

Pueblo Department of Public Health and Environment
ON-SITE WASTEWATER TREATMENT SYSTEM
Regulation VIII
Effective Date: June 15, 2026

VIII.1 Title and Authority

These requirements will be known as the Pueblo Department of Public Health and Environment On-site Wastewater Treatment Systems Regulation VIII.”

These requirements have been adopted by the Pueblo Department of Public Health and Environment 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 Pueblo Department of Public Health and Environment (PDPHE) to implement these Regulations on behalf of the Board of Health.

VIII.2 Scope and Purpose

A. Declaration

1. This regulation applies 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 Pueblo County.

C. Jurisdiction

1. These Regulations apply to all OWTS in the unincorporated areas of the county and over all municipal corporations within the territorial limits of Pueblo County.

D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible

1. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district. [43.4(B)(11)]

E. Severability

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

VIII.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”, 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 Regulation VIII for Pueblo Department of Public Health and Environment. Appendix A is made a part of these Regulations.

B. Excluded

1. Reductions in soil treatment area size or horizontal or vertical separation distances, and wide beds with higher level treatment units are not allowed under these Regulations. All designs must be based on TL-1 parameters as defined in Regulation 43. Area or separation distance reductions, wider beds, and disinfection components, each incorporating higher level treatment systems, as well as non-pressurized distribution systems (NDDS), can only be allowed in the future if these Regulations are amended to include a program of oversight for inspection and maintenance of higher-level treatment units, and this amendment is accepted by the Division.

C. **4 Permits and Fees**

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from the Pueblo Department of Public Health and Environment, Environmental Health Division.
2. The permit application must include information identified in section 43.4(B)(3) of Regulation 43.
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction. The permit can be renewed each year for a period of five years before it is permanently expired, and a new permit must be applied for.
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 Pueblo Department of Public Health and Environment. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
5. OWTS Remodel / Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
6. Any person desiring to add to an existing dwelling shall be required to enlarge the OWTS to comply with current regulations applicable to a dwelling of that size. The applicant must submit an OWTS Remodel application along with associated fees. If the property is not of sufficient size to accommodate the expansion while meeting all setbacks, approval for issuance of a building permit shall be denied.
7. Application for a product development permit may be approved by the Pueblo Department of Public Health and Environment 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 Pueblo Department of Public Health and Environment, an applicant may request review by the local board of health. Requests for Board of Health review must be made within 60 days of the denial of the permit. A written request must be submitted to the Pueblo Department of Public Health and Environment a minimum of 20 days prior to the Board of Health meeting.
2. The applicant shall bear the burden of supplying the Board of Health with sufficient evidence to document that the denied system will be constructed and used in such a manner as to comply with the declaration and intent of this Regulation, Regulation 43 and

all applicable state rules and regulations and required terms and conditions in any permit issued pursuant thereto.

3. Such review shall be conducted pursuant to the requirements of C.R.S. 24-4-105.

C. Fees [43.4(B)(4)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S.
2. Waiver of fees [43.4(B)(4)(c)] The Board of Health may waive any permit fee normally required for the installation, alteration or repair of an on-site wastewater treatment system. The applicant requesting such waiver must provide the Board of Health with a formal letter requesting the waiver, reason for such a request and any documentation required to support the reason for request.

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

1. A surcharge fee will be collected for each permit issued by the Pueblo Department of Public Health and Environment with a portion of the fee retained to cover local administrative costs and the remainder must be transmitted to the Colorado Dept. of Public Health and Environment for use in funding the state's OWTS program. The surcharge fee is identified in Regulation 5 CCR 1002-102, Section 102.5(3)(d).

CII. **5 Inspections [43.4(E)]**

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

1. The applicant must notify the local public health agency or its designee three (3) days prior to inspection so the local public health agency or its designee can conduct a field inspection of the septic tank before backfilling.

