

**RESOLUTION No. 2014-005**

**A RESOLUTION OF THE  
BOARD OF HEALTH OF OURAY COUNTY, COLORADO  
TO APPROVE AN AMENDMENT TO THE REGULATIONS  
REGARDING ON-SITE WASTEWATER TREATMENT SYSTEMS (OWTS)**

**WHEREAS**, in 2013, the Colorado Individual Sewage System Disposal Guidelines were repealed by the Colorado Water Quality Control Division and replaced with a new regulation called the On-Site Wastewater Treatment Systems (OWTS), or Regulation No. 43; and

**WHEREAS**, local health departments have one year, or until June 2014, to adopt local regulations that conform with the new state code; and

**WHEREAS**, the Ouray County Board of Health, in a properly noticed hearing held on December 17, 2013, adopted new On-Site Wastewater Treatment Systems Regulations; and

**WHEREAS**, by statute, the Colorado Department of Public Health and Environment (CDPHE) reviews all finally adopted OWTS regulations and, in reviewing the regulations adopted by the Ouray County Board of Health, determined that a table referred to as the "*decision point document*" that had been completed and submitted by staff should be referenced in the regulations; and

**WHEREAS**, notice of a public hearing with the Board of Health was published in the *Ouray County Plaindealer*, twenty-six days prior to the date of the hearing; and

**WHEREAS**, the Board of Health conducted a public hearing to formally review the revisions requested by CDPHE on January 28, 2014; and

**WHEREAS**, during the public hearing the Board received comments regarding the revisions from Staff and the County Attorney; and

**WHEREAS**, during the public hearing the Board allowed time for comment from members of the public; and

**WHEREAS**, a copy of the amended Regulation and referenced Table A are attached to this resolution as Exhibit A.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF HEALTH OF OURAY COUNTY, COLORADO, AS FOLLOWS:**

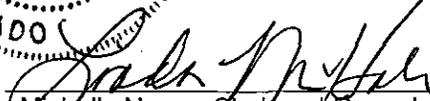
The Board of Health unanimously approves adoption of the proposed revisions that are clerical rather than substantive in nature. The On-Site Wastewater Treatment Systems Regulations will become effective forty-five days after the date of adoption by the Board. Further, the Board directs Staff to transmit a copy of the new regulations to the representative with the Water Quality Control Division within five days of ratification by the Board.

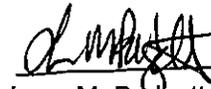
APPROVED AND ADOPTED THIS 4<sup>th</sup> DAY OF FEBRUARY, 2014.

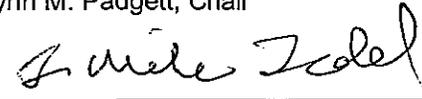
Voting for: Commissioners Padgett and Batchelder  
Voting against: Commissioner Fedel

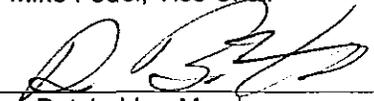
BOARD OF HEALTH OF OURAY COUNTY,  
COLORADO



  
Michelle Nauer, Clerk and Recorder  
By: Linda Munson-Haley, Deputy Clerk of the Board

  
Lynn M. Padgett, Chair

  
F. Mike Fedel, Vice Chair

  
Don Batchelder, Member

**REGULATIONS OF THE  
BOARD OF HEALTH OF OURAY COUNTY, COLORADO  
PERTAINING TO THE PERMITTING OF  
ON-SITE WASTEWATER TREATMENT SYSTEMS**

**WHEREAS**, in 2012 the General Assembly of the State of Colorado revised CRS 25-10-101, known as the “On-Site Wastewater Treatment Systems Act” (referred to herein as “OSWTSA”), requiring every local board of health in the state to develop and adopt detailed rules for on-site wastewater treatment systems within its area of jurisdiction; and

**WHEREAS**, the Colorado Department of Public Health and Environment recommended regulations implementing the OSWTSA, and the Water Quality Control Commission (“State”) adopted regulations implementing the OSWTSA (“WQCC Regulation 43”), requiring local agencies to adopt their own regulations by June 30, 2014; and

