

## **PUBLIC NOTICE**

### **MONTEZUMA COUNTY BOARD OF HEALTH**

**NOTICE IS HEREBY GIVEN**, pursuant to C.R.S. 25-10-104, that the Montezuma County Board of Commissioners, sitting in its capacity as the Montezuma County Board of Health, will hold a public hearing on July 5, 2022 at 1:30 p.m., in the Commissioners Room at 109 W. Main Street, Cortez, Colorado, to consider the following:

#### **REVISION OF THE ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS FOR THE MONTEZUMA COUNTY PUBLIC HEALTH DEPARTMENT**

The proposed Revision to the On-Site Wastewater Treatment System Regulations may be reviewed in person at the Montezuma County Public Health Department at 106 W. North St., Cortez, CO. They can also be viewed online at [www.montezumacounty.org/public-health/environmental-health/](http://www.montezumacounty.org/public-health/environmental-health/). Telephone inquiries regarding the subject matter of the public notice may be made by calling Melissa Mathews at (970)749-5171. Written comments may be sent to MCPHD to the attention of Melissa Mathews at 106 W. North St., Cortez, CO 81321 or by emailing to [mmathews@co.montezuma.co.us](mailto:mmathews@co.montezuma.co.us).

Copies of said proposed revisions are available for review at the Montezuma County Public Health Department, 106 W. North Street, Cortez, Colorado, and may be inspected during regular office hours.

DATED this 3<sup>rd</sup> day of June 2022.

/S/ KIM PERCELL, Clerk  
Board of County Commissioners,  
Montezuma County, CO

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Colorado Department  
of Public Health  
and Environment

**Water Quality Control Division**  
**Engineering Section**  
**On-site Wastewater Treatment Systems**

4300 Cherry Creek Drive South, B2  
Denver, Colorado 80246-1530  
[CDPHE.WQEngReview@state.co.us](mailto:CDPHE.WQEngReview@state.co.us)  
303-692-6298

**Local Regulation Review Submittal Form**

A. General Information				
Type of Submittal	2017 Regulation Update	<input checked="" type="checkbox"/>	Submittal Date:	May 5, 2022
	Modification	<input checked="" type="checkbox"/>	Portions Modified*:	
Local Public Health Agency Name	MONTEZUMA COUNTY PUBLIC HEALTH DEPARTMENT			
Submittal Title	LOCAL REGULATION 43 REVISION FOR MONTEZUMA COUNTY			
County/Countries Covered	MONTEZUMA			
B: Local Public Health Agency (LPHA) Contact Information				
Main Contact Name	MELISSA MATHEWS			
Title	ENVIRONMENTAL HEALTH SPECIALIST			
Address	106 W. NORTH STREET			
	CORTEZ, CO 81321			
Email	<a href="mailto:mmathews@co.montezuma.co.us">mmathews@co.montezuma.co.us</a>			
Phone	(970)749-5171	Fax	(970)565-0647	
Alternate Contact Name	BOBBI LOCK			
Title	HEALTH DIRECTOR			
Address	SAME AS ABOVE			
Email	<a href="mailto:block@co.montezuma.co.us">block@co.montezuma.co.us</a>			
Phone	(970)564-4761	Fax	same	
C. Report Submittal Requirements				
One hard copy of any submitted material and an electronic copy (PDF). Send PDF to <a href="mailto:CDPHE.WQEngReview@state.co.us">CDPHE.WQEngReview@state.co.us</a>				<input type="checkbox"/>
Local Regulation Format (Select appropriate description.)	CDPHE template used for Regulation			<input checked="" type="checkbox"/>
	Regulation format consistent with Regulation 43 sections.			
	Regulation follows a different section format. Note: If format is different, the "cross-walk" must be completed. (See pages 5-6.)			<input type="checkbox"/>

\* Use this area if additional space is needed:

