Discussion Points

- Transfer of Title Program
- Property Line Setback Reductions of Less Than 10 Feet
- Effluent Filter Requirements
- Length of Distribution Laterals

Transfer of Title Inspection Requirements Page 7-9 in Archuleta County's Regulations Page 21-24 in Regulation 43

- Section 43.4.L.1 of Regulation 43: A local board of health may choose to require a property owner of a residence or other building/facility served by an OWTS to undergo an inspection of that system to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property. A local board of health is not required to develop a transfer of title inspection program.

Transfer of Title Inspection Requirements

Why require transfer of title inspection	Why not require transfer of title inspection
• **One of the most effective tools to protect public health and groundwater** • **Septic systems have a finite lifespan. Even without obvious failure, declining soil treatment from bio-mat accumulation cause slower percolation and can allow inadequately treated wastewater to reach groundwater** • OWTS are buried and not visible after installation, making conditions difficult for homeowners to assess • Ensures system condition is evaluated at the point of property transfer • Prevents failing systems from being sold without disclosure of risk • Reduces unexpected repair costs for buyers and long-term community impacts • Focuses oversight on higher-risk properties through existing exemptions (recent installs, repairs, alterations, non-arm's-length transfers) • Strong integration with local real estate practices and expectations from inspectors, contractors, and realtors • Data indicates effectiveness: 58% of 2026 TOT applications also required repair permits.	• Adds cost and administrative steps during property transactions • Can be viewed as an additional barrier in the real estate process • May create delays in closing timelines • Some properties may appear low-risk due to age or prior permitting and still be inspected • Removal would reduce oversight of existing systems • Failing systems could be transferred without identification or mitigation • Loss of a consistent trigger for identifying unknown or unpermitted failures

- Recommendation: Maintain the Transfer of Title inspection program as a key public health safeguard. The program effectively identifies failing or high-risk systems at the point of sale, is well integrated into local real estate practices, and is supported by data showing a high rate of associated repair permit issuance. Continuation ensures ongoing protection of groundwater, prevents undisclosed system failures, and maintains consistency and transparency in property transactions.

Transfer of Title Inspection Additional Recommendations

- Remove or revise exceptions based on the type of ownership transfer, particularly exceptions that may provide different treatment based on whether a property is inherited or transferred within a family. This would apply the same criteria consistently to all property transfers, regardless of whether the transfer is an inheritance, family transfer, or other non-arm's-length transaction.
- Evaluate whether exception for "finalized repair and alteration permit with components older than 4 years" should remain.

Property Line Setback Reductions of Less Than 10 ft
Page 12 in Archuleta County's Regulations
Page 49-50 in Regulation 43

- Section 43.7.D.1 A local board of health may choose to allow the local public health agency to permit the installation of an OWTS at a reduced property line setback in accordance with the following criteria:

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	

Property Line Setback Reductions of Less Than 10 ft

Why allow staff-level approval of setback reductions (<10 ft) • Allows staff to resolve straightforward cases quickly without needing board review • Reduces delays for applicants and improves overall permitting timelines • Ensures consistent decision-making when criteria are clearly defined and repeatedly encountered • Small lots	Current practice Why not allow staff-level approval of setback reductions (<10 ft) • Limited history of variance requests makes it difficult to establish reliable criteria • Potential risk of inconsistency or perceived unfairness if staff-level decisions vary case-by-case • Setback reductions may carry legal or neighbor-impact considerations more appropriate for Board oversight • Keeps decision-making with the Board of Health, which is the authority designated in current regulations • Avoids diverting staff resources from core responsibilities (design reviews, permitting, inspections, customer service) • No need we have large lots

- Recommendation: Given the lack of need and the Board's existing authority under current regulations, staff recommends keeping setback variances with the Board of Health.

Effluent Filter Requirements
Page 12-13 in Archuleta County's Regulations
Page 67 in Regulation 43

- Section 43.9.J.1 Effluent Filters
  - 1. A local public health agency may require that effluent filters be installed in all septic tanks in new installations and repairs where the septic tank is replaced.

Effluent Filter	May be used (owner's option)	☐		
	Required in all new septic tanks	☒	43.6.a.2.h	

Effluent Filter Requirements

Current Practice Why require effluent filters on all new and repaired septic tanks	Why not require effluent filters on all new and repaired septic tanks
• Prevents solids from leaving the tank, which protects the soil treatment area and reduces drainfield clogging and system failure. • Extends the lifespan of onsite wastewater systems, lowering long-term homeowner costs. • Supports environmental protection by reducing risk if untreated effluent reaching soil and groundwater. • ~80 some installers get deals because they order in bulk and they may be even less. • Low cost and high-impact public health measure.	• Filters require periodic maintenance, which some homeowners may neglect.

- Recommendation: Continue to require effluent filters on all new systems. Section 43.9.J.1

Length of Distribution Laterals
Page 13 in Archuleta County's Regulations
Page 78 in Regulation 43

- Section 43.10.E.2.b&c A local board of health may choose to allow the local public health agency to permit the installation of an OWTS at a reduced property line setback in accordance with the following criteria:

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	

Length of Distribution Laterals

Why restrict length to 100’ for all laterals • Better ensures wastewater is evenly distributed throughout the soil treatment area. • Supports consistent system performance across different soil types and slopes. • A 100-foot maximum creates a consistent, predictable design that is easier to review, inspect, and troubleshoot.	Current practice Why allow 150’ with pressure distribution or center-fed systems • Allows more flexibility in designs to meet the soil treatment area size requirements. • Reduces unnecessary complexity – Avoids requiring shorter or segmented laterals when the system can achieve adequate distribution through its design.

- Recommendation: Continue allowing up to 150 feet when distribution is controlled.