

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 12-0347.03 Thomas Morris x4218

HOUSE BILL 12-1126

HOUSE SPONSORSHIP

Gerou,

SENATE SPONSORSHIP

(None),

House Committees

Health and Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ON-SITE WASTEWATER TREATMENT SYSTEMS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill modernizes and simplifies the laws related to individual sewage treatment systems. **Section 1** of the bill:

- ! Replaces the terms "individual sewage disposal system" (or "ISDS") with "on-site wastewater treatment system" (or "OWTS") and updates other OWTS-related terms and definitions;
- ! Eliminates references to disposal of sewage to more

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

- ! accurately convey that sewage is treated;
- ! Explicitly authorizes performance-based approaches to the regulation of OWTSS;
- ! Requires the division of administration in the department of public health and environment (department) to periodically advise the water quality control commission (commission) in the department regarding whether the commission should consider adopting new rules to reflect scientific advances in OWTSS;
- ! Removes specific topics and parameters for which the commission and local boards of health are required to promulgate rules, thus allowing those entities greater regulatory flexibility to regulate OWTSS;
- ! Reorganizes existing law for increased clarity, including relocating provisions pertaining to the issuance of variances from OWTS rules;
- ! Withdraws from local boards of health, and places within the purview of the commission, the authority to specify by rule mandatory tests that must be performed on OWTSS and allows local boards of health to adopt rules requiring additional studies;
- ! Strikes references to a distinct "emergency use permit" and instead incorporates the ability of a local public health agency to allow use of a malfunctioning OWTS under the terms of, and concurrent with, a repair permit;
- ! Condenses language pertaining to fees that a local board of health may collect for OWTS-related services, and allows the amount of such fees to be sufficient to offset the indirect costs (in addition to direct costs) incurred; and
- ! Repeals specific provisions relating to, while reaffirming, the authority of a local board of health to prohibit permits for an OWTS when the OWTS will constitute a hazard to public health or water quality.

Sections 2 through 8 contain conforming amendments.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** article 10 of
3 title 25 as follows:

4 **ARTICLE 10**

5 **On-site Wastewater Treatment Systems Act**

1 **25-10-101. Short title.** This article shall be known and may be
2 cited as the "~~Individual Sewage Disposal~~ "ON-SITE WASTEWATER
3 TREATMENT Systems Act".

4 **25-10-102. Legislative declaration.** (1) THE GENERAL ASSEMBLY
5 DECLARES IT TO BE IN THE PUBLIC INTEREST TO ESTABLISH MINIMUM
6 STANDARDS AND RULES FOR ON-SITE WASTEWATER TREATMENT SYSTEMS
7 IN THE STATE AND TO PROVIDE THE AUTHORITY FOR THE ADMINISTRATION
8 AND ENFORCEMENT OF THOSE MINIMUM STANDARDS AND RULES:

9 (a) ~~In order~~ To preserve the environment and protect the public
10 health and water quality;

11 (b) To eliminate and control causes of disease, infection, and
12 aerosol contamination; and

13 (c) To reduce and control the pollution of the air, land, and water.
14 ~~it is declared to be in the public interest to establish minimum standards~~
15 ~~and rules for individual sewage disposal systems in the state of Colorado~~
16 ~~and to provide the authority for the administration and enforcement of~~
17 ~~such minimum standards and rules.~~

18 **25-10-103. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (1) "Absorption system" means a leaching field and adjacent soils
21 or other system for the treatment of sewage in an ~~individual sewage~~
22 ~~disposal~~ ON-SITE WASTEWATER TREATMENT system by means of
23 absorption into the ground.

24 (2) "Applicant" means ~~any~~ A person who submits an application
25 for a permit for an ~~individual sewage disposal~~ ON-SITE WASTEWATER
26 TREATMENT system.

27 (3) "CESSPOOL" MEANS AN UNLINED OR PARTIALLY LINED

1 UNDERGROUND PIT OR UNDERGROUND PERFORATED RECEPTACLE INTO
2 WHICH RAW HOUSEHOLD WASTEWATER IS DISCHARGED AND FROM WHICH
3 THE LIQUID SEEPS INTO THE SURROUNDING SOIL. "CESSPOOL" DOES NOT
4 INCLUDE A SEPTIC TANK.

5 ~~(2.5)~~ (4) "Commission" means the water quality control
6 commission created by section 25-8-201.

7 ~~(3)~~ (5) "Department" means the department of public health and
8 environment of the state of Colorado created by section 25-1-102.

9 ~~(4) "Dispersal system" means a system for the disposal of effluent,~~
10 ~~after final treatment in an individual sewage disposal system, by a method~~
11 ~~that does not depend upon or utilize the treatment capability of the soil.~~

12 ~~(5)~~ (6) "Division" means the division of administration of the
13 department.

14 ~~(6)~~ (7) "Effluent" means the liquid waste discharge from FLOWING
15 OUT OF A COMPONENT OR DEVICE OF an individual sewage disposal
16 ON-SITE WASTEWATER TREATMENT system.

17 ~~(7)~~ (8) "Environmental health specialist" means a person who is
18 trained in physical, biological, or sanitary science to carry out educational
19 and inspectional duties in the field of environmental health.

20 ~~(8) "Guidelines for rules" means guidelines for individual sewage~~
21 ~~disposal systems adopted and revised by the commission pursuant to the~~
22 ~~authority granted to the commission under this article.~~

23 (9) "Health officer" means the chief administrative and executive
24 officer of a local PUBLIC health department AGENCY, or the appointed
25 health officer of the local board of health. "HEALTH OFFICER" INCLUDES
26 A DIRECTOR OF A LOCAL PUBLIC HEALTH AGENCY.

27 ~~(10) "Individual sewage disposal system" or "ISDS" and the term~~

1 ~~"system" where the context so indicates mean an absorption system of any~~
2 ~~size or flow or a system or facility for treating, neutralizing, stabilizing,~~
3 ~~or disposing of sewage that is not a part of or connected to a sewage~~
4 ~~treatment works.~~

5 ~~(11)~~ (10) "Local board of health" means any local, county, or
6 district board of health.

7 ~~(12)~~ (11) "Local PUBLIC health ~~department or~~ agency" means any
8 county, district, or municipal public health agency and may include a
9 county, district, or municipal board of health or local agency delegated by
10 a county, district, or municipal board of health to oversee ~~ISDS~~ OWTS
11 permitting and inspection or an ~~ISDS~~ OWTS program.

12 (12) "ON-SITE WASTEWATER TREATMENT SYSTEM" OR "OWTS"
13 AND, WHERE THE CONTEXT SO INDICATES, THE TERM "SYSTEM", MEANS AN
14 ABSORPTION SYSTEM OF ANY SIZE OR FLOW OR A SYSTEM OR FACILITY FOR
15 TREATING, NEUTRALIZING, STABILIZING, OR DISPERSING SEWAGE
16 GENERATED IN THE VICINITY, WHICH SYSTEM IS NOT A PART OF OR
17 CONNECTED TO A SEWAGE TREATMENT WORKS.

