

The following PowerPoint presentation was presented at the kick-off meeting for the revision to Regulation 43 on August 27, 2015. The purpose of this meeting was to provide a brief historical perspective relative to the regulatory structure of the on-site industry in Colorado. To define the scope and timeline of the proposed revisions to Regulation 43. To provide information on how to join the main stakeholder group as well as the individual work groups, and to provide an overview of the specific tasks for those work groups. To review the main issues that surfaced over the last two years, and to accept any comments from those in attendance.



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On-site Wastewater Treatment Systems, Regulation 43 Full Stakeholder Meeting

August 27, 2015; 1:00 pm - 4:00 pm.

Location: Tri-County Health Dept.; Florence Sabin Room,
6162 S. Willow Drive, Greenwood Village, CO.

Call-in Information: Dial-in number: 888-875-1833; Conference ID: 252 007 527
Power Point link: <https://cdphe.adobeconnect.com/wwtech/>

Note: It is suggested that you connect via both dial-in and the internet in order to provide you access to both audio and visual information.

Purpose: To define the scope and timeline of the proposed revisions to Regulation 43. To provide information on how to join the main stakeholder group as well as the individual work groups. To review the main issues that surfaced over the last two years. To provide an overview of the tasks for each of the anticipated individual work groups.

Meeting Agenda:

- Welcome
- Brief historical review of ISDS/OWTS regulations in Colorado
- Review the main advancements provided for in Regulation 43
- Review results of LPHA OWTS survey
- Review OWTS permit numbers; What does this tell us?
- Review additional feedback received over past 2 years
- Review the scope and timeline for the proposed revisions to Regulation 43
- Regulatory process
- Provide direction as to how information will be disseminated to the stakeholders
- Provide information on how to become a stakeholder
- Define the focus of the anticipated work groups (4 proposed)
- Public comment and questions

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ON-SITE WASTEWATER TREATMENT SYSTEM REGULATION

REGULATION #43, 5 CCR 1002-43

ADOPTED: May 13, 2013

EFFECTIVE: June 30, 2013

Chuck Cousino, REHS
CDPHE/WQCD,
OWTS Coordinator



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Welcome!

Thanks to Tri-County Health (Warren Brown)

AGENDA

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- Review the scope and timeline for the proposed revisions to Reg. 43
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Colorado On-Site – 40+ Years! From Cesspools, to Treatment

- Temporary Emergency Guidelines Developed - 1973
 - Driven by problems created by cesspools
- State Bd. of Health Adopted ISDS Guidelines - 1974
- Several Minor Revisions – Both in Statute and Regulation
(1979, 1983, 1988, 1994, 1997, 2000, 2004)

Mostly to address current issues and to define authority



Recommendations for the advancement of the
On-site regulations in Colorado were provided
by the ISDS Steering Committee; February
2002

Full-time OWTS Coordinator position at
CDPHE, Water Quality Control Division;
2008

Stakeholder Process for Revision of ISDS Guidelines

- First Meeting, October 2009
- Total Number of Stakeholders = >250
- Separate Work Groups = 8
- Multiple Drafts; 5+
- Much was accomplished through input from many



An Act

House Bill 12-1126,
Signed by Governor Hickenlooper on April 26, 2012
25-10-101 et seq., C.R.S.

“... Concerning On-Site Wastewater Treatment
Systems...”

The act promulgated authority to the Division to
develop and recommend rules to the WQCC for
adoption

Regulation #43, On-site Wastewater Treatment System Regulation

“Effective Date: June 30, 2013”

Providing a focus on:

“Wastewater Treatment”

vs.

“Sewage Disposal”

“System Maintenance and Function”

vs.

“Flush and Forget”



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Regulation 43 Highlights

- Moved from ISDS to OWTS
- Design flows aligned with industry stds.; removed 1.5 factor
- Soil types, and Long Term Acceptance Rates defined
- Focus on “visual and tactile” evaluation of soils; Soil structure
- Expanded site evaluation and submittal requirements

Regulation 43 Highlights

- Size reductions for treatment and pressure distribution
- Specified sand media required for soil replacement
- Proprietary treatment products must be reviewed/accepted
- HLT systems; O/M and oversight required
- Graywater items removed; Now within Regulation 86





The intent is to move forward; not going back where we came from

“Moving forward; General comments”

- Not going back to wide beds
- Not going back to gravity mounds
- Not going back to gravity systems with replacement soil
- This revision will not require state licensure for all installers and operators
- This revision will not require Transfer of Title program for all agencies
- This revision will not include discussions on increasing the 2000 gpd limit for local permitting



LPHA, 2014 Survey Results

What were the biggest positives of the Regulation revision?

- More uniform state-wide standards
- Science-based OWTS sizing requirements
- Sizing reductions for the use of higher level treatment
- Detailed plot plans
- Risers to grade

LPHA, 2014 Survey Results

What are your biggest concerns of the Regulation revision?

- C-33 sand requirements for soil replacement systems; availability and cost issues
- Requirement for pressure distribution in soil replacement systems; cost issues
- Visual and tactile evaluation requirements vs. percolation test; large learning curve.
- Detailed plot plans
- Risers to grade



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LPHA, 2014 Survey Results

When should the next revision to Regulation 43 occur?

- Over 2/3 of the respondents indicated a revision should occur within 1 - 3 years.



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What does this data tell us?

