

# APPENDIX 2

## PERCOLATION TESTS – REQUIREMENTS AND PROCEDURES

Any property being considered for percolation testing shall have an area of soil on the lot that meets all County requirements before a percolation test can be legally conducted and accepted by the Department. These procedures shall be utilized for all percolation testing conducted in Williamson County.

The individual conducting a percolation test shall be a State Approved Soil Scientist, Registered Land Surveyor, Registered Professional Environmentalist, Registered or Professional Geologist, or a Licensed Engineer in the State of Tennessee. The term *consultant* shall See one of these professionals in this Appendix. The term *Department* shall See the Williamson County Department of Sewage Disposal Management in this Appendix.

### A. Department Responsibilities

Under these procedural requirements, the role of the Department shall be to ensure that all proposed percolation test sites meet all County requirements, to monitor and structure all percolation tests in accordance with all County regulations, to provide the service of locating percolation test sites at the request of a consultant as the staff scheduling allows, and to attempt to execute the duties and services of the Department in a reasonable manner.

*IMPORTANT NOTE: The Department works on a first come, first serve policy. The Department SHALL NOT be responsible for a consultant's scheduling problem and SHALL NOT be obliged to assess any property based on promises a consultant has made to a client.*

### B. Consultant Responsibilities and Professional Conduct

1. It shall be the responsibility of the consultant to maintain an adequate supply of the Department form entitled the REPORT OF SOIL ABSORPTION TEST. The Department shall provide the consultant with one copy of the County form, at no cost, from which the consultant shall be responsible for having copies produced. Any additional copies of the County form shall cost the consultant the current photocopy fee, per sheet.

*NOTE: A consultant conducting a percolation test in Williamson County shall not use the State form CN-0774, REPORT OF SOIL ABSORPTION TEST. Any test submitted on this form shall not be accepted by the Department and will be returned to the consultant.*

2. It shall be the responsibility of the consultant to properly plan, within an appropriate and flexible time-frame, all site assessment requests and testing activities.
3. It shall be the responsibility of the consultant to explain to a client that the percolation test they are performing for the client is a service they are providing to their client, not to the Department. Further, the consultant shall advise their clients that the actual percolation test form will not automatically be sent to the Department. It shall be the responsibility of the client to bring the completed form the Department offices and request that the test be reviewed.
4. The consultant shall be responsible for advising his/her client that the percolation test site shall be surveyed and located, in accordance with the provisions of this Appendix, before the test will be considered valid by the Department.
5. The Department shall require that the consultant responsible (i.e. the consultant which will ultimately sign the percolation test document) for conducting the percolation test, shall provide direct supervision on the testing site during each phase of the test. Direct supervision means immediate, on site, personal oversight of the work at all times. The use of assistants to aid in the field work is acceptable, however they shall be directly supervised. Should the Department find that the consultant did not or was not present to provide supervision during the conducting of the percolation test, that test shall not be accepted by the Department.

6. The Department shall require that the consultant responsible (i.e. the consultant which will ultimately sign the percolation test document) for the conducting of the percolation test, either be the individual that performs the test readings or directly supervises the individual performing the readings, during the second phase of the percolation test. Should the Department find that the consultant was not present to supervise the individual performing the actual test readings during the conducting of the percolation test, that test shall not be accepted by the Department.
7. The consultant shall be responsible for the preparation of all percolation test holes on the testing site so as meet all provisions of this Appendix. Should the Department find that the consultant did not prepare the test holes, in accordance with the provisions of this Appendix or used the auger holes drilled by the Department during the initial site investigation, that test shall not be accepted by the Department.
8. The consultant shall be responsible for following all provisions of this Appendix when conducting a percolation test. When the Department has documented repeated disregard for these requirements, punitive actions shall be taken by the Department. See *Subsection C, of this Appendix*.
9. The consultant shall prepare all percolation test forms in the following manner:
  - (a) Each percolation test form submitted shall have the original signature of the consultant, signed in ink.
  - (b) Each percolation test form submitted shall have the consultant's seal, stamped in ink, and/or the consultant's State registration number shown on the form in the signature block.
10. The consultant shall not average a test nor shall a consultant make any statements to a client as to whether or not a percolation test passes in accordance with County requirements. Furthermore, the consultant shall not make any statements to a client as to whether or not a percolation test site shall be permitted for a sewage disposal system by the Department.

### **C. Punitive Actions for Violations of These Provisions**

Percolation tests performed by consultants who repeatedly demonstrate a disregard for the requirements of this appendix shall not be accepted by this Department and may be subject to being barred from conducting percolation tests in Williamson County.

#### **1. First Written Warning**

The Department shall issue to the consultant one written warning when the Department finds or discovers a violation of these provisions. The percolation test or test site which was subject to the noted violation shall be considered invalid, and the consultant shall be required to conduct a second test upon that site.

#### **2. Second Written Warning – Probation**

Upon the discovery of a second violation, the Department shall issue another written warning. The percolation test or test site which was subject to the noted violation shall be considered invalid, and the consultant shall be required to conduct a second test upon that site.

Upon the receipt of the second written warning, said consultant shall be advised that he/she is on Probation. The period of probation shall extend for a period of no less than one year from the date of the issuance of the second written warning.

