ARTICLE II, SUBSURFACE SEWAGE DISPOSAL SYSTEMS

Sec. 30R-2-1. Scope and Purpose

A. The purpose of these regulations is to protect the health and safety of the citizens of the Town of Darien and to assist in the enforcement of the Public Health Code of the State of Connecticut (PHC) by establishing standards for the design, review and approval of private subsurface sewage disposal systems (SSDS).

B. These regulations are adopted pursuant to General Statutes 7-148 and are supplemental to Public Health Code sections 10-13-B100a, 19-13-B103, and 19-13-B104, the Regulations and Technical Standards for Subsurface Sewage Disposal Systems as amended from time to time.

Sec. 30R-2-2. Definitions

For the purposes of these regulations:

"*Accessory Structure*" means a permanent non-habitable structure which is not served by a water supply and is used incidental to residential or nonresidential buildings. Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn sheds, gazebos and barns.

"*Approved*" means acceptable to the Director of Health based on a determination as to conformance with the requirements of this regulation and PHC requirements.

"*Authorized agent*" means the person designated by the Director of Health to act for him in the performance of his duties.

"*Director of Health*" means the Director of Health of the Town of Darien or his authorized agent.

"*Fee Schedule*" means the Soil Testing, Plan Review, Permit to Construct and associated fees specified in the Annual Fiscal Year Budget as recommended by the Director of Health and adopted by the Board of Selectmen in accordance with the provisions of the General Statutes.

"*Licensed Installer*" means a person licensed pursuant to Chapter 393a of the General Statutes.

"*Person*" means any individual, firm, or association, including, but not limited to, any partnership, limited partnership, limited liability partnership, company, limited liability company, corporation, trust or estate, or the duly authorized representative thereof, including, but not limited to, a fiduciary, trustee or receiver, thereof.

"*Plan Review*" means the review of plans associated with the design and construction of a subsurface sewage disposal system.

"*Public Health Code and Technical Standards*" means the Regulations and Technical Standards for Subsurface Sewage Disposal Systems of the Connecticut Department of Public Health as they are amended from time to time.

Sec. 30R-2-3. Terms defined in other codes.

A. If not specifically defined, all definitions shall be identical to those found in the Public Health Code of the State of Connecticut, Section 19-13-B100a, 19-13-B103, including the Technical Standards, and 19-13-B104 as amended.
B. Terms not defined. Where terms are not defined in the Public Health Code of the State of Connecticut, Section 19-13-B100a, 19-13-B103, including the Technical Standards, and 19-13-B104 as amended.
C. Interchangeability. Words used in the present tense include the future; words in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Sec. 30R-2-4. Enforcement. The Director of Health or his authorized agent shall enforce the provisions of these regulations, the General Statutes, and the PHC.

Sec. 30R-2-5. Conflict of regulations. In any case where a provision of these regulations is found to be in conflict with a regulation of the Connecticut Department of Public Health or the Department of Environmental Protection, the provision which establishes the higher standard for the promotion and protection of the health and safety of the public shall prevail.

Sec. 30R-2-6. Approval of Director of Health

A. No person shall construct, alter, repair, enlarge or modify a SSDS that serves any existing building or structure without first having obtained the written approval of the Director of Health.
B. No person shall construct or install any new building or structure on any lot or site, which requires a separate SSDS, without first having obtained the written approval of the Director of Health.
C. No person shall enlarge, remodel or change the present use of any existing building or structure served by a SSDS without first having obtained the written approval of the Director of Health. No such approval shall be granted for a building or structure that is served by a cesspool or SSDS currently installed in groundwater or within the elevation reached by high tide until a location for a PHC complying SSDS has been identified on the lot. Replacing these substandard systems will be required
D. No building permit shall be issued for the construction, enlargement, remodeling or change in use of any building which requires a SSDS, unless an approval has been issued by the Director of Health and a copy of the same has been presented to the building official.
E. When approval is required in accordance with Sec. 30R-2-6 A, B or C of these regulations and a public sanitary sewer is available as determined by the Water Pollution Control Authority, the Director of Health shall require connection to the public sanitary sewer. This requirement shall not apply to the construction of an accessory structure if it is not expected to generate wastewater or if the structure is currently connected to an existing SSDS on the property that meets all of the requirements of the PHC.

F. The Director of Health may grant an exception to the requirement to connect to the public sanitary sewer as required in Sec 30R-2-6 E of these regulations upon demonstration of extreme financial hardship or construction difficulty, if also approved by the Darien Sewer Authority). The Director of Health shall not be bound solely by a finding of financial hardship or construction difficulty and shall act at all times in the best interest of the public health and safety.
G. Septic system modification processes which have been approved by the DPH such as "Terralift" and "Soil Air" may be permitted where it has been demonstrated that the existing system(s) meet PHC requirements with respect to separating distances to wells, ground water and bedrock. Also the existing system must constitute at least 50% of the required leaching area. Permits for such applications are subject to "Exceptions" if less than the required leaching area exists.
H. Each building on a single lot must be served by its own SSDS unless a central SSDS is approved by the Director of Health and an exception is granted by the Department of Public Health. Soil testing must be conducted by a professional engineer and plans submitted showing how PHC complying areas can be provided. Requirements to enlarge existing septic systems to accommodate additional flows will be at the discretion of the Director of Health.

