

**CHAFFEE COUNTY, COLORADO
BOARD OF HEALTH
RESOLUTION NO. 2025-04**

**PROVIDING FOR THE ADOPTION OF THE CHAFFEE COUNTY GRAYWATER
CONTROL REGULATIONS**

FINDINGS AND CONCLUSIONS:

A. In 2015 the Colorado Department of Public Health and Environment, Water Quality Control Commission issued Regulation No. 86, codified at 5 CCR 1002-86, pursuant to the Colorado Water Quality Control Act codified at Colorado Revised Statutes ("C.R.S.") § 25-8-205(1)(g).

B. The Board may act as a Board of Health pursuant to and under authority of the On-site Wastewater Treatment System Act, codified in C.R.S §24-10-10 et seq.

C. The Board believes it is in the best interest of the County to provide Chaffee County residents with the ability to pursue gray water treatment options for their property.

RESOLUTION:

The Board resolves as follows:

Section 1. Adoption. The Chaffee County Board of County Commissioners adopts the Chaffee County Graywater Control Regulations attached hereto as exhibit A.

Section 2. Reference. The Chaffee County Graywater Control Regulations include the adoption by reference of portions of the Colorado Water Quality Control Commission's Graywater Control Regulation codified at 5 CCR § 1002-86.

Section 3. Safety. The adoption of this Resolution is necessary for the immediate preservation of public health, safety, and welfare

Section 4. Severability. All provisions of this Resolution are intended to be severable. If a court or administrative body declares any provision or its application to be invalid or unenforceable, in whole or in part, such determination shall not affect, impair or invalidate any other provision of this Resolution. If a court or administrative body determines a provision or its application to be valid or enforceable only if its application is limited, its application shall be limited as required to most fully implement its purpose.

Section 5. Repealer. All resolutions or parts thereof, in conflict with this Resolution are hereby repealed, provided that this repealer shall not repeal the repealer clauses of such resolutions nor revive any resolution thereby.

Section 6. Effective Date. This resolution shall be in full force and effect January 1, 2026.

ADOPTED AND APPROVED by the Chaffee County Board of Health on December 4, 2025.

BOARD OF COUNTY COMMISSIONERS ACTING AS
THE CHAFFEE COUNTY BOARD OF HEALTH



P.T. Wood, Chair

The vote on the above Resolution was as follows:

Commissioner P.T. Wood Yes

Commissioner Gina Lucrezi Yes

Commissioner David Armstrong Yes

STATE OF COLORADO, CHAFFEE COUNTY

ATTEST:

The above is a true and correct record of Board of Health Resolution 2025-04 duly adopted by the Chaffee County Board of Health by a 3-0 vote at a regular meeting, properly noticed and held on December 4, 2025.

Lori Mitchell by
Loree Luster Chief
Chaffee County Clerk Deputy Clerk



EXHIBIT A

1.1 Title and Authority

These requirements will be known as the "Chaffee County Graywater Control Regulations" **Resolution BOH 2025-04.**

These requirements have been adopted by the Chaffee County Board of Commissioners, acting as a Board of Health pursuant to and under authority contained in the On-site Wastewater Treatment System Act, 25-10-101, et seq. C.R.S. and has designated the Chaffee County Building Safety Department to implement these regulations on behalf of the Board of Health.

1.2 Scope and Purpose

A. Declaration

1. This regulation applies to Graywater Control Program Regulations as defined in Colorado Department of Public Health and Environment, Water Quality Control Commission Regulation No.86- 5 CCR 1002-86. Pursuant to the Colorado Water Quality Control Act promulgated under section 25-8-205(1)(g), C.R.S.

B. Purpose

1. The purpose of these Chaffee County Graywater Control Regulations is to establish the minimum standards for the location, design, construction, performance, installation and modifications of Graywater Treatment Works within the jurisdiction of Chaffee County.

C. Jurisdiction

1. These Chaffee County Graywater Control Regulations apply to all Graywater Treatment Works in the unincorporated areas of the county and over all municipal corporations that do not opt out per House Bill 24-1362, within the territorial limits of Chaffee County.

D. 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.

1.3 Incorporation of Regulation 86

A. Included By Reference

1. The requirements of the Colorado Water Quality Control Commission's "Graywater Control Regulation, Regulation 86, 5 CCR 1002-86, Effective date, January 14, 2024", are made a part of these Chaffee County Graywater Control 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 86, 5 CCR 1002-86, and included in these Chaffee County Graywater Control Regulations. All aspects of a Graywater Treatment Works including, but not limited to, permits, design, performance, location, construction, alteration, inspection, maintenance and use must be as provided in Regulation 86 and any additional requirements contained in these Chaffee County Gray Water Control Regulations.
2. Graywater Treatment Works installed within the jurisdiction of Chaffee County shall be in compliance with all applicable federal, state and local requirements.