18 (13) "Percolation test" means a subsurface soil test at the depth of
19 a proposed absorption system or similar component of an ~~individual~~
20 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT system to determine
21 the water absorption capability of the soil, the results of which are
22 normally expressed as the rate at which one inch of water is absorbed.

23 (14) "Permit" means a permit for the construction or alteration,
24 installation, and use or for the repair of an ~~individual sewage disposal~~
25 ON-SITE WASTEWATER TREATMENT system.

26 (15) "Person" means an individual, partnership, firm, corporation,
27 association, or other legal entity and also the state, any political

1 subdivision thereof, or other governmental entity.

2 (16) "Professional engineer" means an engineer licensed in
3 accordance with part 1 of article 25 of title 12, C.R.S.

4 ~~(17) "Sanitarian" means a person who is trained in physical,~~
5 ~~biological, and sanitary sciences to carry out inspectional and educational~~
6 ~~duties in the field of environmental sanitation.~~

7 ~~(18)~~ (17) "Septage" means a liquid or semisolid that includes
8 normal household wastes, human excreta, and animal or vegetable matter
9 in suspension or solution generated from a residential septic tank system.
10 "Septage" may include such material issued from a commercial
11 establishment if the commercial establishment can demonstrate to the
12 department that ~~such~~ THE material meets the definition for septage set
13 forth in this subsection ~~(18)~~ (17). "Septage" does not include chemical
14 toilet residuals.

15 (18) "SEPTIC TANK" MEANS A WATERTIGHT, ACCESSIBLE, COVERED
16 RECEPTACLE DESIGNED AND CONSTRUCTED TO RECEIVE SEWAGE FROM A
17 BUILDING SEWER, SETTLE SOLIDS FROM THE LIQUID, DIGEST ORGANIC
18 MATTER, STORE DIGESTED SOLIDS THROUGH A PERIOD OF RETENTION, AND
19 ALLOW THE CLARIFIED LIQUIDS TO DISCHARGE TO OTHER TREATMENT
20 UNITS FOR FINAL DISPOSAL.

21 (19) "Sewage" means a combination of liquid wastes that may
22 include chemicals, house wastes, human excreta, animal or vegetable
23 matter in suspension or solution, and other solids in suspension or
24 solution, and that is discharged from a dwelling, building, or other
25 establishment.

26 (20) "Sewage treatment works" ~~means a system or facility for~~
27 ~~treating, neutralizing, stabilizing, or disposing of sewage, which system~~

1 or facility has a designed capacity to receive more than two thousand
2 gallons of sewage per day. The term "sewage treatment works" includes
3 appurtenances such as interceptors, collection lines, outfall and outlet
4 sewers, pumping stations, and related equipment HAS THE SAME MEANING
5 AS "DOMESTIC WASTEWATER TREATMENT WORKS" UNDER SECTION
6 25-8-103.

7 (21) ~~(Deleted by amendment, L. 2006, p. 1129, § 6, effective July~~
8 ~~1, 2006.)~~

9 (21) "SOIL EVALUATION" MEANS A PERCOLATION TEST, SOIL
10 PROFILE, OR OTHER SUBSURFACE SOIL ANALYSIS AT THE DEPTH OF A
11 PROPOSED SOIL TREATMENT AREA OR SIMILAR COMPONENT OR SYSTEM TO
12 DETERMINE THE WATER ABSORPTION CAPABILITY OF THE SOIL, THE
13 RESULTS OF WHICH ARE NORMALLY EXPRESSED AS THE RATE AT WHICH
14 ONE INCH OF WATER IS ABSORBED OR AS AN APPLICATION RATE OF
15 GALLONS PER SQUARE FOOT PER DAY.

16 (22) "SOIL TREATMENT AREA" MEANS THE PHYSICAL LOCATION
17 WHERE FINAL TREATMENT AND DISPERSAL OF EFFLUENT OCCURS. "SOIL
18 TREATMENT AREA" INCLUDES DRAINFIELDS AND DRIP FIELDS.


19 ~~(22) (23) "State waters" means any and all surface and subsurface~~
20 ~~waters that are contained in or flow in or through this state, except waters~~
21 ~~in sewerage systems, waters in treatment works of disposal systems,~~
22 ~~waters in potable water distribution systems, and all waters withdrawn for~~
23 ~~use, until all uses and treatment have been completed~~ HAS THE MEANING
24 SET FORTH UNDER SECTION 25-8-103.


25 ~~(23) (24) "Systems cleaner" means a person engaged in and who~~
26 ~~holds himself or herself out as a specialist in the cleaning and pumping~~
27 ~~of sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems and

1 removal of the residues deposited in the operation thereof.

2 ~~(24)~~ (25) "Systems contractor" means a person engaged in and
3 who holds himself or herself out as a specialist in the installation,
4 renovation, and repair of ~~sewage disposal~~ ON-SITE WASTEWATER
5 TREATMENT systems.

6 **25-10-104. Regulation of on-site wastewater treatment systems**

7 **- state and local rules.** (1)  The division shall develop, and
8 RECOMMEND TO the commission ~~shall adopt guidelines~~ for ADOPTION,
9 rules ~~providing~~ SETTING FORTH minimum standards for the location,
10 DESIGN, construction, performance, installation, alteration, and use of
11 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems
12 within ~~the state of~~ Colorado. The commission may establish criteria for
13 issuing variances in ~~such guidelines. Such guidelines shall comply with~~
14 ~~section 25-10-105, and shall be the basis for the adoption of detailed rules~~
15 ~~by local boards of health pursuant to subsection (2) of this section~~ THE
16 RULES.

17 

18 (2) Every local board of health in the state shall develop and adopt
19 DETAILED rules for ~~individual sewage disposal systems~~ ON-SITE
20 WASTEWATER TREATMENT SYSTEMS within ~~their respective areas~~ ITS AREA
21 of jurisdiction. ~~Such~~ THE rules ~~shall~~ MUST comply with the ~~guidelines~~
22 RULES adopted by the commission pursuant to subsection (1) of this
23 section and with ~~the minimum requirements set forth in~~ sections
24 25-10-105 and 25-10-106. Before finally adopting such rules or any
25 amendment ~~thereto~~ TO THE RULES, the local board of health shall hold a
26 public hearing on the proposed rules or amendments. ~~thereto.~~ THE LOCAL
27 BOARD OF HEALTH SHALL GIVE notice of the time and place of ~~such~~ THE

1 hearing ~~shall be given~~ at least once, at least twenty days ~~in advance~~
2 ~~thereof~~ BEFORE THE HEARING, in a newspaper of general circulation
3 within its area of jurisdiction. ~~The local board of health may make~~
4 ~~changes or revisions in the proposed rules or amendments thereto,~~ After
5 the public hearing and ~~prior to~~ BEFORE final adoption, THE LOCAL BOARD
6 OF HEALTH MAY MAKE CHANGES OR REVISIONS TO THE PROPOSED RULES
7 OR AMENDMENTS, and no further public hearing ~~shall be~~ IS required
8 regarding ~~such~~ THE changes or revisions. All rules and amendments
9 ~~thereto shall~~ MUST be transmitted to the department ~~not~~ NO later than five
10 days after final adoption and ~~shall~~ become effective forty-five days after
11 final adoption unless the department ~~has sooner notified~~ NOTIFIES the
12 local board of health BEFORE THE FORTY-FIFTH DAY that the rules or
13 amendments ~~thereto~~ are not in compliance with ~~sections~~ THIS SECTION OR
14 SECTION 25-10-105 ~~and~~ OR 25-10-106.