**WHEREAS**, the regulations adopted by the State include multiple provisions that require additional resources from the County and would constitute unfunded mandates, appear to be in violation of the spirit of Executive Order D 2011-005, but for the fact that most of these provisions are either elective or can be met by the County with relatively minor modifications to its existing practices and requirements; and

**WHEREAS**, Ouray County Board of Health has carefully considered the State regulations and has received recommendations from staff regarding how to implement the State regulations without unduly burdening the limited resources of the County, and while ensuring the public’s health, safety and welfare; and

**WHEREAS**, the Ouray County Board of Health has held a public hearing and provided notice by publication of these proposed regulations as required by C.R.S.25-10-105(2); and

**WHEREAS**, there have been no instances made known to the Ouray County Board of Health of any failures or water quality deterioration resulting from existing on-site wastewater treatment facilities, including septic systems and individual sewage disposal systems, in Ouray County under existing practices and requirements of the County; and

**WHEREAS**, the Ouray County Land Use Code and Building Code have required septic systems, individual sewage disposal systems, and on-site wastewater treatment facilities to be designed and constructed under the supervision of a professional engineer for many years and have not allowed vault privies, pit privies, or other non-engineered systems; and

**WHEREAS**, the Ouray County Board of Health advises residents with on-site wastewater treatment facilities to properly maintain their system, including evaluation by an owts/septic professional every three to five years and cleaning or pumping of septic tank if recommended in order to prevent failures which could impact area water quality; and

**WHEREAS**, the Ouray County Board of Health believes that these regulations meet the spirit and intent of the State regulations and statutory requirements, and will adequately protect the water quality and the public’s health, safety and welfare;

**NOW THEREFORE**, the Ouray County Board of Health adopted the following regulations, subject to approved amendments, in a properly noticed public hearing on December 17, 2013. These regulations take effect April 1, 2014, which is at least forty-five (45) days from the date of adoption. These regulations will be effective on April 1, 2014 as to new building permits and septic permits issued after the effective date, but will not apply to building or septic permits which have been issued prior to the effective date unless construction on the OWTS is not completed by June 30, 2014.

**Section 1. Title.**

These Regulations shall be known and referred to as the “Ouray County On-Site Wastewater Treatment Systems Regulations” and may be cited and referred to as such.

**Section 2. Authority.**

This Regulation is authorized pursuant to the On-Site Wastewater Treatment Act, 25-10-101 et seq. C.R.S.

**Section 3. Purpose.**

The purpose of this Regulation is to establish, maintain, and enforce standards regarding the location, design, construction, performance, installation, and alteration and use of on-site wastewater treatment systems (herein referred to as “OWTS”) within Ouray County.

**Section 4. Scope of Regulation.**

The Board of Health of Ouray County, Colorado, finds and declares that in order preserve the environment and protect the public health and water quality; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, it is in the public interest to establish minimum standards and regulations for On-site Wastewater Treatment Systems (OWTS).

**Section 5. Discharge to Surface Waters.**

Any system that will discharge (effluent) into surface waters must be submitted to the Water Quality Control Division for review in accordance with the Water Quality Control Act, 25-8-101, et seq. C.R.S, and all applicable regulations of the Water Quality Control Commission. Compliance with such a permit shall be deemed full compliance with this regulation.

**Section 6. Public Health - Designee**

For the purpose of administration and enforcement of this Regulation, the Ouray County Land Use Department shall act as the official designee for the Ouray County Health Department.

**Section 7. Applicability.**

This Regulation shall apply to all On-site Wastewater Treatment Systems (existing and proposed) in the unincorporated portions of Ouray County, as well as the Town of Ridgway,

and the City of Ouray, except to the extent that the Town of Ridgway or the City of Ouray adopt regulations which will be administered by a public health agency within their incorporated areas.

**Section 8. Definitions, Abbreviations and Acronyms**

The definitions, abbreviations and acronyms contained in WQCC Regulation 43, are adopted as though fully set forth herein.

**Section 9. Regulation Coverage**

An OWTS with design capacity less than 2,000 gpd must comply with these regulations.

