

**Guidance Document
2007-03**

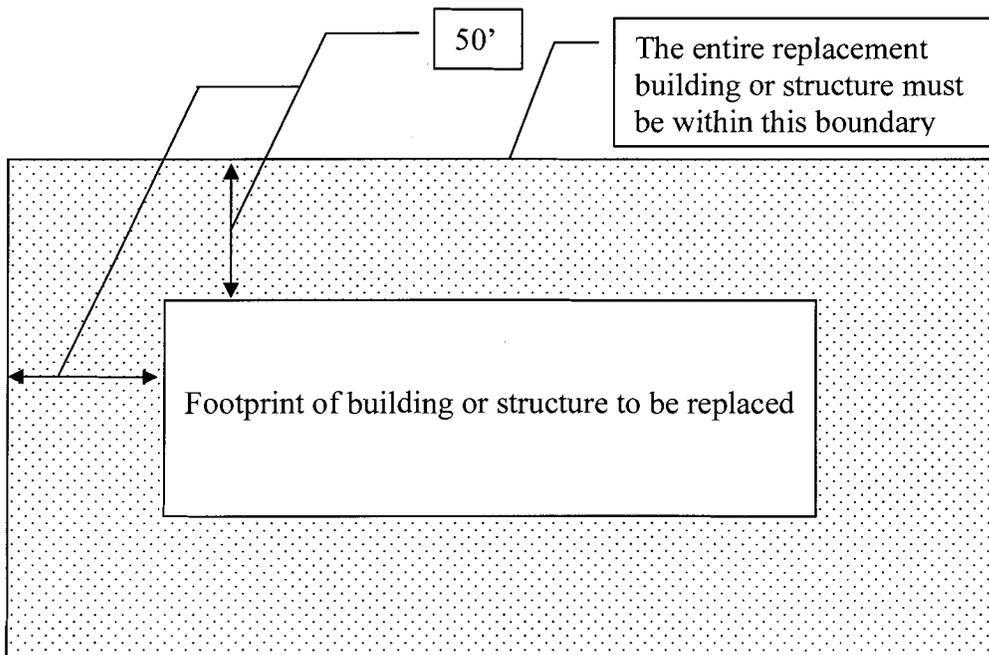
Issued: *Christine Thompson* Date: *Nov. 14, 2007*

This guidance is related to section 1-304(a)(21) – Reconstruction of building or structure with no increase in design flow or change in use that affects any operational characteristics of the water or wastewater systems.

Section 1-304(a)(21)(B) states that a condition of this exemption is that the building or structure be replaced in approximately the same location as the building or structure that is being replaced.

Presumptive Approach

The Agency will consider a building or structure to be in approximately the same area when all portions of the replacement building or structure are located within 50' of the footprint of the building or structure being replaced.



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Case by Case Approach

In addition to the above described presumptive approach, the Agency may, on a case by case basis, approve use of this exemption when the replacement building or structure does not fit within the 50' zone. This decision will depend on there being clear evidence that even when not within the 50' zone, the relocated building or structure has no impact on the water supply and/or wastewater system. This approach may often apply when municipal water and wastewater systems are used and any water line or sewer line work is within the 50' zone used in the presumptive approach.

Permit Approach

If the proposed reconstruction does not qualify for the presumptive exemption because the new building footprint is too far from the existing footprint, and does not qualify for a case by case exemption because soil-based site examination is required, a permit is required for the relocation. If there is no increase in design flow, or change in use that affects the operational characteristics of the water or wastewater systems, the relocation will be approved provided that the new building location does not:

1. decrease compliance with the rules
2. preclude installation of fully complying water or wastewater systems, or when there are no fully complying areas available, preclude installation of the currently best available replacement systems.

Note: Minor construction of water and sewer lines that is required to connect the existing water and sewer lines to the new building or structure is exempt. Installation of pump stations, dosing siphons, advanced treatment systems, water storage or treatment systems and other additions or enhancements to the existing systems require a permit as does any repair or replacement of water supply or wastewater disposal system. In some cases, the replacement of a water supply is exempt under §1-304(a)(22) of the Rules.

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The following are a few of the standard isolation distances that are required for new construction. It is recommended that any reconstructed building or structure conform as closely as possible to these distances because failure to do so may reduce future options related to replacement of failed water or wastewater systems, increases in design flow, or subdivision of the property. See §1-807 of the Rules for the full list of isolation distances.

foundation/footing drain to leachfield: 75 ft. when drain is downslope from leachfield
a minimum of 20 ft., 35 ft. is preferred, when the drain is upslope of leachfield

driveway/parking area to leachfield: 10 ft.
driveway/parking area to septic tank: 5 ft.
driveway/parking area to well: 15 ft., minimum, 25 ft. preferred

building to well: 10 ft.
building to septic tank: 10 ft.

water service piping (pressurized) to septic tank and leachfield: 25 feet
water service piping (pressurized) to sewer piping: 10 ft.

septic tank and sewer piping to well: 50 ft.

Please note that while this exemption exists, it is still **strongly recommended** that people review any available information such as existing state and local permits, contact neighboring property owners, and consider future construction such as replacement wastewater disposal systems. Some state and local permits may prohibit the location of a replacement well in some designated areas on the lot and this exemption does not override any of those permit restrictions.

If there are any questions about the proposed location, please contact your Regional Environmental Office for advice.