Sec. 30R-2-7. Soil Testing & Site Evaluation

A. No plan to install or construct, alter, repair, enlarge or modify any new or existing SSDS shall be submitted to or reviewed by the Director of Health unless soil testing and site evaluation have been performed on the property.
B. Applications for soil testing and site evaluation shall be made on forms provided by the Director of Health, signed by the property owner or his duly authorized agent and shall be accompanied by the appropriate fee as specified in the fee schedule.
C. For new building lots and new construction, soil testing and site evaluation shall consist of deep observation pits and percolation tests in the primary and in the reserve area. For repairs, soil testing and site evaluation shall consist of deep observation pits and at least one percolation test in the area proposed for the repair. Adequate testing must be performed to ensure that a suitable area has been identified to install a Code complying SSDS. All soil testing shall be witnessed by the DOH or his agent. When the DOH determines that the lot contains soil conditions that are "Areas of Special Concern" as defined by Sec. 19-13-B103d€ of the CT Public Health Code, soil testing shall be conducted by a professional engineer and witnessed by the DOH or his agent.
D. Deep observation pits shall be deep enough to expose the soil to a depth of at least four (4) feet below the bottom of the leaching system. Deep observation pits shall be accurately located on the plan submitted to the Director of Health for review and approval.
E. Percolation tests shall be performed at the depth and location of the proposed leaching system. Percolation test holes shall be accurately located on the plan submitted to the Director of Health for review and approval.
F. All soil testing shall be performed in the manner prescribed by the PHC.
G. Property lines must be staked or clearly visible in the field.

H. Soil testing and site evaluation conducted between June 1 and December 1 may be accepted at the discretion of the Director of Health. The Director of Health reserves the right to suspend soil testing and site evaluation for new lots during unusual dry periods and require monitoring of ground water levels during periods of seasonal high groundwater. Soil testing for new lots shall not be performed when the surface of the ground is not visible due to snow and/or ice cover.

I. The Director of Health may require additional soil testing and site evaluation on any parcel if the information on file is inadequate to determine that the SSDS can be constructed in accordance with the requirements of the PHC and these regulations.

Sec. 30R-2-8. Application for Approval of Plans

A. Applications to approve a plan to alter, repair, enlarge or modify an existing SSDS or to construct a new SSDS shall be made on forms provided by the Director of Health and be accompanied by the appropriate fee as specified in the fee schedule. Applications must be complete and contain all information necessary to demonstrate compliance with the requirements of the PHC. Applications must be signed by the property owner or his duly authorized agent.

B. All new SSDS plans must be prepared by a Professional Engineer (P.E.), licensed by the State of Connecticut. Two sets of plans, bearing the seal and live signature of the engineer shall be submitted for review. Plans shall be at a minimum scale of 1" = 20', have minimum two foot contours and field topography in the area of the leaching system, contain all soil test results, including percolation test data, provide a cross sectional detail of the leaching system with all appropriate elevations and any other information needed to ensure Code requirements can be met at the site. One set of returnable building plans must accompany the application.

C. The Director of Health may require that plans for the alteration, repair or modification of an existing SSDS be prepared by a P.E. if, in his opinion, the site presents especially difficult conditions and/or the plan prepared by the owner or his agent does not adequately address the site conditions or does not demonstrate compliance with the PHC.

D. Upon receipt of a properly completed application, plan and supporting documentation, the Director of Health shall review the plan or proposal within ten (10) days of submittal. If the plan is found to be in compliance with the PHC, the Director of Health shall approve the plan and issue a letter of approval, which shall contain any conditions of approval. If the plan is not in compliance with the PHC, the Director of Health shall provide a written report to the design engineer detailing the reasons why the plan has not been approved.

E. The approval of a plan to install a new SSDS or to alter, repair, enlarge or modify an existing SSDS shall not constitute a permit to construct or install and shall expire twelve (12) months from the date of issuance. Plan approvals may be renewed for an additional twelve (12) month period by the Director of Health upon a showing of good cause.

Sec. 30R-2-9. Permit to Construct or Install

A. No person shall construct or install, alter, repair, enlarge or modify any new or existing SSDS without first obtaining a Permit from the Director of Health.

Applications shall be made on forms provided by the Director of Health, signed by a licensed installer and shall be accompanied by the appropriate fee as specified in the fee schedule.

B. At time of application, the licensed installer must provide the Director of Health with a copy of his valid subsurface sewage disposal system installer's license issued pursuant to Section 20-341 of the General Statutes.

C. Upon receipt of a properly completed application and fee, the Director of Health shall issue a permit to construct or install a SSDS in accordance with the approved plan together with a copy of the approved plan and the Plan Review with any comments. The permit to construct/install shall expire one year from the date of issuance, and shall not be transferable from place to place or from one installer to another. Permit fee(s) are not refundable.

D. The SSDS shall be constructed in strict accordance with the provisions of the approved plan and the conditions set forth in the Permit to Construct unless such changes or modifications are approved in writing by the design engineer and by the Director of Health.

