

**NEW CASTLE COUNTY
NEW CASTLE COUNTY DEPARTMENT OF SPECIAL SERVICES
POLICY**

Policy No.: SS 14-B
Subject: Permanent Holding Tank Policy
Effective Date: April 15, 2010
Supersedes Policy No.: SS-14
Supplements Policy No.: N/A

Permanent holding tanks¹ shall be approved by the Department of Special Services (“Department”) if the following conditions set forth in this policy are met, as determined in the Department’s sole discretion. The application for a permanent holding tank must meet all of the requirements in the DNREC regulations entitled *The Regulations Governing the Design, Installation, and Operation of On-Site Wastewater Treatment and Disposal Systems*, Sections 5.13000-5.13120. The use of permanent holding tanks is permitted for the following properties only:

1. Existing Properties with Failing Septic Systems,
2. New Stand-Alone Residential Properties,
3. New Non-Residential Properties, and
4. Redevelopment Projects.

In addition, the Department must determine that the following conditions are met:

1. Public sanitary sewer service is not currently available to the development;
2. The development is not within the scope of a funded sewer installation/improvement project that will provide capacity in five years of the application;
3. The applicant is the owner of the property; and
4. The permanent holding tank is in the best interest of the surrounding community and the County and in accordance with the New Castle County Comprehensive Development Plan and associated public sanitary sewer service plans.

It is the property owner’s perpetual responsibility to pump out, maintain, repair, and replace the holding tank system. In addition, the property owner is also responsible for any

¹ A holding tank is a method of wastewater disposal by which wastewater is stored in a watertight structure, pumped, and transported in a special vehicle to a disposal location. The definition of “holding tank” for the purpose of this policy does not include the internal “belly tanks” used in construction trailers, etc. Such tanks will not be approved on a permanent basis.

finances, damages, or remediation of any environmental condition resulting from or related to your operation of the tank. If the County receives notice of an emergency issue related to the tank, the County will respond to alleviate any emergency issues, and the property owner is required to reimburse the County for any costs associated with such response. The property owner must execute a recorded agreement to this effect in order to make the Department's approval of a permanent holding tank effective.

Approved: *Atricia Cruden*
General Manager, Department of Special Services

Distribution: Policy Book Holders

(m) Prior to installing the wastewater treatment and disposal system, a meeting with the Class D soil scientist, Class C designer, Class E System Contractor, DNREC personnel and any other interested parties shall be held to discuss the project.

5.12020 Unless waived by the Department, groundwater monitoring is required at all sites utilizing large on-site wastewater treatment and disposal systems. Such monitoring shall continue as long as required by the Department. Upon completion of the PGIA review, the Department may require the submittal of a monitoring plan. If monitoring is required, a minimum of three (3) monitor wells, one up gradient and two down gradient from the proposed disposal areas must be installed and surveyed.

5.12030 If, after review of the PGIA, the Department determines that there is a potential for significant adverse impact to the environment or public health, a more detailed Groundwater Impact Assessment (GIA) may be required.

5.13000 Holding Tanks

5.13010 The use of a holding tank is an unusual circumstance wherein all wastewater is permitted to be held in a watertight structure until it is pumped and transported by vehicle to a point of disposal. The use of a holding tank on a permanent basis is prohibited except as provided in these Regulations.

5.13015 Permanent holding tanks are not permitted on unimproved lots.

5.13020 No person shall install a holding tank without first obtaining a permit from the Department.

5.13025 All holding tank permit applications and designs must be completed by a Class C designer.

5.13030 Permits may be issued, by the Department, for the permanent use of holding tanks when all of the following conditions are met:

- (a) The site is improved with a dwelling and has been evaluated for all means of on-site wastewater treatment and disposal, including alternative technologies, and has been deemed not suitable for an on-site wastewater treatment and disposal system; and
- (b) No community or area-wide central wastewater system is available or expected to be available within five (5) years; and
- (c) The same isolation distances as required for septic tanks can be met; and
- (d) The owner(s) enter into a contract with a licensed liquid waste hauler to provide hauling services to the dwelling for the period it is utilized or until connection can be made to an approved wastewater facility. Should the owners change waste haulers, a new contract shall be submitted to the Department; and
- (e) The property deed shall be amended with an Affidavit of Ownership at the time of permit issuance, which states that the dwelling is served by a permanent holding tank. The Affidavit of Ownership must be recorded at the Recorder of Deeds; and
- (f) When the governmental unit or wastewater utility provides the hauling services directly, it shall conform to the requirements for liquid waste haulers; and
- (g) Have a water meter installed to measure the in-flow of water into the building or house or a metering device measuring the flow to the tank

