ARCHULETA COUNTY
ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS
2026

1. Title and Authority

These requirements will be known as the *Archuleta County On-site Wastewater Treatment Systems Regulations 2026* (the Regulations).

These requirements have been adopted by the Archuleta County 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 Archuleta County Water Quality Department (ACWQ) to implement these Regulations on behalf of the Board of Health.

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 equal to or less than 2,000 gallons per day within the Jurisdiction defined below.

C. Jurisdiction

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

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

E. Severability

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

F. Access to Site [43.4(D)]

1. For the purpose of inspecting and enforcing applicable regulations and the terms and conditions of any permit issued and responding to complaints, ACWQ may enter upon private property at reasonable times and upon reasonable notice for the purpose of determining whether or not an operating OWTS is functioning in compliance with the OWTS Act and applicable regulations adopted pursuant thereto and the terms and conditions of any permit issued and to inspect and conduct tests in evaluating any permit application.

2. The owner or occupant of every property having an OWTS must permit ACWQ access to the property to make inspections, conduct required tests, take samples, and monitor compliance.

G. Enforcement [43.4(P) and 43.4(Q)]

1. ACWQ 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, as provided for in Section 43.4(P) of Regulation 43.

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

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, 5 CCR 1002-43, Effective date, June 15, 2025 " (Regulation 43), are made a part of these Regulations and will apply except when identified as an option of the local public health agency or where these Regulations are more stringent than Regulation 43. All aspects of an On- site Wastewater Treatment System (OWTS) including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance, and use must be as provided in Regulation 43 and any additional requirements contained in these Regulations.

2. Allowable local options identified in Regulation 43 and the designated decisions for these Regulations are identified in the attached "Appendix A to OWTS Regulations for Archuleta County Board of Health." Appendix A is made a part of these Regulations.

4. Permits and Fees

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding, or repairing an OWTS, the applicant must obtain an approved permit from ACWQ.

2. The permit application shall be on forms provided by ACWQ, or via the online application process, and shall include information identified in section 43.4(B)(3) of Regulation 43. The following additional information shall be provided:

   a. Parcel Address and/or Assessor Parcel Number.

   b. Number of dwellings and bedrooms served by the OWTS.

   c. Type of water supply.

   d. Owner's signature.

   e. Contact information for owner or designated agent.

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. Failure to complete installation of an approved OWTS within two years of permit issuance shall render the permit void, unless extended in writing by ACWQ.

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 ACWQ of the proposed changes or specifications. After a permit is invalidated, a new application and subsequent permit is required to begin or complete 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 Board of Health consistent with requirements of section 43.4(I) of Regulation 43.

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

1. When an application is denied by ACWQ, an applicant may appeal the denial to the Board of Health.

2. The appeal shall be made to the Board of Health within 30 days after the denial of an OWTS permit application by ACWQ.

3. The applicant's appeal shall include a written statement explaining the basis of the appeal. The burden of proof is on the applicant to demonstrate that ACWQ's denial of a permit was both arbitrary and capricious and not in accordance with these Regulations.

4. The appeal shall be accompanied by all required appeal fees.

5. The appeal shall be heard by the Board of Health on its next available agenda after required public notice.

6. After hearing the appeal, the Board of Health will issue its written opinion concerning the appeal which shall include the following:

a. Findings of the Board of Health.

b. Facts upon which the findings were based.

c. Reference to laws or regulations upon which the Board of Health decision was based.

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

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

2. Waiver of fees [43.4(B)(4)(c)]:

a. The Board of Health will adopt a procedure for waiving permit fees and fees for other services and tests associated with OWTS for cases of financial hardship.

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

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

5. Inspections [43.4(E)]

A. Septic Tank [43.9(B)(3)(c)], Soil Treatment Area and Related Components [43.4(F)(3)]

1. The applicant, their agent, a licensed System Contractor, or Professional Engineer must notify ACWQ at least two (2) business days prior to the requested time of inspection so ACWQ can conduct a field inspection of the septic tank, the soil treatment area, and all related components of the OWTS before backfilling. The septic tank and soil treatment area installation shall be substantially complete prior to the requested inspection. ACWQ may, at its own initiative, perform an inspection at any time during the construction process.