**Local Public Health Agency:** MONTEZUMA COUNTY

**D. Decision Points Summary – Local On-site Wastewater Treatment System Regulations**

**CROSSWALK**

ITEM: Options Below are the Same as in 2013 Regulation 43	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item. Decisions must also be identified either within the local regulation or Appendix A to the regulation)		Citation Reg #43	Citation Local Reg
Licensing Systems Contractors and Systems Cleaners	Neither ( <i>Do not license contractors or cleaners</i> )	X	43.4.K	
	Systems Contractors only are licensed	<input type="checkbox"/>	43.4.K.1	
	Systems Cleaners only are licensed	<input type="checkbox"/>	43.4.K.3	
	Both contractors and cleaners are licensed	<input type="checkbox"/>	43.4.K.1 and 3	
Variances	Variances Allowed ( <i>Must have a variance procedure prescribed within the local regulation.</i> )	<input type="checkbox"/>	43.4.N.	
	Variances not allowed	X	43.4.N	
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom	X	43.6.A.2e	
	All bedrooms: 2 persons per bedroom	<input type="checkbox"/>	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	X		
	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 type="checkbox"/>	43.6.A.2.h	
Effluent Screen	May be used ( <i>owner's option</i> )	X	43.9.J.1	
	Required in all new septic tanks	<input type="checkbox"/>	43.9.J.1	
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	X	43.10.E.2.b & c	
Inspection ports at initial (front) end of lateral or chamber	Not required	X		
	Required	<input type="checkbox"/>	43.10.F.6.d	
Vault Privies – new	Allow new vault privies	X	43.12.D.1.a	
	Prohibit new vault privies	<input type="checkbox"/>	43.12.D.1.a	
Vault Privies - existing	Allow continued use of existing vault privies	X	43.12.D.1.b	
	Require abandonment of existing vault privies	<input type="checkbox"/>	43.12.D.1.b	

Local Public Health Agency:		MONTEZUMA COUNTY		
ITEM	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item.)		Citation Reg #43	Citation Local Reg
Pit Privies - new	Allow new pit privies	<input checked="" type="checkbox"/>	43.12.D.2.c	
	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	
	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	
	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 checked="" type="checkbox"/>	43.14.D.2	2.0
	Reductions in area and separation distances not allowed for higher level treatment systems.	<input type="checkbox"/>	43.14.D.3	
Transfer of Title inspections	Required <i>(If transfer of title inspections are required, the criteria that inadequate systems must achieve following repair or replacement must be specified in local regulation.)</i>			
	Not required	<input checked="" 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 type="checkbox"/>	43.4.M.1	
	Not used in local regulation	<input checked="" 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 type="checkbox"/>	N/A	
	A licensed professional engineer or "Competent Technician" may submit soil evaluations	<input checked="" 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	1.7(A)(1)
	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	

**Local Public Health Agency:** MONTEZUMA COUNTY

**Summary of Items More Stringent than Regulation 43  
(To Be Completed for 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 in Local Regulation</b>
	All systems in Montezuma county must be engineered by a Colorado Registered Engineer.	1.7(A)(1)

Please supplement the Summary of Items More Stringent than Regulation 43 on additional sheets as necessary.

Local Public Health Agency: \_\_\_\_\_

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

Regulation 43 Citation	Requirement	Citation in Local Regulation
43.1	Authority; WQCD	
43.2	Scope and Purpose	
43.3	Definitions; Abbreviations and Acronyms	
43.4	Applicability	
43.4.A	Regulations Adopted by Local Boards of Health	
43.4.B	Permit Application Requirements and Procedures	
43.4.C	Determination	
43.4.D	Access to Site	
43.4.E	Inspection Stages	
43.4.F	Final approval of the permit by the local public health agency	
43.4.G	WQCD (Division Authority to Administer and Enforce)	
43.4.H	Primary Enforcement Responsibility	
43.4.I	Product Development Permit	
43.4.J	Prohibition of OWTS in Unsuitable Areas	
43.4.K	Licensing of Systems Contractors and Systems Cleaners	
43.4.L	Transfer of Title Inspections	
43.4.M	Permits for the Continued Use of an OWTS	
43.4.N	Variance Procedure	
43.4.O	General Prohibitions	
43.4.P	Cease and Desist Orders	
43.4.Q	Penalties	
43.5	Site and Soil Evaluation	
43.5.A	Site and Soil Evaluation Requirements	
43.5.B	Preliminary Investigation	
43.5.C	Reconnaissance Visit	
43.5.D	Detailed Soil Investigation	
43.5.E	Marking of Soil Profile Test Pits Excavations and Percolation Holes	
43.5.F	Report and Site Plan	
43.5.G	Design Document	
43.5.H	Site Protection	
43.5.I	Qualifications for a Competent Technician	
43.6	Wastewater Flow and Strength	
43.6.A	Wastewater Flows	
43.6.B	Wastewater Strength	
43.7	Minimum Distances Between Components of an On-site Wastewater Treatment System and Physical Features	
43.7.A	Horizontal Distances, general	
43.7.B	Reductions in Separation Distances [If higher level treatment and provisions for operation and maintenance in accordance with 43.14.D.]	
43.7.C	Dry Gulches, Cut Banks and Fill Areas	
43.7.D	Minimum or Increased Distance Requirements	
43.7.E	Separation Distances to Specific Features	
43.8	Design Criteria – General	
43.8.A	Design Criteria; Separated Flows	
43.8.B	Design Criteria; Treatment Levels	
43.8.C	Design Criteria; Reliability	
43.8.D	Accessibility for Inspection, Maintenance, and Servicing	
43.8.E	Plumbing Codes	
43.8.F	Electrical Equipment	
43.8.G	Indicators of Failure or Malfunctioning for Systems Utilizing Mechanical Apparatus	
43.8.H	Sampling Access	
43.8.I	Component Operating Instructions	
43.8.J	Surface Activity	
43.8.K	Floodplains	
43.8.L	Business, Commercial, Industrial, Institutional or Multi-Family Dwelling Wastewater Systems	

