

**First Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 11-0126.01 Kate Meyer

HOUSE BILL 11-1179

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 water quality control division 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 allowing 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 department 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;
- ! 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; and
- ! Clarifies that construction of new cesspools is prohibited and requires local boards of health to phase out, by rule, the use of existing cesspools, according to environmental exigency.

Sections 2 through 8 contain conforming amendments.

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

2 **SECTION 1.** Article 10 of title 25, Colorado Revised Statutes, is
 3 amended to read:

1 **ARTICLE 10**

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

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

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

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

14 (b) To eliminate and control causes of disease, infection, and
15 aerosol contamination; and

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

21 **25-10-103. Definitions.** As used in this article, unless the context
22 otherwise requires:

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

27 (2) "Applicant" means ~~any~~ A person who submits an application

1 for a permit for an ~~individual sewage disposal~~ ON-SITE WASTEWATER
2 TREATMENT system.

3 (3) "CESSPOOL" MEANS A COVERED UNDERGROUND RECEPTACLE
4 THAT RECEIVES UNTREATED WASTEWATER FROM A BUILDING AND ALLOWS
5 THE UNTREATED WASTEWATER TO SEEP INTO SURROUNDING SOIL.

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

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

10 (6) "DESIGNER" MEANS A PERSON WHO DESIGNS ON-SITE
11 WASTEWATER TREATMENT SYSTEMS.

12 ~~(4)~~ (7) "Dispersal system" means a system for the disposal of
13 effluent, after final treatment in an ~~individual sewage disposal~~ ON-SITE
14 WASTEWATER TREATMENT system, by a method that does not depend
15 upon or utilize the treatment capability of the soil.

16 ~~(5)~~ (8) "Division" means the division of administration of the
17 department.

18 ~~(6)~~ (9) "Effluent" means the liquid waste discharge from FLOWING
19 OUT OF A COMPONENT OR DEVICE OF an ~~individual sewage disposal~~
20 ON-SITE WASTEWATER TREATMENT system.

21 ~~(7)~~ (10) "Environmental health specialist" means a person who is
22 trained in physical, biological, or sanitary science to carry out educational
23 and inspectional duties in the field of environmental health.

24 (8) "Guidelines for rules" means guidelines for individual sewage
25 disposal systems adopted and revised by the commission pursuant to the
26 authority granted to the commission under this article.

27 (9) "Health officer" means the chief administrative and executive

1 officer of a local health department, or the appointed health officer of the
2 local board of health.

3 (10) "Individual sewage disposal system" or "ISDS" and the term
4 "system" where the context so indicates mean an absorption system of any
5 size or flow or a system or facility for treating, neutralizing, stabilizing,
6 or disposing of sewage that is not a part of or connected to a sewage
7 treatment works.

8 (11) "Local board of health" means any local MUNICIPAL, county,
9 or district board of health.

10 (12) "Local PUBLIC health department or agency" means any
11 county, district, or municipal public health agency and may include a
12 county, district, or municipal LOCAL board of health OR DEPARTMENT or
13 local agency delegated by a county, district, or municipal LOCAL board of
14 health to oversee ISDS OWTS permitting and inspection or an ISDS
15 OWTS program.

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

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

27 (15) "Permit" means a permit for the construction or

1 alteration, installation, and use or for the repair of an individual sewage
2 disposal ON-SITE WASTEWATER TREATMENT system.

3 (15) (16) "Person" means an individual, partnership, firm,
4 corporation, association, or other legal entity and also the state, any
5 political subdivision thereof, or other governmental entity.

6 (16) (17) "Professional engineer" means an engineer licensed in
7 accordance with part 1 of article 25 of title 12, C.R.S.

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

11 (18) "PUBLIC HEALTH DIRECTOR" MEANS THE CHIEF
12 ADMINISTRATIVE AND EXECUTIVE HEAD OR OFFICER OF A LOCAL PUBLIC
13 HEALTH AGENCY OR THE APPOINTED HEALTH OFFICER OF A LOCAL BOARD
14 OF HEALTH.

15 (18) (19) "Septage" means a liquid or semisolid that includes
16 normal household wastes, human excreta, and animal or vegetable matter
17 in suspension or solution generated from a residential septic tank system.
18 "Septage" may include such material issued from a commercial
19 establishment if the commercial establishment can demonstrate to the
20 department that such THE material meets the definition for septage set
21 forth in this subsection (18) (19). "Septage" does not include chemical
22 toilet residuals.

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

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

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 ~~(21)~~ (22) ~~(Deleted by amendment, L. 2006, p. 1129, § 6, effective~~
17 ~~July 1, 2006.)~~ "SOIL TREATMENT AREA" MEANS THE PHYSICAL LOCATION
18 WHERE FINAL TREATMENT AND DISPERSAL OF EFFLUENT OCCURS. "SOIL
19 TREATMENT AREA" INCLUDES DRAINFIELDS AND DRIP FIELDS.

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


26 ~~(23)~~ (24) "Systems cleaner" means a person engaged in and who
27 holds himself or herself out as a specialist in the cleaning and pumping

1 of ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems and
2 removal of the residues deposited in the operation thereof.