1.4 Permits and Fees

A. Permits [43.4(B)]

1. Prior to installing, altering, expanding or repairing a Graywater Treatment Works, the applicant must obtain a permit from Chaffee County Building Safety Department.
2. The permit application must include information identified in section 86.9(2)(C) of Regulation 86.
3. A Graywater Treatment Works 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 Graywater Treatment Works after the permit has been issued invalidates the permit unless the permittee receives written approval from the Chaffee County Building Safety Department. 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.
7. All applicable information shall be included upon Graywater Treatment Works permit submittal per the Chaffee County Building Safety Department Graywater Treatment Works permit application. The Graywater Treatment Works permit application and supporting design documents shall be reviewed and approved prior to start of construction of the system.

B. Board of Health Review

1. When an application is denied by Chaffee County Building Safety Department, an applicant may request review by the local Board of Health.
2. A request for Board of Health review shall be submitted within 90 days from the date of denial.

C. Fees

1. Permit fees and fees for other services and tests associated with Graywater Treatment Works will be set by the Board of Health, in conformance with section 86.9(B)(1)(e) of Regulation 86 and 25-10-107, C.R.S. Fees are specified on the permit application for Gray Water Works installation.
2. Waiver of fees is only applicable if approved by the Board of County Commissioners acting as the Board of Health.

1.5 Graywater Treatment Works – Design Criteria

A. Design Criteria

1. All Graywater Treatment Works shall meet the design requirements and comply with the Colorado State Plumbing Rules and Regulations, (3 CCR 720-1) 2021 International Plumbing Code as adopted by Chaffee County (Resolution 2023-01) and the Water Quality Control Commission Regulation 86 (5 CCR 1002-86)
2. All Graywater Treatment Works designs shall include a sustainable landscape plan.
3. Category C-1 and C-2 graywater treatment works are only permitted in new construction.

4. Graywater Treatment Works are not permitted to be installed in Floodplains.

B. Signage Requirements

1. All signage requirements shall meet the design requirements and comply with the Colorado State Plumbing Rules and Regulations, (3 CCR 720-1) 2021 International Plumbing Code as adopted by Chaffee County (Resolution 2023-01) and the Water Quality Control Commission Regulation 86 (5 CCR 1002-86) Placement of signage shall be included with the submitted design for permit.
2. A permanent warning sign shall be visible at all fixtures from which graywater is collected. The sign must state that:
"WATER FROM THIS FIXTURE IS REUSED. CHEMICALS, EXCRETA, PETROLEUM OILS AND HAZARDOUS MATERIALS MUST NOT BE DISPOSED DOWN THIS DRAIN"
3. For each room that contains graywater treatment works components, a sign shall be posted on any door providing entrance to the room that states:
"CAUTION GRAYWATER TREATMENT WORKS, DO NOT DRINK, DO NOT CONNECT TO THE POTABLE DRINKING WATER SYSTEM. NOTICE CONTACT BUILDING MANAGEMENT BEFORE PERFORMING ANY WORK ON THIS SYSTEM"
4. All graywater treatment works components shall be of material and labeled per the 2021 International Plumbing Code and Colorado State Rules and Regulations concerning non potable water.

C. Legally Responsible Party

1. Each Graywater Treatment Works shall have a designated legally responsible party per Regulation 86 section 86.8 Definition (25) the designated legally responsible party shall be identified with the design submittal of the Graywater Treatment Works.

1.6 Inspections

A.

1. Underground Plumbing Graywater Treatment Works:
Upon completion of trenching and installation of piping and bedding the applicant must notify the local public health agency or its designee 1 day prior so the local public health agency or its designee can conduct a field inspection of the underground piping prior to backfilling.
2. Rough In Plumbing Graywater Treatment Works:
Upon completion of framing of the structure and installation of Graywater Treatment Works the applicant must notify the local public health agency or its designee 1 day prior so the local public health agency or its designee can conduct a rough in plumbing inspection of the piping and all related components prior the installation of wall or ceiling membranes.
3. Final Plumbing Graywater Treatment Works:

Final inspection shall be made after completion of the building and Graywater Treatment Works is complete and operational. The applicant must notify the local public health agency or its designee 1 day prior so the local public health agency or its designee can conduct a final inspection of the Graywater Treatment Works.

