

This policy is intended to clarify requirements for Onsite Wastewater Treatment Systems (OWTS) when change in non-residential and/or multi-family use is proposed. The policy outlines requirements for OWTS permitting and approval by Boulder County Public Health.

Definitions

- **Convenience bathroom:** a half-bathroom (toilet and hand-sink only) that is to only be used by the occupants of the main structure that have been accounted for in the engineer report.
- **Accessory structure:** is used by the occupants of the main structure. It can have a convenience bathroom, wet-bar sink, washer, and dryer. The building cannot have shower, bathtub, and/or stove.
- **Non-residential use:** wastewater generated from activities that are not typical of a household. Non-residential use examples include but are not limited to: Horse facilities, home office with employees or regular clients, in-home day care, restaurants, coffee shops, marijuana facilities, and other commercial establishments.
- **Multi-family or community systems:** duplex, triplex, community or cluster system, etc.
 - Accessory dwelling units are not considered multi-family. These are managed under the residential change in use policy.

Note: Community Planning may have additional/different definitions.

Requirements

- 1) **New or Proposed Non-Residential Change in Use:** If non-residential use of septic system is proposed or there is proposed change(s) to current use from what was originally permitted and approved, the following will be required:
 - a) Engineer report that includes:
 - i) Minimum of two test pits with soil analysis (may use soil analysis from most recent permit if completed under current regulations)
 - ii) Site plan including existing and proposed structures, setback features, and current OWTS.
 - iii) Evaluation and calculations using current code (Section 9.4) and soil data (requirement i).
 - iv) Verification of adequacy of current system to treat proposed wastewater and/or any required changes needed using current regulations.
 - (1) This should include BOD and other pre-treatment requirements such as grease interceptors.
 - (2) Class V well approval or other documentation from EPA, if required.

- v) Design of any new connections/sewer lines and components that may be required
- b) A certified NAWT inspection will be required unless the building or buildings connected to the onsite wastewater treatment system are no longer there or will be demolished. An inspection completed in the previous 12 months will be allowed.
 - i) Pumping requirement can be waived if documentation is provided demonstrating pumping was completed within the past 3 years.
- c) Conditions that may apply:
 - If seasonal groundwater is higher than when the soil treatment area (STA) was permitted and installed, STA replacement may be required.
 - The septic tank must meet current requirements for retention time and size.
 - Any existing single compartment tanks will not be approved unless a second tank is added in series.
 - Floor drains are typically prohibited. For more details, please see the floor drain policy.

Note: Components that will not otherwise be altered won't be required to meet current code (Example: risers above grade, effluent screens, pressure dosed, soil replacement with sand).

- 2) Change in Tenant (occupants operating in the facility) and/or Property Ownership:** If a non-residential property has a change of tenant or change in ownership of the property, it is subject to meet the following requirements:
- a) If property ownership is changing but the same tenant approved on the OWTS permit is continuing to operate in the facility, an affidavit certifying that the use is not changing can be submitted with property transfer inspection report.
 - b) If occupants operating in the facility will be changing AND property ownership is also changing, a conditional property transfer can be applied for until requirements in Section 1 above can be met.
 - c) If only the occupants operating in the facility are changing, the following is required:
 - i) A certified NAWT inspection will be required unless the building or buildings connected to the onsite wastewater treatment system are no longer there or will be demolished. An inspection completed in the previous 12 months will be allowed.
 - (a) Pumping requirement can be waived if documentation is provided demonstrating pumping was completed within the past 3 years.
 - ii) Section 1 requirements above must be met. The following exceptions may be allowed:
 - (1) Prior engineer evaluation that meets requirements in Section 1 may be used.
 - (2) Previous site plan completed under current regulations may be used.
 - iii) If the new business will be very similar (ex. retail to retail) an affidavit may be allowed. Please contact our department to review your proposed plan.

3) **Adding an Accessory Structure:** If another structure is being added to the septic system and it meets the definition of an accessory structure with convenience bathroom, the following will be required:

a) Engineer report that includes:

- i) Site plan which includes existing and proposed structures, setback features, and current OWTS
- ii) Specifications for connecting the new sewer line to the existing OWTS
- iii) Demonstration that the wastewater generated in the accessory structure is only from the occupants of the main structure and therefore capacity is not changing
 - (1) If wastewater generated in the accessory structure will not come from the residents of the main dwelling and/or is not the typical composition of untreated domestic wastewater, this may be subject to requirements in section 1 of this document.

4) **Permitting requirements for above scenarios:**

Engineer report shows soil treatment area (STA) needs to be altered (may also include septic tank and/or sewer line).	Major Repair Permit
Engineer report shows septic tank and/or sewer line will be added or replaced.	Major Repair Permit
Adding an accessory structure.	Minor Repair Permit
Engineer report shows no construction needed on OWTS.	Use Permit; Revision and additional inspection fees may apply

Some situations will not meet these exact criteria, if you aren't sure where you fit into these scenarios and definitions, please contact us at 303-441-1564 or healthows@bouldercounty.org.

Previous versions:

05/2023

02/2022 (This was an internal policy at that time.)