



CDPHE OWS Stakeholder Process...

...OWS Risk Performance Code Work Group

*“Concepts for Statutory Change and Justifications for Which
Work Group Consensus Has Been Reached”*

March 11, 2010



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 (including the above) would be matched accordingly*
- *Allows flexibility to address site specific needs and constraints*
- *Provides more tools to address site specific needs*

ADDITIONAL CONSIDERATIONS

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



Site evaluation for pairing performance, training and certification, design criteria, O&M and use of OWS to risk should be a uniform regulation across Colorado

JUSTIFICATIONS

- *A risk and performance based approach will create a diversity of possible solutions that will suite all 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 will need to be moderately simple, but complete in order to not be a burden to those applying them.





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.*

ADDITIONAL CONSIDERATIONS



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



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

- Define *risk* and re-define *performance* and include within the statute where appropriate
- Authorization for a 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.

- System performance requirements
- Training and certification requirements
- Design criteria requirements
- O&M requirements
- Use and inspection requirements



Questions or Feedback from the BIG Group