



This policy is intended to clarify requirements for Onsite Wastewater Treatment Systems (OWTS) when a 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 only to be used by the occupants of the main structure.
- **Accessory structure:** a structure that is limited to a convenience bathroom, wet-bar sink, washer, and dryer and is only to be used by the occupants of the main structure. This structure cannot have a shower, bathtub, or stove.
- **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.
- **Vacation rental:** a dwelling unit that can be rented to a single booking party for a rental duration of fewer than 30 days where the entire unit is solely occupied by the rental party.
- **Short-term rental:** a dwelling unit that can be rented to a single booking party for a rental duration of fewer than 30 days where the owner can reside on-site at the same time as the renters.
- **Non-residential use:** when wastewater is generated from activities not typical of a residential household. Examples include but are not limited to horse facilities, home offices with employees or regular clients, in-home daycares, restaurants, coffee shops, marijuana facilities, and other commercial establishments. Flows generated by rental, multi-family, or community systems also fall under non-residential use.

Note: Community Planning may have additional/different definitions.





Requirements

- 1) **New or Proposed Non-Residential Change in Use:** If non-residential use of the septic system is proposed or there is a proposed change(s) to current use from what was originally permitted and approved, the following will be required:
 - a) **An engineer report that includes:**
 - i) Minimum of two test pits with soil analysis
 - (1) If soil analysis for the existing, approved OWTS permit meets the current regulations this requirement may be waived.
 - ii) Evaluation of test pit soil analysis collected under current regulations.
 - iii) Wastewater flow and strength calculations using Section 9 of Boulder County OWTS Regulations.
 - iv) Verification whether the current system is adequate 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) Site plan that includes existing and proposed structures, setback features, current OWTS layout, and any proposed components.
 - vi) Design of any new connections/sewer lines and components that may be required.
 - b) **A certified NAWT inspection:**
 - i) Required except in cases where the building(s) connected to the OWTS will be demolished.
 - ii) Inspections completed within the past 12 months will be allowed.
 - iii) The pumping requirement may be waived if documentation demonstrates that pumping was completed within the past 3 years by the same NAWT Inspector.
 - 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.

Note: Components that will not otherwise be altered won't be required to meet the current code. (Example: risers above grade, effluent screens, pressure dosing, 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:**

- i) An affidavit certifying that the use is not changing may be allowed. Please contact our department to review your proposed plan.
- ii) A property transfer inspection report is required.

b) **If occupants operating in the facility will be changing AND property ownership is also changing:**

- i) A property transfer inspection report is required.
- ii) If new or proposed changes to the property are known at the time of property transfer, the requirements in Section 1 above must be met.
- iii) If changes to the property are unknown at the time of property transfer, or if the engineer chooses to collect new water usage (flow) data for calculations, a conditional property transfer will be applied until the requirements in Section 1 are met. Additional requirements include:
 - (1) Non-residential repair agreement.
 - (2) The engineer report may be submitted within 1 year of closing on the property.
 - (a) If water usage data will be collected for calculations, a renewable Use Permit must be applied for within 1 year of closing on the property. The engineer report with new calculations must then be submitted within 1 year of applying for the renewable Use Permit.
- iv) If the new business will be very similar (e.g. retail to retail) an affidavit in lieu of an engineer report may be allowed. Please contact our department to review your proposed plan.

c) **If only the occupants operating in the facility are changing:**

- i) A certified NAWT inspection is required.
- ii) If there is a new or proposed change(s) in use, the Section 1 requirements above must be met.
- iii) If the new business will be very similar (ex. retail to retail) an affidavit in lieu of an engineer report 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 existing OWTS and it meets the definition of an accessory structure, the following will be required:
- a) **Engineer report that includes:**
 - i) Site plan that includes existing and proposed structures, setback features, current OWTS layout, and any proposed components.
 - ii) Specifications for connecting the new sewer line to the existing OWTS.
 - iii) Verification that the wastewater generated in the accessory structure will only be 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 occupants 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.

*See next pages for vacation rentals and permitting requirements.





- 4) **Vacation Rentals:** If a residence is applying for a vacation rental license, the following will be required:
- a) **A certified NAWT inspection.**
 - i) Inspections completed within the past 12 months will be allowed.
 - ii) The pumping requirement may be waived if documentation demonstrates that pumping was completed within the past 3 years by the same NAWT Inspector.
 - b) **Conditions that may apply:**
 - The OWTS is sized for a maximum allowable number of residents and the rental must stay within this limit, including any permanent residents on-site.
 - a. If the owner is requesting more occupancy than the OWTS can serve, the Section 1 requirements above must be met.
 - For properties with vaults:
 - a. Vaults may be permitted on properties that cannot accommodate an OWTS with a soil treatment area or if the dwelling does not have running water. If documentation of this is not available and there is room to install a full system, a repair permit will be required.
 - b. The vault must utilize both audio and visual alarms. It is recommended to utilize a wireless notification alarm panel that directly alerts either the property owner or the service provider when the vault is full.
 - c. Owners must contact and submit documentation from a service provider stating that they will service the property when pumping is requested.
 - d. Properties will be issued a Renewable Use Permit that is valid for 2 years. At renewal, owners must submit all pumping receipts and any updated service documentation. Renewal fees apply.
 - For changes in property ownership where the property will continue to be used as a Vacation Rental – a property transfer inspection report and Use Permit renewal are required.





5) Permitting requirements for the above scenarios:

Non-Residential Change in Use & Change in Tenant and/or Ownership	
<p>Engineer report shows that the soil treatment area (STA) will be altered, and/or the septic tank and/or sewer line will be added or replaced as a result of work done to a property under previous, current, or future Building Permits or another Community Planning & Permitting process.</p> <p>Engineer report shows that the STA will be altered or replaced, and/or the septic tank and/or sewer line will be added or replaced.</p>	<p>Major Repair Permit Associated with Property Improvements</p> <p>Major Repair Permit</p>
Adding an Accessory Structure	
<p>When connecting to the existing OWTS and design flow is not increasing.</p> <p>When designing a new OWTS that will be served by the accessory structure.</p>	<p>Minor Repair Permit</p> <p>Major Repair Permit Associated with Property Improvements</p>
No Construction Needed, Water Usage, & Vacation Rentals	
<p>Engineer report shows no construction is needed on OWTS.</p> <p>Engineer plans to collect water usage data for new calculations.</p> <p>Vacation Rental Licensing</p>	<p>Use Permit; Revision, renewal and additional inspection fees may apply</p>

Some situations will not meet these exact criteria, if you are unsure where you fit into these scenarios and definitions, please contact us at 303-441-1564 or HealthOWS@bouldercounty.gov.