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

1. The applicant must notify the local public health agency or its designee three (3) days prior to inspection so the local public health agency or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling. Additional excavation, final cover, final grade, and physical barrier inspections will be required at the discretion of PDPHE and will be stipulated on the permit or the approval letter for engineer designed OWTS.

C. Pressurized Distribution Systems [43.4(F)(1)(a)]

1. For designs that include a pressurized distribution system, a residual head test (squirt height), at the distal end of each lateral, must be conducted to determine the adequacy of system design and construction. Results from this inspection must be included within both the engineer's certification and the final permit acceptance documents.

D. Site and Soil Evaluations [43.5]

1. If the applicant is requesting the Pueblo Department of Public Health and Environment to conduct the site and soil evaluation, the application and payment must be submitted to PDPHE three (3) days prior to scheduling the site and soil evaluation. If the property is not properly marked, the soil profile test pit excavation and PDPHE authorized percolation test holes are not set up correctly and marked, the site and soil evaluation will be postponed until all deficiencies are corrected and re-scheduled by PDPHE.

E. Transfer of Title Inspections [43.4(L)]

1. The owner of any property, residence or other building/facility that is served by an OWTS must have an inspection of that system to demonstrate that the system is functioning according to design prior the sale or transfer of title of the property. Requests for PDPHE to perform the Transfer of Title Inspection shall be made a minimum of three (3) days

prior to the septic tank being pumped to ensure that PDHPE staff can perform the inspection while the tank is being pumped.

F. Enforcement Inspections [43.4(D)(G)(H)(1)]

1. For the purpose of inspecting and enforcing applicable regulations and the terms and conditions of any permit issued and investigation and responding to complaints, the Pueblo Department of Public Health and Environment (PDPHE) 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 PDPHE staff access to the property to make inspections, conduct required tests, take samples and monitor compliance.
2. Whenever the term local board of health or local public health agency is used in this regulation, said terms must also include the Division under its designated authority for the purposes of administering and enforcing the provisions of this regulation where necessary to protect the public health and environment.
3. If access is denied, the Pueblo Department of Public Health and Environment may apply to a court of competent jurisdiction within Pueblo County for an order authorizing entry.
4. Whenever PDPHE determines that any installed system is not functioning in compliance with this Regulation, Regulation 43 or the OWTS Act or finds that any such system constitutes a hazard to public health or is in need of repair or maintenance, PDPHE shall issue a notice of violation to the responsible party. Such notice shall be in writing, shall state the nature of the violation or noncompliance and the corrective action required. The notice of violation shall be served upon the owner and/or occupant of the property, or upon any other responsible person.
5. Service of said notice of violation shall be as provided by the Colorado Rules of Civil Procedure for service of process, or by Registered or Certified Mail, Return Receipt Requested, deliverable to addressee only. Service by mail shall be complete upon receipt by PDPHE of the return receipt. If one or more persons cannot be found or served after a diligent effort, service may be made by posting a notice in a conspicuous place in or about the property affected by the notice, in which case PDPHE shall include in the record a statement as to why the posting was necessary.
6. Summons and Complaint
 - a. In appropriate circumstances, an authorized representative of the PDPHE may initiate a request to the District Attorney for prosecution of any violations of law which may be criminal in nature, or, if qualified and authorized to do so, may issue a Summons and Complaint to a violator in accordance with the provision of C.R.Crim.P.4.1
7. Cease and Desist Order
 - a. PDPHE 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. 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 a reasonable period of time 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 is issued.

VIII.6 Prohibition of OWTS in Unsuitable Areas [43.4(J)]

- A. The Board of Health may conduct a public hearing, after written notice to all affected property owners as shown in the records of the County Assessor and publication of notice in a newspaper of general circulation at least ten (10) days prior to the hearing, to consider a moratorium or prohibition against issuance of permits for on-site wastewater treatment systems in defined areas which contain or are subdivided for a density of more than two (2) dwelling units per acre. The Board of Health may order such moratorium or prohibition upon finding that the construction and use of additional on-site wastewater treatment systems in the defined area will constitute a hazard to the public health or the environment. In such a hearing, the Board of Health may request affected property owners to submit engineering and geological reports concerning the defined area and to provide a study of the economic feasibility of constructing a sewage treatment works.

