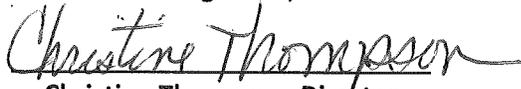


**Guidance Related to the Wastewater System and Potable Water Supply Rules Effective  
September 29, 2007**

**Guidance Document 2013-01**

**Permits for the Subdivision of Improved Lots under Section 1-311(b)(3)(A)(ii) of the Rules**

**Issued August 21, 2013**



**Christine Thompson, Director**

**Drinking Water and Groundwater Protection Division**

Section 1-303(a)(1) of the Wastewater System and Potable Water Supply Rules (Rules) states landowners who own properties that are improved with a building or structure or campground served by a substantially completed potable water supply and wastewater system (“improved lot”) must obtain a Wastewater System and Potable Water Supply Permit prior to the subdivision of the lot. “Building or structure” is defined as a building or structure whose use or useful occupancy requires a wastewater system or potable water supply.

Section 1-311 of the Rules sets forth the standards that apply to the subdivision of improved lots. Section 1-311(b)(3) of the Rules states no replacement area for a wastewater system and potable water supply is required in order to subdivide an improved lot when the design flow is  $\leq 500$  gallons per day and, under subsection (b)(3)(A)(ii), when “the new property boundary is 500 feet or more from the existing footprint of the building or structure or campground”.

The question is what information is required in the permit application for improved lots that do not need to identify a replacement area under Subsection (b)(3)(A)(ii).

Section 1-306(a) of the Rules states all designs and design-related information contained in an application for a permit shall be prepared by a licensed designer. Section 1-306(c)(1) states that the design certification “is not required when no installation certification is required under section 1-308 of these Rules”. Section 1-306 (c)(4) states that a design certification “is limited to merely that information that the Secretary requires if a waiver of the submission of information is granted under Appendix 6-A, Subsection (h)”.

Section 1-308 states an installation certification is not required when the permit that is being issued is for an existing wastewater system or potable water supply where no construction is required and the project was either previously permitted or exempt. The rationale for this exemption is that there is no need to require an installation certification when the permit application does not involve the design of a water or wastewater system.

**Guidance Document 2013-01**

**Page 2**

Appendix 6-A-01(h) of the Rules states that the Secretary may waive the submission of specific application information required by Appendix 6-A when a project does not require an installation certification and poses a negligible potential for adverse environmental effect.

In the situation described in the second paragraph of this document, there is negligible potential for adverse environmental impact because the permit application is not authorizing any construction and the replacement area requirements do not apply. Therefore the following requirements for the application will be waived:

1. A licensed designer's certification and signature;
2. All information on the Plot Plan except the information required under Appendix 6-A (b)(1), (2), (5), (6);
3. All information on the Detail Sheets except for the information required by Appendix 6-A (c)(1); and
4. All Soil Data, Basis of Design Calculation, and Construction Details information.

In addition to the waiver of the submission of information described above, only the following lines on the application form need to be completed:

- Part 1, Section A.
- Part II, Section A (note, Certifying Designer 1 will be the person or entity preparing the plot plan), Questions 1 thru 12 (question 13 is N/A).
- Part III.
- Part IV, Section A, Questions 2, 4, 5, 6, 12, 13.
- Part IV, Section B, Question 1.
- Part IV, Section D, Question 1 thru 4.
- Part IV, Section E, Question 1, 2, 3.
- Part V, Section C, Question 5 (b) and (d).
- Part VI, Section C, Question 5 (b) and (d).
- Part VII, Application Fees.
- Part IX, Applicant(s) Signature & Acknowledgements, Questions 1 thru 4.