

**LA PLATA COUNTY PUBLIC HEALTH DEPARTMENT
ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS**

Effective Date: March 2, 2026

1. Title and Authority

These requirements will be known as the “La Plata County Public Health Department (“LPCPHD”) On-site Wastewater Treatment Systems Regulations”.

These requirements have been adopted by the La Plata County Public Health Board of Health (“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. (“OWTS Act”) and has designated La Plata County Public Health Department to implement these Regulations (“Regulations”) on behalf of the Board of Health.

2. Scope and Purpose

A. Declaration

1. These Regulations apply to On-site Wastewater Treatment Systems (“OWTS”) as defined in section 25-10-103(12), C.R.S.

B. Purpose

1. The purpose of these Regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than or equal to 2,000 gallons per day within the Jurisdiction defined below.

C. Jurisdiction

1. These Regulations apply to all OWTS in the unincorporated areas of La Plata County and over all municipal corporations within the territorial limits of La Plata County, Colorado. These Regulations shall not apply to Indian trust lands, the Southern Ute Indian Tribe, the Ute Mountain Ute Tribe, members of the Southern Ute Indian Tribe within the exterior boundaries of the Southern Ute Indian Reservation, or members of the Ute Mountain Ute Tribe within the exterior boundaries of the Ute Mountain Ute Reservation. These Regulations do apply to non-Indians on lands within the exterior boundaries of the Southern Ute Indian Reservation and the Ute Mountain Ute Reservation owned in fee by persons or entities other than the tribe associated with the respective Reservation.

D. Prohibition of OWTS Where Public Sewer Service is Available and Technically 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 technically feasible according to the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)].

If the special district's service plan requires sewer service to the subject parcel, an application for a new construction or alteration OWTS permit shall include a special district's validly issued authorization letter accompanied by documentation that the La Plata County Board of County Commissioners has authorized the alteration or removal of the sewer service requirement to the subject parcel in the special district's service plan.

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.

F. Access to Site

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, LPCPHD is authorized to enter upon private property at reasonable times and upon reasonable 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.
2. The owner or occupant of every property having an OWTS must permit LPCPHD access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

3. Incorporation of Regulation 43

A. Included By Reference

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

4. Definitions

- A. “Accessory dwelling unit” means a smaller, independent residential dwelling located on the same lot or parcel as a stand-alone single-family home. LPCPHD retains the right to assess on a case-by-case basis.
- B. “Arm’s length transaction” means:
 - 1. A transaction between two unrelated and unaffiliated parties, or
 - 2. A transaction between two parties, however closely related they may be, conducted as if the parties were strangers, so that no conflict of interest arises.
- C. “Bedroom” means any space or room within a dwelling having all of the following; at least seventy (70) square feet in floor area, an egress window, a closet, private access so that access to other rooms does not have to be gained by going through the Bedroom, and/or is intended for sleeping purposes.
- D. “Qualified service provider” means an individual with training relevant to the specific system and certification by the equipment manufacturer.
- E. “Technically feasible” means a professional evaluation of whether something can be accomplished from an engineering, scientific, or operational standpoint.

5. Permits and Fees

- A. Permits [43.4(B)]
 - 1. Prior to installing, altering, or repairing an OWTS, the applicant must obtain a permit from LPCPHD.
 - 2. The permit application shall be on forms acceptable to LPCPHD and shall include information identified in section 43.4(B)(3) of Regulation 43. The following additional information shall be provided, unless waived in writing by LPCPHD (issuance of a permit constitutes such waiver):
 - a. County parcel number.
 - b. Number of dwellings, bedrooms, and commercial buildings served by the OWTS.
 - c. Type of water supply.
 - d. Signature of an owner or responsible party.
 - e. Contact information for owner or designated agent.
 - 3. Permit applications will not be processed until all required documents have been received.

4. An OWTS permit issued after the adoption of this regulation expires two years after the date of issuance if the system is not ready for backfill within that two-year period. An extension of up to 6 months may be granted if a written request is received prior to expiration.

After expiration, a new application must be submitted, and a new construction permit issued by LPCPHD to begin and/or complete construction. Current permit fees will be assessed. Failure to complete installation of an authorized OWTS within two years of permit issuance shall render the permit void, unless extended in writing by LPCPHD.

Permits issued prior to the adoption of this regulation shall expire as issued.

5. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from LPCPHD for such changes. After a permit is invalidated, a new application and subsequent permit is required to begin or complete construction.
6. Repair permits must provide for a reasonable period of time within which the owner or occupant must make repairs. At the end of that period, LPCPHD may inspect the system to ensure it is functioning properly. Concurrently with the issuance of a repair permit, LPCPHD may issue an emergency continued use permit authorizing continued use of a malfunctioning system on an emergency basis for a period not to exceed the period stated in the repair permit.

