

- (6) other information the Secretary deems necessary based on the specific proposed use and request.
- (b) An applicant or prospective applicant may submit a written request prepared by a designer that the Secretary determine that the quantity of water necessary for a proposed non-residential use of a building or structure does not require the design flows specified in Table 8-3 for individual components of a sanitary sewer service line that conveys wastewater to a wastewater treatment facility and individual components of a potable water supply and that the Secretary assign a design flow for the use based on the following factors:
- (1) the nature and design of the proposed use, including equipment that may be part of the use and any manufacturing process;
 - (2) daily water use data, as further described in Subsection (c);
 - (3) daily wastewater discharge collected and recorded using a method approved by the Secretary prior to collection;
 - (4) seasonal variations known or anticipated in occupancy or water usage of the building or structure; and
 - (5) other information the Secretary deems necessary based on the specific proposed use and request.
- (c) The burden shall be on the applicant or prospective applicant requesting the determination pursuant to Subsection (a) or (b) to satisfy the following requirements with information from a designer:
- (1) Propose a design flow for the wastewater system based on:
 - (A) the 90th percentile of all daily water meter readings; and
 - (B) a proposed safety factor that accounts for fluctuations in metered flows. Considerations for determining a safety factor include:
 - (i) the number of days the water meter readings exceeds the average flow calculated based on the water meter readings for the year;
 - (ii) the number of days the water meter readings exceed the average flow calculated based on the water meter readings during the 3 consecutive months representing the highest water usage; and
 - (iii) the 90th percentile of the water meter readings representing the highest water usage for 3 consecutive months.
 - (2) Propose a design flow for the potable water supply based on the peak recorded daily water meter reading.
 - (3) Demonstrate that the wastewater system and potable water supply comply with technical standards in this Subchapter and Subchapters 9, 10, 11, and 12;
 - (4) Provide information that addresses each factor in Subsection (a) or (b) and enables the Secretary to reach a determination and assign a design flow.
- (d) Water use data shall include the following:
- (1) A minimum of daily water meter readings for a year, unless:
 - (A) the wastewater system and potable water supply will be operated for less than 180 days of days, in which case, daily water meter readings shall be taken for each day in operation; or

- (B) the wastewater system and potable water supply will be operated for 180 days or more and the Secretary concludes that 1 year of daily water meter readings is not necessary to demonstrate the wastewater strength and quantity of water necessary for the proposed use and the Secretary provides approval, prior to the collection of water meter readings, for daily water meter readings to be taken for 180 consecutive days. An applicant seeking such approval shall submit the following information:
 - (i) the nature the existing use of the building or structure, including equipment that may be part of the use and any manufacturing process, that will be in use when meter readings will not be taken;
 - (ii) seasonal variations in occupancy or water usage of the building or structure demonstrating that all variations will be recorded during the 180 days;
 - (iii) wastewater strength and characteristics, including BOD and TSS, that may be required to adjust the sizing of the leachfield according to § 1-904 and as further described in Subsection (e), for the days when meter readings will not be taken; and
 - (iv) other information the Secretary deems necessary based on the specific proposed use and request.
- (2) Daily record of the number of occupants, employees, or other users of the building or structure, unless approval is provided by the Secretary, prior to collection of water meter readings and based in information submitted by the applicant, of an alternative basis for recording the intensity of the daily use of the building or structure.
- (3) The quantity of process water used for industrial or manufacturing facilities.
- (4) The quantity of water for domestic type use.
- (5) The quantity of water that comes from the potable water supply serving the building or structure that will not discharge to the wastewater system.
- (e) Wastewater strength and characteristics analysis data shall include 8-hour composite samples or other sampling method approved by the Secretary during the period of recording the water meter readings, taken at the following intervals:
 - (1) 1 sample during each 3-month period of use of the building or structure, provided that, if the building or structure is in use for fewer than 6 months, a minimum of 2 samples are taken;
 - (2) at least 2 of the samples shall be taken during the normal peak use of the building or structure or campground; and
 - (3) more frequent sampling when the Secretary determines that the sampling results may not be representative of the use of the building or structure.
- (f) The approval by the Secretary of a design flow different than that specified in Table 8-3 shall not be used for the purposes of determining, pursuant to § 1-301(a), whether an action will result in an increase in design flow of any component of a wastewater system or potable water supply.
- (g) The approval by the Secretary of a design flow different than that specified in Table 8-3 for a proposed non-residential use of a building or structure shall:

- (1) be issued in writing in the permit for the wastewater system or potable water supply that will serve the building or structure; and
- (2) state that a reduction from the design flow specified in Table 8-3 was approved and identify the approved design flow.

