

Idaho DEQ Individual/Subsurface Sewage Disposal Rules

Program Directive: **Permit Requirements for Increased Flows at Single Family Dwellings**

Rule Section : **58.01.03.004.04**

This Program Directive on increased flows provides instruction to the District Health Departments and the general public regarding the implementation of the "Increased Flows" Section of IDAPA 58.01.03, "Individual/Subsurface Sewage Disposal Rules" (SSDR) in single family dwelling permitting decisions. This Program Directive outlines IDAPA 58.01.03.004.04, "Increased Flows," and identifies relevant portions of the SSDR and the Technical Guidance Manual for Individual and Subsurface Sewage Disposal (TGM). The purpose of this Directive is to provide statewide consistency in interpretation of the "Increased Flows" section of the SSDR. Additional information on how to apply the SSDR permitting requirements in four specific scenarios is provided.

Introduction

Regulatory Scope of the SSDR

The scope of the SSDR is provided in IDAPA 58.01.03.002.02 and establishes broad authority to regulate subsurface sewage disposal systems in Idaho:

"The provisions of these rules establish limitations on the construction and use of individual and subsurface sewage disposal systems and establish the requirements for obtaining an installation permit and an installer's registration permit. These rules apply to every individual and every subsurface blackwaste and wastewater treatment system in Idaho."

The SSDR applies to all individuals and all subsurface sewage disposal systems in Idaho. Property owner responsibility is established in Subsection 002.04.

04. Responsibilities.

- a. Every owner of real property is jointly and individually responsible for:
 - i. Storing, treating, and disposing of blackwaste and wastewater generated on that property.
 - ii. Connecting all plumbing fixtures on that property that discharge wastewaters to an approved wastewater system or facility.
 - iii. Obtaining necessary permits and approvals for installation of individual or subsurface blackwaste and wastewater disposal systems.
 - iv. Abandonment of an individual or subsurface sewage disposal system.

This rule requires the property owner to obtain a permit to dispose of wastewater on their property. The discharge of pollutants into the environment is authorized by permit only if conducted in a manner that protects public health and the environment. The intent of the rule can be found at IDAPA 58.01.03.004.01.

Regulations relating to Increased Flows

Existing property owners that desire to remodel, expand or change their dwelling structure are typically required to seek building permits from local planning and zoning authorities. Under certain circumstances the SSDR may also require that a subsurface sewage disposal permit be issued that authorizes the additional flows. IDAPA 58.01.03.004.04, "Increased Flows," is the primary regulation that applies:

04. Increased Flows. Unless authorized by the Director, no person shall provide for or connect additional blackwaste or wastewater sources to any system if the resulting flow or volume would exceed the design flow of the system.

Septic system design flows are established in Subsection 007.08, "Wastewater Flows from Various Establishments in Gallons per Day." It establishes the permitted average wastewater flows for various structures, buildings and residences. The permitted average wastewater flow for single family dwellings is based on the number of bedrooms in the dwelling. The number of bedrooms becomes the metric to determine if remodeling, additions or alterations to a single family dwelling will result in increased flows.

Guidance - Technical Guidance Manual for Individual and Subsurface Sewage Disposal

The Technical Guidance Manual for Individual and Subsurface Sewage Disposal (TGM) provides guidance to the public, Health District Staff and DEQ staff when applying for permits and making permitting decisions. The TGM Section 4.3, "Vested Rights/Non-Conforming Uses," outlines the Department's treatment of existing systems for permitting purposes. Section 4.3 includes a discussion entitled "Additions or Alterations. Changes to an existing structure or dwelling, such as remodeling," which sets forth the considerations pertinent to whether an existing structure may be modified without triggering the requirement to update the subsurface sewage disposal system to comply with current rules:

Additions or Alterations. Changes to an existing structure or dwelling, such as remodeling.

1. The addition or alteration will not cause the existing system to become unsafe or overloaded. Enough reserve area for both the original and additional system shall be preserved.
2. The addition or alteration will not be additional or new dwelling units.
3. The wastewater flow will not be significantly increased.
4. The area reserved for replacement cannot be used for the addition.

Program Directive

When a property owner proposes to alter or remodel an existing, or destroyed structure, the owner may hold a vested right for the continued use of the existing subsurface sewage disposal system. Property owners using subsurface sewage disposal systems will need to verify with the appropriate Health District (HD) that the proposed modifications to the dwelling or structure will not result in an increased flow of wastewater to the existing subsurface sewage disposal system. If the proposed alteration or remodel results in an increased flow, then the existing subsurface sewage disposal system must be upgraded to comply with the current rule. The following four (4) scenarios capture the majority of structure modifications that may be presented to a HD.