In the event repairs may not be completed in the period stated in the repair permit, such an emergency continued use permit may be extended as follows:

- a. for good cause shown; and
 - b. upon LPCPHD's analysis of risk to public health and water quality; and
 - c. if the delay has arisen through no fault of the owner or occupant; and
 - d. if the owner or occupant will continue to make repairs to the system.
7. Applications for a product development permit may be approved by the Board of Health consistent with requirements of section 43.4(l) of Regulation 43.

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

1. When an application is denied by LPCPHD, an applicant may appeal the denial to the Board of Health.
2. The appeal shall be made to the Board of Health within 30 days after denial of an OWTS permit application by LPCPHD.

3. The applicant's appeal shall include a written statement explaining the basis of the appeal. The burden of proof is on the applicant to demonstrate that LPCPHD's denial of a permit was both arbitrary and capricious and not in accordance with these Regulations.
4. The appeal shall be accompanied by all required appeal fees.
5. The appeal shall be heard by the Board of Health at the next regularly scheduled meeting following an adequate notice period.
6. After hearing the appeal, the Board of Health will issue its written opinion concerning the appeal which shall include the following:
 - a. Findings of the Board of Health.
 - b. Facts upon which the findings were based.
 - c. Reference to laws or regulations upon which the Board of Health decision was based.

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. and other applicable statutes and rules.
2. Waiver of fees [43.4(B)(4)(c)]:
 - a. The Board of Health may adopt a procedure for waiving permit fees and fees for other services and tests associated with OWTS for cases of financial hardship.

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

1. A surcharge fee will be collected for each permit issued by LPCPHD with a portion of the fee retained to cover local administrative costs and the remainder must be transmitted to the Colorado Department of Public Health and Environment for use in funding the state's OWTS program. The surcharge fee is identified in the On-site Wastewater Treatment System Act 25-10-107(3) C.R.S. until replaced by a fee(s) becoming effective in Regulation 102 adopted under Section 25-8-210(1)(a)(X) C.R.S.

6. Inspections [43.4(E)]

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

1. The applicant, their agent, a licensed systems contractor or professional engineer must notify LPCPHD at least two business days prior to the requested time of inspection so LPCPHD can conduct a field inspection of the septic tank before backfilling. The septic tank installation shall be substantially complete prior to the requested inspection. LPCPHD may, at its own initiative, perform an inspection at any time during the construction process.

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

1. The applicant, their agent, a licensed systems contractor, or professional engineer must notify LPCPHD at least two business days prior to the requested time of inspection so LPCPHD can conduct a field inspection of the soil treatment area and all related components of the OWTS before backfilling. The soil treatment area installation shall be substantially complete prior to the requested inspection. LPCPHD may, at its own initiative, perform an inspection at any time during the construction process.

C. Re-inspection

1. If the field inspection described in section 6(A) or 6(B) is unsatisfactory or reveals construction errors or deviations from the authorized design or information contained within the permit application, LPCPHD shall provide notification of any deficiencies to the systems contractor and owner. LPCPHD may, at its discretion, require and perform a re-inspection following notification that the deficiencies have been corrected. If a re-inspection is required, backfilling the OWTS prior to re-inspection is prohibited.

7. Prohibitions

- A. Prohibition of an OWTS where public sewer service is available and technically feasible. La Plata County land use code requires development located within four hundred (400) feet of an existing central sewer system shall connect to that system, unless the existing system's provider certifies the system lacks sufficient capacity to serve the proposed development, the connection would be technically impracticable, or the provider otherwise refuses to serve the proposed development. When applicable, the applicant shall include within the application materials, documentation from the La Plata County Community Development Department that there are no objections to the proposed OWTS permit. [See La Plata County Code 70-3 (1)(A)]
- B. No City or County shall issue to any person a permit to construct or remodel a building or structure, which includes plumbing, that is not serviced by a sewage treatment works until LPCPHD has issued a permit for an OWTS.
- C. No City or County shall issue to any person an occupancy permit for the use of a building that is not serviced by a sewage treatment works until LPCPHD makes a final inspection of the OWTS, provided for in Section 25-10-106(1)(h) C.R.S. and LPCPHD approves the installation.
- D. Prohibition of construction without adequate facilities. 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. "Adequate facilities" do not include OWTS that are deemed to be failed, or any such condition that LPCPHD determines to be a public health and/or safety concern.
- E. Prohibition on new construction without obtaining an OWTS. No person shall construct a new occupied structure that includes plumbing, without connecting to a domestic wastewater treatment works or obtaining an OWTS permit issued by LPCPHD and installing a compliant OWTS.
- F. A person must not connect more than one dwelling, commercial business, institutional or industrial unit to the same OWTS unless such multiple connections were specified in the application submitted and in the permit issued for the system.