Local Public Health Agency: \_\_\_\_\_

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

Regulation 43 Citation	Requirement	Citation in Local Regulation
43.9	Design Criteria – Components	
43.9.A	Tanks and Vaults	
43.9.B	Septic Tanks	
43.9.C	Abandonment of Tank	
43.9.D	Pipe Standards and Bedding Requirements	
43.9.E	Cleanouts	
43.9.F	Distribution Box	
43.9.G	Drop Box	
43.9.H	Stepdown/Relief Line	
43.9.I	Wastewater Pumping and Dosing Siphon Systems	
43.9.J	Effluent Screens	
43.9.K	Grease Interceptor Tanks	
43.10	Design Criteria – Soil Treatment Area	
43.10.A	Size and Design	
43.10.B	Conditions Requiring Professional Engineer	
43.10.C	Calculation of Infiltrative Surface of Soil Treatment Area	
43.10.D	Allowable Soil Treatment Area Reductions and Increases	
43.10.E	Design of Distribution Systems	
43.10.F	Soil Treatment Area Requirements	
43.10.G	Storage/Distribution Media	
43.10.H	Soil Replacement	
43.10.I	Repairs	
43.11	Design Criteria – Higher Level Treatment Systems	
43.11.A	General	
43.11.B	Treatment Levels [Adequate maintenance required and documented in accordance with 43.14.D.]	
43.11.C	Sand Filters	
43.11.D	Mound Systems	
43.11.E	Rock Plant Filter (Constructed Wetland) Treatment Before a Soil Treatment Area	
43.12	Design Criteria – Other Facilities	
43.12.A	Evapotranspiration and Evapotranspiration/Absorption Systems	
43.12.B	Seepage Pits	
43.12.C	Vaults Other Than Vault Privies	
43.12.D	Privies	
43.12E	Incinerating, Composting, and Chemical Toilets	
43.12.F	Slit Trench Latrine	
43.12.G	Treatment Systems Other Than Those Discharging Through a Soil Treatment Area or Sand Filter System	
43.13	WQCD (Technology Review and Acceptance)	
43.13.A	Alternative Technologies	
43.13.B	Division Review	
43.13.C	Product Acceptance Requirements; General	
43.13.D	Proprietary Treatment Product Acceptance Requirements	
43.13E	Proprietary Distribution Product Acceptance Requirements	
43.13.F	Septic Tank Acceptance Requirements	
43.13.G	Other Products; Acceptance	
43.14	Operation and Maintenance; WQCD role	
43.14.A	Responsibility	
43.14.B	Service Label	
43.14.C	Local Regulations for maintenance, practices, submittals	
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	
43.14.E	Monitoring and Sampling	
43.15	Severability	
43.16	Materials Incorporated by Reference	

Please supplement the Cross-Walk on additional sheets as necessary (e.g., if smaller portions of sections are separated).

# **MONTEZUMA COUNTY PUBLIC HEALTH DEPARTMENT ON-SITE WASTEWATER TREATMENT SYSTEM REGULATION 43**

## **1.1 Title and Authority**

These requirements will be known as the Montezuma County Public Health Department (MCPHD) On-site Wastewater Treatment Systems (OWTS) Regulations.

These requirements have been adopted by the Montezuma County Board of County Commissioners acting as a 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 Montezuma County Public Health Department to implement these OWTS 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 Montezuma 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 Montezuma County.

### **C. Jurisdiction**

1. These Montezuma 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 Montezuma County but not over the territory of any municipal corporation that maintains its own public health agency.

### **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 Definitions**

- A. Major Repair- The expansion or alteration of soil treatment area, additional septic tanks, or additional flows to an existing system. A newly engineered system does not constitute a major repair.
- B. Minor Repair- The repair or replacement of any portion of the system including a tank replacement. A newly engineered system does not constitute a minor repair.

## **1.4 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 Montezuma 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 Montezuma 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 Regulations.

