to the outlet invert and wait at least forty-eight (48) hours before pumping. After forty-eight (48) hours, if the liquid level has not fallen more than 0.25 inches the tank may be pumped and inspected. If the liquid level has fallen more than 0.25 inches the tank shall be considered to be leaking and must be repaired or reported to the Lake County Public Health Agency as required in Section 1.8 B.6 Pumping requirements.
  6. Pumping Requirements Systems Cleaners shall:
    - a. Obtain any as-built drawings or other records that accurately describe the OWTS they are servicing and have those records available when they are making the service call; Undocumented Systems
      1. When a system is found to be undocumented in Lake County, the system must be inspected and documented by a licensed contractor or cleaner. An as-built drawing, statement of the size, type and capacity of the system being used in addition to the minimum criteria listed in section 43.4(L)(5) must be submitted to the Lake County Public Health Agency. If needed, a use permit may be obtained only after all necessary documentation has been turned in

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and if any required repairs to the system have been completed within the time frame established by the Lake County Public Health Agency.

- b. Remove the liquid, sludge and scum from all compartments of the tank(s), leaving no more than three (3) inches of sewage sludge in the bottom of the tank;
- c. Inspect the tees, baffles, aerator unit, pumps, alarms, filters, siphons and other internal or external components of the tank(s) being pumped and notify the property owner if any of these components are damaged or missing;
- d. Inspect and clean any filters or other devices which require routine maintenance and cleaning, if necessary;
- e. Test the dosing system, when applicable, to determine that it functions as designed;
- f. Provide the property owner with a completed inspection form developed by the Lake County Public Health Agency;
- g. Maintain equipment so that no spills will occur during pumping or transportation and that employees are not subjected to health hazards from exposure to the sewage;
- h. Dispose of collected sewage only at sites approved to receive sewage waste and record the disposal site on the inspection form developed by the Lake County Public Health Agency;
- i. Maintain records of the date and address for each septic tank pumped and the date and disposal site for all collected sewage. The Lake County Public Health Agency may require a Systems Cleaner to provide additional documentation regarding their disposal methods and practices;
- j. Report to the Lake County Public Health Agency, within 48 business hours, the location of any leaking septic tank or surfacing wastewater that is found.

### C. License revocation or suspension

1. The Board of Health may revoke or suspend a Systems Contractor or System Cleaners license for failure to comply with these Regulations. Revocation or suspension shall take place only after a hearing before the Board of Health. The license holder shall be given no less than ten (10) days' notice of the hearing and may be represented at the hearing by legal counsel.
2. The Board of Health may lift the suspension or revocation after a hearing at which it is determined that the Systems Contractor or System Cleaner has corrected or rectified the conditions that caused the suspension or revocation.

## 1.9 Variances [43.4(N)]

### A. Variances Allowed

1. The Board of Health may approve a variance from a requirement of this Regulation for legally created parcels where a conforming OWTS cannot be developed. 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 the public health, water quality, or environment.
3. Variances must not be granted under the items identified in section 43.4(N)(5) of Regulation 43.
4. Variances shall not be granted for reductions in soil treatment area size or separation distances and wide beds for higher level treatment units. All designs must be based on TL-1 parameters in Regulation 43. Similarly, bed widths are limited to 12 feet except for repairs.



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## B. Variance Procedure

1. Variance requests must be provided to the Lake County Public Health Agency in writing. The Board of Health shall hear such variance requests at a public hearing as soon as possible. In addition to other requirements of the hearing procedure, Lake County Public Health Agency shall notify all adjacent property owners of the public hearing by sending notice via certified mail a minimum of 20-days prior to the hearing.
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.
5. The applicant shall be notified, in writing, of the Lake County Board of Health's decision. A notice of denial of a variance shall include those reasons which form the basis for the denial. A notice of approval of a variance shall include requirements or any conditions of the approval. The variance, 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 property owner.