VIII.7 Licensing

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

1. No person shall engage in the business of installing an on-site wastewater treatment system nor shall any person for hire install, renovate, replace or repair an OWTS unless that person holds a valid OWTS Contractor's License. This shall not preclude the owner of a property from being able to install an OWTS on that property. The initial fee as established by the Board of Health for the OWTS Contractor's License shall be payable upon application. The applicant must satisfactorily pass a written exam after which a license will be issued.
2. This license shall expire one (1) year from the date of issuance. Licenses may be renewed upon payment of an annual renewal fee as established by the Board of Health.
3. The OWTS contractor shall have a licensed installer on site supervising every installation, repair or alteration of any OWTS being conducted in Pueblo County.
4. Any licensed OWTS contractor shall be responsible for the work performed by his/her employees.
5. The Board of Health may revoke the license of an OWTS contractor for violation of the applicable provisions of the OWTS Act and the implementing regulations or for other good cause shown, after a hearing conducted upon reasonable notice to the systems contractor and at which the systems contractor may be present, with counsel, and be heard.
6. Any licensed OWTS contractor whose license has been revoked cannot apply for a new OWTS contractor license for one (1) calendar year after such revocation.
7. Any license which lapses because of failure to renew or is revoked shall be subject to the fee for a new license upon reapplication.

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

1. No person shall engage in the cleaning of OWTS or the transportation of sewage, septage, or chemical toilet wastes to a disposal site unless that person holds a valid OWTS Cleaner's License. The initial fee as established by the Board of Health for the OWTS Cleaner's License shall be payable upon application. The applicant will be required to demonstrate knowledge of Section VIII.B.7. of this regulation before issuance of a license.
2. This license shall expire one (1) year from the date of issuance. Licenses may be renewed upon payment of an annual renewal fee as established by the Board of Health.
3. Any licensed OWTS Cleaner shall be responsible for the work conducted by his/her employees.

4. The Board of Health may revoke the license of an OWTS cleaner for violation of the applicable provisions of the OWTS Act and the implementing regulations or for other good cause shown, after a hearing conducted upon reasonable notice to the OWTS cleaner and at which the OWTS cleaner may be present, with counsel, and be heard.
 5. Any licensed OWTS cleaner whose license has been revoked cannot apply for a new OWTS cleaner license for one (1) calendar year after such revocation.
 6. Any license which lapses because of failure to renew or is revoked shall be subject to the fee for a new license upon reapplication.
 7. OWTS Cleaner Requirements
 - a. On both the right and left sides near the front of the body of the vehicle, the name and telephone number of the owner shall be printed in letters not less than three (3) inches high and shall be clearly legible.
 - b. A cleaner shall maintain his/her equipment so as to ensure that no spillage of sewage will occur during collection, transportation, or disposition. Maintenance shall also be such that the cleaner or his/her employees are not subjected to undue health hazards.
 - c. A cleaner shall dispose of the collected sewage only at an acceptable site, as determined by the Pueblo Department of Public Health and Environment.
 - d. A current permit to dispose of sewage, septage or chemical toilet wastes must be maintained by the OWTS Cleaner.
 - e. The OWTS cleaner must maintain documentation that describes the following information:
 - i. Date;
 - ii. Location;
 - iii. Type of waste collected;
 - iv. Amount of waste collected;
 - v. Date of disposal;
 - vi. Name and location of disposal facility
 8. The Board of Health may suspend or revoke the license of an OWTS cleaner for violation of the applicable provisions of the OWTS Act and the regulations adopted under said section or for other good cause shown after a hearing conducted upon reasonable notice to the systems cleaner and at which the systems cleaner may be present, with counsel, and be heard. 25-10-109, C.R.S.
- C. Systems Maintenance Providers [43.4(K)(1)]
1. No person shall engage in the maintenance of an OWTS unless that person holds a valid OWTS Maintenance Provider License.
 2. OWTS systems maintenance providers must obtain appropriate training/certification for specific proprietary treatment products as provided by the manufacturer necessary to perform the required operation and maintenance for said products.
 3. OWTS systems maintenance providers must also have knowledge of Local and State OWTS Regulations.
 4. OWTS systems maintenance providers must register with PDPHE. The registration must include the completed application, documentation of qualifications and a registration fee. This registration shall expire one (1) year from the date of issuance. Registrations may be renewed upon payment of an annual renewal fee as established by the Board of Health.