An OWTS with design capacity equal to or greater than 2,000 gpd must comply with this Regulation, site location and design approval in section 25-8-702, C.R.S., and the discharge permit requirements in the Water Quality Control Act, 25-8-501, et seq. C.R.S. and applicable state regulations. For additional information about the applicability of other state regulations, please see State Regulation 43 or contact the Water Quality Control Division of the Colorado Department of Public Health and Environment (“CDPHE”)

**Section 10. OWTS Permit Application Process**

Prior to installing, altering, expanding or repairing an OWTS system, the applicant must obtain a permit from the Ouray County Land Use Department. Permit fees will be as adopted by the Board of Public Health, in conformance with Regulation 43 and C.R.S. 25-10-107. An applicant shall provide the following information:

- Owner name and contact information;
- Property address;
- Property legal description;
- Type of permit;
- Any applicable data or engineering report regarding site and soil evaluations;
- System design with a legible, accurate site plan which shows pertinent physical features on subject property, and on adjacent properties; and
- A certification by a professional engineer that the proposed system design is in compliance with all requirements and criteria set forth in Regulation 43. The County may, at its own expense, have its own engineer review the design, soil reports or other data to make an independent determination that the proposed system is in compliance with Regulation 43 and these Regulations.
- No new vault or pit privies are permitted in the County unless a professional engineer provides an opinion that the building site will not accommodate an OWTS facility, and then only upon application for, and approval of, a variance by the Ouray County Board of Health, pursuant to the procedures in Section 16. Existing vault or pit privies shall be replaced with an approved OWTS system at any time that repairs are necessary, pursuant to Section 14. No slit trenches are permitted to be constructed.

No OWTS permit shall be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.

### **Section 11. Permit Fees**

Fees adopted by the Ouray County Board of Health pertaining to applications for new OWTS systems, existing OWTS system repair, OWTS system expansion, and on-site inspection by a Ouray County Official shall be included in the Land Use Fee Schedule, approved by the Board of County Commissioners.

Surcharge - The Public Health Department or its designee must collect a fee of twenty-three dollars (\$23.00) for each permit issued for a new, repaired, or upgraded OWTS. Of that fee, the Public Health Department or its designee shall retain three dollars to cover the Public Health Department or its designee's administrative costs and twenty dollars shall be transmitted to the state treasurer, who shall deposit that sum in the water quality control fund created in section 25-8-502(1)(c), C.R.S.

### **Section 12. Permit Term**

An OWTS permit expires one year after the date of issuance if construction has not commenced or as specified by local board of health regulations. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval for such changes.

### **Section 13. Repair Permit**

The owner or occupant of a property on which an OWTS is not functioning in compliance with the OWTSA, Regulation 43 or these regulations must obtain a repair permit from the Land Use Department. The applicant must apply for a repair permit within two business days after receiving notice from the Public Health Department or the Land Use Department that the system is not functioning in compliance with the OWTS Act or applicable regulations, or otherwise constitutes a nuisance or a hazard to public health or water quality.

The repair permit will provide for a reasonable period of time within which the owner or occupant must make repairs or replace the system with a new OWTS facility in compliance with current standards under Regulation 43. The determination of a reasonable period of time will be made on a site specific basis and will take into consideration the amount of repairs, costs of construction, required time for design approvals, and will allow for seasonal limitations on construction. At the end of that period, the owner will provide a certification by a Colorado Licensed Professional Engineer, that the system repairs or new construction have been completed as designed, and that the system is functioning and in compliance with applicable state law, Regulation 43, and this Regulation. The County will inspect the completed construction prior to replacement of soils or other covering materials to confirm that the system is functioning in compliance with this Regulation and Regulation 43. Any existing tank that cannot be successfully repaired, and which will be replaced by a new OWTS facility, will be abandoned in accordance with the requirements of Regulation 43.

**Section 14. Emergency Repairs and Use of Existing System.**

Concurrently with the issuance of a repair permit, the Land Use Department or Public Health Department may issue an emergency 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. Such an emergency use permit may be extended, for good cause shown, in the event repairs may not be completed in the period stated in the repair permit through no fault of the owner or occupant and only if the owner or occupant will continue to make repairs to the system.

**Section 15. Variances and Appeals.**

Any OWTS application denied by the Land Use Department may, at the request of the Applicant, be reviewed by the Board of Health at its next available agenda date/time. The Applicant shall be notified in writing of the date/time/location of the meeting and review by the Board of Health.