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

7 (26) "WASTEWATER" MEANS A COMBINATION OF LIQUID WASTES
8 THAT MAY INCLUDE CHEMICALS, HOUSE WASTES, HUMAN EXCRETA,
9 ANIMAL OR VEGETABLE MATTER IN SUSPENSION OR SOLUTION, AND OTHER
10 SOLIDS IN SUSPENSION OR SOLUTION, AND THAT IS DISCHARGED FROM A
11 DWELLING, BUILDING, OR OTHER ESTABLISHMENT. "WASTEWATER" IS
12 ALSO COMMONLY KNOWN AS "SEWAGE".

13 **25-10-104. Regulation of on-site wastewater treatment systems**
14 **- state and local rules.** (1) (a) The division shall develop, and the
15 commission shall adopt, ~~guidelines for rules providing~~ SETTING FORTH
16 minimum standards for the location, DESIGN, SITE EVALUATION,
17 SAMPLING, PERMITTING, construction, performance, installation,
18 OPERATION AND MAINTENANCE, alteration, MANAGEMENT, and use of
19 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems
20 within the state of Colorado. ~~The commission may establish criteria for~~
21 ~~issuing variances in such guidelines.~~ Such guidelines shall comply with
22 ~~section 25-10-105,~~ and RULES shall be the basis for the adoption of
23 detailed rules by local boards of health pursuant to subsection (2) of this
24 section.

25 
26 (b) THE DIVISION MAY DEVELOP, AND THE COMMISSION MAY
27 ADOPT, PERFORMANCE-BASED APPROACHES TO THE REGULATION OF

1 ON-SITE WASTEWATER TREATMENT SYSTEMS.

2 (2) Every local board of health in the state shall develop and adopt
3 DETAILED rules for ~~individual sewage disposal~~ ON-SITE WASTEWATER
4 TREATMENT systems within ~~their respective areas~~ ITS AREA of jurisdiction.
5 Such rules ~~shall~~ MUST comply with the ~~guidelines~~ RULES adopted by the
6 commission pursuant to subsection (1) of this section and with ~~the~~
7 ~~minimum requirements set forth in~~ sections 25-10-105 and 25-10-106.
8 Before finally adopting such rules or any ~~amendment~~ AMENDMENTS
9 thereto, the local board of health shall hold a public hearing on the
10 proposed rules or amendments. ~~thereto~~. THE LOCAL BOARD OF HEALTH
11 SHALL GIVE notice of the time and place of ~~such~~ THE hearing ~~shall be~~
12 ~~given~~ at least once, at least twenty days in advance ~~thereof~~ OF THE
13 HEARING, in a newspaper of general circulation within its area of
14 jurisdiction. ~~The local board of health may make changes or revisions in~~
15 ~~the proposed rules or amendments thereto~~; After the public hearing and
16 prior to final adoption, THE LOCAL BOARD OF HEALTH MAY MAKE CHANGES
17 OR REVISIONS TO THE PROPOSED RULES OR AMENDMENTS, and no further
18 public hearing ~~shall be~~ IS required regarding ~~such~~ THE changes or
19 revisions. All rules and amendments ~~thereto shall~~ MUST be transmitted to
20 the department ~~not~~ NO later than five days after final adoption and ~~shall~~
21 WILL become effective forty-five days after final adoption unless the
22 department ~~has sooner notified~~ NOTIFIES the local board of health BEFORE
23 THE FORTY-FIFTH DAY that the rules or amendments ~~thereto~~ are not in
24 compliance with ~~sections~~ THIS SECTION OR SECTION 25-10-105 ~~and~~ OR
25 25-10-106.

26 (3) If a local board of health has not adopted rules in compliance
27 with this section and submitted them to the commission, the commission

1 shall ~~then~~ promulgate rules for ~~such~~ THE areas of the state for which no
2 complying rules have been adopted, except for ~~such~~ areas ~~as are~~ serviced
3 exclusively by a sewage treatment works. Rules promulgated by the
4 commission ~~shall~~ MUST comply with the ~~guidelines~~ RULES ADOPTED
5 UNDER SUBSECTION (1) OF THIS SECTION and ~~minimum requirements set~~
6 ~~forth in~~ sections 25-10-105 and 25-10-106. ~~and shall~~ THE RULES MUST be
7 the same for all the areas of the state for which the commission
8 promulgates such rules, except as may be appropriate to provide for
9 differing geologic conditions.

10 (4) ~~Rules may be adopted by~~ A local board of health MAY ADOPT
11 RULES after action by the commission under subsection (3) of this section,
12 if ~~such~~ THE rules ~~are adopted in compliance~~ COMPLY with the procedural
13 requirements of subsection (2) of this section and are no less stringent
14 than those promulgated by the commission. Rules of the local board so
15 adopted ~~shall then~~ WILL become effective only after they are transmitted
16 to the division, and ~~are found to be in compliance~~ THE DIVISION
17 DETERMINES THAT THEY COMPLY with ~~the provisions of this subsection (4)~~
18 SECTION and ~~of~~ sections 25-10-105 and 25-10-106.

19 (5) ~~(Deleted by amendment, L. 97, p. 124, § 1, effective July 1,~~
20 ~~1997.)~~ IN PROMULGATING RULES UNDER THIS ARTICLE, THE COMMISSION
21 AND LOCAL BOARDS OF HEALTH SHALL GIVE CONSIDERATION TO THE
22 PROTECTION OF PUBLIC HEALTH AND WATER QUALITY.