D. Transfer of Title Inspectors [43.4(K)(1)]

1. Transfer of Title inspectors must be certified by the National Association of Wastewater Technicians, or an equivalent program approved by PDPHE.
2. Transfer of Title Inspectors must also have knowledge of Local and State OWTS Regulations.
3. Transfer of Title Inspectors must register with PDPHE. The registration must include the completed application, documentation of qualifications and a registration fee.

E. Other OWTS Professionals

1. Competent Technicians [43.5(I)]

- a. Competent Technicians must meet the qualifications set in Section 43.5(I)
- b. Prior to conducting any site and soil evaluations competent technicians must register with PDPHE. The registration must include the completed application, documentation of qualifications and registration fee.
- c. This registration shall expire one (1) year from the date of issuance. Registrations may be renewed upon payment of an annual renewal fee as established by the Board of Health.

2. OWTS Designers

- a. OWTS Designers must be licensed by the State of Colorado as Professional Engineers and shall have knowledge and experience in designing on-site wastewater treatment systems as well as knowledge and understanding of State and Local OWTS Regulations.
- b. OWTS Designers must register with PDPHE. The registration must include the completed application, documentation of qualifications and a registration fee.
- c. If OWTS Designs are incomplete, not in compliance with current regulations or demonstrate lack of knowledge of on-site wastewater treatment systems the designing engineer may be required to attend an OWTS Design Course from NOWRA, NAWT, or CPOW. If the course includes and exam the engineer must show proof of a passing grade on the exam.

VIII.8 Variances [43.4(N)]

A. Variances Allowed

1. The Board of Health may approve a variance from a requirement of this Regulation within the restrictions of 43.4.N.5. Variances cannot be granted by staff except for a property line variance as described in 43.7.D.1.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance will result in no greater risk to public health or environmental degradation than that associated with compliance with the requirements of Regulation VIII or that the variance would prevent a substantial hardship to the applicant.
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 the Board of Health in writing to the Board of Health along with any associated fees a minimum of 20 days prior to the Board of Health Meeting.

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. When a proposed variance for a system repair or upgrade would result in encroachment on minimum distances to physical features on neighboring properties required by the Division, the hearing procedures in 43.4.N.2, Requirements for Variance Consideration above must be followed, except for a property line variance as described in 43.7.D.1.
 2. Prior to rendering a variance request requiring a public hearing, a public hearing must be held. The hearing must be the subject of a public notice or notice must be sent via certified mail, with a minimum 20-day reply time from the date of mailing, to all adjacent property owners.

VIII.9 Transfer of Title Inspections [43.4.L]

- A. Transfer of Title Inspections
1. Prior to the sale of a property with a residence, commercial building/facility that is served by an OWTS in Pueblo County the property owner shall have the OWTS pumped and inspected by PDPHE or a licensed Transfer of Title Inspector and must receive an Acceptance document from PDPHE.
 2. Applications for transfer of title and inspection reports must be made on forms furnished or approved by PDPHE. Inspectors must be certified by National Association of Wastewater Technicians or an equivalent program approved by PDPHE. Inspectors for higher level treatment systems must have training relevant to the specific system or certification by the equipment manufacturer. The applications must include, as appropriate:
 - a. Owner's name and contact information;
 - b. Physical address of property;
 - c. Legal description of property;
 - d. Name of Inspector, Inspector's NAWT or other applicable certification number;
 - e. Date and time of the inspection(s);
 - f. A record drawing, either from the local public health agency records (verified by the inspector) or from the site inspection;
 - g. Statement of the size, type and capacity of the septic tank, pump chamber (when applicable), and soil treatment area;
 - h. A septic tank inspection report completed within the previous 12 months, including a septic tank pumping receipt, when applicable, based on the inspection report;