Should the consultant work for a period of one year and receive no more written warnings, the probation status shall be lifted.

The receipt of another written warning after a period of probation shall start the process of this Subsection again.

### 3. Third Written Warning – Revocation of Consulting Privileges

The consultant who receives a third written warning during the period of probation, shall be advised that their consulting work, regarding the conducting of percolation tests, shall no longer be accepted by the Department. The percolation test or test site which was subject to the noted third violation shall be considered invalid, and the consultant shall conduct another test upon that site.

Once the second test is completed, the consultant shall be barred from conducting percolation tests in Williamson County indefinitely and his/her name shall be removed from any listings distributed to the public. Should the consultant attempt to conduct any further percolation tests, said tests shall not be accepted by the Department.

### 4. Immediate Revocation of Consulting Privileges

Where a consultant is found to have committed any obvious acts of fraud or deceit, the Department shall consider such actions as grounds for implementing an immediate revocation of the consultant's consulting privileges in Williamson County. Further, the Department shall seek to examine all legal means to see to the revocation of the consultant's professional certification.

## D. Where Percolation Tests Are Allowed

Percolation tests shall not be allowed or conducted on any parcels of land subject to being subdivided and platted, regardless of the type or nature of the subdivision of the property. Such properties shall be required to be soil mapped via an Extra High-Intensity soil mapping procedures, in accordance with all provisions of *Appendix 1*.

A parcel of land shall be a minimum of five (5.00) acres in size in order for it to be considered for percolation testing. Additionally, a parcel of land shall not be part of a platted subdivision (i.e. a subdivision requiring platting) created by the extension and construction of new roads, utilities or easements.

The use of percolation tests in any other type of situation shall only be done at the direction of the Department (e.g. use of a percolation test to establish a soil MPI rating for alternative system site assessments, etc.).

## E. Soil and Site Criteria

The provisions of these regulations require that any and all sites, on any parcel of land, to be subjected to a percolation test shall be field checked by the Department in order to see that the site has suitable soil properties and characteristics, and that the landscape conditions are appropriate to qualify for percolation testing.

The criteria used by the Department for evaluating soils or sites for suitability for percolation testing involves, but is not limited to, assessing the depth to rock, slope, wetness or water problems, and soil textural classification.

### 1. Soil Properties and Characteristics

A site shall not qualify for percolation tests if the soils meet any of the following conditions:

- (a) Soils that are classified by USDA-NRCS as belonging in suborders having aquic moisture conditions.
- (b) Soils that are classified by USDA-NRCS as belonging in great groups having fragic properties.
- (c) Soils that are classified by USDA-NRCS as belonging in subgroups having the modifier aquic, glossic, fragic, or vertic in the series name.
- (d) The soil does not have a minimum depth of 36 (thirty-six) inches before encountering bedrock, a non-rock restrictive horizon (Cr), or permanent water table.
- (e) The soil profile does not have a minimum depth of 18 (eighteen) inches (from the ground surface down) of soil having moderate to medium subangular blocky structure with a clay content of 35% or less over soil having moderate to medium angular blocky structure with a clay content ranging from 35% to 50%.

- (f) The soil profile consists of soil material having a clay content in excess of 50% and a structure ranging from strong angular blocky to a massive plastic structureless clay in the upper 24 (twenty-four) inches.
- (g) The soil is classified by USDA-NRCS as being poorly drained or somewhat poorly drained.
- (h) The soil profile exhibits mottling due to wetness at any point within thirty-six (36) inches of the ground surface.

***IMPORTANT NOTE:** Should any site be found to have soils meeting this criteria, the Department Soil Scientist shall have the authority to assess the soil on the site and make the determination as to whether or not the soil can be drained (based on soil properties and site conditions). If the Department determines that the site can be adequately drained, it may be approved for testing.*

- (i) The soil area or map unit has slight to moderate soil compaction or is compacted to the extent that 15% or more of the original soil pore space has been eliminated.

*ALL of the above listed information shall be assessed by a Department Soil Scientist, Soil Scientist Technician, or a private consulting Soil Scientist approved to consult in Williamson County.*

## 2. Site Characteristics

A site shall not qualify for percolation tests if the site characteristics meet any of the following conditions:

- (a) The soil area or map unit is located on slopes of more than 20%.
- (b) The soil area or map unit is located in a landscape position subject to flooding.
- (c) The soil area or map unit is located within an enclosed depression not having a surface drainage outlet. This would include areas that occupy the bottoms of sinkholes.
- (d) The soil area or map unit is located in a water receiving landscape position and the inflow of water (both surface and subsurface) is to such an extent that it shall be detrimental to the performance of a subsurface sewage disposal system.
- (e) The soil area or map unit is located less than twenty-five (25) feet from any obvious watercourse or drainway.

*ALL of the above listed information shall be assessed by a Department Soil Scientist, Soil Scientist Technician, or a private consulting Soil Scientist approved to consult in Williamson County.*

## **F. Requesting a Site Assessment for Percolation Test Eligibility**

The consultant shall contact the Department to schedule an appointment, in accordance with the provisions outlined in *Subsection B, Part 2* (i.e. regarding the requirement for sufficient advanced notification), with a Department Soil Scientist for an assessment of the site. At the consultant's request, the Department may conduct the site assessment in the absence of said consultant.