Possible Scenarios

1. Flow Remains the Same & Building Foundation Remains the Same. The property owner proposes to remodel or rebuild a dwelling with the same number of bedrooms using the existing building foundation. These proposals do not result in an increase in wastewater flow to the existing subsurface sewage disposal system. **A subsurface sewage disposal permit is not required.**

2. Flow Remains the Same & Building Foundation Enlarges. The property owner proposes to remodel or rebuild a dwelling with the same number of bedrooms and the remodel enlarges the building foundation. These proposals do not result in an increase in wastewater flow to the existing subsurface sewage disposal system. The property owner must document through a scaled site plan that the enlarged building foundation does not encroach upon the reserve area for the replacement drainfield (See Subsection 008.03.c). The property owner must also document that the building foundation meets the following setback requirements established in the Rule:
 - Septic tank – Five (5) feet (See Subsection 007.17)
 - Drainfield from Crawl Space – Ten (10) feet (See Subsection 008.02)
 - Drainfield from Basement - Twenty (20) feet (See Subsection 008.02)**A subsurface sewage disposal permit is not required.**

3. Increases in Flow & Building Foundation Remains the Same. The property owner proposes to add one or more bedrooms to the dwelling without expanding the building foundation. The proposed addition of one or more bedrooms to the dwelling exceeds the number of bedrooms for which the home was originally permitted. The increased flow section of the rule applies and requires that a permit be issued to authorize the additional discharge of wastewater into the subsurface sewage disposal system.

The property owner will need to make application for a subsurface sewage disposal permit. The application will need to (1) document that the existing system is properly sized in accordance with the current SSDR for the additional flows, or (2) upgrade the system to adequately handle the additional flows in accordance with the current SSDR. **In either case, a permit will be required.**

In order to document that the existing system is properly sized for the additional flows, the property owner will be required to demonstrate in the application that tank volume is sized properly in accordance with the current SSDR for the proposed wastewater use. The application will also need to document that the existing drainfield is sized properly in accordance with the current SSDR for the proposed wastewater use. See appendix on documenting septic tank volume and documenting drainfield size. The application will also need to include a site plan showing adequate room for a replacement drainfield sized in accordance with the current SSDR for the proposed use.

If the existing subsurface sewage disposal system components are documented to meet the SSDR under the proposed increased wastewater flow, then a subsurface sewage disposal

permit may be issued to authorize the use of the existing subsurface sewage disposal system for the proposed new wastewater flow.

If the existing subsurface sewage disposal system components are not sized according to the SSDR, then the property owner must make application to obtain a subsurface sewage disposal permit. The components of the subsurface sewage disposal system will need to be sized for the proposed use under a subsurface sewage disposal permit issued prior to construction.

4. Increases in Flow & Building Foundation Enlarges. The property owner proposes to remodel or rebuild a dwelling with an increase in the number of bedrooms and the remodel results in an enlargement of the building foundation. This proposal results in an increase in wastewater flow to the existing subsurface sewage disposal system. The property owner must document through a scaled site plan that the enlarged building foundation does not encroach upon the reserve area for the replacement drainfield (See Subsection 008.03.c). The property owner must also document that the building foundation meets the following setback requirements established in the Rule:

Septic tank – Five (5) feet (See Subsection 007.17)

Drainfield from Crawl Space – Ten (10) feet (See Subsection 008.02)

Drainfield from Basement - Twenty (20) feet (See Subsection 008.02)

The proposed addition of one or more bedrooms to the dwelling exceeds the number of bedrooms for which the home was originally permitted. The increased flow section of the rule applies and requires that a permit be issued to authorize the additional discharge of wastewater into the subsurface sewage disposal system.

The property owner will need to make application for a subsurface sewage disposal permit. The application will need to (1) document that the existing system is properly sized in accordance with the current SSDR for the additional flows, or (2) upgrade the system to adequately handle the additional flows in accordance with the current SSDR. **In either case, a permit will be required.**

In order to document that the existing system is properly sized for the additional flows, the property owner will be required to demonstrate in the application that tank volume is sized properly in accordance with the current SSDR for the proposed wastewater use. The application will also need to document that the existing drainfield is sized properly in accordance with the current SSDR for the proposed wastewater use. See appendix on documenting septic tank volume and documenting drainfield size. The application will also need to include a site plan showing adequate room for a replacement drainfield sized in accordance with the current SSDR for the proposed use.

If the existing subsurface sewage disposal system components are documented to meet the SSDR under the proposed increased wastewater flow, then a subsurface sewage disposal permit may be issued to authorize the use of the existing subsurface sewage disposal system for the proposed new wastewater flow.

If the existing subsurface sewage disposal system components are not sized according to the SSSDR, then the components of the subsurface sewage disposal system will need to be upsized for the proposed use under a subsurface sewage disposal permit issued prior to construction.

Appendix

Documentation Procedures

Procedures to Document Septic Tank Volume.

1. The property owner may present to the Health District a receipt from a licensed septic tank pumper that includes the volume of septage removed. In most instances, the septic tank capacity can be estimated from the volume removed.
2. A valid subsurface sewage disposal permit may be presented that clearly indicates septic tank volume.
3. The property owner may elect, or may be required, to excavate the top of the septic tank to expose the corners, manhole, inlet access vent and outlet access vent so that measurements can be made or so that the septic tank manufacture's name and volume stamp can be read. Septic tank volume can be calculated from the measurements, or the septic tank volume stamp can be used to establish the septic tank volume.

Procedures to Document Drainfield Size.

1. A valid subsurface sewage disposal permit may be presented that clearly identifies the square footage of the drainfield.
2. The property owner may elect, or may be required, to physically measure the drainfield area. The property owner will need to make arrangements with the Health District and a licensed installer to expose the corners of the Drainfield. Once the corners of the Drainfield are exposed then the drainfield area can be measured and the total area calculated. Adjacent soil typing will be necessary to back-calculate the wastewater flow capability of the drainfield.