## **1.10 Transfer of Title Inspections [43.4.L] *Effective March 1, 2019***

- A. Property owners of any residence or other building/facility served by an OWTS are required to have an inspection of that system to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property.
- B. Applications for transfer of title and inspection reports must be made on forms furnished or approved by the Lake County Public Health Agency. Inspectors must be certified by National Association of Wastewater Technicians or an equivalent program approved by the Lake County Public Health Agency. Inspectors for higher level treatment systems must have training relevant to the specific system or certification by the equipment manufacturer. The applications must include all information in accordance with 43.4(L)(3).
- C. Undocumented Systems
  1. Upon application for a transfer of title and inspection, when a system is found to be undocumented in Lake County, the system must be inspected and documented by a licensed contractor or cleaner. An as-built drawing, statement of the size, type and capacity of the system being used in addition to the minimum criteria listed in section 43.4(L)(5) must be submitted to the Lake County Public Health Agency. A conditional acceptance document may be issued by the Lake County Public Health Agency, provided that the purchaser of the property agrees to obtain a use permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within the time frame established by the Lake County Public Health Agency.
- D. Minimum Criteria
  1. All components that are found to be in a state of malfunction must be noted and disclosed within the inspection report. Items noted in the inspection report that do not comply with the following criteria and conditions must be corrected along with necessary permits and inspections prior to the issuance of a final acceptance document:
    - a. All tanks must be structurally sound and in good working order and provided with safe and secure lids;
    - b. All internal devices and appurtenances such as tees, effluent screens and baffles that were originally provided with the tank or added later must be intact and in working order;

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- c. Alarms, control devices, and components necessary for the operation of the system are present and in good working order;
- d. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure;
- e. There are no unapproved wastewater discharges from the system or structure;
- f. Any items meeting the conditions of a "Failure" as defined in this regulation have been corrected to the acceptance of the Lake County Public Health Agency.

### E. Issuance of an Acceptance Document

- 1. When the criteria set forth above have been met, the Lake County Public Health Agency must issue an acceptance document, using terminology adopted by the Lake County Public Health Agency, setting forth the terms and conditions of approval, including, as appropriate:
  - a. Statement of the size, type and capacity of the system and a record drawing, either from the local building department or public health agency records (verified by the inspector) or from the inspection reports;
  - b. Evidence of past system failures as shown in local building department or public health agency records;
  - c. Circumstances or factors that may have affected the ability of the inspector to evaluate the system;
  - d. Whether the system meets the permitting requirements of the Lake County Public Health Agency; and
  - e. Other information the Lake County Public Health Agency may require.

### F. The acceptance document will remain valid until the date of real estate closing or for a maximum period of twelve months, whichever comes first.

### G. Renewal of an Acceptance Document

- 1. The acceptance document is valid until the date of real estate closing, or for a period of six months, whichever comes first.
- 2. An acceptance document may be renewed for another period of up to six months depending on any conditions set forth in the first document; and upon completion of the appropriate form and payment of the required fee.

### H. Waiver of an Acceptance Document

- 1. If it is determined by the Lake County Public Health Agency that an OWTS does not meet the requirements for issuance of an acceptance document, a conditional acceptance document may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within the time frame established by the Lake County Public Health Agency.

### I. Revocation of an Acceptance Document

- 1. An acceptance document 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.

### J. Penalties

- 1. Failure to obtain an acceptance document for a covered transaction as provided by this regulation will subject the owner who failed to obtain the document to a penalty assessed under section 25-10-113, C.R.S.

## 1.11 Permit for the Continued Use of an On-site Wastewater Treatment System [43.4.M]

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- A. Permits for the continued use of an OWTS may be issued for purposes, including but not limited to:
1. An “Operating permit” used for maintenance and inspections performed on an OWTS at regular intervals;
  2. A “Use permit” used for transfer of title inspections;
  3. Use of a Limited Use Occupancy OWTS; or
  3. Other situations deemed necessary or useful by a Lake County Public Health Agency.
- B. Use permits will be valid for a period of one year or as specified by the Lake County Public Health Agency.
- C. Lake County Public Health Agency may revoke a permit for failure to comply with these Regulations. The applicant has the burden of proof to demonstrate that the system poses no greater risk to public health and the environment than would a system meeting these Regulations. Lake County Public Health Agency may lift the suspension or revocation after receiving documentation that the system is in compliance or has corrected or rectified the conditions that caused the revocation.

### APPENDIX A

<b>Local Public Health Agency:</b>	Lake County Public Health Agency – Environmental Health			
<b>D. Decision Points Summary – Local On-site Wastewater Treatment System Regulations</b>				
<b>CROSSWALK</b>				
<b>ITEM: Options Below are the Same as in 2013 Regulation 43</b>	<b>ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item)</b>	<b>Citation Reg #43</b>	<b>Citation Lake County Reg</b>	
Licensing Systems Contractors and Systems Cleaners	Neither ( <i>Do not license contractors or cleaners</i> )	<input type="checkbox"/>	43.4.K	
	Systems Contractors only are licensed	<input type="checkbox"/>	43.4.K.1	1.8 A
	Systems Cleaners only are licensed	<input type="checkbox"/>	43.4.K.3	1.8 B
	Both contractors and cleaners are licensed <b>EFFECTIVE DATE OF March 1, 2019</b>	<input checked="" type="checkbox"/>	43.4.K.1 and 3	1.8 A & B
Variances	Variances Allowed ( <i>Must have a variance procedure prescribed within the local regulation.</i> )	<input checked="" type="checkbox"/>	43.4.N.	1.9 A & B
	Variances not allowed	<input type="checkbox"/>	43.4.N	
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	<b>Appendix A</b>
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: flow estimates will be determined from the number of bedrooms originally finished	<input type="checkbox"/>		