§ 1-805 Wastewater Strength

- (a) A leachfield for which design flow is determined pursuant to § 1-803(f)(2) or (3) or that will dispose of food processing waste, including a leachfield that will serve a building or structure with a use as a brewery, shall comply with the following requirements:
 - (1) Septic tank effluent that is low strength may be discharged to the leachfield.
 - (2) Septic tank effluent that is high strength but treated to reduce the strength to low strength may be discharged to the leachfield after such treatment.
 - (3) Septic tank effluent that is high strength is prohibited from being discharged to the leachfield unless the leachfield is sized pursuant to Subsection (d).
- (b) Wastewater strength of septic tank effluent shall be categorized based on the following standards:
 - (1) Septic tank effluent is low strength when it meets the following standards:
 - (A) $BOD_5 \leq 300$ mg/L;
 - (B) $TSS \leq 150$ mg/L; and
 - (C) Fats, Oil & Grease (FOG) ≤ 50 mg/L.
 - (2) Septic tank effluent that exceeds any one of the standards for BOD_5 , TSS, or FOG specified in Subsection (b)(1) is high strength.
- (c) When wastewater strength is determined for septic tank effluent, it shall be determined using one of the following methods:
 - (1) sampling of BOD_5 , TSS, and Fats, Oil, & Grease as an 8-hour composite or other sampling method approved by the Secretary;
 - (2) sampling of BOD_5 , TSS, and Fats, Oil, & Grease from a wastewater system serving buildings or structures or campground with similar uses as an 8-hour composite or other sampling method approved by the Secretary; or
 - (3) literature review of BOD_5 , TSS, and Fats, Oil, & Grease from buildings or structures, or campgrounds with similar uses, using the highest strength value identified for the particular uses.
- (d) When a leachfield is proposed to dispose of high strength wastewater and is proposed using a Secretary-assigned design flow based on the submission of water use data and wastewater strength calculations pursuant to § 1-803(f)(3)(A) or § 1-804, the leachfield shall be sized using one of the following formulas in lieu of any formula or method for sizing the particular type of leachfield specified in Subchapter 9 that would otherwise apply:
 - (1) The formula $SQLF = (BOD_5 \div 300 \text{ mg/L}) \times (DF \div AR)$ where:
 - (A) SQLF = the minimum required square footage of leachfield in square feet;
 - (B) DF = the design flow in gallons per day; and
 - (C) AR = the application rate for the soil in gallons per square foot per day identified in § 1-911.

- (2) Another formula proposed by an applicant's designer and accepted by the Secretary.

§ 1-806 Determining Baseline Design Flow for Increases in Design Flow

- (a) For the purpose of this Section, the term "bedroom" means:
 - (1) a room identified as a bedroom on a lister card applicable between January 1, 2006 and December 31, 2006; or
 - (2) a room the owner of the building or structure between January 1, 2006 and December 31, 2006 certifies under oath was:
 - (A) occupied as sleeping quarters for a minimum of 90 days between January 1, 2006 and December 31, 2006; and
 - (B) contained one window or door that leads directly to the outside and one door that separates the room from the other living space.
- (b) For the purpose of determining, pursuant to § 1-301(a), whether an action will result in an increase in design flow of any component of a wastewater system or potable water supply for which the clean slate permit exemption in § 1-303 is in effect, the baseline design flow from which a potential increase is measured shall be calculated according to the following:
 - (1) For living units:
 - (A) The maximum number of bedrooms in the living unit between January 1, 2006 and December 31, 2006, and the following standards:
 - (i) that the first 3 bedrooms in a living unit contains 2 persons per bedroom, unless Subsection (B) or (C) applies;
 - (ii) that each additional bedroom beyond 3 contains 1 person per bedroom, unless Subsection (B) or (C) applies; and
 - (iii) that each person uses 70 gallons of water per day.
 - (B) If a bedroom contains built-in beds providing sleeping space for more than 2 persons, the number of persons assumed for that bedroom shall be based on the number of sleeping spaces.
 - (C) If an applicant certifies under oath that more than 2 persons were living in a bedroom at the same time between January 1, 2006 and December 31, 2006, the number of persons assumed for that bedroom shall be based on the number certified to.
 - (2) For campsites, the maximum number and the use of campsites that existed between January 1, 2006 and December 31, 2006, and the design flow specified in Table 8-2.
 - (3) For buildings or structures or portions of building or structure other than living units, the use, or combination of uses in a 24-hour period, of the building or structure between January 1, 2006 and December 31, 2006 with the highest design flow, and the design flow specified in Table 8-3.
- (c) For the purpose of determining, pursuant to § 1-301(a), whether an action will result in an increase in design flow of any component of a wastewater system or potable water supply for which the clean slate permit exemption in § 1-303 is not in effect, the baseline design flow from which a potential increase is measured shall be calculated by reference to the

permit authorizing the operation of the component, the approved site plan, and the design flows specified in § 1-803.

- (d) A baseline design flow shall not be calculated using a Secretary approved design flow authorized pursuant to § 1-804 except pursuant to § 1-803(f)(3) for uses not appearing in Table 8-3.