

**Onsite Wastewater System Risk-Performance Code Work Group**  
Concepts for Statutory Change and Justifications  
for Which Work Group Consensus Has Been Reached  
Mar 11, 2010

Work Group's Consensus Statement:

**Performance, training and certification, design criteria, O&M and use of OWS requirements shall be based on the risk to public health & the environment determined at the site.**

Justifications:

- *Each OWS location would be evaluated for risk and performance requirements and the system would be matched accordingly*
- *Allows flexibility to address site specific needs and constraints*
- *Provides more tools to address site specific needs*
- *Would utilize the most current science regarding soils, practices, and technologies*
- *Would have the ability to evolve and change*

Additional Considerations:

- *Need to define site, use (single home, cluster system, etc.), O&M, and risk.*
- *Specific risk and performance guidance (i.e site evaluation techniques and risk matrix) should be in the regulations*

Work Group's Consensus Statement:

**Site Evaluation for Pairing Performance to Risk Should be a Consistent Regulation Across Colorado**

Justifications:

- *A risk and performance based approach will create a diversity of possible solutions that will suit sites in all environments, thus eliminating the need for county by county approaches to risk.*
- *If systems are regulated in the same way, data may be more easily collected and compared across the state. This can help make better informed policy decisions in the future*
- *Since less-dense areas often represent lower risk, many rural areas with low population density may see few changes*

Additional Considerations:

- *Implementation will be local.*
- *The regulations can and need to be moderately simple, but complete, in order to not be a burden to those applying them*

Work Group's Consensus Statement:

**Support the concept of an OWS Technical Advisory Committee (TAC) to evaluate technologies and performance. This should be authorized in statute and the TAC defined within the regulations.**

Justifications:

- *Provides experienced and knowledgeable resources for the state to consult when making decisions on product approvals and technical issues.*
- *The TAC would not make approvals but provide advice to the Division.*

- *Provides continuity of regulation interpretation over time.*
- *Reduce confusion of county-by-county approvals for technologies*
- *May assist with equitable third party evaluation of products for state-wide product approvals*

**What needs to change in the statute to allow for and require a risk determination and performance approach?**

- “Risk” needs to be included. “Performance” is already in the statute, but needs to be specifically defined for the Colorado Model Code.
- Authorization for Technical Advisory Committee
- To effectively use the *Risk/Performance* approach, all regulatory components must be compatible so both statute and regulation changes for all applications must be coordinated.
  - Performance requirements
  - Training and certification requirements
  - Design criteria requirements
  - O&M requirements
  - Use and Inspection requirements