- ii. A copy of the inspection report that was provided to PDPHE.
 - iii. Evidence of past system failures as shown in PDPHE records;
 - iv. Circumstance or factors that may have affected the ability of the inspector to evaluate the system:
 - v. Whether the system meets the permitting requirements of PDPHE; and
 - vi. Other information PDPHE may require
6. The acceptance document will remain valid until the date of real estate closing or for a maximum period of twelve (12) months, whichever comes first.
7. Waiver of an Acceptance Document
 - a. If it is determined by the local public health agency that an OWTS does not meet the requirements for issuance of an acceptance document, a conditional acceptance document may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within the time frame established by the local public health agency.
8. Revocation of an Acceptance Document
 - a. An acceptance document must be revoked if it is determined that the system is no longer functioning in accordance with this regulation or that false or misleading material statements were made on the application or inspection reports.
9. Penalties
 - a. Failure to obtain an acceptance document for a covered transaction as provided by this regulation will subject the owner who failed to obtain the document to a penalty assessed under section 25-10-113, C.R.S.

VIII.10 Requirement for the on-site evaluation of Soil Profile Test Pits or Percolation Holes[43.5(E)]

- A. Soil Profile Test Pit Excavations
 1. An inspection of the soil profile test pit excavations must be conducted by the Pueblo Department of Health and Environment or by a licensed engineer registered with the Pueblo Department of Public and Environment.
 2. The results of an inspection of soil profile test pits conducted by a licensed engineer must be verified by PDPHE. In the event that the assessment of the soil type determined by PDPHE and the licensed engineer differs, the more restrictive soil type must be used.
 3. Soil profile test pit excavations must remain open until after evaluation by PDPHE. Soil profile test pit excavation must be flagged, marked and identified and shall be suitably barricaded to prevent unauthorized entry access and to address safety concerns.
 4. After PDPHE's inspection of the soil profile test pits is completed, the pits must be backfilled promptly in order to protect public safety.
- B. Percolation holes

1. The use of percolation holes must be approved by PDPHE prior to use.
2. An inspection of authorized percolation holes must be conducted by the Pueblo Department of Health and Environment or by a licensed engineer registered with the Pueblo Department of Public and Environment. In the event that the assessment of the soil type determined by PDPHE and the licensed engineer differs, the more restrictive soil type must be used.
3. Percolation Holes must remain open until after evaluation by PDPHE. The percolation holes shall be flagged, marked and identified.
4. In the event that the assessment of the soil type determined by the inspection of the soil test pits and the percolation tests differ, the more restrictive soil type must be used.

VIII.11 OWTS Sizing and Design Requirements

A. Wastewater Flows

1. Single Family Homes:
 - a. Design flow per person must be 75 gallons per day (gpd). [43.6.A.2.a]
 - b. The minimum design flow for a new home must be for a two-bedroom house unless otherwise noted in this regulation. The minimum design flow for the repair or replacement of an OWTS of an existing one-bedroom home must be for one bedroom unless bedrooms are added. [43.6.2.c.]
 - c. For home up to and include three bedrooms, the assumed number of persons per bedroom is two for design purposes. [43.6.2.d]
 - d. For homes with more than the assumed number of persons is six persons (first three bedrooms x two persons per bedroom) plus one additional person for each bedroom more than three bedrooms. [43.6.2.e]
 - e. PDPHE has the authority to adjust these flows on a case-by-case basis as described in sections 43.6.A.2.b. and 43.6.A.2.f.
 - f. If a new home has unfinished areas, PDPHE may increase the number of bedrooms used for the design of the OWTS by one or two 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. [43.6.A.2.h.]