An applicant may also request a variance from any portion of this Regulation from the Ouray County Board of Health. The criteria for approval of a variance shall be that good cause has been shown and that the granting of a variance will not degrade water quality, result in a nuisance to other property owners, or otherwise create a risk to public health and safety. An applicant for a variance shall provide technical justification for any proposed variance by either a professional engineer or a professional geologist, as applicable. No variance shall be issued:

- a. if the property can accommodate a conforming OWTS.
- b. to mitigate an error in construction involving any element of property improvements.
- c. solely for economic gain.
- d. if it will result in a setback reduction to an offsite physical feature that does not conform to the minimum setbacks defined in Table 7-1 of Regulation 43 without the written consent of the owner of the property containing said feature. Property lines are considered offsite features.
- e. if it reduces the separation to ground water or bedrock based on the level of treatment in Table 7-2 of Regulation 43.
- f. No variance from the horizontal setback from a well shall be issued unless it also meets the variance requirements of the Board of Examiners of Water Well Construction and Pump Installation Contractors.

An 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 the regulations.

Any variance request must be accompanied by:

- a. Site-specific request identifying the specific criteria from which a variance is being requested;
- b. Technical justification by a professional engineer or professional geologist, which indicates the specific conditions which exist and/or the measures which will be taken

that support a finding that the variance will result in no greater risk than that associated with compliance with the requirements of the regulation. (*Examples of conditions which exist, or measures which might be taken, include but are not necessarily limited to the following: evidence of a natural or manmade physical barrier to the movement of effluent to or toward the feature from which the variance is requested; soil replacement with sand filter media to reduce the infiltration rate of the effluent such that the travel time of the effluent from the absorption field to the physical feature is no less than the travel time through the native soils at the prescribed setback.*)

- c. A discussion of alternatives considered in lieu of the requested variance;
- d. Technical documentation for selected alternative, which may include a testing program, which confirms that the variance does not increase the risk to public health and to the environment; and
- e. A statement of the hardship that creates the necessity for the variance.

When a proposed variance is for a system repair, expansion or upgrade would result in an encroachment on minimum distances to physical features on neighboring properties, the above criteria and procedures shall also be followed. However, the repairs, expansion or upgrade shall be no closer to features requiring setbacks than the existing facilities. Variances requesting setbacks no closer than existing setbacks do not have to provide technical justification from a professional engineer or professional geologist.

An appeal may be taken from a decision of the Board of Health denying a permit or a variance to the district court for the county in which the system is located within sixty (60) days after the denial of an application. Denial of an application by the Board of Health constitutes final agency action for purposes of C.R.S. 24-4-105.

#### **Section 16. Determination**

The Land Use Department will make a determination as to whether the information provided in the permit application, professional engineer's certification, site and soil evaluations, assumptions and calculations, and design of the proposed OWTS are in compliance with the requirements of the OWTS Act and regulations adopted pursuant thereto. If the submittal is determined to be in compliance, the permit will be issued. and construction may commence.

#### **Section 17. Access to Site**

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 Public Health Department or its designee the Land Use Department or a professional engineer authorized by the County 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. The owner or occupant of every property having an OWTS must permit the Public Health Department or its designee access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

**Section 18. Inspection Stages**

The Public Health Department, or its designee, the Land Use Department, or a professional engineer not associated with the project, may inspect the construction of an OWTS at any time. The owner or agent shall notify the County when the tank is on site and available for inspection. No certificate of occupancy shall be issued for a structure until a tank inspection and a final inspection has been completed, confirming that the OWTS has been constructed as permitted and designed, and in conformance with Regulation 43 and this Regulation. A final inspection shall be requested by the property owner or agent of the property owner, prior to backfilling or covering the OWTS with fill, dirt or other materials.

At or before final inspection, the owner or agent shall provide:

- a. a letter from the professional engineer who has designed and overseen construction of the OWTS certifying that the system has been constructed as designed;
- b. as-built drawing
- c. identification/confirmation of system contractor

**Section 19. Liability of County**

The issuance of a permit and specifications of terms and conditions therein shall not constitute assumption of liability, nor create a presumption that the Public Health Department or its designee, its employees, or designee, 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.