### 1. Property Location

The consultant shall provide accurate and detailed directions to the property. The consultant shall include information as to the best way to access the property, and whether or not there are any locked gates or barriers blocking access to the property from the road. The directions shall include details on how to find the proposed test site on the property.

Additionally, the consultant shall provide to the Department a copy of the tax map or plat (preferred, if available), the Tax Map Number and the Parcel Number of the property.

## 2. Property Conditions

The Department will only assess a property with Department equipment (i.e. a tractor and auger). If Department staff is unable to place its equipment onto the property, no attempt will be made to assess the property to locate a suitable test area, nor will the site of a proposed test area be assessed or approved.

The consultant shall indicate the vegetative condition of the property. If the Department staff finds that the property is so heavily vegetated that they are unable to maneuver a tractor onto the property or they are unable to adequately see the ground surface (fields and pastures shall be mowed such that the grass is six [6] inches or less in height), the site and/or the proposed test area will not be checked, assessed or approved.

## 3. Proposed Use of Property

The consultant shall provide detailed information regarding where a potential property owner or the current property owner wishes to place a house on the property, and the number of bedrooms the proposed house will have, ~~and whether or not the property owner is planning to place some type of oversized bathing fixture(s) (i.e. whirlpool, spa-type tub, Jacuzzi, etc...) in the proposed house.~~ The consultant shall ensure that a proposed house location has been physically marked, in an obvious manner (e.g. with flagging or tall brightly painted stakes).

***IMPORTANT NOTE:** This task shall have been accomplished prior to requesting an assessment of the property by the Department. This information is important, as it will provide the Department staff making the assessment with the information necessary to know how large of a soil area (i.e. enough soil area to support the proposed structure) will need to be assessed.*

## G. Ground Control and Vegetative Control

Should the Department find that a property is inaccessible and/or location of property boundaries is unclear, the Department shall have the authority to require that the property be cleared or cleaned of excessive vegetation and/or any or all property boundaries be surveyed and clearly marked, in accordance with the provisions of *Section 28* and *Section 29* of these regulations.

It shall be the responsibility of the consultant to see to such requirements and ensure that required tasks have been properly completed. The consultant shall not contact the Department staff for another attempt at assessing the subject property until said tasks have been completed.

## H. Establishment and Delineation of a Percolation Test Site

Where, based upon the soil conditions of the property, the Department is able to delineate a percolation test site, the Department shall make every effort to locate a percolation test area that will have a minimum area of 15,000 square feet. Where property size and soil conditions will allow, the Department will attempt to delineate an even larger area.

***IMPORTANT NOTE:** On each and every site approved by the Department, the staff will field mark the location (typically with wire flags and/or flagging tape) where the consultant shall dig each test hole and the outside limits of the percolation test area. Removal, relocation or tampering with these markers, as set by the Department, shall result in the disapproval of the area proposed to be percolation tested. Additionally, such tampering shall be construed by the Department as a violation of these provisions and shall constitute the issuance of a written warning to the consultant.*

## I. Preparation of the Percolation Test Site

***IMPORTANT NOTE:** Any deviations from these procedures, when found or noted by the Department staff, shall be construed by the Department as a violation of these provisions, and shall constitute the issuance of a written warning to the consultant.*

Once the site has been approved for testing by the Department, the consultant shall adhere to the following procedure:

1. The consultant shall dig all of the test holes at the location of the markers placed on the site by the Department.

***IMPORTANT NOTE:** The consultant shall not use the holes dug by the department staff with our tractor auger as percolation test holes. The test will not be accepted if it is found that the consultant used our auger holes to conduct the test. Additionally, such actions shall warrant the issuance of a written warning to the consultant.*

***IMPORTANT NOTE:** The Department may require as few as five (5) holes for a site. However, the Department shall make the determination as to how many holes each test site will require based on the soil properties of the site. Therefore, the consultant shall be required to dig a proper hole and test at each location the staff has marked on a site. The Department strongly advises that the consultant check with the Department if there is any question as to the number of holes that shall be required for any given site. Should it be found that the consultant has not prepared the proper number of holes on a site, the scheduling of the testing shall be delayed until the consultant has prepared the correct number of holes.*

2. The holes shall be excavated (i.e. dug or bored) so as to have horizontal dimensions (i.e. diameter) of six (6) to twelve (12) inches and having vertical dimensions of twenty-four (24) inches, NO MORE, NO LESS.
3. The consultant shall carefully scratch the bottom and sides of each hole with a knife blade or sharp pointed instrument in order to remove any smeared soil surfaces, and to provide a natural soil/water interface into which the water may percolate unimpaired.
4. The consultant shall carefully remove all loose soil material from the holes.
5. The consultant shall place two (2) inches of coarse sand or fine (pea) gravel in the bottom of each hole in order to protect the bottom of the hole from scouring and sediment when placing the water into the hole.

#### **J. Conducting the Percolation Test**

The consultant shall contact the Department a minimum of three (3) working days prior to starting the test (i.e. the presoak phase) on any site. The Department will then schedule a staff member to monitor the test. The Department may or may not be able to schedule a staff member to stay with the consultant during the conducting of the entire test.

