

BOARD OF HEALTH

RESOLUTION NO. 2026-1

A Resolution Adopting On-Site Wastewater Treatment System (OWTS) Regulations

Recitals.

Whereas, the Broomfield Board of Health, after providing the required notice to the public and an opportunity to review the proposed regulations, held a public hearing on March 5, 2026, for the review and adoption of On-Site Wastewater Treatment System (OWTS) Regulations; and

Whereas, based on the reasons and authority set forth in Sections 1.1 and 1.2 of the OWTS Regulations, these regulations are in the public interest and the Broomfield Board of Health is adopting these regulations as necessary to protect public health.

Now, therefore, be it resolved by the Board of Health of the City and County of Broomfield, Colorado:

Section 1.

The Broomfield Board of Health adopts the attached On-site Wastewater Treatment System Regulations within the City and County of Broomfield, as set forth in the regulations. The Broomfield Department of Public Health and Environment shall have full authority to enforce the regulations.

Section 2.

These regulations shall be published and made available to the public on the City and County of Broomfield's Department of Public Health and Environment website. These adopted rules shall be transmitted to the Colorado Department of Public Health and Environment (CDPHE) no later than five days after adoption.

Section 3.

These OWTS regulations shall become effective forty-five days after adoption unless CDPHE notifies the Broomfield Department of Public Health and Environment that these regulations are not in compliance with state laws or regulations.

Section 4.

This resolution is effective on the date of approval by the Broomfield Board of Health.

Approved on March 5, 2026.



Eugenia Valdez (Mar 5, 2026 20:22:33 MST)

Chairman
Board of Health



Jason Vahling (Mar 6, 2026 09:52:49 MST)

Director
Broomfield Public Health and Environment

ON-SITE WASTEWATER TREATMENT SYSTEM REGULATIONS

Promulgated by the
City and County of Broomfield
Board of Health



Board of Health Resolution Number
BOH 2026-1

Pursuant to Sections 25-10-101, et seq. Colorado Revised Statutes and
the Colorado Department of Public Health and Environment Water
Quality Control Commission Regulation 43, 5 CCR 1002-43.

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1.1 Title and Authority

These requirements will be known as the City and County of Broomfield On-site Wastewater Treatment Systems Regulations.

These requirements have been adopted by the City and County of Broomfield Board of Health (CCOB BOH), pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and have designated the Broomfield Department of Public Health and Environment (BPHE) to implement these regulations on behalf of the Board of Health.

1.2 Scope and Purpose

A. Declaration

1. In order to preserve the environment and protect the public health and water quality; to eliminate and control causes of disease, infection, and aerosol contamination; and to reduce and control the pollution of the air, land and water, it is declared to be in the public interest to establish standards and regulations for On-site Wastewater Treatment Systems (OWTS) in CCOB and to provide the authority for the administration and enforcement of such standards and regulations.
2. This regulation applies to OWTS as defined in section 25-10-103(12), C.R.S.

B. Purpose

1. The purpose of these regulations is to establish the minimum standards for the location, design, construction, performance, installation, alteration and use of OWTS with a design capacity less than or equal to 2,000 gallons per day within the CCOB.

C. Jurisdiction

1. These regulations apply to all OWTS within the territorial limits of the CCOB.

D. Prohibition of OWTS Where Public Sewer Service is Available and Feasible

1. An OWTS permit must not be issued to any person when the subject property is located within a municipality or special district that provides public sewer service, except where such sewer service to the property is not feasible in the determination of the municipality or special district, or the permit is otherwise authorized by the municipality or special district.
[43.4(B)(11)]

E. Severability

1. Should any section, clause, or provision of these Regulations be declared by a court of competent jurisdiction to be invalid, such decision will not affect the validity of these Regulations as a whole, or any part thereof other than the part declared to be invalid.
2. In the event that a conflict exists between this regulation and the underlying Regulation 43, the more stringent requirement will be followed.

