

Subchapter 3 – Wastewater System and Potable Water Supply Permits

§ 1-301 Permit Required

- (a) Except as provided in this Section and in § 1-302, § 1-303, and § 1-304, no person shall take or cause to be taken any of the following actions without first obtaining a permit or permit amendment from the Secretary for the construction and operation of a potable water supply and wastewater system:
- (1) the subdivision of a lot or lots;
 - (2) the construction of a new potable water supply or wastewater system;
 - (3) the physical modification or replacement of an existing potable water supply or wastewater system;
 - (4) the construction of a new building or structure, including when reconstruction or replacement;
 - (5) the connection of an existing potable water supply or wastewater system to a building or structure;
 - (6) the modification of an existing building or structure in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system;
 - (7) the change in use of a building or structure in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system;
 - (8) the conversion of an existing public water system to a potable water supply;
 - (9) the conversion of an indirect discharge system to a wastewater system;
 - (10) the creation of a campground;
 - (11) the modification of a campground, including the creation, modification or relocation of one or more individual campsites, in a manner that increases the design flow of any component of the potable water supply or wastewater system or modifies other operational requirements of a potable water supply or wastewater system;
 - (12) the use or operation of a failed supply or failed system; or
 - (13) the commencement of construction of any of the above. For the purposes of this Section, the “commencement of construction” means any work involving the physical construction or modification of a building or structure and its associated potable water supply or wastewater system, for example, foundation excavation, foundation construction, and site work that involves or may affect any portion of the existing or proposed potable water supply or wastewater system.
- (b) When an application proposes to utilize all of, or a portion of, an existing potable water supply or wastewater system and does not involve an increase in design flow of any component of the potable water supply or wastewater system or involve a modification of other operational requirements of the potable water supply or wastewater system, the Secretary may issue a permit or permit amendment authorizing the use of the existing portions of the potable water supply and wastewater system even if those portions are not in full compliance with the technical standards in Chapters 8, 9, 10, 11, and 12, provided:
- (1) The existing portions of the potable water supply and wastewater system are:

Appendix A – Information for an Application

- (a) For the purposes of this appendix, the term “project” means all components of all wastewater systems and potable water supplies that are required to be part of an application.
- (b) When the application includes one or more existing or proposed lots, the latitude and longitude for the center of each existing or proposed lot identified in the application shall be reported on the application form using a global positioning system receiver using the NAD 83 coordinate system or a NAD 83 base map. The coordinates shall be reported in decimal degrees to five decimal places with an accuracy of +/- 50 feet. Because many lots are irregularly shaped, the center location can be approximate.
- (c) When the application needs to identify proposed or existing buildings or structures or campgrounds, soil-based wastewater systems, sanitary sewer service lines, sanitary sewer collection lines, potable water supplies, or the subdivision of land, a site plan shall be included with the application that includes the following information:
 - (1) Preparer’s signature, plan title, date, and revision date(s) on all plans.
 - (2) Legend or clear identification of all plan features.
 - (3) North arrow.
 - (4) Plan scale as required by Rules stated on the plans. A graphic representation may be shown but does not replace a stated scale.
 - (A) Except as required by Subsection (c)(4)(C), site plans shall be prepared to a scale not greater than 1-inch equals 100 feet.
 - (B) Site plans shall be prepared to a scale not greater than 1-inch equals 30 feet for those site plans identifying the limits of the infiltrative area for an in-ground leachfield; the limits of the stone and fill material for an at-grade leachfield; the limits of the fill material for a mound; the enclosure for a bottomless sand filter; and the area 25 feet downslope and 10 feet on all other sides from the limits of the stone and fill material for an at-grade leachfield, the limits of the fill material for a mound, and the enclosure for a bottomless sand filter.
 - (C) Notwithstanding Subsection (c)(4)(A), a site plan may have scale greater than 1-inch equals 100 feet, including the use of aerial photographs, for the purposes of:
 - (i) identifying the boundary line locations and dimensions when the size of the lot is greater than 10 acres;
 - (ii) identifying a site listed on the hazardous sites list maintained by the Waste Management Division of the Department that is located greater than 500 feet and within one third of a mile to a potable water supply; or
 - (iii) identification of surface drainage patterns.
 - (5) The location and elevation of the permanent benchmark established on the lot.
 - (6) All existing and proposed boundary lines and boundary line dimensions.
 - (7) For the lot on which a wastewater system or a potable water supply is proposed:
 - (A) Lot numbers or unique lot designations for subdivisions involving 2 or more lots.
 - (B) Campsite numbers or unique campsite designations for campgrounds.