E. Exceptions to the Code are only granted for the repair, replacement, enlargement or modifications to existing septic systems and shall not be granted for new construction. Permits in locations where Exceptions are needed shall not be issued until the required forms and supporting documentation are submitted to the Director of Health.

Sec. 30R-2-10. Final Approval / Permit to Discharge

A. No SSDS shall be placed into use until it has been inspected and approved by the Director of Health. The licensed installer and design engineer, if so required, shall submit to the Director of Health an "As Built" plan of the SSDS after the final inspection has been completed and the installation has been approved by the inspector. Upon completion of the final inspection and receipt of all required documentation, the Director of Health shall issue a permit to discharge for the system as specified in the PHC.

B. Any Exceptions to the PHC must be noted on the Permit to Discharge.

C. Where the Soil Air process has been utilized, the Permit to Discharge will note any PHC exceptions and will require that monitoring data on system performance is submitted on an annual basis by the licensed installer. The Director of Health shall be notified in writing in the event the Soil Air System is no longer in use. Orders to install a PHC complying system may be issued by the Director of Health if a surface failure occurs while the Soil Air System is in use or if its use is discontinued.

Sec. 30R-2-11. Subdivision Reviews

A. No proposed subdivision requiring private SSDS shall be approved until the Director of Health has observed soil testing on the land thereof and has filed a report regarding the feasibility of SSDS with the planning and zoning commission.

B. All requests for the observation of soil tests at proposed subdivision sites must be made at least one month prior to the planning and zoning commission meeting at which said subdivision sites shall be considered and shall be made in writing on forms provided by the Director of Health. Such requests shall be accompanied by a preliminary subdivision site plan indicating the number and location of each proposed lot, subdivision location relative to existing roads and the appropriate fee as listed in the fee schedule.

C. Prior to site testing, all lots shall be numbered in the field according to the subdivision site plan location.

D. At least three deep observation pits per proposed lot shall be required with two test pits to be dug in the likely areas of the primary and another in the likely area for the reserve. Fewer pits may be acceptable if site conditions warrant such reduction.

E. To assure the accuracy of deep observation pit findings, the Director of Health, or his authorized agent, shall be present during testing.

F. At least two percolation tests shall be performed on each proposed lot by the professional engineer.

G. It shall be the responsibility of the property owner to fill in all test holes after evaluation by the Director of Health.

I. At least three weeks prior to the scheduled planning and zoning commission meeting, the following information shall be submitted to the Director of Health with the appropriate subdivision plan review fee:

1. A site plan showing each proposed lot with possible locations for the septic system, reserve area, well, any drainage control measures, cuts and fills, driveway locations and any other information necessary to demonstrate the feasibility of building on the lot in conformance with the PHC requirements.
2. Storm drainage system/easements, if any.
3. Water courses or intermittent streams, if any.
4. Location of any wetlands as defined by Section 22a-45 of the Connecticut General Statutes, as amended.
5. Site plan design scale shall be a minimum of 1" = 40'
6. Existing and proposed site contours of the subdivision.
7. The accurate location of all soil tests as they relate to a possible house or building location, the well, septic system/reserve areas and any sewer line.

J. All proposed lots must have soil conditions in the area of the leaching system and reserve that meet the minimum requirements of the PHC.

K. When a proposed subdivision includes a lot with an existing structure served by a SSDS, sufficient testing must be performed on that lot to demonstrate the presence of a PHC complying reserve area.

Sec. 30R-2-12. Unhealthful Discharge or Overflow of Sewage

A. No person shall construct or maintain any privy, cesspool, sewage disposal system, pipe or drain so as to expose or discharge sewage or other deleterious liquid or offensive material to the atmosphere, or on the surface of the ground, or into any storm sewer or drain, nor so as to endanger any source of supply of drinking water, nor as to discharge into any watercourse or body of water.

B. The exposure or discharge of sewage shall be eliminated by pumping the septic tank, conserving water by reducing water usage on laundry and installing water conserving devices or any other approved means until the SSDS is repaired or all the plumbing is connected to the public sewerage system. If appropriate, the area of the sewage overflow shall be covered with soil to preclude access to the sewage.

C. Once it is clearly determined by the Director of Health that a SSDS is failing, ORDERS may be issued by the Director of Health specifying actions that are needed to be taken and a reasonable timetable for compliance.

Sec. 30R-2-13. Abandonment of Septic Tank, Cesspools & Leaching Pits

The owner of any septic tank, cesspool and/or any hollow leaching structure or pit, which is no longer in use, or which has been abandoned shall have the unit pumped empty, crushed and filled with an inert material to prevent harm and contamination. The contractor for this work shall provide the Director of Health with a statement of the work done on forms provided by the Department of Health.

Sec. 30R-2-14. Fines

A violation of these regulations is subject to a fine in accordance with Sec. 1-8 of the Darien Code of Ordinances.

<u>Effective Date of these Regulations</u>

These Regulations shall be in full force and effect on:
July 1, 2015

By:

David Knauf, Director of Health for the Town of Darien