B. Design Requirements

1. Effluent Filters[43.9.J]
 - a. PDPHE requires that effluent filters be installed in all septic tanks in new installations and repairs where the septic tank is replaced. [43.9.J.1]
 - b. When effluent filters are required, the septic tank outlet, or the outlet of the last septic tank in series, must include an effluent filter that retains solids greater than

one-eighth inch in size. Effluent filters must be sized to meet the estimated daily design flow and waste strength. [43.9.J.2]

- c. If a pump is used to remove septic tank effluent from the final compartment of a septic tank, the effluent must be filtered prior to dispersal into the soil treatment area. An effluent filter, pump vault equipped with a filter cartridge, or a filter on the discharge pipe, would be considered acceptable. [43.9.J.3]
- d. The effluent filter must be cleaned at manufacturer-recommended intervals, or more often, if use patterns indicate. [43.9.J.4]
- e. An alarm may be installed on an effluent filter indicating need for maintenance. [43.9.J.5]
- f. Where an ejector pump, grinder pump or non-clog pump is proposed for use prior to the septic tank, an effluent filter must be installed on the outlet of the septic tank. [43.9.J.6]
- g. The handle of the effluent must extend to within 12 inches of grade. [43.9.J.7]

2. Design of Distribution Systems

- a. All distribution systems must be installed in accordance with 43.10.E.
- b. If the distribution laterals are gravity fed from one end the maximum length of the distribution lateral shall be 100 feet.
- c. Distribution laterals may be longer than 100 feet if the laterals are pressure dosed. Pressure dosed laterals shall not exceed 150 feet.
- d. Inspection ports shall be installed in accordance with section 43.10.F. Inspection ports are required to be installed at the beginning and end of each distribution lateral.

3. Design Criteria – Other Facilities

- a. Evapotranspiration and Evapotranspiration/Absorption Systems shall be designed by professional engineers and shall be designed and installed in accordance with section 43.12.A.
- b. Construction of new Non-pressurized Drip Dispersal Systems (NDDS) for the treatment and dispersal of on-site wastewater on new sites is prohibited unless PDPHE has an oversight program in place as described in section 43.14.D.4.
- c. Construction of new seepage pits for the treatment and dispersal of on-site wastewater on new sites is prohibited unless the criteria in section 43.12.B. are met.
- d. Vaults and vault privies may be approved for use by Variance Request to the Board of Health. Vaults must meet the criteria in section 43.12.C. All variance procedures must be followed in section VIII. 8 of this regulation and section 43.43.4.N of Regulation 43.

- e. The construction of new pit privies shall be prohibited. Pit privies currently in existence may continue to be used unless the use of the pit privy is deemed to be harmful to the public health or environment.
- f. Construction of slit trenches shall be prohibited.

VIII.12 Application Review

A. Standard OWTS

- 1. Applications for the installation of OWTS must be reviewed by PDPHE to determine whether the information provided in the permit application, site and soil evaluations, assumptions and calculations, and design of the proposed OWTS are in compliance with the requirements of this Regulation, Regulation 43 and the OWTS Act. If the submittal is determined to be in compliance, authorization to begin installation may be given. A compliance determination may set for condition precedent to the issuance of a permit including minimum size requirement, effluent testing, cleaning or maintenance schedules, or other special conditions as deemed necessary.