8. Licensing [43.4(K)(1)]

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

1. No person shall excavate, install, construct, alter, or repair an OWTS unless he/she holds a valid Systems Contractor License issued by LPCPHD. Licenses shall expire on December 31 of each year and are subject to an annual renewal. Fees for licensure and renewal shall be set by the Board of Health.
2. Obtaining a License
 - a. All systems contractors seeking a license shall be required to attend a training course presented or approved by LPCPHD and to demonstrate adequate knowledge of these Regulations, based upon passing a written test or such other means as determined by LPCPHD and set forth in LPCPHD protocols.
 - b. Systems contractors renewing a LPCPHD license from the previous year are exempt from the requirement to complete a LPCPHD-provided training course.
 - c. Systems contractors holding a current license from another local public health agency in Colorado are exempt from the requirement to complete a LPCPHD provided training course but must still obtain a license from LPCPHD.
 - d. Applications for Systems Contractor Licenses or renewals shall be made on forms acceptable to or provided by LPCPHD.
3. LPCPHD may publish a list of competent technicians following registration protocols to be developed by LPCPHD.
4. Standards of Performance
 - a. Systems contractors shall have the authorized OWTS permit in his/her possession at the time construction begins, and at the time of LPCPHD inspection and re-inspection.
5. Revocation of a Systems Contractor License
 - a. A Systems Contractor License may be suspended or revoked by the Board of Health for failure to comply with the OWTS Act or these Regulations or for reasons including but not limited to the following:
 - (1) Violation of the applicable provisions of the OWTS Act and the implementing regulations.
 - (2) Fraud, omission, or misrepresentation of material information to LPCPHD or property owner related to such systems contractor's own business or any OWTS system or property that the systems contractor is servicing.

- (3) Failure to report to LPCPHD and notify property owner within 72 hours of any observations of damaged or metal septic tanks, cesspools, failed or malfunctioning systems, illegal components, or sewage being discharged onto the ground or beyond the normal area of confinement identified within their care or work within La Plata County.
 - (4) Performing work on an OWTS without applicable licenses or permits.
 - (5) Installation, construction, alteration, or repair of an OWTS without an OWTS permit that has been authorized for construction.
 - (6) Failure to obtain approval of an OWTS, via an inspection by LPCPHD, prior to backfill.
- b. Such a suspension or revocation shall be made only after a hearing before the Board of Health. The systems contractor shall be given at least 30 days' written notice of such hearing, via hand delivery or certified mail, return receipt requested. The systems contractor may be present with counsel and be heard at the hearing.
- c. Should the Board of Health's hearing result in a decision to suspend or revoke a systems contractor's license, such decision, including a listing of violations and any conditions set forth by the Board of Health, shall be forwarded in writing to the systems contractor, either by hand delivery or certified mail, return receipt requested.

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

- 1. No person shall engage in the cleaning of On-Site Wastewater Treatment Systems or the transportation of septage to a disposal site unless he/she holds a valid Systems Cleaner License issued by LPCPHD or is employed by a valid licensed systems cleaner. Employees of a valid licensed systems cleaner shall not be required to be licensed as individuals. Licenses shall expire on December 31 of every third (3) year. Fees for licensure and renewal shall be set by the Board of Health.
- 2. Obtaining a License
 - a. All systems cleaners seeking a license or renewal shall be required to demonstrate adequate knowledge of these Regulations, based upon National Association of Wastewater Transporters ("NAWT") Vacuum Truck certification or such other means as determined by LPCPHD and set forth in LPCPHD protocols. LPCPHD staff may waive this requirement upon identification that applicant is a licensed systems cleaner in another jurisdiction or state.
 - b. Obtaining a Systems Cleaner License shall be contingent on an inspection of the systems cleaner's equipment, unless waived by LPCPHD staff.
 - c. Applications for a Systems Cleaner License or renewal shall be made on forms acceptable to or provided by LPCPHD.