**Section 20. Enforcement Actions**

Public Health Director or assignee may issue an order to cease and desist from the use of any OWTS or sewage treatment works that is found by the Public Health Department or its designee not to be in compliance with state law, Regulation 43 or this Regulation, or that otherwise constitutes a nuisance or a hazard to public health or water quality. Such an order may be issued only after a hearing is conducted by the Director of Public Health or designee, which hearing shall be held not less than forty-eight (48) hours after written notice is given to the owner or occupant of the property on which the system is located and at which the owner or occupant may be present, may be represented by counsel, and be heard. The order must require that the owner or occupant bring the system into compliance or eliminate the nuisance or hazard within a reasonable period of time not to exceed thirty (30) days, or thereafter cease and desist from the use of the system. A cease and desist order issued by the Director of Public Health or designee is reviewable by the district court for the county in which the system is located and upon a petition filed no later than ten days after the order is issued. For purposes of a cease and desist order, any system or sewage treatment works that does not comply with any state law or regulation, or this Regulation, constitutes a rebuttable presumption of a nuisance, subject to evidence being provided at the hearing by the owner or occupant demonstrating that septage is disposed of in a manner that does not create a hazard to the public health, a nuisance, or an undue risk of pollution or degradation of water quality. For

purposes of a cease and desist order, a sewage treatment works does not include any sewage treatment facility with a discharge permit issued pursuant to C.R.S. 25-8-501.

A cease and desist order may include such terms and conditions to resume operation of the OWTS or other sewage treatment works as the Director of Public Health or designee find appropriate to ensure compliance with state law, regulations and this Regulation, including monitoring, sampling and testing, or as otherwise provided by state law, Regulation 43 or other applicable state regulations.

In the event that the Board of Health fails to administer or enforce this Regulation, The Colorado Water Quality Control Division may assume such functions of the Department of Public Health or the Board of Health as may be necessary to protect the public health and environment.

### **Section 21. Penalties**

Penalties for non-compliance with state law, Regulation 43 or other applicable regulations and this Regulation shall be as provided by law, including C.R.S. 25-10-113, and as set forth in Regulation 43.

### **Section 22. Experimental Products and Systems**

All OWTS constructed in Ouray County after the date of adoption of this Regulation must be designed by a professional engineer, and all designs and products used must be in compliance with state law, Regulation 43 and any other applicable state regulation.

### **Section 23. Prohibition of OWTS in Unsuitable Areas**

The Director of Public Health, or Land Use Department as designee, may deny a permit to construct a OWTS in any area that the Board of Health has determined is unsuitable for OWTS due to hazards to public health or water quality. Any such denial may be appealed as provided for in Section 17 herein.

### **Section 24. Technical Criteria and Requirements**

In designing an OWTS, all technical requirements, including, but not limited to, soil evaluations, percolation tests, flow calculations, distances from other systems, wells, setbacks, horizontal distances from wells, floodplains, sizing for number of bedrooms/ treatment components, specifications for products, pipe and pumping standards, and design for soil treatment areas shall be as provided in "Table A" to this ordinance and Regulation 43. A certification by a professional engineer that the OWTS is in compliance with state law and regulations, including Regulation 43, includes a presumption that the professional engineer is competent to make such determination, is familiar with state law and Regulation 43, and has followed the applicable technical criteria of Regulation 43 in designing the OWTS. A professional engineer who falsely certifies compliance with state law and Regulation 43 may be subject to enforcement action as may be available under state law.

## OURAY COUNTY BOARD OF HEALTH

### On-Site Wastewater Treatment System Regulations

Table "A"