However, at the Department's discretion, a staff member shall have the authority to stop by the site and assess the consultant's performance of the test at any time during each phase of the scheduled test (i.e. the presoak and the actual test run). Therefore, the consultant shall always be on the site for the duration of all testing activities (i.e. to oversee the presoak and to make all test measurements).

1. The actual test shall be conducted between Monday and Friday excluding standard government holidays.
2. The consultant shall be required to contact the Department staff to schedule the presoak portion of a test on a Monday, Tuesday, Wednesday, or Thursday.
3. The consultant shall begin the test procedure with the presoaking of the test holes. The consultant shall carefully fill the holes with clear water to a minimum depth of ten (10) inches from the top of the gravel or sand in the bottom of the hole.

***IMPORTANT NOTE:** No additives of any type are to be placed into any of the test holes which will aid the water in percolating into the soil. Should the Department find that any consultant has corrupted a test by placing some type of additive into any test holes, the Department shall consider this type of action an attempt of fraud and will consider such actions severe enough to initiate an immediate revocation action against the consultant. In addition to the immediate revocation of the consultant's privileges to practice in Williamson County, the Department shall pursue all legal means to revoke the consultant's privilege to practice in the State of Tennessee.*

4. Mark the beginning water level (i.e. at the level being ten [10] inches above the gravel or sand) with some type of marker to establish a fixed reference point. A nail is typically used for this purpose.
5. The consultant shall identify each hole in some type of numeric or alphabetic arrangement so that each hole in the test area is accurately correlated to the appropriate line on the percolation test data sheet.
6. The presoaking of all the test holes shall be carried out for a minimum period of four (4) hours from the start time of this phase of the test. It shall be required that the test holes be continuously kept filled to the level of marker for the entire presoak period. The method of keeping the test holes properly filled is the responsibility of the consultant.

***IMPORTANT NOTE:** Once the Department has assessed the soil in the percolation test site, the Department may require that the presoak period be extended to a longer period. Some types of soils are composed of a high percentage of shrink-swell clay. These types of soils will require an extended presoak time period. The Department will inform the consultant as to whether or not this action shall be required after the site and soil assessment has been made.*

7. The actual percolation test (i.e. the measurement phase) shall start at the time that is twenty-four (24) hours after the time the presoaking phase of the test began.
8. Prior to starting the actual percolation test, the consultant shall check each test hole to see whether or not any presoak water is still left in the hole. Should any hole be found to have any remaining presoak water, the consultant shall measure the depth to the level of the remaining water from the fixed reference point and record that information in the appropriate location on the test data sheet for that hole.
9. Prior to starting Step 10, the consultant shall go to each test hole and scoop out, by hand, as much mud as possible that has accumulated in the bottom of each test hole as a result of the presoak procedure, without disturbing the gravel or sand.
10. At the time that the actual percolation test is to start, the consultant shall bring the water level in each hole up to the fixed reference point (the marker placed in the hole at the time of starting the presoak phase of the test) and record the beginning time and the initial water level in the appropriate location on the test data sheet for each hole.

***NOTE:** The consultant shall use standard time notations on the test data sheet (i.e. do not use military time, GMT time, etc.). Any test submitted to the Department with any other type of time notations shall not be accepted and shall be returned to the consultant.*

11. The consultant shall take a reading and record the level of water drop from the fixed reference point at thirty (30) minute intervals for a total of four (4) hours for each hole in the test site. After each reading, the water level shall be brought back up to the fixed reference point. At each reading the consultant shall record the amount of drop (D) and the time (T) of each reading, at each test hole, in the appropriate location on the test data sheet.

***NOTE:** The consultant shall always measure the distance of water level drop in inches, or parts of inches, on the test data sheet (i.e. do not use metric measurement scales, etc.). Any test submitted to the Department with any other type of measurement notations shall not be accepted and shall be returned to the consultant.*

12. If, during the final reading (i.e. eighth reading) of the measurement phase of the test, it is found that any hole has not dropped a minimum of three-eighths ( $\frac{3}{8}$ ) of an inch during the last thirty (30) minute interval or period, the consultant is to proceed to Step 13 and follow those directions.
13. The test holes where the water level has dropped at least three-eighths ( $\frac{3}{8}$ ) of an inch at each reading shall be considered acceptable holes. The readings are to be taken and recorded accordingly to the end of the test period.

***HOWEVER,** those test holes which have not dropped a minimum of three-eighths ( $\frac{3}{8}$ ) of an inch during the thirty (30) minute period prior to the last reading, MUST be specifically assessed in the manner as follows:*

***NOTE:** During the actual measurement portion of test, the consultant shall make note of any test holes which are NOT dropping within the aforementioned limits, the consultant shall inform the Department representative about those test holes so that we may specifically watch the consultant's methodology when they are making measurements at those holes.*

- (a) For a test to be considered by the Department as passing, it must average a one (1) inch drop in 105 minutes (1 hour and 45 minutes). In order to accurately assess these readings, the consultant must closely monitor those holes which have not dropped the required three-eighths ( $\frac{3}{8}$ ) of an inch in the last thirty (30) minute reading period.