2. Allowable local options identified in Regulation 43 but not identified in this text and the designated decisions for these Montezuma County On-Site Wastewater Treatment Systems Regulations are identified in the attached "Appendix A to OWTS Regulations for Montezuma County. Appendix A is made a part of these Montezuma County On-Site Wastewater Treatment Systems Regulations.

## **1.5 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 MCPHD.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43. An applicant must submit a complete application, a set of engineered plans, and have road impact fees paid, if required, prior to installing, altering or repairing a system.
3. An OWTS permit and engineered plans expire one year after the date of issuance if construction has not commenced. After expiration, a new application and new plans may be required unless approved by the designing engineer or MCPHD. The plans must be in compliance with the current OWTS Regulations.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from the MCPHD. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
6. Application for a product development permit may be approved by the MCPHD consistent with requirements of section 43.4(l) of Regulation 43.
7. A change in use of the property, where flow or wastewater strength will be increased, may require a new application for a permit. The change in use will be determined by the Planning Department. Other fees may be applicable.

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

1. When an application is denied by Montezuma County Public Health Department, an applicant may request review by the Board of Health. Appeals to the Board of Health must be in writing and submitted within thirty (30) days from the date of the denial. The appeal must be submitted to MCPHD.

### **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.

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

1. A surcharge of \$23.00 will be collected for each permit issued by MCPHD. Of that fee, MCPHD will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the Colorado Department of Public Health and Environment (CDPHE) for the use and funding of the OWTS program.

E. Road Impact

1. Montezuma County requires road impact fees for the applicants filing an On-Site Wastewater permit. This fee is on any new residential or commercial structure on the property. Applicants must consult with the Planning Department to identify if road impact fees are required.

**1.6 Inspections [43.4(E)]**

A. Septic Tank [43.9(B)(3)(c)], Soil Treatment Area and Related Components[43.10(F)]

1. The applicant, their agent, a system contractor or a professional engineer must notify MCPHD at least 24 hours prior to the time of requested inspection. The septic tank and soil treatment area installation shall be substantially complete prior to the requested inspection prior to backfill of the system. MCPHD may, at its own initiative, perform an inspection at any time during the construction process.

**1.7 System Design**

A. Engineered Systems

1. All systems in Montezuma County will be designed by a currently certified Colorado Registered Engineer.

**1.8 Variances [43.4(N)]**

A. Variances are not allowed.

**1.9 Oversight program of inspections, maintenance, recordkeeping and enforcement for higher level treatment systems. [43.14(D)]**

- A. The oversight of higher level treatment systems with size or setback reductions will be administered and enforced by MCPHD.
- B. An operating permit shall be maintained until the system is either abandoned or MCPHD authorizes the decommissioning or removal of the higher level treatment system.
- C. The Board of Health may adopt additional fees for the administration of this oversight program.
- D. Application Requirements
  1. Owner name and contact information.
  2. Property address and legal description.
  3. Location of OWTS specifying location of septic tank, higher level treatment system, soil treatment area and other components.
  4. Description of OWTS installed.
  5. Level of treatment to be provided.
  6. Type of higher level treatment system.
  7. Name of service provider.
  8. Copy of current operation and maintenance service contract of at least one year duration.
  9. Permit fee.

E. Inspection, Maintenance and Reporting Requirements

1. The property owner is responsible for having the OWTS containing a higher level treatment system inspected and maintained by a qualified service provider in accordance with the manufacturer's recommendations.
2. For public domain systems, inspection and maintenance shall be as determined by the design engineer or the following requirements, whichever is more stringent. Not all requirements will apply to all types of higher level treatment systems.
  - a. Property owners shall maintain an active service contract with a qualified service provider at all times.
  - b. Each time his/her contract is renewed or replaced, the property owner shall submit a copy to MCPHD within 30 days of signing.
3. At a minimum, inspections and maintenance of higher level treatment systems shall require two inspections at six month intervals for the first of year of operation, followed by annual inspections for the life of the system. MCPHD may amend the operating permit to reduce or increase the maintenance.
4. Service providers shall provide a copy of their inspection report and sampling results, if any, to the owner, and MCPHD.
  - 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 at the time of the inspection.
  - b. Service providers must notify MCPHD when a service contract is terminated prior to the expiration date on the original contract kept on file by MCPHD. If termination occurs, a new application for an operating permit may be required.
  - c. 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.

F. Monitoring and Sampling

1. For any system for which monitoring of effluent is required, the information specified in 43.14(E) shall be required by MCPHD. Collection of samples will be conducted by the service provider and reported to MCPHD.

G. Enforcement

1. MCPHD may revoke an operating permit for non-compliance with the permit conditions or the requirements of these regulations.

**Appendix A to OWTS Regulations for Montezuma County**

Attached