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

26 **25-10-105. Variances - rules.** (1) ~~Rules adopted by local boards~~
27 ~~of health under section 25-10-104 (2) or (4) or promulgated by the~~

1 ~~department under section 25-10-104 (3) shall govern all aspects of the~~
2 ~~performance, location, construction, alteration, installation, and use of~~
3 ~~individual sewage disposal systems and shall include, as a minimum,~~
4 ~~provisions regarding the following matters:~~ THE COMMISSION MAY, BY
5 RULE, ESTABLISH CRITERIA AND MINIMUM STANDARDS FOR ISSUING
6 VARIANCES.

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

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

10 (c) ~~Design criteria, including, where applicable, minimum~~
11 ~~capacities based on daily sewage flow, and construction standards for~~
12 ~~septic tanks, other types of holding or pretreatment tanks, building sewers~~
13 ~~and sewer lines, greasetraps, distribution boxes, and serial distribution~~
14 ~~systems;~~

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

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

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

27 (g) ~~For systems disposing of effluent into state waters: Procedures~~

1 for obtaining site location approval and discharge permits; general design
2 criteria; adoption of effluent standards; requirement of design by a
3 professional engineer; and mandatory review by the local health
4 department of each application for such a system;

5 (h) For systems disposing of effluent by discharge upon the surface
6 of the ground: Specific performance criteria to ensure that such surface
7 discharge does not drain from the property on which the system is located,
8 except by permit from the local board of health, and does not otherwise
9 create a hazard to public health or water quality or constitute a nuisance
10 or undue risk of pollution; requirement of design by a professional
11 engineer; and mandatory review by the local health department of each
12 application for such a system;

13 (i) Design criteria and construction standards for vaults; for privies
14 and slit trenches, either of which may be prohibited at the option of the
15 local health department; for incineration toilets, and chemical toilets; and
16 for graywater limited to disposal of wastewater from sinks, lavatories,
17 tubs, and showers;

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

21 (k) Performance criteria and construction standards for systems
22 that dispose of effluent by means of dispersal systems;

23 (l) Performance criteria and construction standards for systems that
24 service commercial, business, institutional, or industrial property or
25 multifamily dwellings; requirement of design by a professional engineer;
26 and mandatory review by the local health department of each application
27 for such a system;

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

3 ~~(I) Requiring the local board of health to notify the local general~~
4 ~~purpose government responsible for issuing building permits whenever the~~
5 ~~local board of health intends to approve an application for an individual~~
6 ~~sewage disposal system; and~~

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

9 (2) (a) A local board of health ~~shall have authority to~~ MAY grant
10 variances to ~~ISDS~~ OWTS rules in accordance with the ~~guidelines for rules~~
11 CRITERIA adopted ~~and revised~~ by the commission ~~pursuant to the authority~~
12 ~~granted to the commission~~ under this article.

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

17 **25-10-106. Basic rules for local administration.** (1) ~~Rules~~
18 ~~adopted by~~ Local boards of health ~~under section 25-10-104 (2) or (4) or~~
19 ~~promulgated by the department under section 25-10-104 (3)~~ COMMISSION,
20 AS APPROPRIATE, shall ~~govern~~ ADOPT RULES UNDER SECTION 25-10-104
21 THAT GOVERN all aspects of the application for and issuance of permits,
22 the inspection ~~testing~~, and supervision of installed systems, the issuance
23 of cease-and-desist orders, the maintenance and cleaning of systems, and
24 the disposal of waste material. ~~and shall as~~ THE RULES MUST, AT a
25 minimum, include provisions regarding: ~~the following matters:~~

26 (a) Procedures by which ~~application~~ A PERSON may ~~be made~~ APPLY
27 ~~for the issuance of a permit for an individual sewage disposal~~ ON-SITE

1 wastewater treatment system. The PERMIT application ~~for a permit shall~~
2 MUST be in writing and ~~shall~~ MUST include ~~such~~ ANY information, data,
3 plans, specifications, statements, and commitments as ~~may be~~ required by
4 the local board of health ~~in order~~ to carry out the purposes of this article.

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

7 (c) ~~Specification of mandatory tests to be performed by the local~~
8 ~~health department or under the supervision of a professional engineer,~~
9 ~~including percolation tests unless excused or previously performed by a~~
10 ~~professional engineer;~~

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

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

21 (e) Issuance of a permit by the ~~health officer~~ PUBLIC HEALTH
22 DIRECTOR or the ~~health officer's~~ PUBLIC HEALTH DIRECTOR'S designated
23 representative if the proposed system is determined to be in compliance
24 with the requirements of this article and the rules adopted under this
25 article;

26 (f) Review by the local board of health, upon request of an
27 applicant, of applications denied by the local PUBLIC health ~~department~~ or

1 agency;

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

5 (h) Final inspection of a system to be made by the local PUBLIC
6 health ~~department~~ AGENCY or its designated professional engineer after
7 construction, installation, alteration, or repair work under a permit has
8 been completed, but before the system is placed in use, to determine that
9 the work has been performed in accordance with the permit and that the
10 system is in compliance with this article and the rules adopted under this
11 article;

12 (i) Inspection of operating systems at reasonable times, and upon
13 reasonable notice to the occupant of the property, to determine if the
14 system is functioning in compliance with this article and the rules adopted
15 under this article. Officials of the local PUBLIC health ~~department~~ shall be
16 AGENCY ARE permitted to enter upon private property for purposes of
17 conducting such inspections.

