



2022 Onsite Wastewater Treatment System (OWTS) Regulations-Frequently Asked Questions

These are some of the most common questions we get asked about the [NEW 2022 OWTS Regulations](#)

What has tripped people up most recently when starting this process?

- The #1 thing that has caused frustration, is lack of resident's awareness about the new [LAND USE CODE](#) adopted by the county January 5, 2021. The Land Use Code is **a set of regulations that guide how property is used and developed** in Delta County. Go to the website for more information: <https://www.deltacounty.com/680/Land-Use-Regulations>.
- #2 is that the Environmental Health Department is the office that administers the county [FLOODPLAIN](#) regulations. You MUST obtain floodplain approval before development of ANY kind occurs (building, clearing land, drilling a well, etc.) To get started, go to: <https://www.deltacounty.com/573/Recycling-Solid-Waste-Flooding-Runoff>

Who decided what to include in the new regulations?

The Delta County Board of Health, guided by Environmental Health staff with input from the community, simplified and adopted new local regulations for septic systems. Engaged in that process were county planning, GIS, and engineering staff, as well as professional engineers, installers, and in some cases realtors. Input was solicited from the entire community through online and newspaper announcements, and five workgroup meetings were held in addition to a public hearing (as required by state regulations).

What does "By Reference" mean?

When the 2022 Delta County OWTS Regulations were revised, they were trimmed down to only those things that were specifically different from Colorado Regulation 43 (or "Reg 43"). Everything else that needs to be considered is "by reference" to that state regulation.

Why are there two sets of regulations to follow?

All counties must follow Reg 43; however Delta's OWTS Regulations have shrunk (from 127 pages to 13 pages in the 2022 version) to remove the things that are redundant, and include things important to Delta County.

What has been added that is NEW?

There are three truly NEW elements: Special Soil Types (1.10), & Operations, Maintenance (1.11)- sometimes referred to as "O&M". Also new is a process to obtain a permit for existing systems that are "Unpermitted".

Sections 1.10 & 1.11 were added to: 1) provided engineers and installers with specific information to deal with problem soils that may cause soil treatment areas to fail, 2) allow for higher level treatment (or HLT) designs per state requirements, and pave the way for future graywater regulations in Delta County.

How have “setbacks” increased or decreased?

In most cases the setbacks have been reduced to align with the setback tables (Table 7-1 & 7-2) in Reg 43. In situations where higher level treatment systems are installed, setbacks may be considerably less due to the intensive treatment of the wastewater.

How will this affect final inspections?

We will still be performing final inspections after installation as usual; however a few things to pay attention to that we've seen missing at inspection: Effluent filter in tank outlet (if required), flow equalizers (or “speed levelers”) in the distribution box outlets, inspection ports in proper locations, risers, and “sweeping” 90's (preferably 45 degree angles) rather than 90 degree elbows. Another thing to note is that any system that is pressure dosed will need to be connected to power and able to perform a “squirt test” of the system to ensure that there is sufficient pressure in the system. Contact the EH Specialist doing the inspection for details.

What situation would require a homeowner to obtain a “variance”?

Lot size restrictions were replaced with a variance only in cases when *new systems are installed on less than ½ acre or in cases where minimum setbacks cannot be met*. Past regulations required variances when there were lots smaller than 5 acres with a well, and less than 1 acre with domestic water.

Will these changes impact existing septic permits?

No. But remember, they do allow you to obtain an OWTS permit for an unpermitted system if needed for sale/loan of a home.

What is new that can slow down a permitting process?

Actually there is nothing “new” that can slow down the process; in fact, we've removed many things from our application process that have caused confusion and frustration. However, keep in mind that with the implementation of the new [Land Use Code](#), many steps in the development process that have been missed in the past are now being verified:

- access AND address applications,
- floodplain permitting, and
- construction stormwater discharge permits (through the state health department) should all be obtained if needed prior to applying for an OWTS permit.