- Colorado has 54 Local Public Health Agencies (LPHA's)
- 1/3 of the LPHA's (per area) issue about 2/3 of the OWTS permits
- 4 LPHA's issue between 1 -2 OWTS permits each work day
- 12 LPHA's issue over 100 OWTS permits per year (Peak: 446)
- 11 LPHA's issue < 1 OWTS permit per month
- 20+/- LPHA's that do not have a specific E. H. OWTS program
- OWTS program is implemented by Bldg. Dept., Land Use Dept., or other adjacent county agencies

Additional Comments on Reg. 43

- The revisions did not go far enough to protect water quality and align Colorado with industry standards
- The revisions went way too far. The cost of systems has doubled and what we did before worked just fine for our area
- Some engineers, and some regulators, still do not know how to size an OWTS per all requirements of Reg. 43
- When can we revise these regulations?



Scope and Timeline for Reg. 43 Revision

- May, 2015 OWTS Coordinator presented proposal to WQCC
- WQCC agrees to move forward with the revision per the following:
 - The general intent of the revision is for minor modifications that will provide clarity and address any conflicts within the regulation. The goal will be to maintain the focus of the regulations on wastewater treatment and to continue to align them with accepted industry standards.

Scope and Timeline for Reg. 43 Revisions

- Initiate the stakeholder process early fall, 2015
- Provide draft revisions from all work groups, spring 2016
- Complete and accept all draft revisions by fall, 2016
- Oct./Nov. 2016; Submit to be placed on WQCC agenda
- Effective Date; June 30, 2017



Regulatory Process for Regulation Revision

- Oct./Nov. 2016; Submit to be placed on WQCC agenda
- Publication of Notice, Public Rulemaking Hearing
- Formal comment/response process
- May, 2017; Rulemaking Hearing; Commission action
- June/July, 2017; Effective date

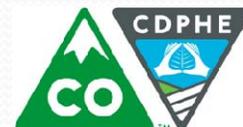


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How will information be communicated?

- CDPHE/OWTS web page

<https://www.colorado.gov/pacific/cdphe/clean-water-site-wastewater-treatment-systems>



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Clean water: On-site wastewater treatment systems

[Back to clean water](#)

On-site wastewater treatment systems, also known as septic systems, are governed by [Regulation 43](#) (effective June 2013).

How does this affect you?

- For on-site wastewater treatment systems with flows less than 2,000 gallons per day, permitting is conducted by local counties.
 - Each local public health agency in Colorado has adopted regulations that are at least as stringent as Regulation 43. For copies of these regulations, [contact your local county or public health agency](#).
- We must provide initial review and acceptance of products and technology.
- On-site wastewater treatment systems with flows equal to or greater than 2,000 gallons per day must follow the [domestic wastewater facility approval process](#).

[Stakeholder information for revisions to Regulation 43.](#)



Click here

[Comparison of local on-site wastewater treatment systems regulations.](#)

[Regulation 43: product acceptance lists](#)



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Stakeholder information for on-site wastewater treatment systems (OWTS) - Regulation 43

[Back to on-site wastewater treatment](#)

General information

- [Email list registration](#) for stakeholders and item specific workgroups.
- Upcoming meetings/conference calls:

- Kick-off meeting

August 27, 2015 at 1:30 PM

Florence Sabin Room, Tri-County Health Department

6162 South Willow Drive, Greenwood CO

Conference call information and web link will be in an agenda that will be sent to the local public health agency OWTS contacts and those registered for the stakeholder email list (see above) a week prior to the meeting.



Click here

OWTS - Reg. 43 Stakeholder List

If you would like to be included in the stakeholder process for revisions to Regulation 43, please provide your information below. The general list is for meeting information and updates on the process. In addition to the general list, there are four workgroups available for you to join. Each workgroup is open to everyone, however, we are looking for active participation from the members of each workgroup. If you are interested in a workgroup, please sign up for a group(s) within your range of interest and/or expertise. There is no requirement to sign up for a workgroup and you can subscribe/unsubscribe at anytime. Information and updates from each of the workgroups will be provided to the general stakeholder list on a routine basis.

Thank you, I look forward to working with you.
Chuck

Email Address

First Name

Last Name

Organization

Anticipated Work Groups

General Edits Group:

- Definitions
- Edits to bring Reg. 43 up to date with other regulations, statues, standards
- Edits necessary to provide additional clarification and ease of use
- Edits necessary to address any perceived conflicts between sections
- Sections 43.1 - 43.8
- Also 43.4.I (cross-over), 43.12



Anticipated Work Groups

Component Requirement Group:

- This group will focus on all items found in section 43.9
- Tanks, risers, pumps, controls, other components
- Also, 43.4.I (cross-over), 43.13.G



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Anticipated Work Groups

System Design, Soils Group:

- This group will focus on a variety of topics relative to soils, sand media, application rates, treatment levels, and various types of system designs (mounds, sand filters, etc..)
- Sections 43.10 and 43.11 (with exceptions)
Also, 43.4.K, 43.14



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Anticipated Work Groups

Distribution/Passive Treatment System Group:

- This group will focus on items found in sections:
43.9.E.3.b,c, and d

Table 10-3

43.13.D and/or E (new section as applicable)

- Others pending



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Parting shots:

- This is a stakeholder “group” process
- The scope of this revision is somewhat limited
- Most stakeholders will not get everything that they want
- Each stakeholder needs to put on their “professional hat” when involved in group sessions
- Reg. 43 is not perfect; this revision will not be perfect; but the goal is to keep things moving in the right direction



Additional OWTS Items:

- Sept. 1, 2015; Septic Tanks must be on “Accepted Tank List”
- CPOW Educational Opportunities: www.cpow.net
 - NAWT Installer Class; Commerce City; Oct. 1 - 2, 2015
 - Soils Training Class; Weld Co.; Oct. 22 - 23, 2015
 - NAWT Inspector Class; Lakewood; Nov. 12 - 13
 - Annual Conference; Lakewood; Jan. 21 - 22, 2016
- NOWRA/NAWT Conference; Virginia Beach; Nov. 3 - 6



Questions, Comments ?



Moving in the right direction



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