1.3 Incorporation of Regulation 43

A. Included By Reference

1. The requirements of the Colorado Water Quality Control Commission's "On-site Wastewater Treatment System Regulation, Regulation 43, 5 CCR 1002-43, Effective date, June 15, 2025", are made a part of these regulations and will apply except where identified as an option of the local public health agency or where these regulations are more stringent than Regulation 43, 5 CCR 1002-43, and included in these regulations. All aspects of an On-site Wastewater Treatment System, including but not limited to permits, design, performance, location,

construction, alteration, inspection, maintenance and use must be as provided in Regulation 43 and any additional requirements contained in these regulations.

2. Allowable local options identified in Regulation 43 and the designated decisions for these regulations are identified in the attached Appendix A to OWTS regulations for CCOB. Appendix A is made a part of these regulations.

B. Higher Level Treatment [43.14(D)]

1. Reductions in soil treatment area size or horizontal or vertical separation distances and wide beds with higher level treatment units are not allowed under these regulations. All designs must be based on TL-1 parameters as defined in Regulation 43 with the exception of those listed under section 43.11(A)(3)(a).
2. Area or separation distance reductions, wider beds, and disinfection components, each incorporating higher level treatment systems, as well as non-pressurized distribution systems (NDDS), may be allowed in the future if these Regulations are amended to meet the state regulatory requirements.

1.4 Permits and Fees

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding or repairing an OWTS, the applicant must obtain a permit from BPHE.
2. The permit application must include information identified in Regulation 43, as more fully defined in 43.4(B)(3).
3. An OWTS permit expires one year after the date of issuance if construction has not commenced. After expiration, a new application must be required to begin construction.
4. Any change in plans or specifications of the OWTS after the permit has been issued invalidates the permit unless the permittee receives written approval from BPHE. After a permit is invalidated, a new application and subsequent permit is required to begin construction.
5. Repair permits must identify a reasonable period of time in which the owner must make repairs prior to expiration of the permit.
6. Transfer of Title Permit
 - a. Must be obtained when a property with an OWTS is changing owners. Applications for transfer of titles must be submitted to BPHE 14 days prior to the sale.
7. Product development permits are not granted by BPHE.

B. Transfer of Title Permit

1. The owner or seller of a property served by an OWTS shall obtain an inspection report and the issuance of a Transfer of Title Permit, as applicable, dated within 12 months prior to the occurrence of one (1) or more of the following events:
 - a. The sale of the property, as more fully defined in 1.4(C), herein;
 - b. A remodel that includes the addition of one (1) bedroom or more bedrooms;
 - c. A change in use of the property from residential to commercial;
 - d. Connection of a modular unit, mobile home, and/or accessory dwelling to the system;
and

- e. Other conditions that the Department may deem appropriate.
2. In the case of a sale, as indicated in 1.4(C), if the property owner does not obtain a Transfer of Title Permit prior to a covered transaction, the purchaser of the property shall then be required to obtain a Transfer of Title Permit.
 - a. Applications to obtain a Transfer of Title Permit must be submitted ten (10) business days prior to a covered transaction.

C. Sale

1. For the purposes of these regulations, the term sale shall mean the transfer, sale or conveyance of any real property served by an OWTS, and therefore subject to these regulations, but shall exclude the following types of transfers:
 - a. Change in ownership solely to include or exclude a spouse or child;
 - b. Transfer subject to life estate;
 - c. Transfer to effect foreclosure or forfeiture of real property, provided the subsequent sale of the foreclosed property by the foreclosing entity shall require the issuance or renewal of a Transfer of Title Permit;
 - d. Transfer by redemption from a tax sale, provided, however, the subsequent sale of the redeemed property by the redeeming entity shall require the issuance or renewal of a Transfer of Title Permit;
 - e. Transfer creating or ending joint ownership if at least one person is an original owner of the property and/or their spouse or children;
 - f. Transfer of property containing premises that have been demolished or are otherwise uninhabitable;
 - g. Transfer for the vacating or granting of a public right of way;
 - h. Transfer from a person to a trust or to themselves as trustee(s) of a trust estate; or
 - i. New homes that have not yet been occupied.

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

1. When an application is denied by BPHE, an applicant may request review by the CCOB BOH within 30 days.

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

1. Permit fees and fees for other services and tests associated with OWTS will be set by the CCOB BOH, in conformance with state law and regulations..