B. Re-Inspection

1. If the field inspection described in 5.A is unsatisfactory or reveals construction errors or deviations from the authorized design or information contained within the permit application, ACWQ shall provide notification of any deficiencies to the Systems Contractor or Owner. ACWQ may, at its discretion, require and perform a re-inspection following notification that the deficiencies have been corrected. If a re-inspection is required, backfilling the OWTS prior to re-inspection is prohibited.

C. Availability of Soil Profile Pit for Inspection

1. The applicant, their agent, a licensed System Contractor, registered Soil Technician, or Professional Engineer shall notify ACWQ two (2) business days before soil profile pit evaluation (as described in section 43.5.D of Regulation 43) is scheduled.

2. Upon notification, ACWQ may require joint evaluation of the soil profile pit(s).

6. Licensing of Systems Contractors and Cleaners and Registration of Competent Technicians

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

1. No person shall excavate, install, construct, alter, or repair an OWTS unless he/she holds a valid Systems Contractor License issued by ACWQ. Licenses shall expire on December 31s[t] of each year and be subject to an annual renewal. Fees for licensure and renewal shall be set by the Board of Health.

2. Obtaining a License

a. All Systems Contractors seeking a license shall be required to attend an ACWQ training course and to demonstrate adequate knowledge of these Regulations, based upon passing a written test or such other means as determined by ACWQ.

b. All System Contractors renewing an ACWQ license from the previous year are exempt from the requirement to complete an ACWQ-provided training course and will only be required to pass the written test. If they fail the test, they will then be required to attend the training course and pass a retake of the test.

c. All System Contractors holding a current license from another local public health agency in Colorado are exempt from the requirement to complete an ACWQ-provided training course but must still obtain a license from ACWQ.

d. Applications for Systems Contractors' licenses or renewals shall be made on forms provided by ACWQ or through the online application process.

3. Standards of Performance

a. The Systems Contractor shall have the authorized OWTS permit in his/her possession at the time construction begins and at the time of all ACWQ inspections.

b. The licensed Systems Contractor shall be present at the time of all ACWQ inspections.

4. Revocation of a Systems Contractor's License

a. A Systems Contractor's license may be suspended or revoked by the Board of Health for failure to comply with the OWTS Act or these Regulations. Examples of failure to comply with the OWTS Act or these Regulations include, but are not limited to, the following:

(1) Installation, construction, alteration, or repair of an OWTS without an OWTS permit that has been approved for construction.

(2) Failure to obtain approval of an OWTS, via an inspection by ACWQ, prior to backfill.

(3) Misrepresentation of facts or data in-order-to secure an OWTS permit or construction authorization.

(4) Failure to notify ACWQ of failed or malfunctioning systems identified within their care or work.

b. Such a suspension or revocation shall be made only after a hearing before the Board of Health. The Systems Contractor shall be given notice at least 20 days before such hearing, via hand delivery or certified mail, return receipt requested. The Systems Contractor may be present, with or without counsel, and be heard at the hearing.

c. Should the Board of Health's hearing result in a decision to suspend or revoke a Systems Contractor's license, such decision, including a listing of violations and any conditions set forth by the Board of Health, shall be forwarded in writing to the Systems Contractor, either by hand delivery or certified mail, return receipt requested.

B. Systems Cleaners [43.4(K)(3)]

1. No person shall engage in the cleaning of On-Site Wastewater Treatment Systems or the transportation of septage to a disposal site unless he/she holds a valid Systems Cleaner License issued by ACWQ or is employed by a valid licensed Systems Cleaner. Employees of a valid licensed Systems Cleaner shall not be required to be licensed as individuals. Licenses shall expire on December 31st of each year and be subject to annual renewal. Fees for licensure and renewal shall be set by the Board of Health.

2. Obtaining a License

a. All Systems Cleaners seeking a license or renewal shall be required to demonstrate adequate knowledge of these Regulations, based upon passing a written test or such other means as determined by ACWQ.

b. Obtaining a Systems Cleaner's License shall be contingent on an inspection of the System Cleaner's equipment by ACWQ staff.

c. Applications for Systems Cleaner's Licenses or renewals shall be made on forms provided by ACWQ or through the online application process.

