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To: Park County Development Services Staff
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Interpretation of Use - Biosolid, Sewage, Sewage Sludge, & Septage Application

Under Section 3-200 of the Park County Land Use Regulations, the Planning Director is authorized to issue administrative interpretations concerning the requirements of the Land Use Regulations. According to Section 5-300 of the LURs, “no land shall be used, and no building or structure shall hereafter be occupied, used, erected, placed, or converted that is arranged or designated to be used or used for other than those uses allowed for the district in which it is located.” Additionally, under Section 5-300(B)(4), uses not identified or determined by the Planning Director to be reasonably similar to an authorized use in a particular district are not lawful or allowed.

Definitions:

The following defined terms are applicable to this interpretation¹:

Biosolids: the accumulated treated residual product resulting from a domestic wastewater treatment works. Biosolids do not include grit or screenings from wastewater treatment works, commercial or industrial sludges (regardless of whether sludges are combined with domestic sewage), sludge generated during treatment of drinking water, or domestic or industrial septage. C.R.S. § 25-8-103(1.4).

Dewatered Biosolids: biosolids that have the properties of a solid. Dewatered biosolids are biosolids that can be transported and handled as a solid material.

Septage: a liquid or semisolid that includes normal household waste, human excreta, and animal or vegetable matter in suspension or solution generated from a residential septic tank system. Septage also includes any residual product from commercial or industrial septic tank systems, chemical toilets, vaults, and vehicular or trailer holding tanks. C.R.S. § 25-10-103(17).

Sewage Sludge: A combination of liquid wastes that may include chemicals, house wastes, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution that is discharged from a dwelling, building, or other establishment.

1 - 5 CCR 1002-64; 5 CCR 1002-43

Sewage: a combination of liquid waste that may include chemicals, house waste, human excreta, animal or vegetable matter in suspension or solution, and other solids in suspension or solution, and that is discharged from a dwelling, building, or other establishment. C.R.S. §25-10-103(19).

Apply: means to place onto or into the soil.

Interpretation:

Counties in Colorado have been given a broad grant of powers to control the development of land within their jurisdictions. See C.R.S. § 29-20-101, *et seq.*; C.R.S. § 30-28-101 *et seq.* The Park County Land Use Regulations (the “LURs”) have been adopted according to C.R.S. § 30-28- 111, to “provide for the protection of the health, safety, welfare, and prosperity of present and future residents and property owners.” LUR 1-102(C). Park County has observed an increasing need to formally interpret the LURs as they relate to the application of biosolids, sewage, sewage sludge, and septage onto or into the soil within unincorporated areas of Park County to protect the health, safety, welfare, and prosperity of present and future residents and property owners. The above-described uses pose a significant public health and safety risk, as even treated sewage sludge and biosolids can contain excess heavy metals and per- and polyfluoroalkyl substances (PFAS), among other environmental and public health issues.²

Article V, Division 3 of the LURs, provides the use categories, which detail the permitted, conditional, and prohibited uses in each zone district. The County finds that the application of biosolids, sewage, sewage sludge, and septage onto or into the soil does not fit within any of the defined use categories or types in the LURs tables of allowed uses. Section 5-300 states, uses not identified or determined by the Planning Director to be reasonably similar to an authorized use are prohibited. As a result, the Planning Director has determined that the application of biosolids, sewage, sewage sludge, and septage is prohibited in all zone districts in the unincorporated territory of Park County.

2 - SEE, DRAFT SEWAGE SLUDGE RISK ASSESSMENT FOR PERFLUOROCTANOIC ACID (PFOA) AND PERFLUOROCTANE SULFONIC ACID (PFOS); US ENVIRONMENTAL PROTECTION AGENCY, AVAILABLE AT: [HTTPS://WWW.EPA.GOV/BIOSOLIDS/DRAFT-SEWAGE-SLUDGE-RISK-ASSESSMENT-PERFLUOROCTANOIC-ACID-PFOA-AND-PERFLUOROCTANE](https://www.epa.gov/biosolids/draft-sewage-sludge-risk-assessment-perfluorooctanoic-acid-pfoa-and-perfluorooctane)