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

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

1.5 Inspections [43.4(E)]

A. Septic Tank [43.9(B)(3)(c)]

1. The applicant must notify BPHE 10 business days prior to inspection so BPHE or its designee can conduct a field inspection of the septic tank before backfilling.

B. Soil Treatment Area and Related Components [43.4(F)(3)]

1. The applicant must notify BPHE 10 business days prior to inspection so BPHE or its designee can conduct a final field inspection of the soil treatment area and all related components of the OWTS before backfilling.

1.6 Licensing

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

1. No person shall install, alter, or repair an OWTS unless they hold a valid systems contractor license issued by BPHE.
2. A system contractor license is issued to the individual who takes and passes the written systems contractor examination from a local public health agency and provides documentation of completion of the National Association of Wastewater Technicians (NAWT) Installers Course or approved equivalent. The license shall follow the individual if they change employment. Each system contractor shall have a minimum of one owner or employee with a valid systems contractor license at all times.
3. Application for systems contractor's licenses or renewals shall be made on forms supplied by BPHE.
4. Prior to the issuance or renewal of a license, BPHE may require the applicant to demonstrate adequate knowledge of these regulations. This may include, but is not limited to, passing an exam prepared by BPHE.
5. Licenses shall expire on December 31st of each year. A license that lapses because of failure to renew shall be subject to the fee established for a new license upon reapplication.
6. A system contractor license may be revoked for failure to comply with these regulations. Revocation shall occur only after a hearing before the CCOB BOH. The license holder shall receive no fewer than ten (10) days' notice of the hearing and may be represented by legal counsel at the hearing.

B. Systems Cleaners [43.4(K)(1)]

1. No person shall engage in the cleaning of OWTS or the transportation of sewage to a disposal site unless they hold a valid systems cleaner license issued by BPHE.
2. Application for a systems cleaner license or renewals shall be made upon forms supplied by BPHE. In addition to the application form, the systems cleaner shall submit to BPHE the following information:
 - a. Copies of contracts with facilities approved by local county officials or the Department for accepting septage;
 - b. A record of the total volume of septage received from locations with CCOB disposed at each facility in the past year; and
 - c. Documentation of completion of the NAWT Vacuum Truck Course or NAWT Operation and Maintenance 1 Course or approved equivalent.

3. Prior to the issuance or renewal of a license, BPHE may require the applicant to demonstrate adequate knowledge of these regulations. This may include, but is not limited to, passing an exam prepared by BPHE.
4. Licenses shall expire on December 31st of each year. A license that lapses because of failure to renew shall be subject to the fee established for a new license upon reapplication.
5. A system cleaner license may be revoked for failure to comply with these regulations. Revocation shall occur only after notice to the licensee and a hearing before the CCOB BOH. The license holder shall receive no fewer than ten (10) days' notice of the hearing and may be represented by legal counsel at the hearing.

C. Transfer of Title Inspectors [43.4(K)(1)]

1. Transfer of Title inspectors are not licensed by BPHE.
2. Transfer of Title inspectors must be certified by the National Association of Wastewater Technicians or an equivalent program approved by CDPHE and BPHE.

1.7 Variances [43.4(N)]

A. Variances Allowed

1. The CCOB BOH may approve a variance from a requirement of this Regulation within the restrictions of 43.4(N)(5). Variances cannot be granted by staff. The CCOB BOH must determine if they will allow for BPHE staff to grant a property line variance as described in 43.7(D). Also identified within Appendix A of this document.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance will result in no greater risk than that associated with compliance with the requirements of the regulation.
3. Variances will not be granted if prohibited for any of the reasons identified in 43.4(N)(5).

