



Public Health

Water Quality Program

Onsite Wastewater Treatment System (OWTS) Variance Application Procedures

Submitting an application for an OWTS variance does not guarantee that the variance request will be granted. Please be advised that variance requests will not be granted under the following circumstances:

- To mitigate a construction error.
- If the property can accommodate a conforming OWTS.
- When a minimum of 4' separation to groundwater or bedrock (3' with pressure distribution) would be reduced.
- If the requested variance is for setbacks to features that are outside the subject property.
- If granting of the variance would be solely for the purpose of economic gain.

A variance from the horizontal setback from a well must also meet the variance requirements of the Colorado Board of Examiners of Water Well Construction and Pump Installation Contractors.

Application Process

The applicant has the burden of proving that the variance is justified and that it would pose no greater risk to public health and the environment than a system that meets the standards for which the variance is requested. The Boulder County Board of Health, Boulder County Public Health Officer, and BCPH environmental health specialists all have the ability to impose requirements and conditions on any variances granted in Boulder County.

To apply for an OWTS variance, applicants must submit the following information to the Boulder County Public Health (BCPH) Environmental Health Division, which is located at 3450 Broadway, Boulder (i.e. corner of Iris and Broadway):

- 1) Completed application form (attached), including site-specific information justifying the need for the variance.
- 2) \$500.00 application fee (made out to "Boulder County Public Health").
- 3) Technical justification by a Registered Professional Engineer (licensed by the State of Colorado), which indicates the specific conditions that exist and/or measures that will be taken to ensure there is no greater risk than that associated with compliance with required setbacks. The justification must include the following:
 - a. An explanation of all alternatives that were considered in addition to the requested variance.
 - b. Technical support for the selected alternative, which may include a testing program confirming that the variance does not increase risk to public health or the environment.
 - c. A statement of the hardship this is necessitating the variance request.
- 4) BCPH will review the application. If it is complete, a public hearing will be scheduled before the Boulder County Board of Health.
- 5) BCPH will notify the applicant, in writing, of the Board of Health's decision regarding the variance request, including the reasons for denial or approval.
- 6) Approved variances (including any conditions that are associated with approval of the variance) must be recorded on the deed to the property. All expenses associated with the recording of the deed will be the responsibility of the applicant.

If you have questions, please contact BCPH Environmental Health at 303-441-1564, or visit our website at www.septicmart.org.

