SO YOU WANT TO BUILD AN ADDITION OR ADD A POOL….

FREQUENTLY ASKED QUESTIONS ABOUT OBTAINING A HEALTH DEPARTMENT PERMIT FOR BUILDING CONVERSIONS, CHANGES IN USE OR ADDITIONS.

"I want to build an addition onto my house, but the Building Department said I need to get a Health Department permit first. Why?"

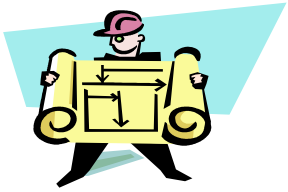
If you have a septic system, the Connecticut Public Health Code says that permission for building additions (or pools, bedrooms, decks, etc.) can not be granted until it is shown that there is suitable area on your property for a complete replacement septic system to be installed should the old septic system fail after your addition is built. This is the law. This portion of the health code is known as "B100a" and refers to Section 19-13-B100a of the Connecticut Public Health Code.

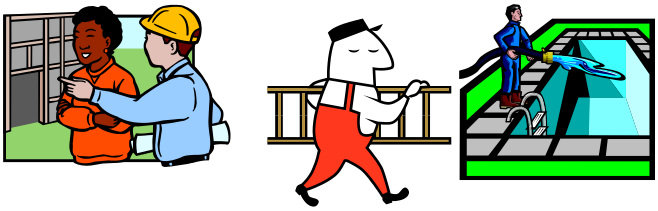
The intent of this law is to prevent using land that might be needed in the future to replace a failing septic system. Without this law, if additions were permitted without consideration of replacing septic systems, many property owners would build numerous additions (bedrooms, pools, garages, decks, tennis courts, barns) unknowingly occupying land that could have been used for a replacement septic system if and when one is needed in the future.

(If your addition is not a bedroom, **and** if it does not expand the size of the existing building, **and** if it doesn't take-up land space, you *may* be able to get a Health Department permit with only a thorough review of your plans by a Health Department representative.)

"Are you saying that I have to replace my septic system just because I want an addition?"

No. If your septic system is working properly now, nothing needs to be done to it at this time. This process is precautionary and in anticipation of the need for a replacement septic system in the future.





But if I do need a septic system in the future, can't I put it right where the old one was? That one worked for 40 years."

The simple answer is probably not. Regulations have changed dramatically in the past few decades and the understanding of how septic systems work is more scientific today. A replacement septic system will most likely occupy a larger area than the old one and will not be installed as deeply into the ground as the original one.

A new septic system will work best in virgin soil and, if designed and installed in accordance with Health Code requirements, will properly treat the sewage waste.

"Don't I already have a "reserve area" for a replacement septic system shown on my original property plans that could be used for a new septic system?"

If your house was built within the last 20 years, you may have a reserve area outlined on that drawing. However, unless the plan was made in the last five years, there will probably need to be a new reserve area identified that meets today's requirements.

"How is a new reserve area identified?"

We now use the term "c*ode-complying replacement septic system area"* instead of *"reserve area."* To verify that a c*ode-complying replacement septic system area* is available on your property we need to know about the type of soils on your property and their abilities to absorb liquid sewage from your septic tank. This will require what we refer to as a *B100a Soil Test.*

"What does *B100a* mean?"

B100a refers to Section 19-13-*B100a* of the Connecticut Public Health Code which describes, in detail, the health department regulations pertaining to building additions. While the B100a process may seem cumbersome and involved, it is well thought out and proven effective.

(Please turn page over)

What is the process for a B100a soil test?"

The soil test consists of the digging of at least three test pits that are approximately seven feet deep and at least one hole for a perc test. The large pits are dug with a backhoe or an excavator machine and will be about three feet wide and ten feet long. These pits get dug in the portion of your lawn that is most viable for a replacement septic system. The perc test will consist of a small hole dug with a post hole-digger located somewhere near the larger test pit.

The large hole test will determine several factors, such as the identification of the type of soil, the location of ledge rock and the depth of the seasonal high-water table. The perc hole is filled with water and the rate at which the water drains into the earth is recorded. The data gathered from both the large hole and the perc test will be used to determine the required size of a replacement septic system.

"Who can do these tests?"

The soil test is best conducted by a licensed septic system installer or professional engineer of your choice. It must be observed and recorded by a Health District staff sanitarian.
The best way to start the soil test process is to hire an installer and allow him or her to make all of the scheduling arrangements with the Health District office.

"After the holes have been dug and the tests have been conducted, what is the next step?"

After completion of the testing and the analysis of the data, the results will be available for you and the installer. The installer will use this information to design a replacement septic system that could be installed on your property when one is needed. The installer's drawing will need to include all the information required by the Public Health Code for a replacement septic system and will also show the proposed addition, property lines, wells, driveways, watercourses or other important features*. The sanitarian who reviews the drawing will also need to see detailed drawings of your addition during this review process. Once the drawing is complete, the installer will submit the proposed replacement system plan to the Health District office.

After review by a staff sanitarian, **a Health District permit will be issued if the plan meets the health code requirements, as defined by Section 19-13-B100a, showing that a code compliant replacement septic system can be installed *after* your addition is built.**

***** If your property is complicated, the property lines are unknown, or if for some other reason the installer can't make an adequate drawing, you may need to hire a professional engineer and/or a surveyor.

Note: *You will still need to get a building permit from your town's building department. You may also need appropriate zoning and wetlands permits from your town.*

"If the soil on my property can't support a code-complying replacement septic system, will I be denied a permit?"

Yes, in some cases permits *are* denied because a property cannot support a code-complying septic system.

"What recourse do I have if I am denied a permit?"

If the Health District determines that your property cannot support a code compliant replacement septic system, you will receive an official "Notice of Denial". This is a legal document stating why the decision to deny the permit has been made. This document will clearly outline how you can appeal this decision to the State Health Department.

All appellants (and their legal counsel if obtained) are granted a hearing with an impartial State Health Department hearing officer. The hearing officer will hear both sides of the issue, consult with experts and other regulatory officials and then make a final decision on whether a permit should or should not be granted.

This fact sheet was originally developed by the staff of Quinnipiack Valley Health District. It has been revised and adopted with permission by the Aspetuck Health District.

It is intended for educational use. It is not legal advice.