

Environmental Health Services Division 645 Parfet Street, Lakewood, CO 80215
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APPLICATION FOR WAIVER OF USE PERMIT FOR FAILING SYSTEMS

During a Use Permit inspection, the inspector may find that various components of the onsite wastewater treatment system do not pass inspection and require repair or replacement. Although the Department recommends that such repairs be completed prior to the closing, issuance of a use permit may be waived provided that:

- The real estate closing of the property is scheduled to occur prior to those repairs being made, and
- The prospective purchasers agree to sign an agreement (see pages 1 and 2) with the Department to make the necessary repairs within ninety (90) days of occupying the property (or agree not to occupy the property until the repairs are made) and acknowledge their responsibility should repairs not be made as agreed.

TO APPLY FOR A USE PERMIT WAIVER, SUBMIT ALL OF THE FOLLOWING:

- **FORM 900** (this form) completed and signed by the prospective purchasers on Page 2.
- **FORM 701 and 702** (and **703**, if appropriate) which show the components did NOT pass inspection. You may obtain these forms from the use permit inspector.

Upon receipt of the above, the Department will review the request and if approved will sign the agreement and return a copy to you. This signed copy will constitute the formal waiver of the use permit per Section 9.5 of the Onsite Wastewater Regulations.

Major repairs, such as tank or soil treatment area replacements, will require a permit issued by the Department.

The Department will schedule a follow-up inspection to determine if repairs have been made as agreed. If repairs are NOT made the Department will pursue appropriate legal action against the new owner.

NOTE: If the real estate closing does not take place the agreement is null and void.

FEE: No fee

DEPARTMENT CONTACT: Eileen Eschuk (303) 271-5757 eeschuk@jeffco.us

**WAIVER OF USE PERMIT and AGREEMENT TO REPAIR A
FAILING ONSITE WASTEWATER TREATMENT SYSTEM**

(PLEASE FILL IN ALL BLANKS)

AGREEMENT made and entered into this ____ day of _____, 20____, by and between

Purchaser 1 _____

Purchaser 2 _____

CONTACTS Email: _____ Phone: _____

(the "Purchasers") and the Jefferson County Public Health (the "Department").

R E C I T A L S

Owner 1 _____

Owner 2 _____

is (are) the owner(s) of certain real property and improvements ("Property") described as follows (print complete legal description):

more commonly known and referred to as (print property address)

A. As a condition to selling the Property, the owners were required to obtain a use permit for the Property under the provisions of the Department's Onsite Wastewater Regulations (the "Regulation").

B. An inspection was performed on (date) _____ by (name) _____, an approved use permit inspector, during which it was determined that the certain components of the system do not pass inspection. Copies of FORM 701 and 702 are attached to show the deficiencies. Components marked FAIL on these forms are hereinafter referred to as the "Failing Components"

C. The closing on the sale of the Property to the Purchasers is scheduled to occur prior to the completion of repairs to the Failing Components.

D. The Purchasers are desirous of proceeding with their purchase of the Property, subject to the terms and conditions of this agreement and the Department is desirous of permitting them to do so subject to the following terms and conditions.

NOW, THEREFORE, for good and valuable consideration the mutual receipt and sufficiency of which is hereby mutually acknowledged by the parties, the parties agree as follows:

1. Purchasers agree to (check one):

- complete any repairs to or replacement of the Failing Components along with any required upgrades within ninety (90) days after their occupancy of the dwelling or their possession of the Property.*
- not occupy the dwelling or structure until the Failing Components are repaired or replaced along with any required upgrades to the existing system.*

2. Purchasers agree that the repairs to or replacement of the Failing Components are based on the conditions observed at the time of inspection and must be completed regardless of the future condition of those components. Depending on the nature of the repair, additional upgrades to the existing septic tank or soil treatment area may be required. Costs for this work may exceed **\$30,000** for design, permitting and installation. We highly recommend you consult a professional engineer and licensed contractor for additional information on the potential costs involved.

3. Purchasers acknowledge that their failure to comply with the terms of this agreement will cause the Department to initiate enforcement actions against them including the issuance of injunctive relief precluding the use of the Property unless and until such repairs are completed.

IN RELIANCE ON THE ABOVE, the Department hereby agrees to waive the requirement for a Use Permit in accordance with the provisions of Section 9.5 of the Jefferson County Onsite Wastewater Regulations.

This agreement shall be null and void if Purchasers do not complete the purchase of the Property.

The Department may, at its discretion, issue a NOTICE OF VIOLATION ordering repair of the system by the agreed-upon date.

Dated the day and year first above written.

Purchasers: _____
(Signature)

(Signature)

Jefferson County Public Health: _____
(Signature)

COMPLETED AGREEMENT TO BE (PICK ONE):

- Emailed to: _____
- Picked up

CONTACT PERSON and phone _____

IMPORTANT – YOU MUST ATTACH COPIES OF FORMS 701, 702 (and 703, if applicable). This waiver request cannot be processed without these additional forms, which are available from the use permit inspector.