

**Individual Sewage Disposal System Stakeholder Process  
Work Group Position Paper  
April 9, 2010**

**Work Group: Septage Management**

**Problem:**

1. There is a lack of facilities in some areas of the state that accept septage. This significantly increases the cost of septage disposal and may result in illegal disposal of septage. Land application is being shown to be less expensive to system cleaners than using Publicly Owned Treatment Plants (POTWs); however, many counties prohibit the land application of septage and many smaller POTWs do not accept it.
2. Lack of familiarity with, and understanding of, the EPA 503 Regulations by local jurisdictions.
3. Lack of resources and specific authority for local jurisdictions to enforce the regulations.

**Mission Statement:**

To promote and encourage proper maintenance of Onsite Wastewater Systems (OWS) by facilitating opportunities for treatment, beneficial use, or proper disposal of septage in a manner that assures protection of public health and the environment.

**Consensus Proposal and why it is the best solution:**

The OWS Septage Management committee recommends revising the current statutory language to be more specific regarding septage regulations. Without proposing specific statutory language, the committee recommends that the statutory revisions address the following:

- Clearly authorize, and require CDPHE to promulgate septage regulations.
- Not reference specific existing regulations in statute, as these may change, e.g. 503 Regulations.
- State that that the transportation, treatment, beneficial use, or disposal of septage shall comply with applicable EPA, CDPHE or Local Health Department (LHD) regulations.
- State that regulations promulgated by CDPHE or LHD's shall be "no less restrictive" than applicable EPA regulations governing septage.

**Strategy and Ideas for Implementation:**

The proposal would result in a uniform set of regulations addressing the treatment, beneficial use, and proper disposal of septage within the State of Colorado. It would clarify requirements and address more specific issues associated with land application of septage than the 503 Regulations, such as: trash screening and removal; proximity to surface waters; and land application on frozen soil. It will also help "level the playing field" for all system cleaners, and help eliminate illegal dumping of septage. Stricter regulations may make counties that currently prohibit land application of septage to allow this practice, if they believe nuisance conditions will be eliminated.

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**Impacts (qualitative statement of cost and whether this could/would impact someone's ability to maintain an existing business, and potential benefits and long-term cost reductions or business improvements) on Practitioners and Other Stakeholders:**

Stricter regulations will increase the cost of land applying septage for some businesses. However, existing businesses that already exceed the EPA 503 Regulations should not experience additional costs, and may see an increase in business.

Stricter regulations and enforcement may encourage governmental jurisdictions to allow land application of septage, since nuisances will be reduced or eliminated. This could expand the number of options available for land disposal of septage and reduce hauling distances for cleaners. The impact of this could decrease costs and increase profits. These cost savings could also reduce or at least avoid cost increases to owners of OWS and encourage them to better maintain their systems.

Stricter regulations would give local health departments more authority to address complaints about illegal or improper disposal of septage. Most LHD's do not have the resources to do routine compliance inspections at land application sites; rather, they respond to specific complaints. However, if the regulations do not mandate routine inspections, they should not increase costs to LHD's.

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**Alternatives considered with Pros and Cons:**

<b>Alternative</b>	<b>Pros</b>	<b>Cons</b>
<b>1. Status Quo</b>	Easy to do	Does not address current lack of adequate septage facilities
	EPA 503 Regulations are already in place	Does not address current complaints about nuisances and trash from land application
		Does not address lack of awareness and understanding of 503 Regulations
		Many counties prohibit land application of septage
<b>2. Education of public and government officials</b>	May overcome resistance and negative perceptions about land application of septage	Lack of resources to provide education
	May improve quality of any new regulations	Officials may not be receptive
<b>3. Encourage Existing POTW) to accept septage</b>	Will increase sites available for septage disposal	POTW owners reluctant to accept if OWS are not within their service area
	May reduce complaints associated with land disposal	Was previously tried and did not work
	May discourage illegal dumping of septage	Concerns about septage “upsetting” the WWTF
<b>4. Create statewide regulations for land application of septage</b>	Will clarify requirements and address more issues than EPA 503 Regulations, e.g. trash, proximity to surface water, etc.	Local Health Departments (LHD) may object, due to additional resource requirements
	Create a “level playing field” for all system cleaners	Resistance by cleaners, due to more stringent requirements
	Increase awareness of potential beneficial use as well as the EPA 503 Regulation requirements	
<b>5. Increase inspections and enforcement for land application</b>	May eliminate complaints and illegal dumping	Additional resources needed will increase cost to OWS owners and system cleaners
	Help “level the playing field” for all cleaners	Lack of resources at LHD to administer and enforce
<b>6. Establish a surcharge fee for pumping tanks, with fees applied toward funding additional septage receiving facilities</b>	May increase available facilities that will reduce travel time and increase profits for system cleaners	OWS owners may object to paying more to have their septic tanks pumped, resulting in reduced maintenance of OWS
	May improve quality and compliance of facilities	POTWs may be unwilling to administer fee collection and accounting