15 (3) If a local board of health has not adopted rules in compliance
16 with this section and submitted them to the commission, the commission
17 shall ~~then~~ promulgate rules for ~~such~~ THE areas of the state for which no
18 complying rules have been adopted, except for ~~such~~ areas ~~as are~~ serviced
19 exclusively by a sewage treatment works. Rules FOR SUCH AREAS OF THE
20 STATE promulgated by the commission ~~shall~~ MUST comply with the
21 ~~guidelines~~ RULES ADOPTED UNDER SUBSECTION (1) OF THIS SECTION and
22 ~~minimum requirements set forth in~~ sections 25-10-105 and 25-10-106.
23 ~~and shall~~ THE RULES MUST be the same for all the areas of the state for
24 which the commission promulgates such rules, except as may be
25 appropriate to provide for differing geologic conditions.

26 (4) ~~Rules may be adopted by~~ A local board of health MAY ADOPT
27 RULES after action by the commission under subsection (3) of this section,

1 if such THE rules are adopted in compliance COMPLY with the procedural
2 requirements of subsection (2) of this section and are no less stringent
3 than those promulgated by the commission. Rules of the local board so
4 adopted shall then become effective only after they are transmitted to the
5 division and are found to be in compliance THE DIVISION DETERMINES
6 THAT THEY COMPLY with the provisions of this subsection (4) SECTION
7 and of sections 25-10-105 and 25-10-106.

8 (5) ~~(Deleted by amendment, L. 97, p. 124, § 1, effective July 1,~~
9 ~~1997.)~~ IN PROMULGATING RULES UNDER THIS ARTICLE, THE COMMISSION
10 AND LOCAL BOARDS OF HEALTH SHALL GIVE CONSIDERATION TO THE
11 PROTECTION OF PUBLIC HEALTH AND WATER QUALITY.

12 (6) ~~Fees authorized in this article shall be set at such amounts as~~
13 ~~are deemed necessary to cover the actual and direct costs of the operation~~
14 ~~of the ISDS program.~~

15 **25-10-105. Minimum standards - variances.** (1) Rules adopted
16 by local boards of health under section 25-10-104 (2) or (4) or
17 promulgated by the department under section 25-10-104 (3) shall (1)
18 govern all aspects of the ~~performance~~, location, DESIGN, construction,
19 PERFORMANCE, alteration, installation, and use of individual sewage
20 disposal ON-SITE WASTEWATER TREATMENT systems and shall MUST
21 include as a minimum ~~provisions regarding the following matters:~~
22 **STANDARDS** ESTABLISHED BY THE COMMISSION.

23 (a) ~~Performance of soil percolation tests or other soil evaluation;~~

24 (b) ~~Methods for calculating the maximum daily sewage flow,~~
25 ~~which shall not exceed the capacity for which the system is designed;~~

26 (c) ~~Design criteria, including, where applicable, minimum~~
27 ~~capacities based on daily sewage flow, and construction standards for~~

1 ~~septic tanks, other types of holding or pretreatment tanks, building sewers~~
2 ~~and sewer lines, grease traps, distribution boxes, and serial distribution~~
3 ~~systems;~~

4 ~~(d) Minimum distances from the various components of a system~~
5 ~~to pertinent features, including: Streams, lakes, watercourses, springs,~~
6 ~~wells, subsoil drains, cisterns, water lines, suction lines, gulches,~~
7 ~~dwelling, other occupied buildings, property lines, groundwater, and~~
8 ~~bedrock;~~

9 ~~(e) For systems treating and disposing of effluent through an~~
10 ~~absorption system: Methods for calculating minimum absorption area for~~
11 ~~various types of individual sewage disposal systems and design criteria~~
12 ~~and construction standards for such systems;~~

13 ~~(f) Provisions indicating when an individual sewage disposal~~
14 ~~system must be designed by a professional engineer and approved by the~~
15 ~~local health department;~~

16 ~~(g) For systems disposing of effluent into state waters: Procedures~~
17 ~~for obtaining site location approval and discharge permits; general design~~
18 ~~criteria; adoption of effluent standards; requirement of design by a~~
19 ~~professional engineer; and mandatory review by the local health~~
20 ~~department of each application for such a system;~~

21 ~~(h) For systems disposing of effluent by discharge upon the~~
22 ~~surface of the ground: Specific performance criteria to ensure that such~~
23 ~~surface discharge does not drain from the property on which the system~~
24 ~~is located, except by permit from the local board of health, and does not~~
25 ~~otherwise create a hazard to public health or water quality or constitute~~
26 ~~a nuisance or undue risk of pollution; requirement of design by a~~
27 ~~professional engineer; and mandatory review by the local health~~

1 department of each application for such a system;

2 (i) ~~Design criteria and construction standards for vaults; for~~
3 ~~privies and slit trenches, either of which may be prohibited at the option~~
4 ~~of the local health department; for incineration toilets, and chemical~~
5 ~~toilets; and for graywater limited to disposal of wastewater from sinks,~~
6 ~~lavatories, tubs, and showers;~~

7 (j) ~~Performance criteria and construction standards for~~
8 ~~evapotranspiration systems that dispose of effluent into the air by~~
9 ~~evaporation from a soil surface or transpiration of plants;~~

10 (k) ~~Performance criteria and construction standards for systems~~
11 ~~that dispose of effluent by means of dispersal systems;~~

12 (l) ~~Performance criteria and construction standards for systems~~
13 ~~that service commercial, business, institutional, or industrial property or~~
14 ~~multifamily dwellings; requirement of design by a professional engineer;~~
15 ~~and mandatory review by the local health department of each application~~
16 ~~for such a system;~~

17 (m) ~~If a local board of health is a separate governmental entity~~
18 ~~from any general purpose government, a provision:~~

19 (I) ~~Requiring the local board of health to notify the local general~~
20 ~~purpose government responsible for issuing building permits whenever~~
21 ~~the local board of health intends to approve an application for an~~
22 ~~individual sewage disposal system; and~~

23 (H) ~~Requiring the local board of health to provide an opportunity~~
24 ~~for comment by such local general purpose government.~~

25 (2) (a) A local board of health ~~shall have authority to~~ MAY grant
26 variances to ~~ISDS~~ OWTS rules in accordance with the ~~guidelines for~~
27 ~~rules~~ CRITERIA adopted ~~and revised~~ by the commission ~~pursuant to the~~

1 ~~authority granted to the commission~~ under this article.