ISSUE	COUNTY REQUIREMENT	Citation Reg #43	Citation Local Reg
	Checkbox / yellow text denotes Ouray County requirement.		
Stringency	<b>Same as Reg 43 with options below chosen below but nothing more stringent than Reg 43</b>	<input checked="" type="checkbox"/>	43.4.A.2.a.
	More Stringent than Reg 43	<input type="checkbox"/>	
Flow Rate – Residential	<b>75 Gal/Person/Day</b>	<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	<b>Neither</b>	<input checked="" 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 Systems Contractors and Systems Cleaners are Licensed	<input type="checkbox"/>	43.4.L.1 and 3
Variances	<b>Variances Allowed – As specified in County regulations</b>	<input checked="" type="checkbox"/>	43.4.O.1.a. & 2.a.
	Variances not allowed	<input type="checkbox"/>	43.4.O.1.a
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom Bedrooms 4 or more: 1 person	<input type="checkbox"/>	43.6.A.2e.
	<b>All bedrooms: 2 persons per bedroom</b>	<input checked="" type="checkbox"/>	43.6.A.2.f.
Extra bedroom in unfinished area of House	<b>Bedrooms: number of originally finished bedrooms</b>	<input checked="" type="checkbox"/>	
	If unfinished area in house, system must 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	<b>May be used (owner/engineer option)</b>	<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	<b>100 feet maximum length for any OWTS system</b>	<input checked="" type="checkbox"/>	43.10.E.2.c.	<b>Sections: 24</b>
	150 feet if pressure dosed or effluent applied at center of line	<input type="checkbox"/>	43.10.E.2.b. & c.	
Inspection ports at initial (front) end of lines	Not required	<input type="checkbox"/>		
	<b>Required</b>	<input checked="" type="checkbox"/>	43.10.E.2.f.(3)	<b>Sections: 24</b>

ISSUE	COUNTY REQUIREMENT Checkbox / yellow text denotes Ouray County requirement.		Citation Reg #43	Citation Local Reg
Vault Privies – new	Allow new vault privies	<input type="checkbox"/>	43.12.E.1	
	<b>Prohibit new vault privies</b>	<input checked="" type="checkbox"/>	43.12.E.1.a.	<b>Sections: 10, 15</b>
Vault Privies - existing	<b>Allow continued use of existing vault privies</b>	<input checked="" type="checkbox"/>	43.12.E.1	<b>Sections: 10, 15</b>
	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.	
	<b>Prohibit new pit privies</b>	<input checked="" type="checkbox"/>	43.12.E.2.a.	<b>Sections: 10</b>
Pit Privies - existing	<b>Allow continued use of existing pit privies</b>	<input checked="" type="checkbox"/>	43.12.E.2.	<b>Sections: 10, 15</b>
	Require abandonment of existing pit privies	<input type="checkbox"/>	43.12.E.2.b.	
Slit trenches	Allow slit trenches	<input type="checkbox"/>	43.12.G.1.	
	<b>Prohibit slit trenches</b>	<input checked="" type="checkbox"/>	43.12.G.1.	<b>Sections: 10</b>
Wide Beds	Maximum of 12-feet for new, wider than 12-feet allowed for repairs.	<input type="checkbox"/>	43.10.E.2.h.(1)	<b>Sections: 24</b>
	<b>Beds wider than 12 feet may be allowed for repairs or if higher level treatment is used</b>	<input checked="" type="checkbox"/>	43.10.I.2. & 43.10.E.2.h.(1)	
Reductions in soil treatment area (STA) size or separation distances for higher level treatment with mandatory maintenance and maintenance oversight	Allow reductions for higher level treatment. Local regulation must require mandatory inspections and maintenance and local public health agency program of inspection and maintenance oversight.	<input type="checkbox"/>	43.14.D.2.	
	<b>Reductions in area and separation distances not allowed for higher level treatment systems</b>	<input checked="" type="checkbox"/>	43.14.D.3.	<b>Sections: 24</b>
Transfer of Title inspections	Required (If transfer of title inspections are required, the criteria that inadequate systems must achieve following repair or replacement must be specified in local regulation.)	<input type="checkbox"/>	43.4.M.1.	
	<b>Not required</b>	<input checked="" type="checkbox"/>	43.4.M.1.	<b>N/A</b>
Renewable permit(s)	Used in local regulation	<input type="checkbox"/>	43.4.N.1.	
	<b>Not used in local regulation</b>	<input checked="" type="checkbox"/>		<b>N/A</b>

**Summary of Items More Stringent than Regulation 43  
(All Local Regulations Where More Stringent.)**

<b>Regulation 43 Requirement</b> (e.g., section, topic)	<b>Local Requirement</b> (attach additional information as needed)	<b>Citation Reg #43</b>	<b>Citation Local Reg</b>
Not Applicable	<b>All OWTS must be designed by and constructed under the supervision of a professional engineer.</b>	Not Applicable	<b>Sections: 10, 18</b>