18 (j) Issuance of a repair permit ~~and an emergency use permit~~ to the
19 owner or occupant of property on which a system is not in compliance.
20 ~~Application for a repair permit shall be made by such~~ AN owner or
21 occupant MUST APPLY to the local PUBLIC health ~~department~~ AGENCY FOR
22 A REPAIR PERMIT within two business days after receiving notice from the
23 local PUBLIC health ~~department~~ AGENCY that the system is not functioning
24 in compliance with this article or the rules adopted under this article or
25 otherwise constitutes a nuisance or hazard to public health or water
26 quality. The permit shall provide for a reasonable period of time within
27 which THE OWNER OR OCCUPANT MUST MAKE repairs, ~~shall be made,~~ at the

1 end of which period the ~~system shall be inspected by the~~ local PUBLIC
2 health ~~department~~ AGENCY SHALL INSPECT THE SYSTEM to ~~insure~~ ENSURE
3 that it is functioning properly. Concurrently with the issuance of a repair
4 permit, the local PUBLIC health ~~department~~ AGENCY may ~~issue an~~
5 ~~emergency use permit authorizing~~ AUTHORIZE THE continued use of a
6 malfunctioning system on an emergency basis for a period not to exceed
7 the period stated in the repair permit. ~~Such an~~ THE PERIOD OF emergency
8 use ~~permit~~ may be extended, for good cause shown, ~~in the event~~ IF,
9 THROUGH NO FAULT OF THE OWNER OR OCCUPANT, repairs may not be
10 completed in the period stated in the repair permit ~~through no fault of the~~
11 ~~owner or occupant~~ AND ONLY IF THE OWNER OR OCCUPANT WILL CONTINUE
12 TO MAKE REPAIRS TO THE SYSTEM.

13 (k) (I) Issuance of an order to cease and desist from the use of any
14 ON-SITE WASTEWATER TREATMENT system or sewage treatment works that
15 is found by the ~~health officer~~ PUBLIC HEALTH DIRECTOR not to be in
16 compliance with this article or the rules adopted under this article or THAT
17 otherwise ~~to constitute~~ CONSTITUTES a nuisance or a hazard to public
18 health or water quality. Such an order may be issued only after a hearing
19 ~~that shall be~~ IS conducted by the ~~health officer~~ PUBLIC HEALTH DIRECTOR
20 not less than forty-eight hours after written notice ~~thereof~~ OF THE HEARING
21 is given to the owner or occupant of the property on which the system is
22 located and at which the owner ~~and~~ OR occupant may be present, with
23 counsel, and be heard. The order ~~shall~~ MUST require that the owner or
24 occupant bring the system into compliance or eliminate the nuisance or
25 hazard within a reasonable period of time, not to exceed thirty days, or
26 thereafter cease and desist from the use of the system. A cease-and-desist
27 order issued by the ~~health officer shall be~~ PUBLIC HEALTH DIRECTOR IS

1 reviewable in the district court for the county ~~wherein~~ IN WHICH the
2 system is located and upon a petition filed ~~not~~ NO later than ten days after
3 the order is issued.

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

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

10 (l) Reasonable periodic collection and testing by the local PUBLIC
11 health ~~department~~ AGENCY of effluent samples from ~~individual sewage~~
12 ~~disposal~~ ON-SITE wastewater TREATMENT systems for which monitoring
13 of effluent is necessary in order to ~~insure~~ ENSURE compliance with ~~the~~
14 ~~provisions of~~ this article or the rules adopted under this article. ~~Such~~ THE
15 sampling may be required not more than two times a year, except when
16 required by the ~~health officer~~ PUBLIC HEALTH DIRECTOR in conjunction
17 with action taken pursuant to paragraph (k) of this subsection (1). A fee
18 not to exceed actual costs, plus locally established mileage reimbursement
19 rates for each mile traveled from the principal office of the local PUBLIC
20 health ~~department~~ AGENCY to the site of the system and return, may be
21 charged by the local PUBLIC health ~~department~~ AGENCY for each sample
22 collected and tested, and payment of such charges may be stated in the
23 permit for the system as a condition for its continued use. Any owner or
24 occupant of property on which an ~~individual sewage disposal~~ ON-SITE
25 wastewater treatment system is located may request the local PUBLIC
26 health ~~department~~ AGENCY to collect and test an effluent sample from the
27 system. The local PUBLIC health ~~department~~ AGENCY may, at its option,

1 perform such collection and testing services, and ~~it shall be~~ IS entitled to
2 charge a fee not to exceed actual costs, plus locally established mileage
3 reimbursement rates for each mile traveled from the principal office of the
4 local PUBLIC health ~~department~~ AGENCY to the site of the system and
5 return, for each ~~such~~ sample ~~so~~ collected and tested.

6 (m) At the option of the local board of health, maintenance and
7 cleaning schedules and practices adequate to ~~insure~~ ENSURE proper
8 functioning of various types of ~~individual sewage disposal~~ ON-SITE
9 WASTEWATER TREATMENT systems. The local board of health may
10 additionally require proof of proper maintenance and cleaning, in
11 compliance with the schedule and practices adopted under this subsection
12 (1), to be submitted periodically to the local PUBLIC health ~~department~~
13 AGENCY by the owner of the system.

