

4.3 Vested Rights and Nonconforming Uses

Revision: ~~May 15~~ April 18, 2013~~00~~

Failed system: Repair or replacement of an existing system.

1. Dwelling or structure unit served by the system must not be altered, remodeled, or otherwise changed, so as to result in increased wastewater flows (IDAPA 58.01.03.004.04).
2. Reason for failure should be determined if possible.
3. If failure is due to age, the system may be repaired or replaced with a similar system that shall be constructed as close as possible to current dimensional and setback requirements for standard systems (IDAPA 58.01.03.008.12).
4. If failure has occurred in less than 10 years and is due to increased wastewater flows or poor site characteristics, an alternative or larger system must be constructed as close as possible to current dimensional and setback requirements for alternative systems (IDAPA 58.01.03.008.12).

~~3.5.~~ System replacement must follow the requirements of the subsurface program directive memorandum entitled "Failing Subsurface Sewage Disposal System" issued by DEQ on July 26, 1993.

Additions or alterations: Changes to an existing structure or dwelling, ~~such as remodeling.~~

1. Addition or alteration will not cause the existing system to become unsafe or overloaded (IDAPA 58.01.03.004.04).
- ~~4.2.~~ Enough reserve area for both the original and additional system shall be preserved (IDAPA 58.01.03.004.06).
- ~~5.~~ ~~Addition or alteration will not be additional or new dwelling units.~~
- ~~6.3.~~ Wastewater flow will not be significantly increased (IDAPA 58.01.03.004.04). Significant increases shall be considered to be any increase in wastewater flow that exceeds the design flow of the system.
4. Area reserved for replacement cannot be used for the addition (IDAPA 58.01.03.004.06).
5. A subsurface sewage disposal permit may be required for system enlargement or adjustments based upon the addition or alteration plan.
 - a. A permit may be required due to possible impacts on separation distances from the addition or alteration to the existing subsurface sewage disposal system or due to additional wastewater flows from the addition or alteration that exceeds the original design flow of the system.

a.b. Permit issuance shall be required in conformance with the subsurface program directive entitled "Permit Requirements for Increased Flows at Single Family Dwellings" issued by DEQ on April 15, 2010.

Abandoned system: An abandoned system is considered to be a system that has not received wastewater flows or blackwaste for 1 year or more due to the removal of a wastewater generating structure from the system. ~~(IDAPA 58.01.03.003.01)~~

1. An abandoned system may be used if ~~the system was originally permitted and approved and, wastewater or blackwaste characteristics are similar to former waste strengths and flow rate received by the system and,~~
2. ~~The system was originally permitted and approved and,~~ Wastewater flows and blackwaste characteristics are similar to the system's original permit requirements for waste strength and flow rate received by the system and,
3. The site is inspected and approved.
4. If the system is not an approved ~~an unapproved~~ system (i.e., no issuance of previous subsurface sewage disposal permit regardless of installation date), it must be:
 - a. ~~Un~~covered by a permitted installer or the property owner (IDAPA 58.01.03.011.02) and,
 - i. Uncovering includes exposure of the septic tank, effluent piping, and the front and back ends of each subsurface disposal trench.
 - b. ~~P~~pumped by a permitted septic tank pumper and, ~~and~~
 - c. ~~I~~nspected by the health district while uncovered (IDAPA 58.01.03.011.02) and, ~~and,~~
 - d. ~~The system must~~ Must meet all current requirements, including the ~~issuing~~ issuance of a permit (IDAPA 58.01.03.005.01).
 - i. If the system does not meet all current requirements it must be brought into compliance with the current requirements prior to use according to the issued permit requirements.
 - ii. If the system, or any portion thereof, cannot be brought into compliance with the current requirement the system or portion of the system not in compliance must be abandoned and replaced in compliance with the current requirements and in accordance with the issued permit.