2 (b) Applicants for a variance from ~~the provisions of ISDS~~ OWTS
3 rules ~~shall~~ have the burden of supplying the ~~agency~~ LOCAL BOARD OF
4 HEALTH with information demonstrating that conditions exist that warrant
5 the granting of a ~~THE~~ variance.

6 **25-10-106. Basic rules for local administration.** (1) Rules
7 ~~adopted by~~ Local boards of health ~~under section 25-10-104 (2) or (4) or~~
8 ~~promulgated by the department under section 25-10-104 (3)~~ COMMISSION,
9 AS APPROPRIATE, shall ~~govern~~ ADOPT RULES UNDER SECTION 25-10-104
10 THAT GOVERN all aspects of the application for and issuance of permits,
11 the inspection ~~testing~~, and supervision of installed systems, the issuance
12 of cease-and-desist orders, the maintenance and cleaning of systems, and
13 the disposal of waste material. ~~and shall as~~ THE RULES MUST, AT a
14 minimum, include provisions regarding: ~~the following matters:~~

15 (a) Procedures by which ~~application~~ A PERSON may ~~be made~~
16 APPLY for ~~the issuance of~~ a permit for an ~~individual sewage disposal~~
17 ON-SITE WASTEWATER TREATMENT system. The PERMIT application ~~for a~~
18 ~~permit shall~~ MUST be in writing and ~~shall~~ MUST include ~~such~~ ANY
19 information, data, plans, specifications, statements, and commitments as
20 ~~may be~~ required by the local board of health ~~in order~~ to carry out the
21 purposes of this article.

22 (b) Review of the application and inspection of the proposed site
23 by the local PUBLIC health ~~department~~ AGENCY;

24 (c) ~~Specification of mandatory tests to be performed by the local~~
25 ~~health department or under the supervision of a professional engineer,~~
26 ~~including percolation tests unless excused or previously performed by a~~
27 ~~professional engineer;~~

1 ~~(d)~~ (c) Specification of ~~additional tests~~ STUDIES to be performed
2 and reports to be made by the applicant and the circumstances under
3 which ~~such tests~~ THE STUDIES or reports may be required by the local
4 PUBLIC health ~~department~~ AGENCY;

5 ~~(e)~~ (d) Determination on behalf of the local PUBLIC health
6 ~~department~~ AGENCY by a ~~sanitarian~~, an environmental health specialist or
7 a professional engineer after review of the application, site inspection,
8 test results, and other required information, whether the proposed system
9 ~~is in compliance~~ COMPLIES with the requirements of THIS ARTICLE and the
10 rules adopted under this article; ~~and the~~

11 (e) Issuance of a permit by the health officer or the health officer's
12 designated representative if the proposed system is determined to be in
13 compliance with ~~the requirements of~~ this article and the rules adopted
14 under this article;

15 (f) Review by the local board of health, upon request of an
16 applicant, of applications denied by the local PUBLIC health ~~department~~
17 ~~or~~ agency;

18 (g) The circumstances under which all applications ~~shall be~~ ARE
19 subject to mandatory review by the local PUBLIC health ~~department~~
20 AGENCY to determine whether a permit shall issue;

21 (h) Final inspection of a system to be made by the local PUBLIC
22 health ~~department~~ AGENCY or its designated professional engineer after
23 construction, installation, alteration, or repair work under a permit has
24 been completed, but before the system is placed in use, to determine that
25 the work has been performed in accordance with the permit and that the
26 system is in compliance with this article and the rules adopted under this
27 article;

1 (i) Inspection of operating systems at reasonable times, and upon
2 reasonable notice to the occupant of the property, to determine if the
3 system is functioning in compliance with this article and the rules adopted
4 under this article. Officials of the local PUBLIC health department shall be
5 AGENCY ARE permitted to enter upon private property for purposes of
6 conducting such inspections.

7 (j) Issuance of a repair permit and an emergency use permit to the
8 owner or occupant of property on which a system is not in compliance.
9 ~~Application for a repair permit shall be made by such~~ AN owner or
10 occupant SHALL APPLY to the local PUBLIC health department AGENCY FOR
11 A REPAIR PERMIT within two business days after receiving notice from the
12 local PUBLIC health department AGENCY that the system is not functioning
13 in compliance with this article or the rules adopted under this article or
14 otherwise constitutes a nuisance or hazard to public health or water
15 quality. The permit shall provide for a reasonable period of time within
16 which THE OWNER OR OCCUPANT MUST MAKE repairs, ~~shall be made,~~ at
17 the end of which period the system shall be inspected by the local PUBLIC
18 health department AGENCY SHALL INSPECT THE SYSTEM to ~~insure~~ ENSURE
19 that it is functioning properly. Concurrently with the issuance of a repair
20 permit, the local PUBLIC health department AGENCY may ~~issue an~~
21 ~~emergency use permit authorizing~~ AUTHORIZE THE continued use of a
22 malfunctioning system on an emergency basis for a period not to exceed
23 the period stated in the repair permit. ~~Such an~~ THE PERIOD OF emergency
24 use ~~permit~~ may be extended, for good cause shown, ~~in the event~~ IF,
25 THROUGH NO FAULT OF THE OWNER OR OCCUPANT, repairs may not be
26 completed in the period stated in the repair permit ~~through no fault of the~~
27 ~~owner or occupant~~ AND ONLY IF THE OWNER OR OCCUPANT WILL

1 CONTINUE TO MAKE REPAIRS TO THE SYSTEM.

2 (k) (I) Issuance of an order to cease and desist from the use of any
3 ON-SITE WASTEWATER TREATMENT system or sewage treatment works that
4 is found by the health officer not to be in compliance with this article or
5 the rules adopted under this article or THAT otherwise ~~to constitute~~
6 CONSTITUTES a nuisance or a hazard to public health or water quality.
7 Such an order may be issued only after a hearing ~~that shall be~~ IS
8 conducted by the health officer not less than forty-eight hours after
9 written notice ~~thereof~~ OF THE HEARING is given to the owner or occupant
10 of the property on which the system is located and at which the owner ~~and~~
11 OR occupant may be present, with counsel, and be heard. The order ~~shall~~
12 MUST require that the owner or occupant bring the system into compliance
13 or eliminate the nuisance or hazard within a reasonable period of time,
14 not to exceed thirty days, or thereafter cease and desist from the use of the
15 system. A cease-and-desist order issued by the health officer ~~shall be~~ IS
16 reviewable in the district court for the county ~~wherein~~ IN WHICH the
17 system is located and upon a petition filed ~~not~~ NO later than ten days after
18 the order is issued.