3. Standards of Performance

a. The Systems Cleaner, when cleaning a septic or other tank, shall remove the liquid, sludge, and scum, leaving no more than three inches of sewage or effluent in the septic or other tank.

b. The Systems Cleaner shall maintain his/her equipment to ensure that no spillage of septage will occur during transportation of the septage, and that his/her employees are not subjected to undue health hazards.

c. The Systems Cleaner shall dispose of the collected septage only at a Domestic Wastewater Treatment Works permitted by the Colorado Water Quality Control Division.

d. All Systems Cleaners shall mark the vehicles which transport septage with their business name in 6-inch letters or larger.

e. When in the normal course of work, a Systems Cleaner observes damaged or metal septic tanks, cesspools, failed or malfunctioning systems, or sewage being discharged onto the ground or beyond the normal area of confinement, the Systems Cleaner shall notify the property owner and ACWQ of any such condition within 72 hours.

f. A Systems Cleaner who performs work on systems known to be failed or malfunctioning must notify ACWQ prior to initiating work.

g. The Systems Cleaner shall provide to the property owner or their designee a receipt listing the name, address, date, activity(s) performed, septic tank volume,

number of chambers in the septic tank, and any system deficiency, malfunction, or broken equipment observed, such as cracks, infiltration, overflows, or non-standard equipment. A copy of this receipt shall be provided to ACWQ, upon request of ACWQ.

4. Revocation of a Systems Cleaner's License

a. A Systems Cleaner's License may be suspended or revoked by the Board of Health for failure to comply with the OWTS Act, Regulation 43, or these Regulations. Examples of failure to comply with the OWTS Act or these Regulations, include but are not limited to, the following:

(1) Failure to maintain his/her equipment.

(2) Allowing spillage of septage to occur during transportation of septage.

(3) Subjecting his/her employees to undue health hazards.

(4) Disposing of septage at a site or location other than a Domestic Wastewater Treatment Works permitted by the Colorado Water Quality Control Division.

(5) Failure to notify ACWQ of failed or malfunctioning systems identified within their care or work.

b. Such a suspension or revocation shall be made only after a hearing before the Board of Health. The Systems Cleaner shall be given notice at least 20 days before such hearing, via certified mail, return receipt requested or hand delivery. The Systems Cleaner may be present with or without counsel and be heard at the hearing.

c. Should the Board of Health's hearing result in a decision to suspend a System Cleaner's License, such decision, including a listing of violations and any conditions set forth by the Board of Health, shall be forwarded in writing to the Systems Cleaner, either by hand delivery or certified mail, return receipt requested.

C. Competent Technicians

1. ACWQ will only accept Site and Soil Evaluations from Competent Technicians registered with ACWQ. Fees for registration shall be set by the Board of Health.

2. Persons wishing to register as Competent Technicians shall submit their qualifications to ACWQ. ACWQ shall register those technicians whose qualifications match the competence requirements specified in Section 43.5(I) of Regulation 43.

a. Submission of qualifications may occur prior to or concurrently with submission of a Site and Soil Evaluation.

3. Registration as a Competent Technician shall not expire but may be suspended or revoked by ACWQ.

a. The technician shall be notified of the suspension or revocation in writing, via hand delivery or certified mail, return receipt requested.

b. The technician shall have the right to appeal to the Board of Health at a hearing. Appeals shall be made in writing. The technician shall be given notice of at least 20 days before such hearing, via certified mail, return receipt requested or hand delivery. The technician may be present with or without counsel and be heard at the hearing.

c. Should the Board of Health's hearing result in a decision to uphold the suspension or revocation, such decision, including a list of any violations and any conditions set forth by the Board of Health, shall be forwarded in writing to the technician, either by hand delivery or certified mail, return receipt requested.

4. Suspension or revocation of registration may occur upon, but are not limited to, the following:

a. Misrepresentation of facts or data contained within a Site and Soil Evaluation.

b. Misrepresentation of qualifications.

c. Failure to notify ACWQ of failed or malfunctioning systems identified within their care or work.

7. Variances [43.4(N)]

A. Variances

1. The Board of Health may approve a variance from a requirement of these Regulations. Variances are generally governed by the procedures as set forth in Regulation 43.4(N).

2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the requirements of these Regulations.

3. Variances shall not be granted for the situations identified in section 43.4(N)(S) of Regulation 43.

B. Variance Procedure

1. Variance requests must be provided to ACWQ, in writing, by the property owner or his/her designee. The hearing of variance requests will take place according to the following timeline:

   a. Variance requests not requiring a public hearing, as provided for in section 7.C of these Regulations, will be heard by the Board of Health at their next regularly scheduled meeting, a minimum of twenty-eight (28) days following the receipt of the request by ACWQ.

   b. Variance requests requiring a public hearing, as provided for in section 7.C of these Regulations will be heard at the next regularly scheduled Board of Health meeting, a minimum of forty-two (42) days following the receipt of the request by ACWQ.