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	If unfinished area is present in house, OWTS 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 applicable code requirements for a bedroom.	<input checked="" type="checkbox"/>	43.6.A.2.h	<b>Appendix A</b>
Effluent Screen	May be used ( <i>owner's option</i> )	<input type="checkbox"/>	43.9.J.1	
	Required in all new septic tanks	<input checked="" type="checkbox"/>	43.9.J.1	<b>Appendix A</b>
Length of distribution laterals (e.g., trenches or beds)	100 feet maximum length for any OWTS system	<input type="checkbox"/>	43.10.E.2.d	
	100 feet maximum for gravity fed from 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	<b>Appendix A</b>
Inspection ports at initial (front) end of lateral or chamber	Not required	<input type="checkbox"/>		
	Required	<input checked="" type="checkbox"/>	43.10.F.6.d	<b>Appendix A</b>
Vault Privies – new	Allow new vault privies with variance	<input checked="" type="checkbox"/>	43.12.D.1.a	1.2 B.3
	Prohibit new vault privies	<input type="checkbox"/>	43.12.D.1.a	
Vault Privies – existing	Allow continued use of existing vault privies	<input checked="" type="checkbox"/>	43.12.D.1.b	<b>Appendix A</b>
	Require abandonment of existing vault privies	<input type="checkbox"/>	43.12.D.1.b	
Pit Privies – new	Allow new pit privies	<input checked="" type="checkbox"/>	43.12.D.2.c	1.2 B.3
	Prohibit new pit privies	<input type="checkbox"/>	43.12.D.2.a	
Pit Privies – existing	Allow continued use of existing pit privies	<input checked="" type="checkbox"/>	43.12.D.2.c	<b>Appendix A</b>
	Require abandonment of existing pit privies	<input type="checkbox"/>	43.12.D.2.b	
Slit trenches	Allow slit trenches	<input checked="" type="checkbox"/>	43.12.F	<b>Appendix A</b>
	Prohibit slit trenches	<input type="checkbox"/>	43.12.F	
<b>Optional Programs/Permits</b>				
Reductions in soil treatment area (STA) size or separation distances for higher level treatment systems with mandatory maintenance and oversight	Allow reductions for higher level treatment. ( <i>To allow reductions, local regulation must require mandatory inspections and maintenance, and local public health agency program of inspection and maintenance oversight must be in place.</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	<b>Appendix A</b>

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Transfer of Title inspections	Required ( <i>If transfer of title inspections are required, the criteria that inadequate systems must achieve following repair or replacement must be specified in local regulation.</i> ) <b>EFFECTIVE DATE OF March 1, 2019</b>	<input checked="" type="checkbox"/>	43.4.L.1	1.10 A, B, C, D, E, F, G, H, I, J
	Not required	<input type="checkbox"/>	43.4.L.1	
Permits for the Continued Use of an OWTS; Define these items on Pg. 4 that are more stringent than Regulation 43.	Used in local regulation ( <i>Specify purpose within local regulation.</i> )	<input checked="" type="checkbox"/>	43.4.M.1	1.11 A, B, C
	Not used in local regulation	<input type="checkbox"/>		
<b>For CDPHE Tracking Purposes</b>				
Require that all Soil Evaluations be submitted and stamped by a licensed professional engineer	All soil evaluations must be submitted by a licensed professional engineer	<input checked="" type="checkbox"/>	N/A	1.5 A
	A licensed professional engineer or "Competent Technician" may submit soil evaluations	<input type="checkbox"/>	N/A	
Require that all OWTS designs be submitted and stamped by a licensed professional engineer.	All OWTS plans must be stamped by a licensed professional engineer	<input checked="" type="checkbox"/>	N/A	1.5 A
	We do not require an engineer's stamp for sites where an engineer's stamp is not required by Regulation 43; Reference section 43.10.B	<input type="checkbox"/>	N/A	