

WASTEWATER MANAGEMENT DIVISION  
MEMORANDUM

To: Regional Office Staff

From: Marilyn Davis, Director

Re: Guidance for determining whether a single family residence on its own lot is “substantially complete” for the purposes of section 1-403(a)(2) of the Rules

Date: September 12, 2002

At the quarterly meeting some of you asked for clarification of the definition of “substantially complete” that would give guidance on how strict you should be in defining additional construction.

The legislature, when creating the date for closure of the ten-acre exemption was concerned that people would be in the process of constructing houses with their septic systems and water supplies and would be caught in the middle of construction when the rules went into effect. They were trying to provide a reasonable completion date for these projects, legitimately begun under exemption status where no construction standards applied, to continue to qualify for the exemption and to not “pull the rug out from under them”.

I believe that we should be reasonably lenient (without letting our brains fall out) on deciding whether a structure is “complete for its intended purpose without further construction” for this transition from exempt to regulated status. Some consideration in borderline cases should be given to whether there would be substantial benefit to the public health or the environment if the water and wastewater systems for the structure were to be replaced with systems that meet the rules. This interpretation of “substantially complete” is only appropriate for use to define a substantially complete water supply and sewage system for this transition purpose of qualifying for the exemption contained in section 1-403(a)(2) of the Rules. It is not suitable for use under section 1-303(c) of the Rules or in other places in the Rules where the term is used.

The water supply may be a lake or stream supply connected to house plumbing. The water supply and wastewater system must be usable and the wastewater system must not be discharging to surface water, but the systems do not have to be the permanent systems. That is, they could be using a spring as a water supply and a cesspool for a wastewater system and then put in a new leachfield and a drilled well after November 1, 2002 and before July 1, 2007 without losing the exemption.

There is no minimum size for the structure. At a minimum there needs to be a foundation, walls, a weathertight roof, a complete and usable water supply including a

lavatory, and a wastewater system including a toilet, so that people are able to live there while the structure is completed. A kitchen or bathing facilities is not required. The structure does not have to be insulated. The structure does not have to be actually occupied, so long as it could be occupied.

The following are examples of qualifying structures:

New home construction, with a complete and usable water supply and wastewater system including a functional bathroom and lavatory connected to an alternate structure such as a mobile home or permanent camp while construction is going on, where the alternate structure will be removed when the house is complete enough to be occupied;

A foundation with a complete and usable water supply and wastewater system including a functional bathroom and lavatory, that has a weathertight roof, so long as it can actually be occupied;

An established recreational vehicle being used as a primary residence, with permanent installation (i.e. enclosed around the bottom and insulated, a deck ) using the complete and usable water supply and wastewater system including a functional bathroom and lavatory.

A complete residence without a water supply connected and usable, or without a wastewater system connected and usable, is not acceptable. Simply having scheduled the well driller timely but not having the well drilled and connected does not qualify. Having a complete and usable water supply and wastewater system and having the house ordered but not on-site does not qualify.

Determinations of other qualifying situations may be made on a case-by-case basis where some of the elements noted above, other than the water supply and wastewater system, may be missing but the residence is actually occupied.