

Department of Environmental Conservation
Division of Wastewater Management
Summary of Review Practices

Re: Operational Changes Related to Statutory Revisions (Act 133 of the 2001 Adjourned Session)

Revised October 5, 2006

The Regional Office operating procedure was amended on October 31, 2002 relative to plan review and site inspections in order to support the goals outlined in Act 133 of increased reliance on licensed designers for plan preparation, a continued focus on site inspections; and to support the Department's goal of 100% compliance with the permit review performance standards. The changes were as follows:

Beginning November 1, 2002, the Department will increase reliance on the certification by the licensed designer. After determining that the application is administratively complete, plan review will consist of checking the following items:

- A. Water sources must be identified on the plans and the isolation distances to water supplies must be met.
- B. The type of system must be appropriate for the depth to seasonal water table and bedrock that is specified in the application and/or its supporting documents.
- C. The design basis for any performance-based design will be examined. We will review the choice of hydraulic conductivity values, mounding calculations, and the determination that the effluent will remain at least 6" below the naturally occurring ground surface.
- D. Test pit and percolation test locations must be shown on the plan. Soil descriptions and percolation test results must be included in the application. If a designer claims that mottling that is present in a particular test pit is not indicative of the SHWT, or that a drain will lower the SHWT, the designer must present data to support that conclusion. The data could include the results of ground water monitoring on similar sites or information that the drainage patterns have been altered by construction activities. If the factual information supports the designer's claim and the assumptions on which the design is based are reasonable, a permit will be issued based on that claim.
- E. The Department will stop routine plan review of connections to wastewater systems except for connections to privately-owned soil-based systems. For the connections not reviewed, copies of plans prepared by a

licensed designer, letters of approval from the wastewater system owner and an approved sewage allocation must be provided. Any proposal for process water will be reviewed for compliance with the rules.

- F. The Department will stop routine plan review of connections to potable water systems owned by a town, incorporated village, city, fire district, water district or school district. For the connections not reviewed, copies of plans prepared by a licensed designer, letters of approval from the system owner and an approved water allocation must be provided.
- G. The plans must be signed and/or stamped by the licensed designer responsible for the work.

The Department will only do more detailed reviews when there is a complaint that plans are deficient or the work is subjected to a quality control type of review.

Site visits will be the highest priority, but will be reduced as required in order to meet the permit processing performance standards. Staff will try to make at least a short visit to each site as part of the permit review process. The goal is to ensure that the lot has soils that can support some type of approvable system. Sites using an enhanced prescriptive or a performance-based design will be a priority. Per the statutory language, if it becomes necessary to curtail site visits, priority shall be given to projects in towns that do not have both a confirmed planning process and valid zoning bylaws.

Consultants and applicants may conduct soil testing without waiting until staff can fit a site visit into their schedule. There will be situations where consultants want to wait and that is fine, but they are under no obligation to do so.

All permits that are based on performance-based designs must include a permit requirement for an annual inspection by a licensed designer per the new statutory language. The inspection will be to determine if systems using the reduction in minimum site limitations are working as designed. This is a separate inspection from the one that will be required for treatment systems, although a designer may wish to do it at the same time. The performance inspection requirements will be only for a limited number of years and a process will be developed for how to decide what is required.

In summary, operation methods have been changed with a view toward achieving 100% compliance with the permit processing time standards. Anything less than 90% will be unacceptable. If the changes proposed above are insufficient to meet the 90% compliance rate, the Department will work with staff to determine specific additional changes necessary to meet the permit processing times.