- (b) For the test holes that are found to not be dropping at the minimum rate of three-eighths ( $\frac{3}{8}$ ) of an inch during the last reading period, the Department shall require that readings be continued to be made at fifteen (15) minute intervals until the water in the slow hole has dropped one (1) inch. Readings at fifteen (15) minute intervals shall be used in order to ensure an accurate record the exact amount of time which elapsed while the one (1) inch of absorption was achieved (e.g. 90 to 105MPI). Once the water level has dropped that one (1) inch from the fixed reference point, the consultant shall record, in the time column, the time at which the water level reached this point.
- (c) If, at the end of 105 minutes, the slow test hole still has not dropped one (1) inch, the exact amount or measurement of amount of drop at the 105 minute mark (i.e. 1 hour and 45 minutes), from the time noted in the seventh reading column, shall be recorded (e.g.  $\frac{1}{8}$ ,  $\frac{1}{4}$ ,  $\frac{1}{2}$  of an inch in 105 minutes etc...) for that test hole.

***IMPORTANT NOTE:** As in the case of the extended presoak period, the Department shall have the authority to require that the actual test period be extended (i.e. longer than four [4] hours) where sites consist of soils that are composed of a high percentage of shrink-swell clay. The Department will inform the consultant as to whether or not this action shall be required after the site and soil assessment has been made.*

#### **K. Plat Documentation of Percolation Test Sites**

Upon the completion of the percolation test procedure, the location of the actual percolation test site (or sites) and the location of each percolation test hole (within each site or sites) shall be precisely plotted upon a plat of the property. Measurements of the size of the test area shall be shown in some manner. Thus, the plat shall show all property boundary lines and the percolation test site (including the test holes). See Figure A2-1. Additionally, measurements from the test area to obvious and prominent landmarks (e.g. roads, fence lines, prominent trees, or other fixed points of reference on the property) may also be shown.

The plat documenting the location of the percolation test site (or sites) shall be prepared in the same manner as is utilized for grid staking. See *Appendix 1, Chapter 2, Subsection A and Subsection B, Part (5)*. Thus, the aforementioned information shall be prepared by a Licensed/Registered Land Surveyor. Should a percolation test be conducted by a consultant other than a Licensed/Registered Land Surveyor, the services of a Licensed/Registered Land Surveyor shall be secured in order to prepare the required plat documentation outlined in this Subsection.

All required plat documentation outlined in this Subsection shall be drawn at a scale of one inch equals one-hundred feet (i.e. 1" = 100'). However, in a situation where the parcel of land is large (e.g. in excess of 40 acres in size), the Licensed/Registered Land Surveyor may show the boundaries of the land parcel at a maximum of a one inch equals two-hundred feet (i.e. 1" = 200') scale and show the percolation test site (or sites) at the required one inch equals one-hundred feet (i.e. 1" = 100') scale as a detail on the same plat. See Figures A2-2A and A2-2B.

***IMPORTANT NOTE:** The tasks noted in this subsection may be completed at any time after the proposed test site (and the field located percolation test hole locations) has been approved for testing by the Department. The test shall not be accepted by the Department unless the proper percolation test area location information is included with the original test data sheet. The location information (i.e. the plat) shall be on a separate boundary survey plat document, and attached to the test data sheet, when submitted to the Department.*

#### **L. After the Test is Documented and Completed**

THE CONSULTANT SHALL NOT RECORD THE MPI READING IN THE LAST COLUMN OF THE TEST DATA SHEET. THE DEPARTMENT SHALL CALCULATE THE MPI RATING AND AVERAGE THE PERCOLATION TEST DATA AT THE TIME THE TEST IS SUBMITTED TO THE DEPARTMENT FOR REVIEW.

The Department strongly recommends that the consultant advise their clients that if they intend to use the test for the purpose of obtaining a sewage disposal system permit or if the client is in need of having the test results determined for the purposes of buying or selling a parcel of land, they should bring the original test data sheet and boundary survey plat to the Williamson County Department of Sewage Disposal Management as soon as possible.