3. LPCPHD may publish a list of systems cleaners following registration protocols to be developed by LPCPHD.
4. Standards of Performance
 - a. The systems cleaner, when cleaning a septic tank or other tank, shall remove the liquid, sludge, and scum, leaving no more than three inches of sewage or effluent in the septic tank or other tank.
 - b. The systems cleaner shall maintain his/her equipment to ensure that no spillage of septage will occur during transportation of the septage, and that his/her employees are not subjected to undue health hazards.
 - c. The systems cleaner shall dispose of the collected septage only at a Domestic Wastewater Treatment Works permitted by the Colorado Water Quality Control Division. Records must be maintained for twelve (12) consecutive months.
 - d. All systems cleaners shall mark the vehicles which transport septage with their business name in six (6) inch letters or larger.
 - e. When in the normal course of work, a systems cleaner observes damaged or metal septic tanks, cesspools, failed or malfunctioning systems, or sewage being discharged onto the ground or beyond the normal area of confinement, the systems cleaner shall notify the property owner and LPCPHD of any such condition within 72 hours.
 - f. A systems cleaner who performs work on systems known to be failed or malfunctioning must notify LPCPHD prior to initiating work.
 - g. The systems cleaner shall provide to the property owner or their designee a receipt listing the name, address, date, activity(s) performed, septic tank volume, number of chambers in the septic tank, and any system deficiency, malfunction, or broken equipment observed, such as cracks, infiltration, overflows, or non-standard equipment. A copy of this receipt shall be provided to LPCPHD, upon request of LPCPHD.
5. Revocation of a Systems Cleaner License
 - a. A Systems Cleaner License may be suspended or revoked by the Board of Health for failure to comply with the OWTS Act or these Regulations or for reasons including but not limited to the following:
 - (1) Violation of the applicable provisions of the OWTS Act and the implementing regulations.
 - (2) Fraud, omission, or misrepresentation of material information to LPCPHD or property owner related to such systems cleaner's own business or any OWTS system or property that the systems cleaner is servicing.

- (3) Failure to report to LPCPHD and notify property owner within 72 hours of any observations of damaged or metal septic tanks, cesspools, failed or malfunctioning systems, illegal components, or sewage being discharged onto the ground or beyond the normal area of confinement identified within their care or work within La Plata County.
- (4) Performing work on an OWTS without applicable licenses or permits.
- (5) Installation, construction, alteration, or repair of an OWTS without an OWTS permit that has been authorized for construction.
- (6) Failure to maintain equipment.
- (7) Allowing spillage of septage to occur during transportation of septage.
- (8) Subjecting employees to undue health hazards.
- (9) Disposing of septage at a site or location other than a Domestic Wastewater Treatment Works permitted by the Colorado Water Quality Control Division.

- b. Such a suspension or revocation shall be made only after a hearing before the Board of Health. The systems cleaner shall be given at least 30 days' written notice of such hearing, via certified mail or hand delivery. The systems cleaner may be present with counsel and be heard at the hearing.
- c. Should the Board of Health's hearing result in a decision to suspend or revoke a systems cleaner's license, such decision, including a listing of violations and any conditions set forth by the Board of Health, shall be forwarded in writing to the systems cleaner, either by hand delivery or certified mail, return receipt requested.

C. Competent Technicians and NAWT Inspectors

1. LPCPHD will only accept site and soil evaluations from competent technicians.
2. LPCPHD may publish a list of competent technicians and/or NAWT Inspectors following registration protocols to be developed by LPCPHD.

9. Variances [43.4(N)]

A. Variances

1. The Board of Health may approve a variance from a requirement of this Regulation within the restrictions of section 43.4 (N)(5) of Regulation 43. 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 is justified and will pose no greater risk to public health and the environment than would a system meeting the requirements of these Regulations.

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 LPCPHD, in writing, by the property owner or his/her designee. The hearing of variance requests will take place according to the following timeline:
 - a. Variance requests not requiring a public hearing, as provided for in section 9(C) of these Regulations, will be heard by the Board of Health at the next regularly scheduled meeting, a minimum of twenty-one days following the receipt of the request and all required materials by LPCPHD.
 - b. Variance requests requiring a public hearing, as provided for in section 9(C) of these Regulations will be heard at the next regularly scheduled Board of Health meeting, a minimum of twenty-eight days following the receipt of the request and all required materials by LPCPHD plus completion of all applicable notice periods required by Regulation 43, this Regulation, and applicable law.
2. Variance requests must include all items identified in section 43.4(N)(2)(d) of Regulation 43.
3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting these Regulations. The Board of Health must determine if this item has been addressed prior to granting a variance.
4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

C. Variances Requiring Public Hearings

1. A variance request may be granted only following a public hearing as provided for in section 43.4(N) of Regulation 43, with the following exceptions, which may be considered at a regularly scheduled Board of Health meeting:
 - a. A request to reduce the setback between any component of an OWTS and structures (with or without basement), as provided for in Table 7-1 of Regulation 43, if the structures involved are located on the same lot as the OWTS.
 - b. A request to reduce the setback between any component of an OWTS and a cistern not connected to a well if the cistern and the well are on the same lot as the OWTS.
2. Public hearings for variance requests must follow the notice requirements of section 43.4(N)(2)(c) of Regulation 43.

