	<b>Water Quality Division Substantive Policy</b>	ADEQ
		Page 1 of 4
	<b>Seepage Pits: Test Holes, Siting and Sidewall Area Calculation</b>	Policy No. 3002.2021
		Effective: 8/1/2021

This Substantive Policy statement is advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that this substantive policy statement does impose additional requirements or penalties on regulated parties, you may petition the agency under Arizona Revised Statutes section 41-1033 for a review of the statement.

## 1.0 **Purpose**

Pursuant to A.R.S. § 41-1001(22), "substantive policy statement" means a written expression which informs the general public of an agency's current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency's current practice, procedure or method of action based upon that approach or opinion. The clarification provided in this substantive policy statement has been determined by ADEQ to meet applicable state and federal law and, therefore, ADEQ provides this substantive policy to assist persons in interpreting rules pertinent to ADEQ. Notwithstanding this substantive policy statement, ADEQ may consider alternative approaches to comply with applicable law.

This policy will assist onsite wastewater treatment facility responsible parties, their agents, ADEQ delegated local agencies and others understand the general Aquifer Protection Permit (APP) requirements. ADEQ became aware of a wide variety of interpretations of the rules addressed by this policy.

This policy establishes ADEQ's position on the requirements in A.A.C. R18-9-A310(G)(1)(a), R18-9-A312(A)(2), R18-9-E302(C)(5)(k), involving seepage pit test holes, appropriate seepage pit siting location, and seepage pit sidewall area calculation. More specifically:

- A. Whether the depth of a seepage pit is required to be the same depth as the previously drilled test hole.

- B. Whether an applicant is required to install a seepage pit at the same location that the test hole was located.
- C. Whether A.A.C. R18-9-E302(C)(5)(k) requires an applicant to set the bottom of “H” (the vertical height of seepage pit through which wastewater infiltrates native soil) in a seepage pit at the depth that corresponds with the bottom of the test hole.

## 2.0 **Definitions**

**A.A.C.** – Refers to the Arizona Administrative Code.

**Applicant** – A “person” as defined in A.A.C. R18-9-101(33) who submits a Request for Discharge Authorization form to the Department for the purpose of obtaining authorization from the Department to discharge in a manner consistent with the Type 4 General Permit for which they are applying.

**A.R.S.** – Refers to the Arizona Revised Statutes.

**Disposal Area** – Refers to the site investigator’s selected primary disposal area under A.A.C. R18-9-A310(B)(1).

**Good Design Judgment** – Refers to judgment that is commensurate with the professional standard of the registrant community under A.R.S. § 32-101(30) and A.R.S. § Title 32, Chapter 1 et seq.

**“H”** – Refers to the vertical height in feet in the seepage pit through which wastewater infiltrates native soil, measured from the invert of the seepage pit inlet to the bottom of the pit. [See A.A.C. R18-9-E302(C)(5)(k)(iii)].

**Inlet** – Refers to the terminus or point of outflow of a pipe that comes from a septic tank and empties into a seepage pit.

**Investigator** – Refers to the applicant or agent of the applicant designated as the conductor of the tests pursuant to A.A.C. R18-9-A310(G).

**Seepage Pit** – Refers to a circular excavation generally between 4 and 6 feet in diameter below the ground that receives septic tank effluent to be discharged to the native soil.

**Test Hole** – Refers to the hole drilled for the purpose of subsurface characterization that is within the primary disposal area determined under A.A.C. R18-9-A310(B)(1), at least 18 inches in diameter, at least 30 feet deep, and as deep or deeper than the proposed seepage pit.

## 3.0 **Policy Statement**

- 3.1 Under A.A.C. R18-9, Article 3, the depth of a seepage pit may vary from the depth of a previously drilled test hole as long as the applicant uses good design judgment and relies on appropriate design methods and calculations pursuant to R18-9-A312(A)(2).

Under R18-9-A310(G)(1)(a), the depth of the test hole must be drilled to at least the same depth as the proposed seepage pit and under no circumstances less than 30 feet deep. This prescriptive statement

mandates the minimum depth of only the test hole, not the depth of the seepage pit itself.

Under R18-9-A310(G)(1)(a), the test hole must be at least 18 inches in diameter.

- 3.2 An applicant may install a seepage pit at a different location than that of the test hole as long as the horizontal movement is supported by good design judgment pursuant to R18-9-A312(A)(2), and is within the disposal area identified by the site investigator under R18-9-A310(B)(1).
- 3.3 Under R18-9-E302(C)(5)(k), “H” may be located anywhere along the sidewall of the seepage pit as long as “H,” measured from the invert of the seepage pit inlet to the bottom of the pit, is at least 10 feet long, and the placement of “H” follows good design judgment pursuant to R18-9-A312(A)(2).

#### **4.0 Authority**

A.R.S. § 49-104 provides authority for ADEQ to formulate policies, plans and programs to implement Title 49 to protect the environment. A.R.S. § 49-245 provides authority for ADEQ to promulgate rules for general APP.

#### **5.0 Audience**

General Public

ADEQ Water Quality Permitting and Inspection Staff

ADEQ Management

Onsite Wastewater Treatment Facility Responsible Parties and their Agents

ADEQ Delegated Authorities or Local Agencies

#### **6.0 Policy Steward**

ADEQ Water Quality Division Director

#### **7.0 Communication & Training**

This policy will be noticed in accordance with A.R.S. § 41-1091. ADEQ will make this policy available on the Agency’s policy website and the Agency’s delegation website. ADEQ will distribute the policy to Delegated Authorities and Local Agencies. ADEQ staff is available for training, clarification and discussion.

#### **8.0 Review, Audit & Revision Schedule**

##### **8.1 Review Schedule**

This substantive policy statement will be reviewed every two years by the Policy Steward based on the Effective date in the header. The Policy

Steward will also follow the requirements in Policy No. 1201.2019 or its successor, specifically sections 5.1 and 5.2 in their review.

**8.2 Audit**

The Policy Steward will follow the requirements in Policy No. 1201.2019 or its successor in order to conduct an audit, specifically section 5.3.



**8.3 Revision**

The Policy Steward will follow the requirements in Policy No. 1201.2019 or its successor in order to conduct revisions, specifically section 5.4.

**9.0 Additional Documents**

N/A.

**10.0 Approved by**

Title	Name	Signature	Date
ADEQ Water Quality Division Director	Trevor Baggione	 Trevor Baggione (Aug 3, 2021 13:58 PDT)	Aug 3, 2021
Administrative Counsel	Edwin Slade	 Edwin Slade (Jul 30, 2021 11:20 PDT)	Jul 30, 2021

**11.0 Historical Note**

N/A.