14 (n) Disposal of septage at a site and in a manner that does not
15 create a hazard to the public health, a nuisance, or an undue risk of
16 pollution;

17 (o) THE TIMELY PHASING OUT OF CESSPOOLS IN ACCORDANCE WITH
18 SECTION 25-10-112.

19 **25-10-107. Fees.** (1) SUBJECT TO SUBSECTION (2) OF THIS
20 SECTION, a local board of health may set fees for:

21 (a) ON-SITE WASTEWATER TREATMENT SYSTEM permits; ~~The~~
22 ~~permit fees may be no greater than required to offset the actual and direct~~
23 ~~cost of the local health department's services. With respect to any permit,~~
24 ~~the fee for such permit shall be set so as to recover, as nearly as can be~~
25 ~~practically established, the costs associated with that permit, and may not~~
26 ~~exceed one thousand dollars. A local board of health may also set fees for~~

27 AND

1 (b) Soil evaluation and other OWTS services as requested by the
2 applicant ~~Such fees may be no greater than required to offset the actual~~
3 ~~and direct costs of such services~~ OR PERFORMED BY THE LOCAL PUBLIC
4 HEALTH AGENCY.

5 (2) ~~Local boards of health may set fees for percolation tests and~~
6 ~~other soil evaluation services that are performed by the local health~~
7 ~~department.~~ The fees ~~may~~ ASSESSED UNDER SUBSECTION (1) OF THIS
8 SECTION MUST be no greater than required to offset the actual ~~and~~ direct
9 ~~cost~~ AND INDIRECT COSTS of ~~such~~ THE services.

10 (3) ~~Effective July 1, 2007,~~ In addition to the fees established in this
11 section, the division may assess a fee of twenty-three dollars for each
12 ~~newly authorized individual sewage disposal~~ PERMIT AUTHORIZED FOR A
13 NEW, REPAIRED, OR UPGRADED ON-SITE WASTEWATER TREATMENT system.
14 ~~three dollars of which shall be retained by~~ OF THAT FEE, the county in
15 which the ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT
16 system is ~~to~~ OR WILL be ~~constructed~~ LOCATED SHALL RETAIN THREE
17 DOLLARS to cover the county's administrative costs, and twenty dollars ~~of~~
18 ~~which~~ shall be transmitted to the state treasurer, who shall deposit ~~such~~
19 THAT sum in the water quality control fund created in section 25-8-502 (1)
20 (c).

21 **25-10-108. Performance evaluation and approval of systems**
22 **employing new technology.** (1) ~~Upon application by~~ A systems
23 contractor, a professional engineer, or a manufacturer of ~~individual~~
24 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems THAT EMPLOY
25 NEW TECHNOLOGY MAY APPLY TO the division ~~may~~ FOR A DETERMINATION
26 OF RELIABILITY OF THE SYSTEM. THE DIVISION MAY hold a public hearing
27 to determine whether ~~a~~ THE particular design or type of system, based

1 upon improvements or developments in the technology of ~~sewage disposal~~
2 and not otherwise provided for in paragraphs (e) to (k) of subsection (1)
3 of section ~~25-10-105~~; WASTEWATER TREATMENT has established a record
4 of performance reliability that would justify approval of applications for
5 such systems by the ~~health officer~~ PUBLIC HEALTH DIRECTOR without
6 mandatory review by the local board of health. If the division determines,
7 based upon reasonable performance standards and criteria, that ~~such~~
8 reliability has been established, the division shall so notify each local
9 board of health, and applications for permits for ~~such~~ THE systems may
10 thereafter be acted upon by the ~~health officer~~ PUBLIC HEALTH DIRECTOR,
11 the ~~health officer's~~ PUBLIC HEALTH DIRECTOR'S designated representative,
12 or the local board of health's designated representative, in the same
13 manner as applications for systems described in section ~~25-10-105(1)(e)~~
14 25-10-106. The division shall not arbitrarily deny any person the right to
15 a hearing on an application for a determination of reliability under ~~the~~
16 ~~provisions of~~ this section.

17 (2) Except for designs or types of systems that have been approved
18 by the division pursuant to subsection (1) of this section, the local PUBLIC
19 health ~~department~~ AGENCY may approve an application for a type of
20 system not otherwise provided for in ~~paragraphs (e) to (k) of subsection~~
21 ~~(1) of section 25-10-105~~ 25-10-106 only if the system has been designed
22 by a professional engineer and only if the application provides for the
23 installation of a backup system, of a type ~~described in said paragraphs or~~
24 previously approved by the division under subsection (1) of this section,
25 in the event of failure of the primary system. A local PUBLIC health
26 ~~department~~ AGENCY shall not arbitrarily deny any person the right to
27 consideration of an application for such a system and shall apply

1 reasonable performance standards in determining whether to approve such
2 an application.