10. Use Permits (formerly Transfer of Title) for the Continued Use of an On-site Wastewater Treatment System [43.4(M)]

A. Continued Use Permits

1. Owners of a property with an existing OWTS shall have an inspection performed to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property. The owner(s) of the property shall obtain a complete continued use permit from LPCPHD, unless exempt or waived as noted by these Regulations. The Board of Health may adopt fees for issuing a continued use permit.

B. Applicability

1. Prior to the sale of a property with an existing OWTS, the property owner shall obtain a continued use permit for any system(s) unless exempted or waived as set forth in this section.
2. If the property owner does not obtain a continued use permit prior to the sale of a property with an existing OWTS, the purchaser of the property shall then be required to obtain a continued use permit.
3. A separate continued use permit will be required for each OWTS on the property.
4. A continued use permit is required when connecting a new home, modular unit, mobile home, and/or a structure that does not produce additional design flows to an existing OWTS.
5. The continued use permit will remain valid until the date of real estate closing or for a maximum period of twelve months, whichever comes first.
6. If a property owner (i.e. seller of a property) fails to obtain, and/or renew, a continued use permit as required in section 10 of these Regulations, the LPCPHD may issue a Notice of Violation ("NOV") to the new owner (i.e. buyer of a property). At the discretion of LPCPHD, a timeline specific to the nature of the violation may be required. If after the timeline has expired and the continued use permit has not been acquired, the new owner may be assessed penalties as provided for in these Regulations, Regulation 43, and applicable law.

C. Exemptions

The following properties and situations are exempt from the requirement to obtain a continued use permit:

1. The property is served by an OWTS that was installed and given final approval by LPCPHD or San Juan Basin Public Health within four years of the current closing date of the property. This includes finalized alteration permits with components older than four years.
2. The property is served by an OWTS that was repaired and given final approval by LPCPHD within one year of the current closing date of the property WITH the submittal of a NAWT inspection report as described under 10(D) of these Regulations.

3. The change in ownership is not an Arm's Length Transaction.
4. The change in ownership is creating or ending a joint ownership if at least one person is an original owner of the property and/or the spouse, parent or child of an original property owner.
5. The transfer of property is to a trust in the same name as the original owner, or to a limited liability company, if the original owner is one of the directors of the limited liability company.
6. The transfer is to effect foreclosure or forfeiture of real property, (does not include the subsequent sale of the foreclosed property after being titled to the foreclosing entity).

D. Application Requirements

1. Continued use permits will only be issued for properties served by a permitted OWTS, unless the OWTS on the property clearly predates the OWTS permitting program adopted by the Board of Health having jurisdictional authority in 1967. Property owners with an unpermitted OWTS must apply for a permit for the system prior to applying for a continued use permit.
2. Inspectors must be certified by NAWT, or an equivalent program approved by LPCPHD. Inspectors for higher-level treatment systems must have training relevant to the specific system, if public domain, or certification from the equipment manufacturer.
3. Applications for continued use permits, and inspection reports for such a purpose, must be made on forms provided by LPCPHD, and include the following information:
 - a. Owner's name and contact information.
 - b. Signature of property owner or responsible party.
 - c. Physical address of property.
 - d. Legal description of property.
 - e. Name of inspector, inspector's NAWT or other applicable certification number.
 - f. Date and time of inspection. A record drawing showing the layout of the OWTS and all relevant setbacks. This requirement is waived if such a drawing is already on file with LPCPH and the system as inspected matches the plan on file.
 - g. A septic tank inspection report completed within the previous twelve (12) months, including a septic tank pumping receipt, when applicable, based on the inspection report.
 - h. An inspection report completed within the previous twelve (12) months for any mechanical components such as pumps, alarms, or higher-level treatment systems.

- i. An inspection report completed within the previous twelve (12) months providing a detailed report noting the condition of the soil treatment area.
- j. To the extent possible, the inspector must identify if the OWTS may be encroaching on the required setback to the onsite water supply. Buried wells, snow cover, or other circumstances may prevent the inspector from making this determination. If such circumstances are encountered, they must be stated in the report.
- k. Size of the property.
- l. Type of water supply.
- m. Number of dwellings and number of Bedrooms served by the OWTS.
- n. Where required by section 12 of these Regulations, a copy of a current service contract with a qualified service provider.
- o. A record drawing showing the layout of the OWTS and all relevant setbacks.
- p. Appropriate fees.
- q. All components that are found to be in a state of malfunction or failure must be noted and disclosed within the inspection report.