1.7 Certification and Licensing Requirements for Installers

A. Graywater Treatment Level A-1 Installers

1. Certification requirements: Installers of Treatment Category A-1 Single Family Dwelling Laundry Machine systems shall be certified through an accredited Graywater Treatment Works education program concerning the installation of a Category A-1 system.

B. Graywater Treatment all allowed Graywater sources other than Category A-1

1. Licensing requirement: A State of Colorado issued Plumbing license is required for installations concerning all other allowed graywater sources (Treatment Categories B-1, B-2, C-1, C-2, D-1, D-2)

C. Operation by Designated Responsible Person and Certified Operator

1. Education and Certification requirements: A Designated Responsible Person shall be educated in the Operations and Maintenance Manual for the system. A certified operator shall be certified through an accredited Graywater Treatment Works education program.

D. Graywater Treatment Works Designers:

1. Design Engineers shall be licensed through the state of Colorado per 4 CCR 730-1 for design of Gray Water Treatment Works with a flow projection of 2000 gallons per day or more.
2. Designers of systems with less than 2000 gallons per day flow projections shall be certified through an accredited Graywater Treatment Works education program.

1.8 Variances [43.4(N)]

A. Variances Allowed

1. The Board of Health may approve a variance from a requirement of this Regulation. Variances cannot be granted by staff.
2. Approval of a variance must be based upon evidence presented by the applicant, or their designee, showing that the variance would not be injurious to the public health, water quality, or environment; and would prevent a substantial hardship to the applicant.

B. Variance Procedure

1. Submittal Requirements:

- a. The application materials required for a variance request are as follows:

- Completed Board of Health Variance application.

All submittal materials as specified per the BOH Variance application including but not limited to:

- Site specific request identifying the specific criteria from which a variance is being requested.
- List of adjacent property owners, with tax parcel numbers and addresses.
- Site plan and Vicinity map.
- Impact Analysis.

- Statement of hardship
 - Technical Justification by a professional engineer, surveyor or geologist.
 - Discussion of alternatives considered in lieu of the requested variance.
 - Technical documentation for selected alternative, which may include a testing program which confirms the variance does not increase the risk to public health and to the environment.
- b. Evaluation and Staff Review: Staff shall review the application for complete compliance and inclusion of all submittal materials. Once submission is complete staff shall prepare a staff report for presentation to the Board of Health.
 - c. Schedule Public Hearing: Upon determination of completeness by staff a public hearing shall be scheduled. The public hearing shall be held within 45 calendar days of the date of complete application determination. Notice of the hearing shall be made pursuant to section 1.8-C-2 of these regulations.
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 these Regulations. The Board of Health must determine if this item has been addressed prior to granting a variance.
 4. The Board of Health has the authority to impose site-specific requirements and conditions on any variance granted.
- C. Variances Requiring Public Hearings.
1. Variances are deviations from the Chaffee County Graywater Control Regulations that would not be contrary to the public interest when, concerning special circumstances or conditions such as topographic conditions, narrowness, shallowness or the shape and size of a specific piece of property. The literal enforcement of the provisions of this code would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of the property. Variance requests are heard by the Board of Health with appeals heard by the District Court.
 2. A public hearing with the Board of Health is required for any variance to the Chaffee County Graywater Control Regulations as adopted by Chaffee County Board of Health Resolution 2025-04.
 3. Notice Requirements. Variances shall be considered by the Chaffee County Board of Health following a public hearing. Prior to the rendering a decision on a variance request requiring a public hearing, a minimum 20-day notice of the hearing must be sent via certified mail, to all adjacent property owners.

1.9 Operations and Maintenance Manual [86.15]

- A. All Graywater Treatment Works must have an Operations and Maintenance manual. O&M Manuals must include all items specified in Regulation 86 section 86.15 A. through F.
- B. Operations and Maintenance manuals shall be documented and remain with the Graywater Treatment Works system for the life of the system including change of deed for the property.

2.0 Reporting and Tracking Requirements

- A. For each location within Chaffee County jurisdiction at which a Graywater Treatment Works is installed, the Chaffee County Building Safety Department will provide the address of the location to each water utility serving that location where applicable.
- B. The Building Safety Department will implement a searchable tracking mechanism for all Graywater Treatment Systems installed in the jurisdiction of Chaffee County. The information documented will include:
1. Legal address and parcel number of each facility with graywater treatment works, allowed graywater uses at each facility and the graywater treatment works documented approved design.
 2. The designated legally responsible party associated with every graywater treatment works.
 3. Where required, the certified operator associated with every graywater treatment works.
 4. Any changes to the legally responsible party, certified operator, and status of the graywater treatment works must be updated to the authority having jurisdiction within 60 days.