B. Public Hearing

1. Upon receipt of the request for a variance and the information required in 43.4(N)(2), BPHE shall schedule a public hearing before the CCOB BOH. BPHE will issue a Public Notice of the Hearing and send notice via certified mail, with a minimum 20-day reply time from the date of mailing, to all adjacent property owners. The applicant and their engineer may attend the hearing and present testimony regarding the request for a variance. Applicants may be represented by legal counsel at any public hearing or meeting.
2. A request for variance that does not contain the information required in 43.4(N)(2) will be considered incomplete and will not be scheduled for hearing until it is deemed complete by CCOB BOH staff.
3. The applicant has the burden of proof to demonstrate that the variance is justified and will pose no greater risk to public health and the environment than would a system meeting the requirements.

C. Outcome of the Variance Proceeding

1. Following the public hearing, the CCOB BOH shall determine whether the applicant has met its burden of proof and that the variance is not prohibited under 43.4(N)(5). The CCOB BOH shall make a decision to approve as requested, approve with requirements or conditions, or deny the variance. Approval of the variance shall require a majority vote of the BOH. The applicant will receive written notification of the decision.

2. The CCOB BOH may impose requirements and conditions on the variance granted and the notice of an approval of the variance will include any conditions of the approval. The notice of a denial of a variance shall include those reasons which form the basis for the denial.
3. The variance and any conditions thereof shall be recorded as required by state regulations and any expenses associated with that recording shall be the responsibility of the party obtaining the variance.

D. Findings on Appeal

1. A request for review must be made within 60 days after denial of an application by CCOB BOH.
2. The applicant must bear the burden of supplying the CCOB BOH with sufficient evidence to document that the denied system will be constructed and used in such a manner that will result in no greater risk than that associated with compliance with the requirements of Regulation 43, comply with the declaration and intent of this regulation, and comply with all applicable state and local regulations and required terms and conditions in any permit.
3. Such review must be conducted as required by state regulations.

1.8 Transfer of Title [43.4(L)]

A. Transfer of Title Inspections

1. The CCOB BOH requires a property owner of a residence or other building/facility served by an OWTS to have an inspection of that system to demonstrate that the system is functioning according to design prior to the sale or transfer of title of the property.
2. BPHE may identify types of transfer of title that are not required to have inspections.
3. Transfer of Title inspectors must be certified by the National Association of Wastewater Technicians or an equivalent program approved by CDPHE and BPHE.
4. Transfer of title and inspection reports must be provided on forms furnished or approved by BPHE. In addition to the requirements of 43.4(L), the report must include, as appropriate:
 - a. A record drawing, either from BPHE records (verified by the inspector) or from the site inspection;
 - b. Statement of the size, type and capacity of the septic tank, pump chamber (when applicable), and soil treatment area;
 - c. To the extent possible, the inspector must identify if the OWTS may be encroaching on the required setback to the onsite water supply. Buried wells, snow cover, or other circumstances may prevent the inspector from making this determination. If such circumstances are encountered, they must be stated in the report;
 - d. BPHE may require a water quality analysis of the water supply (i.e.: nitrates, E. coli, etc.). For example, in cases where the OWTS encroaches on required setbacks to onsite or adjacent water supplies, or localized water quality concerns have been identified.

5. Minimum Criteria

- a. In addition to the items listed in 43.4(L)(5) the following items noted in the inspection report that do not comply with the following criteria and conditions must be corrected along with necessary permits and inspections prior to the issuance of a final acceptance document:
 - i. Cesspools must be properly abandoned and a conforming OWTS must be installed. Where site conditions preclude the installation of a conforming

OWTS, the criteria for repairs established within section 43.10(I) must be followed.

6. Issuance of an Acceptance Document

- a. When the criteria set forth above have been met, BPHE must issue an acceptance document, using terminology adopted by BPHE, setting forth the terms and conditions of approval in accordance with 43.4(L)(6); including, as appropriate:
 - i. Any other information BPHE may require.
- b. The acceptance document will remain valid until the date of real estate closing or for a maximum period of twelve months, whichever comes first.

7. Renewal of an Acceptance Document

- a. As established by this regulation, an acceptance document issued for a period of six months or less may be renewed one time for an additional period not to exceed six months, provided that the document has not expired, the appropriate form is submitted and the required fee is paid.