19 (II) For the purposes of this paragraph (k), any system or sewage
20 treatment works that does not comply with any statute or rule of this title
21 ~~shall constitute~~ CONSTITUTES a nuisance.

22 (III) For the purposes of this paragraph (k), A sewage treatment
23 works ~~shall~~ DOES not include any sewage treatment facility with a
24 discharge permit issued pursuant to section 25-8-501.

25 (l) Reasonable periodic collection and testing by the local PUBLIC
26 health ~~department~~ AGENCY of effluent samples from ~~individual sewage~~
27 ~~disposal~~ ON-SITE WASTEWATER TREATMENT systems for which monitoring

1 of effluent is necessary in order to ~~insure~~ ENSURE compliance with the
2 ~~provisions of~~ this article or the rules adopted under this article. ~~Such~~ THE
3 sampling may be required not more than two times a year, except when
4 required by the health officer in conjunction with action taken pursuant
5 to paragraph (k) of this subsection (1). THE LOCAL PUBLIC HEALTH
6 AGENCY MAY CHARGE a fee not to exceed actual costs, plus locally
7 established mileage reimbursement rates for each mile traveled from the
8 principal office of the local PUBLIC health ~~department~~ AGENCY to the site
9 of the system and return, ~~may be charged by the local health department~~
10 for each sample collected and tested, and payment of such charges may
11 be stated in the permit for the system as a condition for its continued use.
12 Any owner or occupant of property on which an ~~individual sewage~~
13 ~~disposal~~ ON-SITE WASTEWATER TREATMENT system is located may request
14 the local PUBLIC health ~~department~~ AGENCY to collect and test an effluent
15 sample from the system. The local PUBLIC health ~~department~~ AGENCY
16 may, at its option, perform such collection and testing services, and it
17 ~~shall be~~ IS entitled to charge a fee not to exceed actual costs, plus locally
18 established mileage reimbursement rates for each mile traveled from the
19 principal office of the local PUBLIC health ~~department~~ AGENCY to the site
20 of the system and return, for each ~~such~~ sample ~~so~~ collected and tested.

21 (m) At the option of the local board of health, maintenance and
22 cleaning schedules and practices adequate to ~~insure~~ ENSURE proper
23 functioning of various types of ~~individual sewage disposal~~ ON-SITE
24 WASTEWATER TREATMENT systems. The local board of health may
25 additionally require proof of proper maintenance and cleaning, in
26 compliance with the schedule and practices adopted under this subsection
27 (1), to be submitted periodically to the local PUBLIC health ~~department~~

1 AGENCY by the owner of the system.

2 (n) Disposal of septage at a site and in a manner that does not
3 create a hazard to the public health, a nuisance, or an undue risk of
4 pollution.

5 **25-10-107. Fees.** (1) A local board of health may set fees for
6 permits. The permit fees may be no greater than required to offset the
7 actual INDIRECT and direct ~~cost~~ COSTS of the local PUBLIC health
8 ~~department's~~ AGENCY'S services. With respect to any permit, the LOCAL
9 BOARD OF HEALTH SHALL SET THE fee for ~~such~~ THE permit ~~shall be set~~ so
10 as to recover, as nearly as can be practically established, the costs
11 associated with that permit, ~~and may not~~ TO exceed one thousand dollars.
12 A local board of health may also set fees for soil evaluation and other
13 services as requested by the applicant. Such fees may be no greater than
14 required to offset the actual INDIRECT and direct costs of such services.

15 (2) Local boards of health may set fees for percolation tests and
16 other soil evaluation services that are performed by the local PUBLIC
17 health ~~department~~ AGENCY. The fees may be no greater than required to
18 offset the actual INDIRECT and direct ~~cost~~ COSTS of such services.

19 (3) ~~Effective July 1, 2007,~~ In addition to the fees established in
20 this section, the division may assess a fee of twenty-three dollars for each
21 ~~newly authorized individual sewage disposal~~ PERMIT AUTHORIZED FOR A
22 NEW, REPAIRED, OR UPGRADED ON-SITE WASTEWATER TREATMENT system.
23 ~~three dollars of which shall be retained by~~ OF THAT FEE, the county in
24 which the ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT
25 system is ~~to~~ OR WILL be ~~constructed~~ LOCATED SHALL RETAIN THREE
26 DOLLARS to cover the county's administrative costs, and twenty dollars ~~of~~
27 ~~which~~ shall be transmitted to the state treasurer, who shall deposit ~~such~~

1 THAT sum in the water quality control fund created in section 25-8-502
2 (1) (c).

3 **25-10-108. Performance evaluation and approval of systems**
4 **employing new technology.** (1) ~~Upon application by~~ A systems
5 contractor, a professional engineer, or a manufacturer of ~~individual~~
6 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems THAT
7 EMPLOY NEW TECHNOLOGY MAY APPLY TO the division ~~may~~ FOR A
8 DETERMINATION OF RELIABILITY OF THE SYSTEM. THE DIVISION MAY hold
9 a public hearing to determine whether ~~a~~ THE particular design or type of
10 system, based upon improvements or developments in the technology of
11 ~~sewage disposal and not otherwise provided for in paragraphs (e) to (k)~~
12 ~~of subsection (1) of section 25-10-105~~ TREATMENT, has established a
13 record of performance reliability that would justify approval of
14 applications for such systems by the health officer without mandatory
15 review by the local board of health. If the division determines, based upon
16 reasonable performance standards and criteria, that ~~such~~ reliability has
17 been established, the division shall so notify each local board of health,
18 and applications for permits for ~~such~~ THE systems may thereafter be acted
19 upon by the health officer, the health officer's designated representative,
20 or the local board of health's designated representative, in the same
21 manner as applications for systems described in section ~~25-10-105 (1) (e)~~
22 25-10-106. The division shall not arbitrarily deny any person the right to
23 a hearing on an application for a determination of reliability under ~~the~~
24 ~~provisions of~~ this section.

25 (2) Except for designs or types of systems that have been
26 approved by the division pursuant to subsection (1) of this section, the
27 local PUBLIC health ~~department~~ AGENCY may approve an application for

1 a type of system not otherwise provided for in ~~paragraphs (e) to (k) of~~
2 ~~subsection (1) of section 25-10-105~~ 25-10-106, only if the system has
3 been designed by a professional engineer and only if the application
4 provides for the installation of a backup system, of a type ~~described in~~
5 ~~said paragraphs or~~ previously approved by the division under subsection
6 (1) of this section, in the event of failure of the primary system. A local
7 PUBLIC health ~~department~~ AGENCY shall not arbitrarily deny any person
8 the right to consideration of an application for such a system and shall
9 apply reasonable performance standards in determining whether to
10 approve ~~such~~ an application.