E. Minimum Criteria for Approval of a Continued Use Permit

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 continued use permit:

- 1. All tanks must be structurally sound and in good working order and provided with safe and secure risers and lids.
- 2. 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.
- 3. Alarms, control devices, and components necessary for the operation of the system are present and in good working order.
- 4. A soil treatment area, or other means of subsurface wastewater treatment, must be present and not in a state of failure.
- 5. There are no unapproved wastewater discharges from the system or structure.
- 6. Any items found in a state of failure or malfunction have been corrected to the acceptance of LPCPHD.
- 7. Wastewater transport lines are clear, un-blocked and free flowing.

8. The system has not been significantly altered from its original design and configuration as documented in LPCPHD records.
9. If a wastewater pond (lagoon) exists, its configuration and the configuration of all components must match the terms of the original permit, and it must meet all of the requirements of section 43.10(l)(8) of Regulation 43.

F. Conditional Continued Use Permit

1. Owners of a property with an existing OWTS shall have an inspection performed by a certified NAWT Technician, or an equivalent program approved by LPCPHD to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property. The owner(s) of the property shall obtain a complete continued use permit from LPCPHD, unless exempt or waived as noted by these Regulations below:
 - a. The person acquiring title to the property agrees in writing to obtain a repair or alteration permit and complete all necessary repairs or alterations to the OWTS within 90 days of Certificate of Occupancy or date of closing.
 - b. Weather conditions, such as frozen ground, prevent the property owner from completing the necessary repairs or alterations. In this case, the property owner or person acquiring title to the property shall agree in writing to obtain a repair or alteration permit and complete necessary repairs within a reasonable time limit set by LPCPHD.
 - c. Weather conditions, such as snow cover, prevent access to the property for performing an inspection. In this case, both of the following are required for LPCPHD to issue a conditional continued use permit:
 - (1) A NAWT-certified inspector certifies, in writing, that the property was inaccessible, and that payment has been made up front for an inspection to be performed when conditions allow.
 - (2) The person acquiring title to the property agrees in writing to have the inspection completed when conditions allow and, if needed, to obtain a repair or alteration permit and complete all necessary repairs within 90 days of the inspection.
2. The Board of Health may adopt fees for issuing a continued use permit.

G. Revocation of a Continued Use Permit

1. LPCPHD shall revoke a continued use permit if it is determined that the system is no longer functioning in accordance with this regulation or that false or misleading material statements were made on the application or inspection reports.
2. Upon revoking a continued use permit, LPCPHD shall notify the current property owner of the revocation.

11. Soil Profile Test Pit Excavations

A. Requirements

1. A site and soil evaluation must be conducted 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. Site and soil evaluations must comply with the requirements of Regulation 43.5.
2. LPCPHD will only accept Site and Soil Evaluations from Competent Technicians registered with LPCPHD. Fees for registration shall be set by the Board of Health.
3. All soil profile pit analyses must be documented by photograph. A photograph of each profile pit is required. Each photo must be geo-tagged and include at minimum all of the following information:
 - a. Time and date of soil profile analysis.
 - b. Property address and/or parcel ID number if address not yet assigned.
 - c. Approximate location of soil profile pits within parcel boundaries in relation to permanent geological or property features (exact coordinates preferred).
 - d. Each soil layer must be captured by photograph.
 - e. If any soil layer reveals rock content, exact percentage must be recorded and calculations justified by the competent technician.
 - f. Soil profile pits shall also be marked with a stake or flagging for the inspector to verify on site.

12. Oversight program of Inspections, Maintenance, Recordkeeping and Enforcement for Higher Level Treatment Systems. [43.14(D)]

A. Oversight

1. The oversight of higher-level treatment systems with size or setback reductions will be administered and enforced by LPCPHD. The Board of Health may adopt additional fees for the administration of this oversight program.
2. A record drawing showing the layout of the OWTS and all relevant setbacks is required. This requirement is waived if such a drawing is already on file with LPCPHD and the system as inspected matches the plan on file.

B. Application and Permitting Requirements

1. Before permitting systems with reduced soil treatment area sizes or reduced setbacks as a result of higher-level treatment, LPCPHD requires recurring inspections, maintenance,

recordkeeping and enforcement to ensure that the systems are meeting the designed higher-level treatment standards.

2. Applications to utilize higher-level treatment with size or setback reductions shall be made in accordance with section 5(A) of these Regulations and section 43.4(B)(3) of Regulation 43. Such application shall be accompanied by the additional information found in Regulation 43.14(D).