B. Engineer-designed OWTS

- 1. All OWTS designed by a professional engineer shall require a review and on-site inspection by PDPHE. If a system meets the requirements of this Regulation, Regulation 43, and the OWTS Act and is within current parameter of study for a particular design, a determination of compliance will be made, and a permit issued. If a proposed engineered design does not comply with this Regulation, Regulation 43 and/or the OWTS Act the application will be denied. If the application is denied PDPHE will contact the applicant and the designing engineer with the reasons for denial.
 - a. The following categories of OWTS must be designed by a professional engineer. These systems are also subject to the provisions of VIII.11(A)(1).
 - i. Systems which service exclusively domestic type wastewater from commercial business, institutional, industrial property or multi-family dwellings.
 - ii. For soil types 3A, 4, 4A, 5, R-0, R-1, and R-2, and Treatment levels TL2, TL2N, TL3, and TL3N as specified in Tables 10-1 and 10-1A of Regulation 43.
 - iii. Where the maximum seasonal level of the ground water surface or a limiting layer exists less than four feet below the bottom of the proposed infiltrative surface, which would require soil replacement, mounding or pressure dosing.
 - iv. The ground slope is in excess of thirty percent. v. Higher level treatment systems [43.11].
 - v. Evapotranspiration and Evapotranspiration/Absorption Systems
 - vi. OWTS which have not been otherwise accepted by the Division pursuant to section 43.13(D). These OWTS must be permitted in accordance with 43.4(I).

VIII.13 Subdivisions and Land Use

- A. Submission of requests for land use changes to any property in the City or County of Pueblo which impacts the performance, location, construction, alteration, installation or use of on-site wastewater treatment systems must be submitted to PDPHE for review and approval prior to any changes, modifications or alterations are conducted on the property or any structures.
1. Submission of proposed subdivision: Plans for proposed subdivisions to be located with Pueblo County utilizing on-site wastewater treatment systems shall be submitted to PDPHE for review.
 - a. When a Subdivision Sketch Plan, which indicates use of OWTS is submitted to Pueblo County, the applicant must also submit to PDPHE a report on the method of wastewater treatment for the proposed subdivision prepared by a professional engineer. This plan must be accompanied by the Sketch Plan Wastewater Review fee as established by the Board of Health.
 - b. When the applicant submits a Subdivision Preliminary Plan to Pueblo County or an initial subdivision plan to the City of Pueblo utilizing OWTS, the applicant must also concurrently submit to PDPHE, a complete proposal for wastewater treatment prepared by a professional engineer. This proposal must be accompanied by the Preliminary Plan Wastewater Review fee as established by the Board of Health. This submittal shall include:
 - i. A map, drawn at the same scale as the plan submitted to the City of Pueblo or to Pueblo County, locating all lots, drainage-ways, floodplains, slopes in excess of thirty percent (30%), surface and sub-surface soil conditions, such as shallow depth to bedrock or shallow water table depth, all wells on and within 150 feet of the subdivision, and other pertinent geological features. If needed, sites of proposed wells may be required.
 - ii. A report to address the following:
 1. Soil evaluation results shall be shown for no fewer than twenty percent (20%) of the total number of lots randomly dispersed throughout the proposed subdivision. Percolation test holes and soil profile test pit excavations shall be flagged in the field and identified on the map submittal. Soil profile test pit excavations shall be excavated to a minimum depth of 10 feet. The soil profile test pit excavation may be terminated at a depth less than 10 feet if bedrock or groundwater is encountered. In cases in which unique geologic, topographic or soil conditions, such as depth to bedrock, depth of water or slopes in excess of ten (10%) are found, additional tests may be required.
 2. All locations not suited for placement of OWTS due to soils, geologic topographic or other unsuitable conditions shall be noted in the report and on the map submitted. The subdivision shall be designed as to insure that each lot meets the OWTS site requirements as stated in Section VIII.13.B. of this Regulation.
 3. Potential location of OWTS components must conform to the requirements for setback of OWTS components to water, physical and health impact features of Table 7.1 in Section 43.7 of Regulation 43.
 4. An analysis of the probable effects of OWTS effluent on the soils, geology and hydrology of the area.