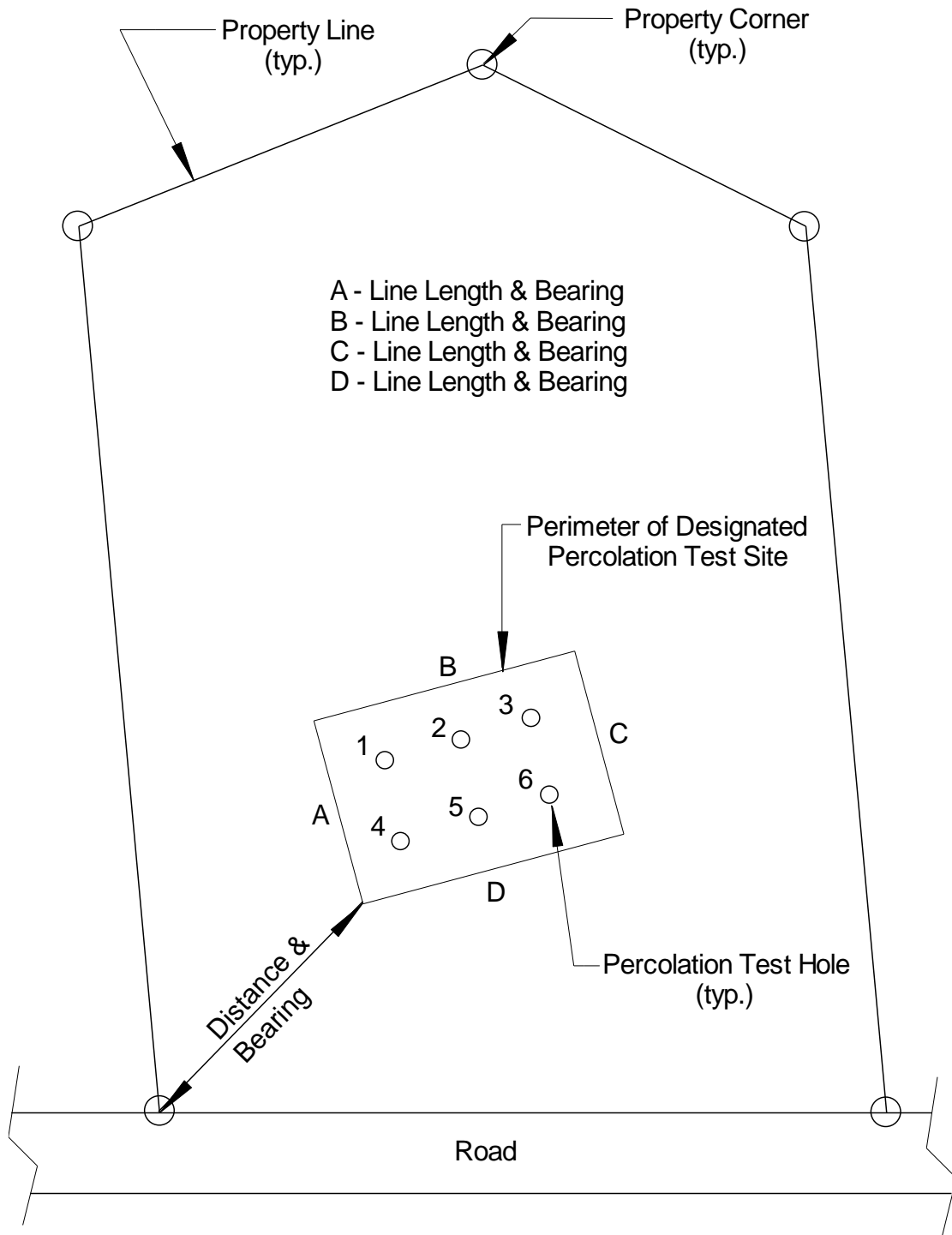


Figure A2-1. Locating a single percolation test site on a land parcel.

