

Overview of State Authority Regarding Individual Sewage Disposal Systems

March, 2001

Board of Health

The State Board of Health was established by act of Colorado's first General Assembly on March 22, 1877. It is responsible for adopting rules and regulations and general policies to administer the public health laws of the State. The Board adopts Guidelines on Individual Sewage Disposal Systems. These Guidelines establish minimum standards for the location, construction, performance, installation, alteration and use of individual sewage disposal systems (ISDS) in Colorado. These Guidelines are implemented principally through rules and regulations adopted by local Boards of Health. Thus, counties and other local governments have the primary role in overseeing compliance with ISDS requirements in Colorado.

Water Quality Control Commission

The Colorado Water Quality Control Commission is the administrative agency responsible for developing specific water quality policy in Colorado, in a manner that implements the broader policies set forth by the Legislature in the Colorado Water Quality Control Act. The Commission adopts water quality classifications and standards to protect beneficial uses of waters of the state, as well as various regulations aimed at achieving compliance with those classifications and standards. Although its general responsibilities include ground water quality protection, it has no specific authority relating to individual sewage disposal systems, except those that qualify as a "domestic wastewater treatment works" because they have a capacity greater than 2,000 gallons per day.

Water Quality Control Division

The Water Quality Control Division serves as staff to the Water Quality Control Commission and, through permitting and enforcement programs, implements water quality classifications and standards and various other regulations adopted by the Commission. The Division only regulates individual sewage disposal systems directly if the capacity of a system exceeds 2,000 gallons per day. Those larger systems require site approval to construct and discharge permits to operate. The Division also serves as staff to the State Board of Health in issues related to the development, adoption, and implementation of the Guidelines on Individual Sewage Disposal Systems. Actual implementation of the Guidelines, as noted above, is through local ISDS Regulations and by the local health authority.

Technical Advisory Committee

The State Board of Health, following the 1997 revision of the Individual Sewage Disposal Systems Act, created the Technical Advisory Committee (TAC). It has a broad base of membership, reflecting a variety of professional level involvement with individual sewage disposal systems. Members represent local health department staff, consulting engineers, academia, systems installers, and product manufacturers. The primary role of the TAC is to provide assistance to the Division in reviewing new products and technologies for certification as acceptable for use within Colorado. In addition, the TAC provides input to the State Board of Health on policy and regulatory matters associated with the ISDS program. The Committee has no specific authority regarding Individual Sewage Disposal Systems.

Recent Statutory Revisions

The enabling legislation for the regulation of Individual Sewage Disposal Systems is the “Individual Sewage Disposal Systems Act”, Article 10 of title 25, Colorado Revised Statutes. The ISDS Act underwent its first comprehensive revision in 1997. Prior to this revision, the Board of Health had limited flexibility in developing design and siting criteria within the Guidelines. In addition to containing specific criteria, previous versions of the ISDS Act also required the Guidelines to “conform to or exceed” standards contained in the “Manual of Septic Tank Practice”, a document developed by the U.S. Public Health Service in 1959 and last updated in 1967. The 1997 revisions removed specific systems criteria as well as reference to the “Manual of Septic Tank Practice”. The revised legislation also removed a major constraint to enforcement by authorizing the local board of health to assess penalties for violating provisions of the ISDS Act, whereas previously violations were referred to the local District Attorney for action. A third major element of the 1997 revision is the establishment of authority for granting variances to provisions of the Guidelines in situations where conditions exist that justify the variance. A number of minor changes were also incorporated in this most recent revision. Other than those areas described above, the revised Act did not alter responsibilities or authorities for regulating Individual Sewage Disposal Systems from that previously authorized.