3 **25-10-109. Licensing of systems contractors and systems**
4 **cleaners.** (1) The local board of health may adopt rules that provide for
5 the licensing of systems contractors. THE LOCAL PUBLIC HEALTH AGENCY
6 MAY CHARGE a fee, not to exceed actual costs, ~~may be charged by the local~~
7 ~~health department~~ for the initial license of a systems contractor ~~A fee not~~
8 ~~to exceed actual costs may be charged by the local health department~~ AND
9 for a renewal of the license. Initial licensing and renewals thereof shall
10 be for a period of not less than one year. The local board of health may
11 revoke the license of a systems contractor for violation of ~~the applicable~~
12 ~~provisions of this article or the rules adopted under this article or for other~~
13 good cause shown, after a hearing conducted upon reasonable notice to
14 the systems contractor and at which the systems contractor may be present,
15 with counsel, and be heard.

16 (2) The local board of health may adopt rules that provide for the
17 licensing of systems cleaners, pursuant to section 25-10-106 (1). THE
18 LOCAL PUBLIC HEALTH AGENCY MAY CHARGE a fee, not to exceed actual
19 costs, ~~may be charged by the local health department~~ for the initial license
20 of a systems cleaner ~~a fee not to exceed actual costs may be charged~~ AND
21 for the renewal of the license. Initial licensing and renewals thereof shall
22 be for a period of not less than one year. The local board of health may
23 suspend or revoke the license of a systems cleaner for violation of ~~the~~
24 ~~applicable provisions of this article or the rules adopted under this article~~
25 or for other good cause shown after a hearing conducted upon reasonable
26 notice to the systems cleaner and at which the systems cleaner may be
27 present, with counsel, and be heard.

1 **25-10-110. Enforcement by local public health agencies and**
2 **local boards of health.** The primary responsibility for the enforcement
3 of ~~the provisions of~~ this article and the rules adopted under this article
4 ~~shall lie~~ LIES with local PUBLIC health ~~departments~~ AGENCIES and local
5 boards of health. ~~In the event that~~ IF a local PUBLIC health ~~department~~
6 AGENCY or local board of health substantially fails to administer and
7 enforce ~~the provisions of~~ this article and the rules adopted under this
8 article, the department may assume ~~such of the~~ ANY functions of the local
9 PUBLIC health ~~department~~ AGENCY or board of health as may be necessary
10 to protect the public health and water quality.

11 **25-10-111. Authority of local boards of health to deny permits**
12 **for on-site wastewater treatment systems in unsuitable areas.** The
13 local board of health may conduct a public hearing, after written notice to
14 all affected property owners as shown in the records of the county assessor
15 and publication of notice in a newspaper of general circulation, at least ten
16 days prior to the hearing, to consider the prohibition of permits for
17 individual sewage disposal systems in defined areas that contain or are
18 subdivided for a density of more than two dwelling units per acre. The
19 local board of health may order such prohibition upon a finding that the
20 construction and use of additional individual sewage disposal systems in
21 the defined area will constitute a hazard to the public health or water
22 quality. In such a hearing, the local board of health may request affected
23 property owners to submit engineering and geological reports concerning
24 the defined area and to provide a study of the economic feasibility of
25 constructing a sewage treatment works NOTHING IN THIS ARTICLE
26 PREEMPTS OR AFFECTS THE ABILITY OF A LOCAL BOARD OF HEALTH TO
27 PROHIBIT ISSUANCE OF OWTS PERMITS, IN ACCORDANCE WITH APPLICABLE

1 LAND USE LAWS AND PROCEDURES, FOR DEFINED AREAS IN WHICH THE
2 LOCAL BOARD OF HEALTH DETERMINES THAT CONSTRUCTION AND USE OF
3 ADDITIONAL ON-SITE WASTEWATER TREATMENT SYSTEMS MAY
4 CONSTITUTE A HAZARD TO PUBLIC HEALTH OR WATER QUALITY.

5 **25-10-112. General prohibitions - rules.** (1) No city, county, or
6 city and county shall issue to any person:

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

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

20 ~~(3)~~ (2) No ~~individual sewage disposal~~ ON-SITE WASTEWATER
21 TREATMENT system ~~presently~~ CURRENTLY in use ~~that does not comply with~~
22 ~~the provisions of section 25-10-105 (1) (e) regarding minimum separation~~
23 ~~between the maximum seasonal level of the groundwater table and the~~
24 ~~bottom of an absorption system shall be permitted to~~ MAY remain in use
25 ~~without compliance~~ UNLESS THE SYSTEM COMPLIES with this article and
26 the rules adopted under this article. LOCAL BOARDS OF HEALTH SHALL
27 IDENTIFY REASONABLE TIME PERIODS WITH WHICH SYSTEMS THAT ARE OUT

1 OF COMPLIANCE WITH NEWLY PROMULGATED RULES MUST CONFORM TO
2 THE RULES.

3 ~~(4)~~ (3) (a) Construction of NEW cesspools ~~defined as covered~~
4 ~~underground receptacles that receive untreated sewage from a building~~
5 ~~and permit the untreated sewage to seep into surrounding soil,~~ is
6 prohibited.

7 (b) BY A DATE DETERMINED BY RULE OF THE LOCAL BOARD OF
8 HEALTH IN WHICH A CESSPOOL IS LOCATED, THE USE OF EXISTING
9 CESSPOOLS IS PROHIBITED. IN PROMULGATING RULES REGARDING THE
10 TERMINATION OF USE OF SUCH CESSPOOLS, LOCAL BOARDS OF HEALTH:

11 (I) SHALL PROVIDE FOR THE IMMEDIATE CESSATION OF USE OF ANY
12 CESSPOOL THAT THE LOCAL BOARD OF HEALTH DETERMINES CAUSES
13 SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS; AND

14 (II) ARE AUTHORIZED TO PHASE OUT INCREMENTALLY THOSE
15 CESSPOOLS THAT THE LOCAL BOARDS OF HEALTH DETERMINE CAUSE MINOR
16 OR DE MINIMIS ENVIRONMENTAL IMPACTS.

