

**June 10, 2002**

**S.27 - Use of Revised Minimum Site Conditions**

The comprehensive re-write of the state Wastewater System and Potable Water Supply Rules is pending before the Legislative Committee on Administrative Rules. This re-write contains updated and revised technical standards for the design of wastewater systems, including revised minimum site conditions. The due date for finalizing and adopting the new standards is July 30, 2002.

The revised minimum site conditions address three aspects of a site that is to be improved: the maximum slope of the ground surface in the area where the leachfield is located; the depth of naturally occurring soils in the leachfield area above bedrock; and the depth of naturally occurring soils in the leachfield area above seasonal high groundwater. These minimum conditions merely determine whether an area is suitable for a leachfield. They do not determine what kind of wastewater system design is approvable. For example, different types of wastewater systems have different specifications for the separation distance to bedrock and/or the seasonal high water table.

The Legislature was aware of the proposed revised minimum site conditions when it was working on S.27. Due to concerns by some legislators regarding potential adverse impacts of these new standards on growth patterns in the state, S.27 limits the use of the revised minimum site conditions. In general, this limitation distinguishes between lots in existence as of the effective date of S.27 and lots created after the effective date of S.27. The following is a summary of how these limitations work:

1. Lots in existence as of the effective date of S.27
  - can use all of the revised minimum site conditions, including building leachfields on slopes of up to 30%
  - applies to lots that are currently regulated and existing exempt lots that are improved between November 1, 2002 and July 1, 2007

NOTE: These are the standards for the state water supply and wastewater permit. Town ordinances or bylaws may prohibit the use of the revised minimum site conditions until July 1, 2007. After that date, the state technical standards will apply in all towns.

2. Lots created after the effective date of S.27
  - cannot build a leachfields on slopes of greater than 20%
  - can use the revised minimum site conditions for bedrock and the seasonal high

water table only if the leachfield to be permitted by the state is located on a lot in a municipality that has a confirmed planning process and zoning bylaws. This limitation is eliminated as of July 1, 2007.

- there is an exception to the planning and zoning limitation, lots that are 10 acres or more in size created between the effective date of S.27 and November 1, 2002 may use the revised minimum site conditions for bedrock and the seasonal high water table.

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