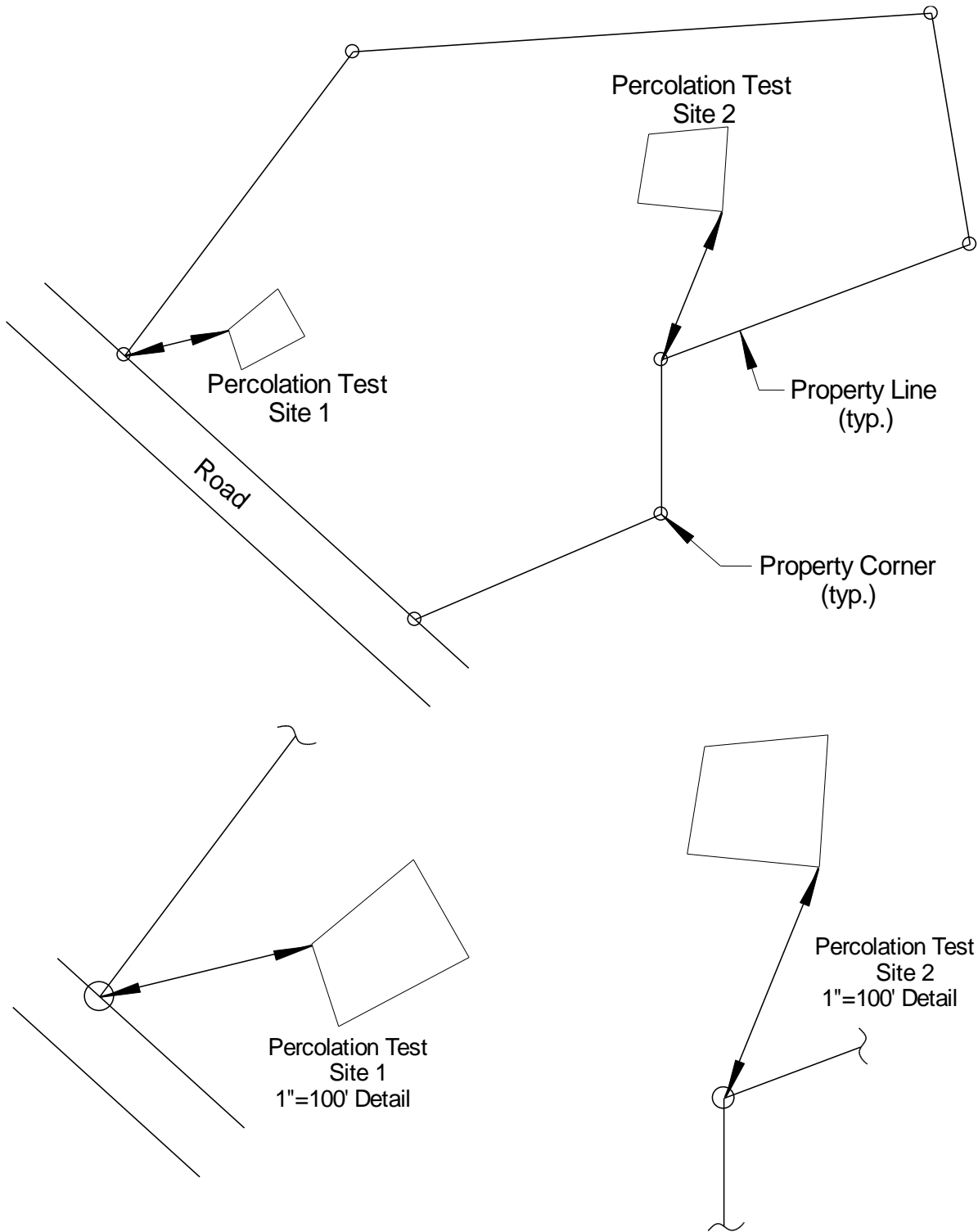


Figure A2-2A. Locating multiple percolation test sites on a parcel of land.

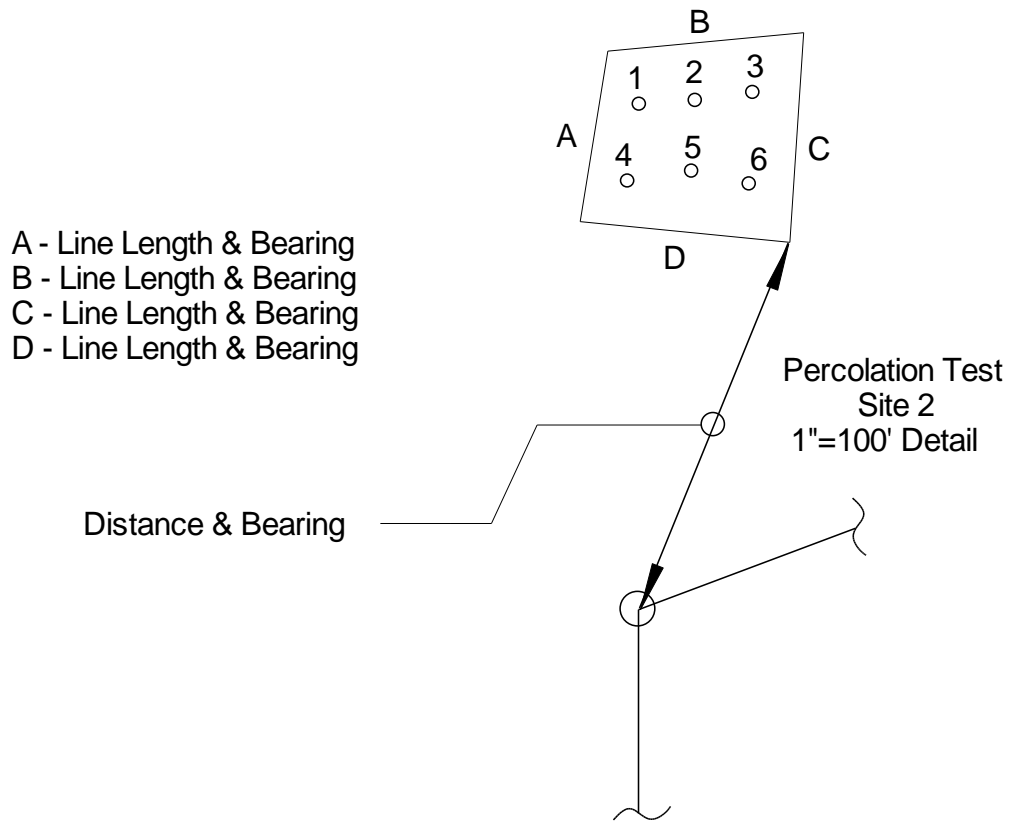
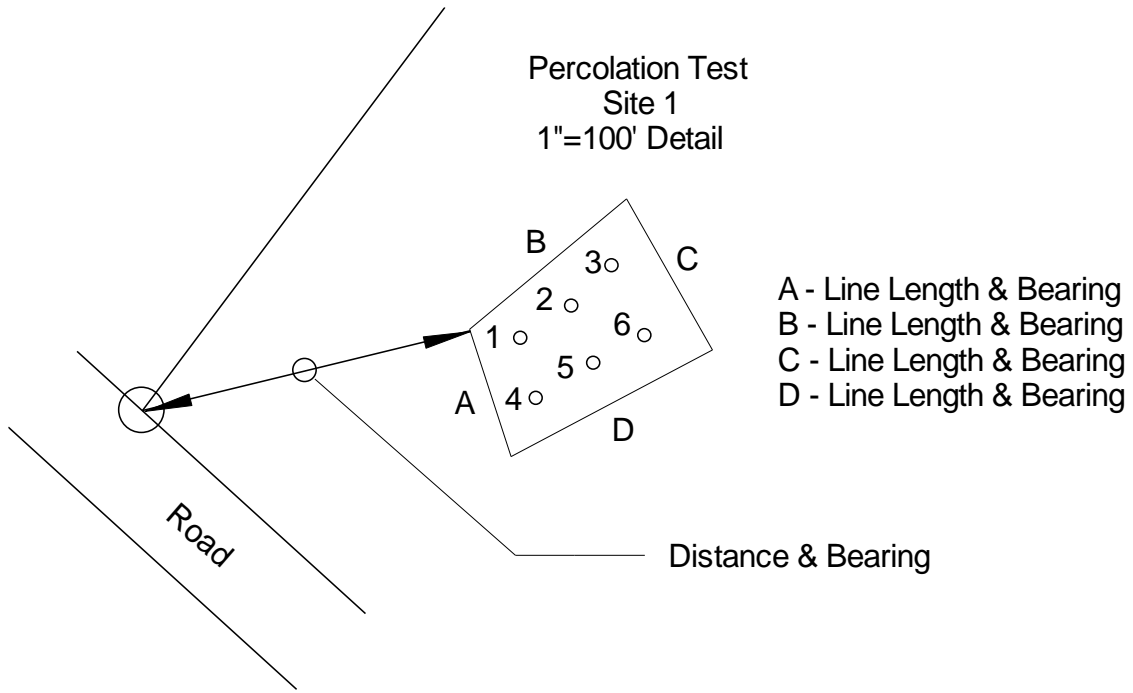