17 ~~(5)~~ (4) Not more than one dwelling, commercial, business,
18 institutional, or industrial unit shall be connected to the same ~~individual~~
19 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT system unless such
20 multiple connection was specified in the application submitted and in the
21 permit issued for the system.

22 ~~(6)~~ (5) No person shall construct or maintain any dwelling or other
23 occupied structure that is not equipped with adequate facilities for the
24 sanitary disposal of ~~sewage without endangering the public health or water~~
25 ~~quality~~ WASTEWATER.

26 ~~(7)~~ (6) All persons shall dispose of septage removed from systems
27 in the process of maintenance or cleaning at an approved site and in an

1 approved manner under this article.

2 **25-10-113. Penalties.** (1) Any person who commits any of the
3 following acts or violates ~~any of the provisions of~~ this article commits a
4 class 1 petty offense ~~as defined~~ AND SHALL BE PUNISHED AS PROVIDED in
5 section 18-1.3-503, C.R.S.:

6 (a) Constructs, alters, installs, or permits the use of any ~~individual~~
7 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT system without first
8 ~~having applied~~ APPLYING for and ~~received~~ RECEIVING a permit as ~~provided~~
9 ~~for in section 25-10-105 (1) (g) or section 25-10-106~~ REQUIRED UNDER
10 THIS ARTICLE;

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

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

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

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

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

27 (g) Willfully fails to submit proof of proper maintenance and

1 cleaning of a system as required by rules adopted pursuant to section
2 25-10-106.

3 (2) Upon a finding by the local board of health that a person is in
4 violation of ~~the provisions of~~ this article or ~~the~~ OF rules adopted and
5 promulgated pursuant to this article, the local board of health may assess
6 a penalty of up to fifty dollars for each day of violation. In determining
7 the amount of the penalty to be assessed, the local board of health shall
8 consider the seriousness of the danger to the health of the public caused
9 by the violation, the duration of the violation, and whether the person has
10 previously been determined to have committed a similar violation.

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

18 **SECTION 2.** The introductory portion to 12-58-102 (5) (b) and
19 12-58-102 (5) (b) (III), Colorado Revised Statutes, are amended to read:

20 **12-58-102. Definitions.** As used in this article, unless the context
21 otherwise requires:

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

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

1 a property line.

2 **SECTION 3.** 25-8-103 (1.4), Colorado Revised Statutes, is
3 amended to read:

4 **25-8-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

6 (1.4) "Biosolids" means the accumulated residual product resulting
7 from a domestic wastewater treatment works or other domestic sources.
8 "Biosolids" does not include grit or screenings from a wastewater
9 treatment works or commercial and industrial septage or ~~individual~~
10 ~~sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems as regulated
11 by article 10 of this title.

12 **SECTION 4.** 25-8-202 (1) (m), Colorado Revised Statutes, is
13 amended to read:

14 **25-8-202. Duties of commission - rules.** (1) The commission
15 shall develop and maintain a comprehensive and effective program for
16 prevention, control, and abatement of water pollution and for water quality
17 protection throughout the entire state and, to ensure provision of
18 continuously safe drinking water by public water systems, and, in
19 connection therewith, shall:

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

24 **SECTION 5.** 25-8-502 (1) (b.7) (I) and (1) (b.7) (II), Colorado
25 Revised Statutes, are amended to read:

26 **25-8-502. Application - definitions - fees - water quality control**
27 **fund - animal feeding operations fund - public participation - repeal.**

1 (1) (b.7) Effective July 1, 2007, in accordance with section 25-8-702, the
 2 division may assess a fee upon a domestic wastewater treatment works,
 3 and all such fees shall be paid in advance of any work done in accordance
 4 with the following schedule:

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

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

1		100,000 gallons per day)		
2			new	\$ 1,935
3			expansion	\$ 1,548
4	Subcategory 6	Lift stations (100,000		
5		gallons to 999,999 gallons		
6		per day)		
7			new	\$ 3,869
8			expansion	\$ 3,095
9	Subcategory 7	Lift stations (1,000,000		
10		gallons to 9,999,999		
11		gallons per day)		
12			new	\$ 5,804
13			expansion	\$ 4,643
14	Subcategory 8	Lift stations (10,000,000		
15		gallons per day or more)		
16			new	\$ 7,738
17			expansion	\$ 6,191
18	Subcategory 9	Amendments to site		
19		applications concerning a		
20		change from gas chlorination		
21		to liquid chlorination or		
22		from any form of chlorination		
23		to ultraviolet light disinfection		
24		(less than 100,000 gallons per		
25		day)		\$ 451
26	Subcategory 10	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		(100,000 gallons to 999,999	
5		gallons per day)	\$ 903
6	Subcategory 11	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		(1,000,000 gallons to 9,999,999	
12		gallons per day)	\$ 1,354
13	Subcategory 12	Amendments to site applications	
14		concerning a change from gas	
15		chlorination to liquid chlorination	
16		or from any form of chlorination	
17		to ultraviolet light disinfection	
18		(10,000,000 gallons per day or	
19		more)	\$ 1,806
20	Subcategory 13	Other amendments to site	
21		applications (less than 100,000	
22		gallons per day)	\$ 645
23	Subcategory 14	Other amendments to site	
24		applications (100,000 gallons to	
25		999,999 gallons per day)	\$ 1,290
26	Subcategory 15	Other amendments to site	
27		applications (1,000,000 gallons	

