

Instructions for Notification of Presumptive Isolation Zones for Potable Water Supplies and Wastewater Systems

Excerpts from the Wastewater System and Potable Water Supply Rules

§ 1-201 Definitions

Potable Water Supply Presumptive Isolation Zone – means an area delineated around a potable water source in which a component of a leachfield with a design flow of less than 2000 gallons per day is presumed to be unable to be located.

Wastewater System Presumptive Isolation Zone – means an area delineated around leachfields, replacement areas, and wastewater tanks in which a potable water source with a design rate of less than or equal to 2.0 gallons per minute, assuming it would be located in bedrock or confined surficial aquifer, is presumed to be unable to be located.

§ 1-307 Required Notification of Presumptive Isolation Zones

- (a) When an applicant for a permit or permit amendment proposes a potable water supply or wastewater system with a wastewater system presumptive isolation zone or potable water supply presumptive isolation zone that extends onto property other than the property for which the permit is sought, the permit applicant shall send by certified mail, on a form provided by the Secretary, a notice of an intent to file a permit application, with the site plan that will be included with the permit application and that accurately depicts the presumptive isolation zone, to any landowner affected by the presumptive isolation zone at least 7 calendar days prior to the date that the permit application is submitted to the Secretary.
- (b) If, during the course of the Secretary's review of an application for a permit or permit amendment, the location of a wastewater system and potable water supply is revised, and the revised wastewater system presumptive isolation zone or potable water supply presumptive isolation zone extends onto property other than the property for which the permit is sought, the permit applicant shall send by certified mail, on a form provided by the Secretary, a notice of filing a revised site plan, with the revised site plan that accurately depicts the revised presumptive isolation zone, to any landowner affected by the revised presumptive isolation zone.
- (c) If, after a permit or permit amendment has been issued under this Section, a water supply or wastewater system is not installed in accordance with the permit and if the record drawings indicate that the wastewater system presumptive isolation zone or potable water supply presumptive isolation zone as constructed extends onto property other than the property on which the system is located, the permittee shall send by certified mail a notification form provided by the Secretary with a copy of the record drawings showing the presumptive isolation zone to any landowner affected by the presumptive isolation zone.

- (d) An applicant or permittee subject to the requirements of Subsections (a) through (c) shall submit a copy of the certified mail receipts to the Secretary demonstrating that the notices and information required by this Section have been sent by certified mail to affected landowners and shall include in the certification the name and address of all affected landowners. If the Secretary approves a permit or permit amendment application, the permit shall not be issued to an applicant subject to the requirements of Subsection (b) prior to 7 calendar days after the applicant certifies to the Secretary that the notice required under this Section has been sent to affected landowners.
- (e) Notwithstanding Subsections (a) through (c), the notifications identified in this Section are not required for wastewater system presumptive isolation zones or potable water supply presumptive isolation zones that fall under one of the following descriptions:
- (1) the presumptive isolation zone extends only onto property owned by the applicant;
 - (2) the presumptive isolation zone extends only onto a Town or State highway;
 - (3) the presumptive isolation zone does not differ in location from that which existed prior to the pending application or record drawings, provided the potable water supply or wastewater system existing prior to the application or record drawings was exempt from the permitting requirements of this Subchapter under § 1-303 or was permitted and in compliance with the permit;
 - (4) the potable water supply presumptive isolation zone is for a replacement supply;
 - (5) the wastewater system presumptive isolation zone is for a replacement system, provided the replacement system is not proposed in lieu of a replacement area in the same application as the wastewater system it would replace;
 - (6) the potable water supply presumptive isolation zone exists only in a municipality that prohibits the installation of a soil-based wastewater system; or
 - (7) the wastewater system presumptive isolation zone exists only in a municipality that prohibits the installation of a potable water supply other than a connection to the municipal water supply.
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How to complete notification:

1. Notifications required by § 1-307 of the Rules to be completed by an applicant or a permittee must be sent by certified mail to all landowners affected by presumptive isolation zones.
2. Notifications must be made using one of the following forms:
 - A. Notification Form 1 when notification to an affected landowner is required prior to filing an application for a permit or permit amendment (identified in § 1-307(a) above).
 - B. Notification Form 2 when notification to an affected landowner is required during review of a permit or permit amendment application (identified in § 1-307(b) above).
 - C. Notification Form 3 when notification to an affected landowner is required after construction (identified in § 1-307(c) above).

3. Notifications must include either a site plan or record drawing, as required by § 1-307 and identified in the appropriate form, that accurately depicts all presumptive isolation distances for the potable water supply source, leachfield, septic tank, and related tankage for the wastewater system.
4. When Notification Form 1 is required, the form must be mailed at least seven calendar days prior to the date that the permit application is submitted to the Secretary.

How to submit certification to the Secretary:

1. An applicant must submit to the Regional Office Notification Form 4 when they use Notification Form 1 or 2 to notify an affected landowner.
2. A permittee must submit to the Secretary Notification Form 4 when they use Notification Form 3 to notify an affected landowner.
3. An applicant must submit to the Secretary Notification Form 5 when filing an application and no notification is required.
4. The applicant or permittee must also submit to the Regional Office the certified mail receipts associated with mailing Notification Forms 1, 2, and 3 to affected landowners.