11 **25-10-109. Licensing of systems contractors and systems**
12 **cleaners.** (1) The local board of health may adopt rules that provide for
13 the licensing of systems contractors. THE LOCAL PUBLIC HEALTH AGENCY
14 MAY CHARGE a fee, not to exceed actual costs, ~~may be charged by the~~
15 ~~local health department~~ for the initial license of a systems contractor ~~A~~
16 ~~fee not to exceed actual costs may be charged by the local health~~
17 ~~department~~ AND for a renewal of the license. Initial licensing and
18 renewals thereof shall be for a period of not less than one year. The local
19 board of health may revoke the license of a systems contractor for
20 violation of ~~the applicable provisions of this article or the rules adopted~~
21 under this article or for other good cause shown, after a hearing
22 conducted upon reasonable notice to the systems contractor and at which
23 the systems contractor may be present, with counsel, and be heard.

24 (2) The local board of health may adopt rules that provide for the
25 licensing of systems cleaners, pursuant to section ~~25-10-106 (1)~~
26 25-10-104 (2). THE LOCAL PUBLIC HEALTH AGENCY MAY CHARGE a fee,
27 not to exceed actual costs, ~~may be charged by the local health department~~

1 for the initial license of a systems cleaner ~~a fee not to exceed actual costs~~
2 ~~may be charged~~ AND for the renewal of the license. Initial licensing and
3 renewals thereof shall be for a period of not less than one year. The local
4 board of health may suspend or revoke the license of a systems cleaner
5 for violation of ~~the applicable provisions of~~ this article or the rules
6 adopted under this article or for other good cause shown after a hearing
7 conducted upon reasonable notice to the systems cleaner and at which the
8 systems cleaner may be present, with counsel, and be heard.

9 **25-10-110. Enforcement by local public health agencies and**
10 **local boards of health.** The primary responsibility for the enforcement
11 of ~~the provisions of~~ this article and the rules adopted under this article
12 ~~shall lie~~ LIES with local PUBLIC health ~~departments~~ AGENCIES and local
13 boards of health. ~~In the event that~~ IF a local PUBLIC health ~~department~~
14 AGENCY or local board of health substantially fails to administer and
15 enforce ~~the provisions of~~ this article and the rules adopted under this
16 article, the department may assume ~~such of the~~ ANY functions of the local
17 PUBLIC health ~~department~~ AGENCY or board of health as may be necessary
18 to protect the public health and water quality.

19 **25-10-111. Authority of local boards of health to deny permits**
20 **for on-site wastewater treatment systems in unsuitable areas.** ~~The~~
21 ~~local board of health may conduct a public hearing, after written notice~~
22 ~~to all affected property owners as shown in the records of the county~~
23 ~~assessor and publication of notice in a newspaper of general circulation,~~
24 ~~at least ten days prior to the hearing, to consider the prohibition of permits~~
25 ~~for individual sewage disposal systems in defined areas that contain or are~~
26 ~~subdivided for a density of more than two dwelling units per acre. The~~
27 ~~local board of health may order such prohibition upon a finding that the~~

1 ~~construction and use of additional individual sewage disposal systems in~~
2 ~~the defined area will constitute a hazard to the public health or water~~
3 ~~quality. In such a hearing, the local board of health may request affected~~
4 ~~property owners to submit engineering and geological reports concerning~~
5 ~~the defined area and to provide a study of the economic feasibility of~~
6 ~~constructing a sewage treatment works~~ NOTHING IN THIS ARTICLE
7 PREEMPTS OR AFFECTS THE ABILITY OF A LOCAL BOARD OF HEALTH TO
8 PROHIBIT ISSUANCE OF OWTS PERMITS, IN ACCORDANCE WITH
9 APPLICABLE LAND USE LAWS AND PROCEDURES, FOR DEFINED AREAS IN
10 WHICH THE LOCAL BOARD OF HEALTH DETERMINES THAT CONSTRUCTION
11 AND USE OF ADDITIONAL ON-SITE WASTEWATER TREATMENT SYSTEMS
12 MAY CONSTITUTE A HAZARD TO PUBLIC HEALTH OR WATER QUALITY.

13 **25-10-112. General prohibitions - rules.** (1) No city, county, or
14 city and county shall issue to any person:

15 (a) A permit to construct or remodel a building or structure that
16 is not serviced by a sewage treatment works until THE LOCAL PUBLIC
17 HEALTH AGENCY HAS ISSUED a permit for an ~~individual sewage disposal~~
18 ~~ON-SITE WASTEWATER TREATMENT system; has been issued by the local~~
19 ~~health department.~~ OR

20 ~~(2) (b) No~~ A city, county, or city and county occupancy permit
21 ~~shall be issued to any person~~ for the use of a building that is not serviced
22 by a sewage treatment works until THE LOCAL PUBLIC HEALTH AGENCY
23 MAKES a final inspection of the ~~individual sewage disposal~~ ON-SITE
24 ~~WASTEWATER TREATMENT system, has been made by the local health~~
25 ~~department,~~ as provided for in section 25-10-106 (1) (h), and the LOCAL
26 PUBLIC HEALTH AGENCY APPROVES THE installation. ~~has received the~~
27 ~~approval of the local health department.~~

1 ~~(3) No individual sewage disposal system presently in use that~~
2 ~~does not comply with the provisions of section 25-10-105 (1) (e)~~
3 ~~regarding minimum separation between the maximum seasonal level of~~
4 ~~the groundwater table and the bottom of an absorption system shall be~~
5 ~~permitted to remain in use without compliance with this article and the~~
6 ~~rules adopted under this article.~~

7 ~~(4) (2) Construction of NEW cesspools defined as covered~~
8 ~~underground receptacles that receive untreated sewage from a building~~
9 ~~and permit the untreated sewage to seep into surrounding soil, is~~
10 ~~prohibited.~~

11 ~~(5) (3) A PERSON SHALL not CONNECT more than one dwelling,~~
12 ~~commercial, business, institutional, or industrial unit shall be connected~~
13 ~~to the same individual sewage disposal ON-SITE WASTEWATER~~
14 ~~TREATMENT system unless such multiple connection was specified in the~~
15 ~~application submitted and in the permit issued for the system.~~

16 ~~(6) (4) No person shall construct or maintain any dwelling or~~
17 ~~other occupied structure that is not equipped with adequate facilities for~~
18 ~~the sanitary disposal of sewage. without endangering the public health or~~
19 ~~water quality.~~

20 ~~(7) (5) All persons shall dispose of septage removed from~~
21 ~~systems in the process of maintenance or cleaning at an approved site and~~
22 ~~in an approved manner under this article.~~

23 **25-10-113. Penalties.** (1) Any person who commits any of the
24 following acts or violates ~~any of the provisions of this article~~ commits a
25 class 1 petty offense ~~as defined~~ AND SHALL BE PUNISHED AS PROVIDED in
26 section 18-1.3-503, C.R.S.:

27 (a) Constructs, alters, installs, or permits the use of any ~~individual~~

1 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT system without first
2 ~~having applied~~ APPLYING for and ~~received~~ RECEIVING a permit as
3 ~~provided for in section 25-10-105 (1) (g) or section 25-10-106~~ REQUIRED
4 UNDER THIS ARTICLE;

5 (b) Constructs, alters, or installs an ~~individual sewage disposal~~
6 ON-SITE WASTEWATER TREATMENT system in a manner that involves a
7 knowing and material variation from the terms or specifications contained
8 in the application, ~~or~~ permit, OR VARIANCE;

9 (c) Violates the terms of a cease-and-desist order that has become
10 final under ~~the terms of~~ section 25-10-106 (1) (k);

11 (d) Conducts a business as a systems contractor without having
12 obtained the license provided for in section 25-10-109 (1) in areas in
13 which the local board of health has adopted licensing regulations pursuant
14 to ~~said~~ THAT section;

15 (e) Conducts a business as a systems cleaner without having
16 obtained the license provided for in section 25-10-109 (2) in areas in
17 which the local board of health has adopted licensing regulations pursuant
18 to ~~said~~ THAT section;

19 (f) Falsifies or maintains improper record-keeping concerning
20 system cleaning activities not performed or performed improperly; or

21 (g) Willfully fails to submit proof of proper maintenance and
22 cleaning of a system as required by rules adopted pursuant to section
23 25-10-106.

24 (2) Upon a finding by the local board of health that a person is in
25 violation of ~~the provisions of~~ this article or ~~the~~ OF rules adopted and
26 promulgated pursuant to this article, the local board of health may assess
27 a penalty of up to fifty dollars for each day of violation. In determining

1 the amount of the penalty to be assessed, the local board of health shall
2 consider the seriousness of the danger to the health of the public caused
3 by the violation, the duration of the violation, and whether the person has
4 previously been determined to have committed a similar violation.

5 (3) A person subject to a penalty assessed pursuant to subsection
6 (2) of this section may appeal the penalty to the local board of health by
7 requesting a hearing before the appropriate body. ~~Such a~~ THE request
8 ~~shall~~ MUST be filed within thirty days after the penalty assessment is
9 issued. ~~A hearing before~~ The local board of health ~~pursuant to this~~
10 ~~subsection (3) shall be conducted~~ SHALL CONDUCT A HEARING UPON THE
11 REQUEST in accordance with section 24-4-105, C.R.S.

12 **SECTION 2.** In Colorado Revised Statutes, 12-58-102, **amend**
13 (5) (b) introductory portion and (5) (b) (III) as follows:

14 **12-58-102. Definitions.** As used in this article, unless the context
15 otherwise requires:

16 (5) (b) Notwithstanding ~~the provisions of~~ paragraph (a) of this
17 subsection (5), the following ~~shall~~ IS not be included within the definition
18 of "plumbing":

19 (III) Performance, location, construction, alteration, installation,
20 and use of ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT
21 systems pursuant to article 10 of title 25, C.R.S., which are located within
22 a property line.

23 **SECTION 3.** In Colorado Revised Statutes, 25-8-103, **amend**
24 (1.4) as follows:

25 **25-8-103. Definitions.** As used in this article, unless the context
26 otherwise requires:

27 (1.4) "Biosolids" means the accumulated residual product

1 resulting from a domestic wastewater treatment works or other domestic
2 sources. "Biosolids" does not include grit or screenings from a
3 wastewater treatment works or commercial and industrial septage or
4 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems
5 as regulated by article 10 of this title.

6 **SECTION 4.** In Colorado Revised Statutes, 25-8-202, **amend** (1)
7 (m) as follows:

8 **25-8-202. Duties of commission - rules.** (1) The commission
9 shall develop and maintain a comprehensive and effective program for
10 prevention, control, and abatement of water pollution and for water
11 quality protection throughout the entire state and, to ensure provision of
12 continuously safe drinking water by public water systems, and, in
13 connection therewith, shall:

14 (m) Adopt ~~guidelines for~~ rules providing minimum standards for
15 the location, construction, performance, installation, alteration, and use
16 of ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems
17 within the state of Colorado, in accordance with section 25-10-104;

18 **SECTION 5.** In Colorado Revised Statutes, 25-8-502, **amend** (1)
19 (b.7) (I) and (1) (b.7) (II) as follows:

20 **25-8-502. Application - definitions - fees - water quality**
21 **control fund - animal feeding operations fund - public participation**
22 **- repeal.** (1) (b.7) Effective July 1, 2007, in accordance with section
23 25-8-702, the division may assess a fee upon a domestic wastewater
24 treatment works, and all such fees shall be paid in advance of any work
25 done in accordance with the following schedule:

26 (I) **Category 44 Wastewater site applications**

27 Subcategory 1 Wastewater treatment plants

1		(less than 100,000 gallons per		
2		day)		
3			new	\$ 7,738
4			expansion	\$ 6,191
5	Subcategory 2	Wastewater treatment plants		
6		(100,000 gallons to 999,999		
7		gallons per day)		
8			new	\$ 15,477
9			expansion	\$ 12,381
10	Subcategory 3	Wastewater treatment plants		
11		(1,000,000 gallons to		
12		9,999,999 gallons per day)		
13			new	\$ 23,215
14			expansion	\$ 18,572
15	Subcategory 4	Wastewater treatment plants		
16		(10,000,000 gallons per day		
17		or more)		
18			new	\$ 30,953
19			expansion	\$ 24,763
20	Subcategory 5	Lift stations (less than		
21		100,000 gallons per day)		
22			new	\$ 1,935
23			expansion	\$ 1,548
24	Subcategory 6	Lift stations (100,000		
25		gallons to 999,999 gallons		
26		per day)		
27			new	\$ 3,869

1		expansion	\$ 3,095
2	Subcategory 7	Lift stations (1,000,000	
3		gallons to 9,999,999	
4		gallons per day)	
5		new	\$ 5,804
6		expansion	\$ 4,643
7	Subcategory 8	Lift stations (10,000,000	
8		gallons per day or more)	
9		new	\$ 7,738
10		expansion	\$ 6,191
11	Subcategory 9	Amendments to site	
12		applications concerning a	
13		change from gas chlorination	
14		to liquid chlorination or	
15		from any form of chlorination	
16		to ultraviolet light disinfection	
17		(less than 100,000 gallons per	
18		day)	\$ 451
19	Subcategory 10	Amendments to site applications	
20		concerning a change from gas	
21		chlorination to liquid chlorination	
22		or from any form of chlorination	
23		to ultraviolet light disinfection	
24		(100,000 gallons to 999,999	
25		gallons per day)	\$ 903
26	Subcategory 11	Amendments to site applications	
27		concerning a change from gas	