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 these standards are met prior to granting a variance.

4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.

C. Variances Requiring Public Hearings

1. A variance request may be granted only following the holding of a public hearing as provided for in section 43.4(N) of Regulation 43.

2. Public hearings for variance requests must follow the notice requirements of section 43.4(N)(2)(c) of Regulation 43.

3. Variances may only be considered as outlined in Regulation 43, sections 43.4(N)(2)-(6).

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

A. Property owners of a residence or other building or facility served by an OWTS shall have an inspection performed to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property. Prior to the sale or transfer of title of the property, the owners of the property shall obtain a complete Transfer of Title Acceptance Document from ACWQ, unless exempt or waived as noted by these Regulations. The Board of Health will adopt fees for issuing a Transfer of Title Acceptance Document.

B. The following properties and situations are exempt from the requirement to obtain a Transfer of Title Acceptance Document:

1. The property is served by an OWTS that was installed and given final approval by the local public health authority (LPHA) within four years of the current closing date of the property. This includes finalized repair and alteration permits with components older than four years.

2. The change in ownership is not an arm's length transaction. Examples of non-arm's length transactions include, but are not limited to, transfers between family members, parents and children, and estate transactions between a spouse, parent, or child.

3. The change in ownership is creating or ending a joint ownership if at least one person is an original owner of the property and/or the spouse, parent, or child of an original property owner.

4. The transfer of property is to a trust in the same name as the original owner, or to a limited liability company, if the original owner is one of the directors of the limited liability company.

5. The transfer of property is a result of foreclosure or forfeiture of real property.

6. The property owner has obtained a repair or alteration permit for the OWTS which has not expired, and the requirement to complete the repairs has been disclosed to the person acquiring title to the property.

C. Obtaining a Transfer of Title Acceptance Document

1. Transfer of Title Acceptance Documents will only be issued for properties served by a permitted OWTS, unless the OWTS on the property clearly predates the OWTS permitting program adopted by the Board of Health in 1967. Property owners with an unpermitted OWTS must apply for a permit for the system prior to applying for a Transfer of Title Acceptance Document.

2. Applications for Transfer of Title Acceptance Documents, and inspection reports for such a purpose, must be made on forms provided by ACWQ or via the online application process and must include the following information:

   a. All information required by section 43.4(L)(3) of Regulation 43.

   b. Size of the property.

   c. Type of water supply.

   d. Number of dwellings and number of bedrooms served by the OWTS.

   e. Where required by Section 9 of these Regulations, a copy of a current service contract with a qualified service provider.

   f. A site plan to scale prepared by a Professional Engineer showing the layout of the OWTS and all relevant setbacks may be required by ACWQ. This is waived if such a drawing is already on file with ACWQ and the system as inspected matches the plan on file.

3. Inspections for transfer of title purposes shall be performed only by inspectors certified by the National Association of Wastewater Technicians (NAWT). Inspectors for higher-level treatment systems must have training relevant to the specific system, if public domain, or certification from the equipment manufacturer.

4. A Transfer of Title Acceptance Document may be issued provided the following criteria are met:

   a. The Minimum Criteria specified by section 43.4(L)(5) of Regulation 43.

   b. If a wastewater pond (lagoon) exists, its configuration and the configuration of all components must match the terms of the original permit, and it must meet all the requirements of section 43.10(I)(7) of Regulation 43.

D. Conditional Transfer of Title Acceptance Document

1. If ACWQ determines that the OWTS does not meet the requirements for issuance of a Transfer of Title Acceptance Document, ACWQ may issue a Conditional Transfer of Title Acceptance Document in any of the following circumstances:

a. Conditions, such as frozen ground, prevent the property owner from completing the necessary repairs or alterations. In this case, the property owner or person acquiring title to the property agrees in writing to obtain a repair or alteration permit and complete all necessary repairs or alterations to the OWTS within 90 days of occupying the property or, at ACWQ's discretion, the date of closing.

b. Conditions, such as snow cover, prevent access to the property for performing an inspection. In this case, both of the following are required for ACWQ to issue a Conditional Transfer of Title Acceptance Document:

(1) A NAWT-certified inspector certifies, in writing, that the property was inaccessible, and that payment has been made up front for an inspection to be performed when conditions allow.