Figure A2-2B. Example showing the information that shall be shown on a 1"=100' detail drawing.

The Department will inform any and all individuals that the review and averaging process for all percolation test data sheets submitted to the Department may take from ten (10) to fifteen (15) working days from the date the percolation test information is submitted.

#### **M. Final Determination of Site Suitability for Subsurface Sewage Disposal System Use**

Percolation tests shall not be considered as *prima facie* evidence of a site's suitability to support the installation of a subsurface sewage disposal system. The soil properties contained within the confines of the designated percolation test area shall also be given careful consideration. The arithmetic mean (i.e. average) of the percolation test data shall not be considered as the sole determination of said site suitability. The uniformity of the soil properties contained within the designated test area, the individual and overall performance characteristics of the test holes, topographic considerations surrounding the designated test area, and the information from the Department Soil Scientist's assessment of the aforementioned characteristics shall be taken into careful consideration when determining the percolation test site's suitability for supporting the installation of a subsurface sewage disposal system. Additionally, the evaluation of the percolation test data shall result in the determination of a suitable soil loading rate (i.e. the rate at which water can be applied to the soil, in a septic system, so that the system will not be overloaded and subsequently fail to function) for the purposes of designating and/or designing a subsurface sewage disposal system.

Based upon the Department's evaluation of the percolation test data, the Department shall have the authority to either accept or reject the percolation test, require additional information, and/or place specific restrictions upon the property's use (i.e. stipulate the type of subsurface sewage disposal system that shall be used on the property, size of said system, use of said system, etc.). Additionally, the Department shall also have the authority to mandate the size (i.e. number of bedrooms in the structure) and site location of any proposed dwellings and any of said dwellings' related appendages.

Once a percolation test area and the test's data has been evaluated and accepted by the Department, and all specifications and restrictions have been placed upon said test, the actual percolation test area shall then be considered as a designated subsurface sewage disposal system area. As such, the percolation test area shall be subject to all provisions outlined in *Section 9* of these regulations.

#### **N. Expiration of Percolation Test Documentation**

1. Any percolation test, whether on file in the Department offices or in the possession of private individuals, regardless of whether or not the percolation test documentation has been reviewed and averaged by the Department, that was completed prior to October 1, 1990 shall be considered null and void *upon the effective date of the adoption of these regulations*.
2. Any percolation tests, whether on file in the Department offices or in the possession of private individuals, regardless of whether or not the percolation test documentation has been reviewed and averaged by the Department, that were conducted between October 1, 1990 and January 1, 1996 shall expire upon the date being ninety (90) days *after the effective date of the adoption of these regulations*.
3. Any percolation tests, whether on file in the Department offices or in the possession of private individuals, regardless of whether or not the percolation test documentation has been reviewed and averaged by the Department, that was completed after January 1, 1996 but prior to *the adoption of these regulations*, will be subject to a reassessment investigation. Should the integrity of the percolation test be reaffirmed during the reassessment process, said test will be assigned an expiration date effective three (3) years from the date that the percolation test was reaffirmed.

Should the reassessment reveal that the test is now invalid, said test shall become permanently null and void. See *Section 27, Subsection F, Part 2, subpart (d)*.

4. A completed percolation test, and any of its associated documentation, shall have an expiration date effective three (3) years from the date that the percolation test was conducted.
5. Where percolation test documentation becomes expired under the conditions outlined in this Subsection and that documentation is associated with a previously issued and valid Construction Permit (i.e. being considered by the Department as supporting documentation to the Construction Permit), said documentation shall remain valid until the expiration date of said Construction Permit.