1		chlorination to liquid chlorination	
2		or from any form of chlorination	
3		to ultraviolet light disinfection	
4		(1,000,000 gallons to 9,999,999	
5		gallons per day)	\$ 1,354
6	Subcategory 12	Amendments to site applications	
7		concerning a change from gas	
8		chlorination to liquid chlorination	
9		or from any form of chlorination	
10		to ultraviolet light disinfection	
11		(10,000,000 gallons per day or	
12		more)	\$ 1,806
13	Subcategory 13	Other amendments to site	
14		applications (less than 100,000	
15		gallons per day)	\$ 645
16	Subcategory 14	Other amendments to site	
17		applications (100,000 gallons to	
18		999,999 gallons per day)	\$ 1,290
19	Subcategory 15	Other amendments to site	
20		applications (1,000,000 gallons	
21		to 9,999,999 gallons per day)	\$ 1,935
22	Subcategory 16	Other amendments to site	
23		applications (10,000,000 gallons	
24		per day or more)	\$ 2,579
25	Subcategory 17	Individual sewage disposal	
26		ON-SITE WASTEWATER TREATMENT	
27		systems	\$ 4,500

1	Subcategory 18	Extension	\$	650
2	Subcategory 19	Interceptors site applications	\$	1,300
3	Subcategory 20	Interceptor certifications	\$	300
4	Subcategory 21	Outfall sewers	\$	1,300
5	(II) Category 45 Wastewater design review			
6	Subcategory 1	Wastewater treatment plants		
7		(less than 100,000 gallons		
8		per day)		
9		new	\$	4,900
10		expansion	\$	3,900
11	Subcategory 2	Wastewater treatment plants		
12		(100,000 gallons to 999,999		
13		gallons per day)		
14		new	\$	9,900
15		expansion	\$	7,900
16	Subcategory 3	Wastewater treatment plants		
17		(1,000,000 gallons to 9,999,999		
18		gallons per day)		
19		new	\$	14,800
20		expansion	\$	11,800
21	Subcategory 4	Wastewater treatment plants		
22		(10,000,000 gallons per day		
23		or more)		
24		new	\$	19,700
25		expansion	\$	15,800
26	Subcategory 5	Lift stations (less than		
27		100,000 gallons per day)		

1		new	\$ 1,200
2		expansion	\$ 1,000
3	Subcategory 6	Lift stations (100,000	
4		gallons to 999,999 gallons	
5		per day)	
6		new	\$ 2,500
7		expansion	\$ 2,000
8	Subcategory 7	Lift stations (1,000,000	
9		gallons to 9,999,999 gallons	
10		per day)	
11		new	\$ 3,700
12		expansion	\$ 3,000
13	Subcategory 8	Lift stations (10,000,000	
14		gallons per day or more)	
15		new	\$ 4,900
16		expansion	\$ 3,900
17	Subcategory 9	Amendments to site	
18		applications concerning a	
19		change from gas chlorination	
20		to liquid chlorination or	
21		from any form of chlorination	
22		to ultraviolet light disinfection	
23		(less than 100,000 gallons per	
24		day)	\$ 500
25	Subcategory 10	Amendments to site applications	
26		concerning a change from gas	
27		chlorination to liquid chlorination	

1		or from any form of chlorination	
2		to ultraviolet light disinfection	
3		(100,000 gallons to 999,999	
4		gallons per day)	\$ 1,000
5	Subcategory 11	Amendments to site applications	
6		concerning a change from gas	
7		chlorination to liquid chlorination	
8		or from any form of chlorination	
9		to ultraviolet light disinfection	
10		(1,000,000 gallons to 9,999,999	
11		gallons per day)	\$ 1,500
12	Subcategory 12	Amendments to site applications	
13		concerning a change from gas	
14		chlorination to liquid chlorination	
15		or from any form of chlorination	
16		to ultraviolet light disinfection	
17		(10,000,000 gallons per day or	
18		more)	\$ 2,000
19	Subcategory 13	Other amendments to site	
20		applications (less than 100,000	
21		gallons per day)	\$ 700
22	Subcategory 14	Other amendments to site	
23		applications (100,000 gallons	
24		to 999,999 gallons per day)	\$ 1,400
25	Subcategory 15	Other amendments to site	
26		applications (1,000,000 gallons	
27		to 9,999,999 gallons per day)	\$ 2,100

1	Subcategory 16	Other amendments to site	
2		applications (10,000,000 gallons	
3		per day or more)	\$ 2,800
4	Subcategory 17	Individual sewage disposal	
5		ON-SITE WASTEWATER TREATMENT	
6		systems	\$ 3,000
7	Subcategory 18	Interceptors	\$ 1,400
8	Subcategory 19	Outfall sewers	\$ 1,400

9 **SECTION 6.** In Colorado Revised Statutes, 25-8.5-120, **amend**
10 (2) introductory portion as follows:

11 **25-8.5-120. Exclusion of property.** (2) In order for such property
12 to be excluded, the board ~~shall~~ MUST determine that the property ~~to be~~
13 ~~excluded~~ does not receive wastewater treatment services or have an
14 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT system
15 located within the authority and either:

16 **SECTION 7.** In Colorado Revised Statutes, 25-9-102, **amend**
17 (4.5) as follows:

18 **25-9-102. Definitions.** As used in this article, unless the context
19 otherwise requires:

20 (4.5) "Domestic wastewater treatment facility" means any facility
21 or group of units used for the treatment of domestic wastewater or for the
22 reduction and handling of solids and gases removed from such wastes,
23 whether or not ~~such~~ THE facility or group of units is discharging into state
24 waters. "Domestic wastewater treatment facility" specifically excludes
25 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems.

26 **SECTION 8.** In Colorado Revised Statutes, 32-1-1006, **amend**
27 (1) (a) (II) as follows:

1 **32-1-1006. Sanitation, water and sanitation, or water districts**
2 **- additional powers - special provisions.** (1) In addition to the powers
3 specified in section 32-1-1001, the board of any sanitation, water and
4 sanitation, or water district has the following powers for and on behalf of
5 such district:

6 (a) (II) Nothing in subparagraph (I) of this paragraph (a) ~~shall be~~
7 ~~construed as authorizing~~ AUTHORIZES the board of any sanitation, water
8 and sanitation, or water district to compel any connection with the sewer,
9 water and sewer, or water lines, as applicable, of such district, by any
10 owner of premises located outside of such district who utilizes private or
11 nongovernmental persons, services, systems, or facilities including ~~but~~
12 ~~not limited to, an individual sewage disposal~~ ON-SITE WASTEWATER
13 TREATMENT system, for the provision of sewer, water and sewer, or water
14 lines to such premises.

15 **SECTION 9. Act subject to petition - effective date.** This act
16 takes effect at 12:01 a.m. on the day following the expiration of the
17 ninety-day period after final adjournment of the general assembly (August
18 7, 2012, if adjournment sine die is on May 9, 2012); except that, if a
19 referendum petition is filed pursuant to section 1 (3) of article V of the
20 state constitution against this act or an item, section, or part of this act
21 within such period, then the act, item, section, or part will not take effect
22 unless approved by the people at the general election to be held in
23 November 2012 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.