8. Waiver of an Acceptance Document

- a. If it is determined by BPHE that an OWTS does not meet the requirements for issuance of an acceptance document, a conditional acceptance document may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within the time frame established by BPHE

9. Penalties

- a. Failure to obtain an acceptance document for a covered transaction as provided by this regulation will subject the owner who failed to obtain the document to a penalty assessed under section 25-10-113, C.R.S.

1.9 Permit for the Continued Use of an On-site Wastewater Treatment System [43.4(M)]

A. Waiver of a Transfer of Title Permit

1. If it is determined by BPHE that an OWTS does not meet the requirements for issuance of a transfer of title permit, a conditional use permit may be issued, provided that the purchaser of the property agrees to obtain a permit and complete all necessary repairs to the system (or connect to a sanitation district, if appropriate) within 30 days of occupancy of the structure. If a permitted repair is required, the repairs must be completed by the expiration date of the permit.

1.10 Requirement for the on-site evaluation of Soil Profile Test Pits or Percolation Holes [43.5(E)]

A. Soil Profile Test Pit Excavations

1. An inspection of the soil profile test pit excavations must be conducted by a professional engineer or competent technician as specified in 43.5(I).

B. Percolation Holes

1. An inspection of the percolation holes must be conducted by a Professional engineer or by a trained person under the supervision of a professional engineer or by a competent technician.

1.11 Lot Size Requirements

A. Minimum Lot Size

1. The installation of an OWTS shall be permitted only on building sites measuring a minimum of 2.5 acres when served by an individual well, or 1.0 acre when served by a public water system

B. Lot Size Variances

1. A variance from the minimum lot size requirement may be allowed by the public health officer provided that the owner or designated representative submits to the public health officer or their authorized representative the following information: 1) A scaled plot plan prepared or reviewed and approved by a professional engineer showing locations of the following:
 - a. A scaled plot plan prepared or reviewed and approved by a professional engineer showing locations of the following:
 - i. Proposed or existing water supply,
 - ii. Proposed or existing OWTS(s),
 - iii. Proposed area of alternate or replacement OWTS(s),
 - iv. Streams, lakes, and other surface water, and
 - v. Proposed or existing dwellings or other structures;
 - b. Topographical data including slope and floodplain information, if applicable;
 - c. The following hydrologic and geologic information applicable to the area of the proposed OWTS(s) and alternate or replacement OWTS(s):
 - i. Soil test data as required,
 - ii. Geologic data as required;
 - d. All other information that shall be required for an OWTS permit application; and
 - e. Justification for the variance based on the mitigation of nitrate and bacterial loading of groundwater.

Appendix A to OWTS Regulations for the City and County of Broomfield

Attached

Appendix A to City and County of Broomfield OWTS Regulation

Public Health Agency:	Broomfield Department of Public Health and Environment		OPT-IN CHOICES	
D. Decision Points Summary - Local On-site Wastewater Treatment System Regulations				
SUBJECT MATTER	ALTERNATIVES Select Check Box for Decision chosen. (Only one selection per item. Decisions must also be identified either within the local regulation or Appendix A to the regulation)		Citation Reg #43	Citation Local Reg
Licensing Systems Contractors, Systems Cleaners, Systems Maintenance Providers, and Transfer of Title Inspectors	None (<i>Do not license any OWTS practitioners</i>)	<input type="checkbox"/>	43.4.K	
	Systems Contractors are licensed	<input checked="" type="checkbox"/>	43.4.K.1	1.6(A)
	Systems Cleaners are licensed	<input checked="" type="checkbox"/>	43.4.K.1	1.6(B)
	Systems Maintenance Providers are licensed	<input type="checkbox"/>	43.4.K.1	
	Transfer of Title Inspectors are licensed	<input type="checkbox"/>	43.4.K.1	
Variances	Variances Allowed (<i>Must have a variance procedure prescribed within the local regulation.</i>)	<input checked="" type="checkbox"/>	43.4.N.	1.7(A)
	Variances not allowed	<input type="checkbox"/>	43.4.N	
Occupancy - Residential	Bedrooms 1 through 3: 2 people per bedroom All additional Bedrooms: 1 person per bedroom	<input checked="" type="checkbox"/>	43.6.A.2.d & e	
	All bedrooms: 2 persons per bedroom	<input type="checkbox"/>	43.6.A.2.f	
How the number of bedrooms in a home will be defined for flow requirements	Bedrooms: flow estimates will be determined from the number of bedrooms originally finished	<input checked="" type="checkbox"/>	Table 6-1	
	If unfinished area is present in house, OWTS must also be sized for 1 or 2 more bedrooms based on an assumption that 150 square feet of unfinished space can be converted into a bedroom, if the space can meet applicable code requirements for a bedroom	<input type="checkbox"/>	43.6.A.2.h	
Board of Health allows the LPHA to permit property line reductions lesser than 10 feet	Allow LPHA determination for certain property line setback reductions	<input checked="" type="checkbox"/>	43.7.D.1	
	Prohibit LPHA determination; Board of Health determination only	<input type="checkbox"/>	43.7.D	
Length of distribution laterals (e.g., trenches or beds)	100 feet maximum length for any OWTS system	<input type="checkbox"/>	43.10.E.2.d	