C. Inspection, Maintenance and Reporting Requirements

1. The property owner is responsible for having the OWTS containing a higher-level treatment system with size or setback reductions inspected and maintained by a qualified service provider.
 - a. Property owner shall comply with manufacturer recommendations for proprietary systems or design criteria requirements for public domain technology.
 - b. Property owners shall maintain an active service contract with a qualified service provider at all times.
 - c. Each time his/her current contract with a qualified service provider is renewed or replaced, the property owner shall submit a copy to LPCPHD within 30 days of signing.
2. Inspections and maintenance of higher-level treatment systems shall be performed according to the intervals specified in section 43.14(D)(4)(b) of Regulation 43.
3. Service providers shall provide a copy of their inspection report and sampling results, if any, to the owner, and to LPCPHD.
 - a. Inspection reports must include, at a minimum, the information specified in section 43.14(D)(4)(a)(7) of Regulation 43, and any information the manufacturer recommends recording at time of inspection.
4. Service providers must notify LPCPHD when a service contract is terminated prior to the expiration date on the original contract kept on file at LPCPHD.
5. Service providers must obtain appropriate training and/or certification for specific proprietary treatment products as provided by the manufacturer necessary to provide the required operation and maintenance for the relevant product.

D. Items necessary for enforcement or recordkeeping.

1. Property owner shall maintain and provide to LPCPHD upon request all documentation and information as required in section 43.14(D)(4)(a) of Regulation 43.

13. Existing Wastewater Ponds (Lagoons)

A. Unpermitted Wastewater Ponds (Lagoons)

1. Any unpermitted, unauthorized wastewater pond or lagoon is illegal unless it clearly predates the OWTS permit program adopted by the Board of Health having jurisdictional authority in 1967 and is otherwise compliant with the criteria of section 43.10(l)(8)(b) of Regulation 43 and these Regulations.
2. Illegal wastewater ponds or lagoons must be replaced with a permitted OWTS utilizing subsurface disposal.

B. Alterations to Permitted Design Flow

1. For requests to alter the design flow of an OWTS utilizing a lagoon, the potential risk to public health and water quality shall be evaluated by LPCPHD. If LPCPHD determines the risk is low, the alteration of design flow may be permitted, subject to the following requirements:
 - a. A professional engineer as defined in section 43.3(103) of Regulation 43 shall inspect the system.
 - b. A septic tank must precede the wastewater pond.
 - c. The depth of the design volume of the wastewater pond must be at least five feet.
 - d. A wastewater pond must have two feet of free board above the design volume of the pond.
 - e. A wastewater pond must be fenced to keep out livestock, pets, vermin, and unauthorized people.
 - f. Wastewater ponds must be designed on the basis of monthly water balance including design flow, precipitation, evaporation, and seepage.
 - g. If the evapotranspiration does not exceed the rate of inflow of effluent from the structure, a soil treatment area meeting the requirements of this regulation must be installed to accept the excess flow.
 - h. Maintenance must include preventing aquatic and wetland plants from growing in or on the edge of the pond, protecting sides from erosion, and mowing grasses on the berm and around the pond.
 - i. The professional engineer shall certify to LPCPHD that the lagoon will meet all the requirements as listed in 13(A)(1) and 13(B)(1)(a)-(h) of these Regulations following the increase in design flows. LPCPHD may require the professional engineer to provide calculations, design schematics, or a site plan documenting compliance with this Regulation.

14. Vaults and Vault Privies

A. Vaults

1. Vaults may be permitted for full-time use where the property cannot accommodate an OWTS with a soil treatment area, in conformity with all applicable laws, these Regulations, and upon LPCPHD's evaluation of the environment, public health, and water quality.
2. Vaults shall conform to the design criteria specified in section 43.12(C) of Regulation 43.

B. Vault Privies

1. Vault Privies may be considered for approval by LPCPHD if all other options are determined by LPCPHD to be infeasible, in conformity with all applicable laws, these Regulations, and upon LPCPHD's evaluation of the environment, public health, and water quality. No vault privy permit shall be issued where a property can accommodate a conforming OWTS.
2. Vault privies shall conform to the design criteria specified in section 43.12(D)(1) of Regulation 43.

15. Enforcement

A. Cease and Desist

1. LPCPHD may issue an order to cease and desist from the use of any OWTS or sewage treatment works which is found by the health officer not to be functioning in compliance with the OWTS Act or with applicable regulations or is found to constitute a hazard to public health, or has not otherwise received timely repairs, under the provisions of Section 25-10-106(1)(j) C.R.S and section 43.4 (P) of Regulation 43. Such an order may be issued only after a hearing which shall be conducted by the health officer not less than 48 hours after written notice thereof is given to the owner or occupant of the property on which the system is located. The order shall require that the owner or occupant bring the system into compliance or eliminate the health hazard within thirty days, or thereafter cease and desist from the use of the system. A cease and desist order issued by the health officer shall be reviewable in the district court for the county wherein the system is located and upon a petition filed not later than ten days after the order was issued.

