

TOWN OF RICO

ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

499.1 Title and Authority

These requirements shall be known as the Town of Rico On-Site Wastewater Treatment System Regulations, and are located within the Town of Rico Land Use Regulations.

These requirements have been adopted by the Board of Trustees of the Town of Rico, 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 Town Manager, acting as the Director of Public Health to implement these regulations on behalf of the Board of Health.

499.2 Scope and Purpose

A. Declaration

1. This regulation shall apply to On-site Wastewater Treatment Systems 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 2,000 gallons per day within the Town of Rico.

C. Jurisdiction

1. These regulations apply to all new or altered OWTS in the within the territorial limits of the Town of Rico.

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

1. 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.

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 shall not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.

499.3 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," and future revisions thereto, are made a part of these regulations and shall apply except where identified as an option of the local public health agency in or 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 shall 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 regulations are identified in the attached "Appendix A to

OWTS Regulations for the Town of Rico. Appendix A is hereby made a part of these regulations.

A. Excluded

1. Reductions in soil treatment area size or separation distances and wide beds for higher level treatment units shall not be allowed under these regulations. All designs must be based on TL-1 parameters in Regulation 43. Similarly, bed widths are limited to 12 feet except for repairs. Area or separation distance reductions and wider beds for higher level treatment can only be allowed in the future, if these Regulations are amended to include a program of oversight for inspection and maintenance of higher level treatment units. Amended Regulations must be approved by the Water Quality Control Division in the Colorado Department of Public Health and Environment.

499.4 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 Town of Rico planning department. All OWTS must be designed and plans stamped by a professional engineer.
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 shall be required to begin construction.
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 planning department. After a permit is invalidated, a new application shall be required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs.
6. Application for a product development permit may be approved by the planning department of the Town of Rico, consistent with requirements of section 43.4(I) of Regulation 43.
7. Application for an experimental permit may be approved by the Board of Health consistent with requirements of section 43.4(J) of Regulation 43.

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

1. When an application is denied by the planning department of the Town of Rico, an applicant may request review and reconsideration by the local board of health by filing a request for reconsideration with the Town Clerk within thirty (30) days of the date of denial. Upon receipt of the written request for reconsideration, the Town Clerk will schedule a hearing at the next regular meeting of the Town Trustees, who serve as the Board of Health for purposes of implementation of the OWTS. The applicant will have the burden of proof in demonstrating that the application meets all requirements of Regulation 43 and should be granted. The Board of Health will make a final determination, which determination will be final agency action for the purposes of any further judicial appeal.

C. Fees [43.4(B)(4) and 43.4(B)(5)]

1. Permit fees and fees for other services and tests associated with OWTS will be set by the Board of Health, in conformance with section 43.4(B)(4) and (5) of Regulation 43 and 25-10-107, C.R.S. and are available from the planning department upon request.

2. A waiver of a portion or all of the applicable fees may be requested for good cause shown. Such request shall be made in writing to the planning department, along with documentation supporting the request. The planning staff shall make a determination of such waiver within fifteen (15) business days of the request. An appeal to the Board of Health may be made of a denial of such request as provided in Subsection B above.

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

1. A surcharge of \$23.00 will be collected for each permit issued by the Town of Rico. Of that fee, the Town of Rico will retain three dollars to cover administrative costs and twenty dollars must be transmitted to the state treasurer.
2. The surcharge is in addition to the OWTS filing and permit fee, which is established by the Town of Rico.

499.5 Inspections [43.4(E)]

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

1. The applicant must notify the planning department of the Town of Rico prior to completing construction so that the designated Town of Rico official can conduct a field inspection of the septic tank before backfilling.

B. OWTS [43.4(F)(3)]

1. The applicant must notify the planning department of the Town of Rico so that the designated official of the Town of Rico can conduct a final field inspection of all related components of the OWTS before backfilling.

499.6 Additional Requirements.

A. Final inspection by Professional Engineer

1. In addition to the inspection required in Section 499.5 above, the design engineer or other professional engineer engaged by the applicant shall make a final inspection of the completed OWTS and its components, prior to back filling, and shall certify that the system has been constructed as designed.
2. The certification, stamped by the professional engineer shall be filed with the planning department of the Town of Rico.

B. As Built Drawings

1. As built drawings for the OWTS shall be filed with the Town of Rico.
2. The as built drawings shall include location of the OWTS, and distance from lot lines.

Appendix A to OWTS Regulations for the Town of Rico are attached.

Rev. 7/2014