

District Health Department No 2 Policy Statement

Program: On-Site Sewage Disposal and On-Site Water Supply Systems

Date: July 8, 1998,

Revisions approved by BOH August 23, 2010 and effective October 1, 2010

Subject: Evaluation of Existing Systems

The following procedures apply to evaluations of existing systems for mortgage evaluation, securing building permits or zoning approvals, and for private requests.

1. Clients may request information on file regarding details of an individual water supply and/or sewage disposal systems.
2. Requests for records should be in writing and the department shall fulfill requests in within five (5) working days unless an extension is specified as provided by applicable statutes. All requests for records must be documented by the department on the request record.
3. The department shall review files to provide the requested public record. Fees for record searches may be assessed in accordance with department policy.
4. When the public requests an evaluation of the applicable record relating to an on-site sewage disposal or water supply system in order to determine if the system is in **substantial compliance*** with applicable regulations: then the department shall review the record(s) to determine the compliance status of the system(s). The evaluation review may consist of an **office review** only if records are complete; or may necessitate a **site evaluation** if records are incomplete.
5. On-site water supply systems or on-site sewage disposal **systems older than fifteen (15) years** shall not be granted approval by the department based solely on an office record review, and a site evaluation will be considered necessary to adequately evaluate the system(s) with respect to operation and construction.
6. **Reviews based on an office evaluation** of final approvals:
 - a) If records reveal a permit or notification form with a final approval, less than fifteen years old, then the agency may issue a written statement that the water supply or sewage disposal system was installed and inspected and found to be in compliance with applicable regulations as of the date of the final approval.
 - b) An affidavit or installation record submitted by the septic installer and reviewed and approved by the agency is to be considered equivalent to a final approval for the purposes of determining compliance for a sewage disposal system evaluation. Permits, affidavits, installation records, and notification forms without final approvals or signatures are not to be considered equivalent to a final approval. Compliance with applicable regulations is unsubstantiated in those cases.
7. **Reviews based on a site visit** when records are incomplete or the system is older then fifteen (15) years:
 - a) The applicant must complete the proper application form and pay the fee. The applicant must pay all fees for laboratory evaluation of water samples.
 - b) The applicant is responsible for uncovering and accessing the septic tank(s) and absorption area(s) or water supply system as described in the "Handout to Applicant" for the "Water Supply /Sewage Disposal System Evaluation Procedure".
 - c) The applicant must contact the agency and arrange a time for the evaluation when the system is ready for evaluation

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- d) Once contacted, the agency will visit the site within eight (8) working days by virtue of Board of Health directive.
8. The agency shall complete the related evaluation form and attach any applicable record(s).
9. Following completion of the evaluation the applicant shall be contacted via mail or facsimile and informed of the results of the evaluation. A completed water supply evaluation includes a copy of the water samples results.
10. Any items found to be in non-compliance with applicable regulations are to be described in writing on the evaluation form.
11. This evaluation report is based on observations made at the time of the evaluation.
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Substantial compliance* for the purposes of evaluating an existing on-site sewage disposal system shall mean:

- a) **In the case of a final approval** of the sewage disposal system, when a site evaluation is conducted due to an applicants request, including situations due to system age, substantial compliance includes:
- 1) no evidence of failure, malfunction or contamination as described below.
 - 2) The approved size of the sewage disposal system shall be within one (1) bedroom of the current regulation's requirements for both the septic tank and absorption system.
- b) **In the absence of a final approval**, or when a site evaluation is conducted:
- 1) The size of the current of proposed sewage disposal system shall be within one (1) bedroom of the current regulation's requirements for both the septic tank and absorption system
 - 2) There is no evidence of malfunction or failure. See definitions below.
 - 3) There is no evidence of the system being a public health or safety hazard, a public nuisance or causing excessive degradation to the natural environment, in accordance with the Environmental Health Regulations.
- c) Acceptable isolation is maintained from surface water and water wells. Substantial compliance may be granted when minimum isolation distances are not met provided there is not suitable space and/or the intent of the applicable regulations is not compromised. Such cases shall be reviewed with the Environmental Health Director.
- d) "Malfunction" includes:
- 1) the drainfield loading with sludge, sewage effluent, surface or ground water, or
 - 2) the septic tank or pump tank over filling beyond design capacities.
 - 3) Sewage effluent contaminating water wells
- e) "Failure" includes:
- 1) sewage effluent erupting from the system and surfacing above the ground, into surface water or a ditch or drain line
 - 2) backing up into the sewer line between the tank(s) and the house or building.
- f) A variance to the substantial compliance definition may be issued at the discretion of the department. The Environmental Health Director shall be consulted to review each variance.