**Local Regulation Cross-Walk to Regulation 43  
(For County regulations that do not follow *Regulation 43* section outline.)**

<b>Regulation 43 Citation</b>	<b>Requirement</b>	<b>Citation in Local Regulation</b>
43.1	WQCD	<b>Sections: 2, 9</b>
43.2	Scope and Purpose	<b>Sections: 3, 4</b>
43.3	Definitions	<b>Sections: 8</b>
43.4	Applicability	<b>Sections: 7</b>
43.4.A	Regulations Adopted by Local Boards of Health	<b>Sections: 4, Reso</b>
43.4.B	Permit Application Requirements and Procedures	<b>Sections: 10,11,12</b>
43.4.C	Determination	<b>Sections: 10, 16</b>
43.4.D	Access to Site	<b>Sections: 17</b>
43.4.E	Inspection Stages	<b>Sections: 18</b>
43.4.F	Final approval of the permit by the local public health agency	<b>Sections: 18</b>
43.4.G	WQCD (Division Authority to Administer and Enforce)	N/A
43.4.H	Primary Enforcement Responsibility	<b>Sections: 20</b>
43.4.I	Product Development Permit	<b>Sections: 22</b>
43.4.J	Experimental Systems	<b>Sections: 22</b>
43.4.K	Prohibition of OWTS in Unsuitable Areas	<b>Sections: 23</b>
43.4.L	Licensing of Systems Contractors and Systems Cleaners	N/A
43.4.M	Transfer of Title Inspections	N/A
43.4.N	Renewable Permits	N/A
43.4.O	Variance Procedure	<b>Sections: 15</b>
43.4.P	General Prohibitions	<b>Sections: 10</b>
43.4.Q	Cease and Desist Orders	<b>Sections: 20</b>
43.4.R	Penalties	<b>Sections: 21</b>
43.5	Site and Soil Evaluation	<b>Sections: 24</b>
43.5.A	Site and Soil Evaluation Requirement	<b>Sections: 24</b>
43.5.B	Preliminary Investigation	<b>Sections: 24</b>
43.5.C	Reconnaissance Visit	<b>Sections: 24</b>
43.5.D	Detailed Soil Investigation	<b>Sections: 24</b>
43.5.E	Percolation Holes, Profile Holes, and Profile Test Pits Excavations – Marking	<b>Sections: 24</b>
43.5.F	Report and Site Plan	<b>Sections: 10</b>
43.5.G	Design Document	<b>Sections: 18</b>
43.5.H	As-Built Drawings	<b>Sections: 18</b>
43.5.I	Site Protection	<b>Sections: 24</b>
43.5.J	Qualifications for a Competent Technician	<b>Sections: 24</b>
43.6	Wastewater Flow and Strength	<b>Sections: 24</b>
43.6.A	Wastewater Flows	<b>Sections: 24</b>
43.6.B	Wastewater Strength	<b>Sections: 24</b>
43.7	Minimum Distances Between Components of an On-site Wastewater Treatment System and Physical Features	<b>Sections: 24</b>
43.7.A	Horizontal Distances, general	<b>Sections: 24</b>
43.7.A	Reductions in Separation Distances [If higher level treatment and provisions for operation and maintenance in accordance with 43.14.D.]	<b>Sections: 24</b>
43.7.B	Dry Gulches, Cut Banks and Fill Areas	<b>Sections: 24</b>
43.7.C	Minimum or Increased Distances	<b>Sections: 24</b>
43.7.D	Separation Distances to Specific Features	<b>Sections: 24</b>
43.8	Design Criteria – General	<b>Sections: 24</b>
43.8.A	Performance	<b>Sections: 24</b>
43.8.B	Reliability	<b>Sections: 24</b>
43.8.C	Accessibility for Inspection, Maintenance, and Servicing	<b>Sections: 24</b>
43.8.D	Plumbing Codes	<b>Sections: 24</b>
43.8.E	Electrical Equipment	<b>Sections: 24</b>
43.8.F	Indicators of Failure or Malfunctioning for Systems Utilizing Mechanical Apparatus	<b>Sections: 24</b>
43.8.G	Sampling Access	<b>Sections: 24</b>