5. The availability of a central sewage system and feasibility of inclusion into such system must be evaluated. If there is a central sewage system within one (1) mile of the proposed subdivision, or if the subdivision is within an organized sewage district or municipal service area, the applicant shall be required to submit proof that the district or municipality is incapable of serving the site.
 6. As per Colorado Revised Statutes, Section 30-28-136 (1)(g), the applicant may be required to submit additional engineering, geological reports or data and to conduct a detailed study of the economic feasibility of a sewage treatment works.
 7. When deemed necessary by PDPHE, the studies, reports and findings may be submitted to the Board of Health for approval/disapproval of the OWTS for the proposed subdivision before being forwarded to the City or County of Pueblo.
2. Submission of Plans for Other Land Use Review: Application for Other Land Use reviews shall be submitted by the applicant to PDPHE on forms approved by PDPHE. The application shall be accompanied with the Other Land Use review fee as established by The Board of Health.

VIII.14 On-Site Wastewater Treatments System Site Requirements

- A. The area required for proposed or existing OWTS for sites within any subdivision finally approved before **October 7, 2000** shall be of adequate size to allow for the construction of one original soil treatment area and an alternative soil treatment area using standard sizing requirements in Section 43.10 of Regulation 43.
 1. The area required by these soil treatment areas shall be determined for the size of the house submitted on the plot plan and take into account the number of proposed or existing bedrooms.
 2. The area required by these soil treatment areas shall be determined by using the formula described in Section 43.10 of Regulation 43.
 3. Both the original and the alternate system shall meet all distance requirements set forth in Section 43.7 and Table 7-1 of Regulation 43.
 4. This site requirement shall apply to all on-site wastewater treatment system sites in Pueblo County except those upon which an evapotranspiration system is proposed wherein Section VIII.13.C and 43.12.A. would apply.
 5. The soil treatment area must be 10 feet from the property lines and the setbacks from structures as required in Table 7-1 of Section 43.7 of Regulation 43.
- B. The area of the proposed OWTS for sites within any subdivision or parcel created by any planning or zoning action finally approved after **October 7, 2000**, shall be adequate size to allow for the construction of one original soil treatment area and an alternate soil treatment area using standard sizing requirements as described in Section 43.10 of Regulation 43.
 1. The area required by the soil treatment area shall be sufficient to accommodate an average five (5) bedroom residence which is considered to be 40 feet by 70 feet regardless of whether the property is already developed with a different size residence or is undeveloped.

2. The area required by these soil treatment areas shall be determined by using the percolation rate, LTAR and the formula described in Section 43.10 of Regulation 43.
 3. Both the original and the alternate soil treatment areas shall meet all distance requirements set forth in Table 7-1 of Section 43.7 of Regulation 43.
 4. The soil treatment areas must be 40 feet from the property lines and 40 feet from any occupied building or dwelling.
 5. This site requirement shall apply to all on-site wastewater treatment system sites in Pueblo County except those upon which an evapotranspiration system is proposed wherein Section VIII.13.C and 43.12.A. would apply.
- C. The area for the proposed evapotranspiration system shall be of adequate size to allow for the construction of the original designed evapotranspiration bed and one alternate evapotranspiration bed equal in size to the original.
1. The area required for an evapotranspiration system for a parcel of property or any lot created by subdivision, or any other planning or zoning action finally approved after **October 7, 2000**, shall be sufficient to accommodate a five (5) bedroom residence which is considered to be 40 feet by 70 feet regardless of whether the properties is already developed with a different size residence or is undeveloped.
 2. Both the original evapotranspiration bed and the alternate bed shall meet all distance requirements in Table 7-1 in Section 43.7 of Regulation 43.

Appendix A to OWTS Regulations for VIII for Pueblo Department of Public Health and Environment Attached

Appendix B to OWTS Regulation VIII – Water Quality Control Commission Regulation 43.

Colorado Water Quality Control Commission Regulation No. 43 – On-Site Wastewater Treatment System Regulation 5-CCR 1002-43.