

Guidance 2020-2

§ 1-902 – Requirement for Identifying a Replacement Area

Questions arise regarding when an application needs to include a replacement area for what exists prior to permitting new construction. This document provides guidance for different activities when a replacement area is required and activities replacement areas are not required.

When a Replacement Area for a Wastewater System that serves an existing Building or Structure is Not Required

Additional activities to those identified in the Rules that do not require a permit for a replacement area for an existing wastewater that serves an existing building or structure:

1. The construction of a building or structure that connects to an existing wastewater system when there is no increase in design flow for the system or that modifies other operational requirements for the wastewater system. See § 1-301(b).
2. When the proposal is to construct a new wastewater system to serve a new or existing building or structure or campground on the lot, or the proposal is to subdivide a lot, a new replacement area is not required for existing wastewater systems and replacement areas that are compliant with an existing permit. The application to construct a new building or structure or campground on the lot requires a plan prepared by a designer that identifies the location of the permitted wastewater system and replacement area and a certification by the designer the existing system and replacement area is compliant with the permit.
3. Existing wastewater systems that serve buildings or structures but located on a different lot when a new building or structure is proposed on the lot of the existing building or structure.

When a Replacement Area for a Wastewater System that serves an existing Building or Structure is Required

Additional activities to those identified in the Rules that do require a permit for a replacement area or system:

1. The subdivision of a lot that was approved with a continuous area or a location to place a wastewater system.
2. The subdivision of a lot that is exempt per § 1-303 “Clean Slate” Permit Exemption.
3. The subdivision of a lot that has a permit approving a replacement area or system but the area or system is non-compliant with the permit.

Fees for Applications Required to Identify a Replacement Area Under this Document

When an application includes identifying a replacement area that is not a design of a replacement system even if the replacement system is in lieu of a replacement area for an existing leachfield, the application fee shall only be for the design flow for the new wastewater system.



When an application includes a design of a replacement system in lieu of the replacement area for the existing leachfield, the application fee shall be based on the design flow for all systems that are included in the application.

Date: May 22, 2020