5.13040 In an area under the control of a governmental unit, or a wastewater utility which has a recorded covenant with the owner that runs with the land, either of which is authorized to construct, operate, and maintain a community or area-wide central wastewater system, a holding tank may be installed for temporary use provided:

- (a) The application for permit includes a copy of a legal commitment from the governmental unit or wastewater utility that within five (5) years from the date of application the governmental unit or wastewater utility will extend to the property covered by the application, a community or area-wide central wastewater system meeting the requirements of the Department; and
- (b) The community or area-wide central wastewater system has received the necessary approvals for full operation (established sewer district) which includes the anticipated flow to the holding tank; and
- (c) The proposed holding tank will comply with the requirements of these Regulations.

5.13050 Temporary use of a holding tank may be approved when:

- (a) Installation of an approved on-site system has been delayed by weather conditions; or
- (b) The tank is to serve a temporary construction site (up to five (5) years)

5.13070 Applications for holding tank installation shall contain plans and specifications in sufficient detail for each holding tank proposed to be installed and shall be submitted to the Department for review and approval. The application for a permit shall be on forms provided by the Department and contain the following items:

- (a) A copy of a contract with a licensed liquid waste hauler shall contain, as a minimum, the following conditions:
 - (1) Duration of contract;
 - (2) Pumping schedule;
 - (3) Availability of equipment;
 - (4) Emergency response capability;
 - (5) Contents will be disposed of in a manner and at a facility or location approved by the Department;
 - (6) Evidence that the owner or operator of the proposed disposal facility will accept the pumping for treatment and disposal;
 - (7) Method of measuring wastewater use (water meter, wastewater meter, etc.)
- (b) A record of pumping dates and the amounts pumped shall be maintained by both the property owner and the liquid waste hauler, and be made available to the Department along with in-flow meter readings as part of the annual renewal of the permit.
- (c) The appropriate annual inspection fee

5.13080 Each holding tank shall:

- (a) In no case shall the tank have a capacity less than seven days average flow from the wastewater generating facility or 1,000 gallons, whichever is larger. When holding tanks are designed to serve the

needs of a community system, the size shall be in conformance with standard engineering practice as determined by the Department and in accordance with an acceptable monitoring and pumping schedule.

- (b) Comply with standards for septic tanks as prescribed in these Regulations (see Section 6.0700).
- (c) Be located and designed to facilitate removal of contents by pumping.
- (d) Be equipped with both an audible and visual alarm installed on an AC circuit and placed in a location, acceptable to the Department, to indicate when the contents of the tank are at seventy-five (75) percent of capacity.
- (e) Have no vent at an elevation lower than the overflow level of the lowest fixture served.
- (f) Be designed for anti-buoyancy if test hole examination or other observations indicate that seasonally high groundwater may float the tank when empty.
- (g) Be constructed of the same materials approved for septic tanks. Holding tanks shall be watertight and structurally sound to withstand internal and external loads.
- (h) Be equipped with an eighteen (18) inch diameter or square access opening. The access opening shall be extended to a minimum of six (6) inches above grade level.
- (i) All tanks constructed on-site (i.e. cast-in-place, concrete block, etc.) shall be tested to assure watertight conditions. Alarms shall be tested for proper operation.

5.13090 Each holding tank installed under these Regulations shall be inspected annually. A fee shall be charged for each annual inspection and all required documentation shall be submitted also.

5.13100 No liquid waste from a holding tank shall be applied directly or indirectly onto the ground surface or into surface waters.

5.13120 Prior to purchase of a dwelling that is currently served by a holding tank or is proposed to be served by a holding tank, the prospective buyer must sign an Affidavit of Understanding of the terms and conditions associated with use of a holding tank. This Affidavit shall be submitted to the Department to be filed with the permit.

5.14000 Moratorium Areas

5.14010 As soon as the Department determines that construction of on-site wastewater treatment and disposal systems should be limited or prohibited in an area, it shall issue an order limiting or prohibiting such construction.

5.14020 The order shall be issued only after a public hearing which shall insure that twenty (20) days notice is given.

5.14030 The order shall contain a specific description of the moratorium area and shall be limited to the area immediately threatened with ground water or surface water contamination if construction in that area continues.

5.14040 In issuing an order under this Section the Department shall consider the factors contained in 7 Del. C., Chapter 60, Section 6001.

5.14050 The moratorium shall be limited to a period of five (5) years after which re-establishment of the moratorium may be considered.