	100 feet maximum for gravity fed from one end, and up to 150 feet if pressure dosed or effluent applied at center of lateral or chamber	<input checked="" type="checkbox"/>	43.10.E.2.b & c	
Inspection ports at header (front) end of trench; piping or chamber	Not required	<input type="checkbox"/>		
	Required	<input checked="" type="checkbox"/>	43.10.F.6.d	
Vault Privies - new	Allow new vault privies	<input type="checkbox"/>	43.12.D.1.a	
	Prohibit new vault privies	<input checked="" type="checkbox"/>	43.12.D.1.a	
Vault Privies - existing	Allow continued use of existing vault privies	<input type="checkbox"/>	43.12.D.1.b	
	Require abandonment of existing vault privies	<input checked="" type="checkbox"/>	43.12.D.1.b	
Pit Privies - new	Allow new pit privies	<input type="checkbox"/>	43.12.D.2.a	
	Prohibit new pit privies	<input checked="" type="checkbox"/>	43.12.D.2.a	
Pit Privies - existing	Allow continued use of existing pit privies	<input type="checkbox"/>	43.12.D.2.c	
	Require abandonment of existing pit privies	<input checked="" type="checkbox"/>	43.12.D.2.b	
Allow for the reduction in the size of the STA where a composting or incinerating toilet is installed	Allow a reduction in the size of the soil treatment area with the use of a composting or incinerating toilet. (To allow this reduction, the LPHA must implement both a Transfer of Title program and a Use Permit program)	<input type="checkbox"/>	43.12.E.2.a	
	The use of a composting or incinerating toilet will not reduce the required size of the OWTS	<input checked="" type="checkbox"/>	43.12.E.2	
OPTIONAL PROGRAMS/PERMITS	ALTERNATIVES Select Check Box for Decision chosen. (Only one selection per item. Decisions must also be identified either within the local regulation or Appendix A to the regulation)		Citation Reg #43	Citation Local Reg
Transfer of Title inspections	Required (<i>If transfer of title inspections are required, the criteria for your local program as noted in 43.L must be specified in local regulation.</i>)	<input checked="" type="checkbox"/>	43.4.L.1	1.8(A)
	Not required	<input type="checkbox"/>	43.4.L.1	
Permits for the Continued Use of an OWTS; Define these items on Pg. 5 that are more stringent than Regulation 43.	Used in local regulation (<i>Specify purpose within local regulation.</i>)	<input checked="" type="checkbox"/>	43.4.M.1	1.9(A)(1)
	Not used in local regulation	<input type="checkbox"/>		

Reductions in soil treatment area (STA) size or separation distances with the use of higher level treatment systems and the implementation of a mandatory maintenance oversight program	Allow reductions for higher level treatment. <i>(To allow reductions, local regulation must require mandatory inspections and maintenance, and the local public health agency must implement an O/M oversight program)</i>	<input type="checkbox"/>	43.14.D.2	
	Reductions in area and separation distances not allowed for higher level treatment systems	<input checked="" type="checkbox"/>	43.14.D.3	1.3(B)(1)