

Septic Regulations Updates



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- * Program Manager
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Regulations Governing the Design, Installation and Operation of On-Site Wastewater Treatment and Disposal systems

- * Amended Regulations promulgated January 11, 2014
- * Open and under review for over 5 years
- * The Department worked closely with several stake holders throughout the amendment process, but none more consistently than the Real Estate Industry in Delaware, who were instrumental in helping get the Class H inspection program to remain part of the Regulation revision.
- * The Industry actually changed the verbiage of their sales agreement/contract to include the requirement of a Class H inspection ~6 months prior to the Regulations being promulgated.

Key items in the amended Regulations that impact the Real Estate Industry

- * All cesspools and seepage pits are prohibited and when found must be replaced within one (1) year in accordance with these regulations.

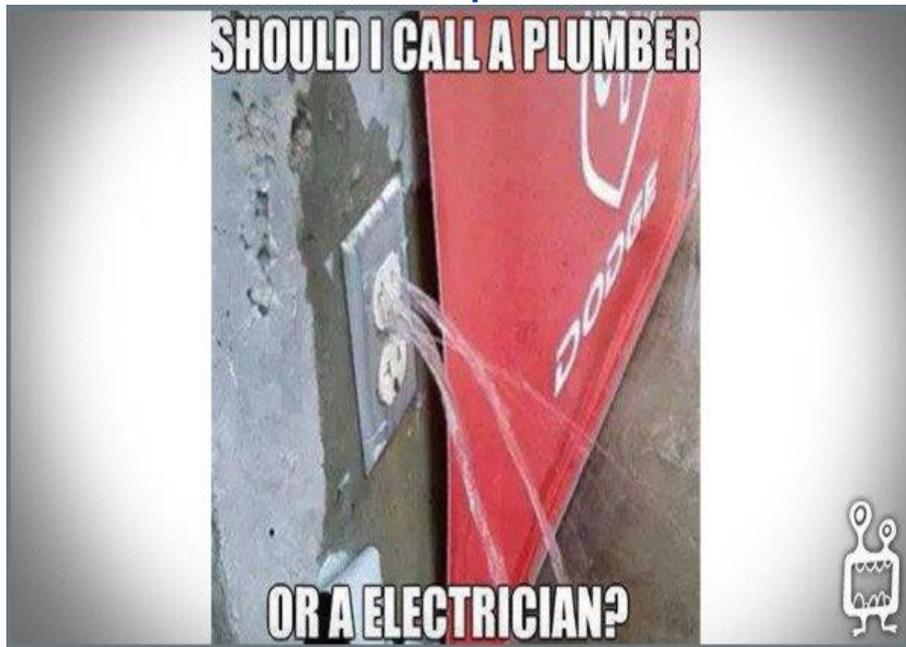


Key items in the amended Regulations that impact the Real Estate Industry

- * All new and replacement systems permitted within 1,000 feet of the Chesapeake Bay tidal waters, as displayed by the map in Exhibit NN, shall meet the Performance Standards for Nitrogen and Phosphorus as defined in these Regulations. Small systems use PSN₃ and large systems see Exhibit MM. This requirement shall become effective one (1) year from the date of promulgation of these Regulations.
- * <http://www.dnrec.delaware.gov/swc/wa/Pages/ChesapeakeBayMap.aspx>
- * This is also the perfect place for a reminder that as of January 1, 2015 all systems permitted within the Inland Bays Watershed will be required to incorporate advanced nitrogen removing technology, with all system designs, throughout the entire watershed.

Key items in the amended Regulations that impact the Real Estate Industry

Electrical code requirement



FEMA Requirements for V-Zones

Key items in the amended Regulations that impact the Real Estate industry

* Class H inspection program

- * For all properties utilizing an OWTDS that are sold or otherwise transferred to other ownership, the persons must have the system pumped out and inspected by a Class F and Class H licensee, respectively, prior to completion of the sale. An extension will be given to sheriff sales, auctions, short sales and cash sales for a period not to exceed 90 calendar days from date of sale. All inspections of on-site wastewater treatment and disposal systems shall be submitted to the Department on forms approved by the Department (see Exhibit A). These forms shall be submitted within 72 hours of inspection completion.
 - * For transfers of new property, the certificate of completion will suffice if issued within the previous 24 months, or;
 - * If an inspection has occurred within the previous 36 months and the property owner can provide proof of the pump out and inspection and the system is not a cesspool or seepage pit, then the inspections referred to in Section 3.31.13 will suffice, or;
 - * If the owner of an individual OWTDS provides proof of a licensed operator or has a service contract with a certified service provider then the requirements referred to in Section 3.31.13 have been met.

Class H Inspection Issues



Class H Inspection Issues



Class H Inspection Issues



Facts about the Class H Inspection Program since January 11, 2014

- * 963 inspections have been performed statewide
- * 592 or 61% have been found to fall into the unsatisfactory category by inspectors.
 - * The unsatisfactory percentage seems quite high due some of the items that some inspectors consider falling into that category. Many are minor “quick fix” items that can be taken care of by the inspector during the inspection now. Education is a key factor here.
- * 34 cesspools or seepage pits have been identified and are in the process of being replaced.
- * 70 systems were found to have “gray water lines”

Contact Information

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