1		to 9,999,999 gallons per day)	\$ 1,935
2	Subcategory 16	Other amendments to site	
3		applications (10,000,000 gallons	
4		per day or more)	\$ 2,579
5	Subcategory 17	Individual sewage disposal	
6		ON-SITE WASTEWATER TREATMENT	
7		systems	\$ 4,500
8	Subcategory 18	Extension	\$ 650
9	Subcategory 19	Interceptors site applications	\$ 1,300
10	Subcategory 20	Interceptor certifications	\$ 300
11	Subcategory 21	Outfall sewers	\$ 1,300
12	(II) Category 45 Wastewater design review		
13	Subcategory 1	Wastewater treatment plants	
14		(less than 100,000 gallons	
15		per day)	
16		new	\$ 4,900
17		expansion	\$ 3,900
18	Subcategory 2	Wastewater treatment plants	
19		(100,000 gallons to 999,999	
20		gallons per day)	
21		new	\$ 9,900
22		expansion	\$ 7,900
23	Subcategory 3	Wastewater treatment plants	
24		(1,000,000 gallons to 9,999,999	
25		gallons per day)	
26		new	\$ 14,800
27		expansion	\$ 11,800

1	Subcategory 4	Wastewater treatment plants		
2		(10,000,000 gallons per day		
3		or more)		
4			new	\$ 19,700
5			expansion	\$ 15,800
6	Subcategory 5	Lift stations (less than		
7		100,000 gallons per day)		
8			new	\$ 1,200
9			expansion	\$ 1,000
10	Subcategory 6	Lift stations (100,000		
11		gallons to 999,999 gallons		
12		per day)		
13			new	\$ 2,500
14			expansion	\$ 2,000
15	Subcategory 7	Lift stations (1,000,000		
16		gallons to 9,999,999 gallons		
17		per day)		
18			new	\$ 3,700
19			expansion	\$ 3,000
20	Subcategory 8	Lift stations (10,000,000		
21		gallons per day or more)		
22			new	\$ 4,900
23			expansion	\$ 3,900
24	Subcategory 9	Amendments to site		
25		applications concerning a		
26		change from gas chlorination		
27		to liquid chlorination or		

1		from any form of chlorination	
2		to ultraviolet light disinfection	
3		(less than 100,000 gallons per	
4		day)	\$ 500
5	Subcategory 10	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		(100,000 gallons to 999,999	
11		gallons per day)	\$ 1,000
12	Subcategory 11	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		(1,000,000 gallons to 9,999,999	
18		gallons per day)	\$ 1,500
19	Subcategory 12	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		(10,000,000 gallons per day or	
25		more)	\$ 2,000
26	Subcategory 13	Other amendments to site	
27		applications (less than 100,000	

1		gallons per day)	\$ 700
2	Subcategory 14	Other amendments to site	
3		applications (100,000 gallons	
4		to 999,999 gallons per day)	\$ 1,400
5	Subcategory 15	Other amendments to site	
6		applications (1,000,000 gallons	
7		to 9,999,999 gallons per day)	\$ 2,100
8	Subcategory 16	Other amendments to site	
9		applications (10,000,000 gallons	
10		per day or more)	\$ 2,800
11	Subcategory 17	Individual sewage disposal	
12		ON-SITE WASTEWATER TREATMENT	
13		systems	\$ 3,000
14	Subcategory 18	Interceptors	\$ 1,400
15	Subcategory 19	Outfall sewers	\$ 1,400

16 **SECTION 6.** The introductory portion to 25-8.5-120 (2),
17 Colorado Revised Statutes, is amended to read:

18 **25-8.5-120. Exclusion of property.** (2) In order for such
19 property to be excluded, the board ~~shall~~ MUST determine that the property
20 ~~to be excluded~~ does not receive wastewater treatment services or have an
21 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT system
22 located within the authority and either:

23 **SECTION 7.** 25-9-102 (4.5), Colorado Revised Statutes, is
24 amended to read:

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

27 (4.5) "Domestic wastewater treatment facility" means any facility

1 or group of units used for the treatment of domestic wastewater or for the
2 reduction and handling of solids and gases removed from such wastes,
3 whether or not ~~such~~ THE facility or group of units is discharging into state
4 waters. "Domestic wastewater treatment facility" specifically excludes
5 ~~individual sewage disposal~~ ON-SITE WASTEWATER TREATMENT systems.

6 **SECTION 8.** 32-1-1006 (1) (a) (II), Colorado Revised Statutes,
7 is amended to read:

8 **32-1-1006. Sanitation, water and sanitation, or water districts**
9 **- additional powers - special provisions.** (1) In addition to the powers
10 specified in section 32-1-1001, the board of any sanitation, water and
11 sanitation, or water district has the following powers for and on behalf of
12 such district:

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

22 **SECTION 9. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, and safety.