(2) The person acquiring title to the property agrees in writing to have the inspection completed when conditions allow and, if needed, to obtain a repair or alteration permit and complete all necessary repairs within 90 days of the inspection.

E. Revocation of a Transfer of Title Acceptance Document

1. ACWQ shall revoke a Transfer of Title Acceptance Document if it is determined that the system is no longer functioning in accordance with this regulation or that false or misleading material statements were made on the application or inspection reports.

2. Upon revoking a Transfer of Title Acceptance Document, ACWQ shall notify the current property owner of the revocation.

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 ACWQ. The Board of Health will adopt additional fees for the administration of this oversight program.

B. Application and Permitting Requirements

1. Before permitting systems with reduced soil treatment area sizes or reduced setbacks as-a-result-of higher-level treatment, ACWQ requires recurring inspections, maintenance, recordkeeping and enforcement to ensure that the systems are meeting the designed higher-level treatment standards.

2. Applications to utilize higher-level treatment with size or setback reductions shall be made in accordance with section 4.A of these Regulations and section 43.4(8)(3) of Regulation 43. Such application shall be accompanied by the following additional information [43.14(D)(4)(a)]:

a. Location and configuration of higher-level treatment system(s).

b. Level of treatment to be provided.

c. Copy of a current contract with a service provider qualified to provide maintenance and inspection of the proposed higher-level treatment system. The contract shall have a minimum duration of one year.

C. Inspection, Maintenance and Reporting Requirements

1. The property owner is responsible for having the OWTS containing a higher-level treatment system with size or setback reductions inspected and maintained by a qualified service provider.

a. Property owners shall maintain an active service contract with a qualified service provider, at all times.

b. Each time his/her contract with a qualified service provider is renewed or replaced, the property owner shall submit a copy to ACWQ within 30 days of signing.

2. Inspections and maintenance of higher-level treatment systems shall be performed

according to the intervals specified in section 43.14(D)(4)(b) of Regulation 43.

3. Service providers shall provide a copy of their inspection report and sampling results, if any, to the owner, and to ACWQ.

   a. Inspection reports must include, at a minimum, the information specified in Section 43.14(D)(4)(a)(7) of Regulation 43, and any information the manufacturer recommends recording at time of inspection.

4. Service providers must notify ACWQ when a service contract is terminated prior to the expiration date on the original contract kept on file at ACWQ.

5. Service providers must obtain appropriate training and/or certification for specific proprietary treatment products as provided by the manufacturer necessary to provide the required operation and maintenance for the relevant product. Documentation of all such training and certification must also be provided to ACWQ.

10. Existing Wastewater Ponds (Lagoons) [43.10(I)(8)]

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

B. For requests to alter the design flow of an OWTS utilizing a lagoon, the potential risk to public health and water quality shall be evaluated by ACWQ. If ACWQ determines the risk is low, the alteration of design flow may be permitted, subject to the following requirements:

1. A professional engineer or system inspector certified by the National Association of Wastewater Technicians shall inspect the system.

2. The professional engineer or certified inspector shall certify to ACWQ that the lagoon will meet all the requirements of section 43.10(I)(8) of Regulation 43 following the increase in design flows. ACWQ may require the professional engineer or certified inspector to provide calculations, design schematics, or a site plan documenting compliance with this Regulation.

11. Vaults [43.12(C)] and Vault Privies [43.12(D)(1)]

A. Vaults

1. Vaults are permitted for full-time use where the property cannot accommodate an OWTS with a soil treatment area.

2. Vaults shall conform to the design criteria specified in Section 43.12(C) of Regulation 43.

B. Vault Privies

1. Vault Privies may be considered for approval by ACWQ if all other options are determined by ACWQ to be infeasible.

2. Vault privies shall conform to the design criteria specified in Section 43.12(D)(1) of Regulation 43.

12. Remediation Systems [43.10(I)(10)]

A. The use of remediation systems, as defined in Section 43.10(I)(10) of Regulation 43, is allowed with a permit from ACWQ.

1. The Board of Health shall set fees for the issuance of a remediation permit.

2. Remediation permits shall require re-inspection of any OWTS treated with a remediation process or technology, at reasonable intervals to be set by ACWQ.