B. Penalties

1. The Board of Health may issue penalties for violations as provided for in section 43.4(Q) of Regulation 43.

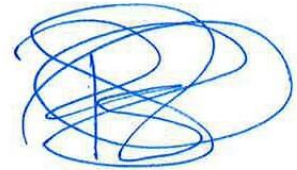
C. Continued Use Permits

1. Failure to obtain a Continued Use Permit for a covered transaction as provided by these Regulations will subject the owner who failed to obtain the document to a penalty assessed under 25-10-113 C.R.S.

D. Systems Cleaners and System Contractors – Penalties per 25-10-113 C.R.S.

1. Any person who commits any of the following acts or violates any of the provisions of this sections commits a civil infraction as defined in 18-1.3-503 C.R.S.
 - a. Conducts a business as a systems contractor without having obtained the license provided for in 25-10-109 C.R.S. and these Regulations.
 - b. Conducts a business as a systems cleaner without having obtained the license provided for in 25-10-109 C.R.S. and these Regulations.
 - c. Falsifies or maintains improper record keeping concerning system cleaning activities not performed or performed improperly.
 - d. Willfully fails to submit proof of proper maintenance and cleaning of a system as required by these regulations and pursuant to 25-10-106 CRS.

Appendix A to La Plata County Public Health Department OWTS Regulations attached



Adopted by the Board of Health _____

Effective Date March 2, 2026

Appendix A

La Plata County Public Health Department On-Site Wastewater Treatment System Regulations

		OPT-IN CHOICES		
SUBJECT MATTER	ALTERNATIVES		Citation Reg #43	Citation Local Reg
Licensing Systems Contractors, Systems Cleaners, Systems Maintenance Providers, and Transfer of Title Inspectors	None (<i>Do not license any OWTS practitioners</i>)	☐	43.4.K	
	Systems Contractors are licensed	☒	43.4.K.1	8(A)
	Systems Cleaners are licensed	☒	43.4.K.1	8(B)
	Systems Maintenance Providers are licensed	☐	43.4.K.1	
	Transfer of Title Inspectors are licensed	☐	43.4.K.1	
Variances	Variances Allowed	☒	43.4.N.	9(A)
	Variances not allowed	☐	43.4.N	
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom	☒	43.6.A.2.d & 43.6.A.2.e	
	All additional bedrooms: 1 person per bedroom			
	All bedrooms: 2 persons per bedroom	☐	43.6.A.2.f	
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	☒	Table 6-1	
	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	☐	43.6.A.2.h	
Board of Health allows the LPHA to permit property line reductions lesser than 10 feet	Allow LPHA determination for certain property line setback reductions	☐	43.7.D.1	
	Prohibit LPHA determination; Board of Health determination only	☒	43.7.D	9(A)
Length of distribution laterals (e.g., trenches or beds)	100 feet maximum length for any OWTS system	☐	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	☒	43.10.E.2.b & 43.10.E.2.c	

SUBJECT MATTER	ALTERNATIVES	OPT-IN CHOICES		
			Citation Reg #43	Citation Local Reg
Inspection ports at header (front) end of trench; piping or chamber	Not required	☐		
	Required	☒	43.10.F.6.d	
Vault Privies - new	Allow new vault privies	☒	43.12.D.1.a	14(B)
	Prohibit new vault privies	☐	43.12.D.1.a	
Vault Privies - existing	Allow continued use of existing vault privies	☒	43.12.D.1.b	12(B)
	Require abandonment of existing vault privies	☐	43.12.D.1.b	
Pit Privies - new	Allow new pit privies	☐	43.12.D.2.a	
	Prohibit new pit privies	☒	43.12.D.2.a	
Pit Privies - existing	Allow continued use of existing pit privies	☐	43.12.D.2.c	
	Require abandonment of existing pit privies	☒	43.12.D.2.b	
Allow for the reduction in the size of the STA where a composting or incinerating toilet is installed	Allow a reduction in the size of the soil treatment area with the use of a composting or incinerating toilet.	☐	43.12.E.2.a	
	The use of a composting or incinerating toilet will not reduce the required size of the OWTS	☒	43.12.E.2	
Transfer of Title inspections	Required	☒	43.4.L.1	10(D)
	Not required	☐	43.4.L.1	
Permits for the Continued Use of an OWTS; Define these items on Pg. 5 that are more stringent than Regulation 43.	Used in local regulation	☒	43.4.M.1	10(A)
	Not used in local regulation	☐		
Reductions in soil treatment area (STA) size or separation distances with the use of higher-level treatment systems and the implementation of a mandatory maintenance oversight program	Allow reductions for higher level treatment	☒	43.14.D.2	12(A)
	Reductions in area and separation distances not allowed for higher level treatment systems	☐	43.14.D.3	