43.8.H	Component Operating Instructions	<b>Sections: 24</b>
43.8.I	Surface Activity	<b>Sections: 24</b>
43.8.J	Floodplains	<b>Sections: 24</b>
43.8.K	Business, Commercial, Industrial, Institutional or Multi-Family Dwelling Wastewater Systems	<b>Sections: 24</b>

**Local Regulation Cross-Walk to Regulation 43  
(For Local Regulations That Do NOT Follow Regulation 43 Section Outline.)**

<b>Regulation 43 Citation</b>	<b>Requirement</b>	<b>Citation in Local Regulation</b>
43.9	Design Criteria – Components	<b>Sections: 24</b>
43.9.A	Tanks and Vaults	<b>Sections: 24</b>
43.9.B	Septic Tanks	<b>Sections: 24</b>
43.9.C	Abandonment of Tank	<b>Sections: 13</b>
43.9.D	Pipe Standards and Bedding Requirements	<b>Sections: 24</b>
43.9.E	Distribution Box	<b>Sections: 24</b>
43.9.F	Drop Box	<b>Sections: 24</b>
43.9.G	Stepdown/Relief Line	<b>Sections: 24</b>
43.9.H	Wastewater Pumping and Dosing Siphon Systems	<b>Sections: 24</b>
43.9.I	Effluent Screens	<b>Sections: 24</b>
43.9.J	Grease Interceptor Tanks	<b>Sections: 24</b>
43.10	Design Criteria – Soil Treatment Area	<b>Sections: 24</b>
43.10.A	Size and Design	<b>Sections: 24</b>
43.10.B	Conditions Requiring Professional Engineer	<b>Sections: 10</b>
43.10.C	Calculation of Infiltrative Surface of Soil Treatment Area	<b>Sections: 24</b>
43.10.D	Allowable Soil Treatment Area Reductions and Increases	<b>Sections: 24</b>
43.10.E	Design of Distribution Systems	<b>Sections: 24</b>
43.10.F	Alternating and Sequencing Zone Systems	<b>Sections: 24</b>
43.10.G	Dosing	<b>Sections: 24</b>
43.10.H	Soil Replacement	<b>Sections: 24</b>
43.10.I	Repairs	<b>Sections: 13</b>
43.11	Design Criteria – Higher Level Treatment Systems	<b>Sections: 24</b>
43.11.A	General	<b>Sections: 24</b>
43.11.B	Treatment Levels [Adequate maintenance required and documented in accordance with 43.14.D.]	<b>Sections: 24</b>
43.11.C	Sand Filters	<b>Sections: 24</b>
43.11.D	Rock Plant Filter (Constructed Wetland) Treatment Before a Soil Treatment Area	<b>Sections: 24</b>
43.12	Design Criteria – Other Facilities	<b>Sections: 24</b>
43.12.A	Separated Toilet Wastes	<b>Sections: 24</b>
43.12.B	Evapotranspiration and Evapotranspiration/Absorption Systems	<b>Sections: 24</b>
43.12.C	Wastewater Ponds	<b>Sections: 24</b>
43.12.D	Vaults Other Than Vault Privies	<b>Sections: 24</b>
43.12.E	Privies	<b>Sections: 10</b>
43.12.F	Incinerating, Composting, and Chemical Toilets	<b>Sections: 24</b>
43.12.G	Slit Trench Latrine	<b>Sections: 10</b>
43.12.H	Treatment Systems Other Than Those Discharging Through a Soil Treatment Area or Sand Filter System	<b>Sections: 24</b>
43.13	WQCD (Technology Review and Acceptance)	<b>N/A</b>
43.14	Operation and Maintenance	<b>Sections: 24</b>
43.14.A	Responsibility	<b>Sections: 24, Reso.</b>
43.14.B	Service Label	<b>N/A</b>
43.14.C	Local Regulations for maintenance, practices, submittals	<b>N/A</b>
43.14.D	Permitting and Oversight of Maintenance for Soil Treatment Area Reductions and Vertical and Horizontal Separation Distance Reductions Based on Use of Higher Level Treatment	<b>N/A</b>
43.14.E	Monitoring and Sampling	<b>N/A</b>