Division

Attached

Adopted by the Board of Health 6/15/26

Effective Date 7/30/26

Appendix A to Archuleta County OWTS Regulation

Note: APPENDIX A is only required for local regulations that use the Template Regulation.

Public Health Agency:	Archuleta County Public Health		**OPT-IN CHOICES**	
D. Decision Points Summary – Local On-Site Wastewater Treatment System Regulations				
SUBJECT MATTER	**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, Systems Cleaners, Systems Maintenance Providers, and Transfer of Title Inspectors	None *(Do not license any OWTS practitioners)*	☐	43.4.K	
	Systems Contractors are licensed	☒	43.4.K.1	6.A
	Systems Cleaners are licensed	☒	43.4.K.1	6.B
	Systems Maintenance Providers are licensed	☐	43.4.K.1	
	Transfer of Title Inspectors are licensed	☐	43.4.K.1	
Variances	Variances Allowed *(Must have a variance procedure prescribed within the local regulation.)*	☒	43.4.N.	7
	Variances not allowed	☐	43.4.N	
Occupancy – Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom	☒	43.6.A.2.d & e	
	All bedrooms: 2 persons per bedroom	☐	43.6.A.2.f	
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: flow estimates will be determined from the number of bedrooms originally finished	☐	Table 6-1	
	If unfinished area is present in house, OWTS must also be sized for 1 or 2 more bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet applicable code requirements for a bedroom	☒	43.6.A.2.h	
Board of Health allows the LPHA to permit property line reductions lesser than 10 feet	Allow LPHA determination for certain property line setback reductions	☐	43.7.D.1	
	Prohibit LPHA determination; Board of Health determination only	☒	43.7.D	
Effluent Filter	May be used (owner's option)	☐		

	Required in all new septic tanks	☒	43.6.a.2.h	
Length of distribution laterals (e.g., trenches or beds)	100 feet maximum length for any OWTS system	☐	43.10.E.2.d	
	100 feet maximum for gravity fed from one end, and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	☒	43.10.E.2.b & c	
Public Health Agency:	Archuleta County Public Health		**OPT-IN CHOICES**	
	ALTERNATIVES Select Check Box for Decision Chosen. (Only one selection per item.)		**Citation Reg #43**	**Citation Local Reg**
Inspection ports at header (front) end of trench; piping or chamber	Not required	☐		
	Required	☒	43.10.F.6.d	
Vault Privies - new	Allow new vault privies	☒	43.12.D.1.a	11.B
	Prohibit new vault privies	☐	43.12.D.1.a	
Vault Privies - existing	Allow continued use of existing vault privies	☒	43.12.D.1.b	11.B
	Require abandonment of existing vault privies	☐	43.12.D.1.b	
Pit Privies - new	Allow new pit privies	☐	43.12.D.2.a	
	Prohibit new pit privies	☒	43.12.D.2.a	
Pit Privies - existing	Allow continued use of existing pit privies	☐	43.12.D.2.c	
	Require abandonment of existing pit privies	☒	43.12.D.2.b	
Allow for the reduction in the size of the STA where a composting or incinerating toilet is installed	Allow a reduction in the size of the soil treatment area with the use of a composting or incinerating toilet. (To allow this reduction, the LPHA must implement both a Transfer of Title program and a Use Permit program)	☐	43.12.E.2.a	
	The use of a composting or incinerating toilet will not reduce the required size of the OWTS	☒	43.12.E.2	
Optional Programs/Permits				
Transfer of Title inspections	Required *(If transfer of title inspections are required, the criteria for your local program as noted in 43.L must be specified in local regulation.)*	☒	43.4.L.1	8
	Not required	☐	43.4.L.1	
Permits for the Continued Use of an OWTS; Define these items on Pg. 5 that are more stringent than Regulation 43.	Used in local regulation *(Specify purpose within local regulation.)*	☐	43.4.M.1	
	Not used in local regulation	☒		
Reductions in soil treatment area (STA) size or separation distances with the use of higher level	Allow reductions for higher level treatment. *(To allow reductions, local regulation must require mandatory inspections and maintenance, and the local public*	☒	43.14.D.2	9

treatment systems and the implementation of a mandatory maintenance oversight program	*health agency must implement an O/M oversight program)*			
	Reductions in area and separation distances not allowed for higher level treatment systems	☐	43.14.D.3	