

DIVISION V

CONNECTION TO PUBLIC SEWER REGULATIONS

CHAPTER 25 CONNECTION TO PUBLIC SEWER REGULATIONS

- §25101. Authority.
- §25102. Purpose.
- §25103. Definitions.
- §25104. Availability of Public Sewers.
- §25105. Adequate Existing Sewage Disposal Facilities.
- §25106. Inadequate Existing Sewage Facilities.
- §25107. Defective Existing Sewage Facilities.
- §25108. Variances.
- §21509. Connection to Public Sewer.
- §21510. Construction of Pumping Facilities.
- §25111. Abandonment of Existing Individual Sewage Disposal Systems.
- §25112. Severability.
- §25113. Penalties and Appeals.

NOTE: Rule-making authority cited for formulation of sewage disposal connection regulations by the Guam Environmental Protection Agency, 10 GCA Chapter 48.

Regulatory power for connection of sewage disposal was originally vested with the Director of Public Health and Social Services pursuant to 10 GCA §20104. Subsequently, all powers of the Director of Public Health and Social Services in the area of sewage connection were transferred to the Guam Environmental Protection Agency through §9970.4 of the Government Code, renumbered to §57004 (10 GCA §45105) of the Government Code pursuant to Public Law 12-191 and was later amended by Public Law 14-22.

The original publication was made on February 15, 1975.

§25101. Authority. (a) Title 10 Government Code Annotated Chapter 45 §45106 as amended authorizes the Guam Environmental Protection Agency to adopt such regulations as may be necessary to implement Title 10, Chapter 48, Toilet Facilities and Sewage Disposal.

(b) Title 10 Chapter 48 §48104 as amended, requires connection of toilet and sewage facilities to the public sewer when available and establishes a timetable for connection. This section requires buildings served by existing individual sewage disposal facilities which are inadequate or defective to connect to public sewer within thirty (30) days.

§25102. Purpose. The purpose of these regulations is to:

(a) Define the conditions under which an existing individual sewage disposal facility is adequate or is considered to have become inadequate or defective;

(b) Define the conditions under which public sewer is considered to be available;

(c) Define the conditions or manner in which variances to these regulations are to be granted;

(d) Prescribe the manner in which connection to the public sewer is to be made;

(e) Prescribe safety measures which must be applied to individual sewage disposal systems which are abandoned.

§25103. Definitions. (a) *Individual Sewage Disposal System*: A system designed and installed to dispose of sewage from a single building or group of buildings located on one lot. Such a system may consist of a septic tank, together with a leaching system or other treatment unit.

(b) *Septic Tank*: A water tight receptacle which receives the discharge of untreated sewage and is designed and constructed so as to retain solids, digest organic matter through a period of detention, and allows the treated liquids to discharge into the an external leaching field.

(c) *Leaching Field*: A subsurface system of open-jointed or perforated piping where septic tank effluent may seep or leach into the surrounding porous soil.

(d) *Seepage Pit*: A covered pit with open- jointed lining through which treated or partially treated sewage effluent may seep or leach into the surrounding porous soil.

(e) *Cesspool*: An excavation which receives, or is intended to receive, raw liquid sewage and from which liquid seeps or leaches into the surrounding porous soil.

(f) *Sewage or Wastewater*: Untreated or insufficiently treated human excreta, food wastes disposed of through sewers; waste water; liquid wastes from residences, commercial buildings, public buildings, and industrial establishment and such diluting water as may have entered the waste disposal system.

(g) *Privy*: A structure and excavation for the disposal of human excreta for non-water carriage methods and includes the term "pit privy", trench latrine, and "bored-hole latrine."

(h) *Public Sewer*: A common sewage collection system serving more than one lot, directly controlled by public authority.

(i) *Waters of the Territory*: All shore waters surrounding Guam, streams, lakes, wells, springs, irrigation systems, marshes, water- courses, waterways, drainage systems and other bodies of water, surface and underground, or artificial, publicly or privately owned.

(j) *Abutting Property*: Abutting property is defined as that property, which lies next to any road, street or easement in which a public sewer is located. The boundary of the private property abutting the sewer need not physically touch the sewer easement so long as that piece of land separating the sewer easement from the abutting property consists of a public right way, easement, road or street not owned or controlled by another private owner, so that the abutting property owner would be required to obtain a private easement in order to connect this property with that of the sewer.

(k) *Single Family Residence*: A building designed exclusively for occupancy for one family and containing only one dwelling unit.

(l) *Duplex*: A detached building containing two (2) dwelling units. This is the same definition as found in 21 GCA §61103 for dwelling, two (2) family.

§25104. Availability of Public Sewer. (a) **Horizontal Alignment** - Public sewer shall be considered available to a particular building when the public sewer has been constructed in a roadway, street or easement abutting the lot on which the building is located. A single family residence or a duplex shall not be required to connect to the public sewer if the horizontal setback from the sewer line exceeds two hundred (200) feet.

(b) **Vertical Alignment** - Public sewer shall be considered available to a particular building when the sewer is located: (1) not more than twenty (20) feet above the lowest floor level of a single family residence or a duplex. (2) not more than fifty (50) feet above the lowest floor level of any other structure.

§25105. Adequate Existing Sewage Disposal Facilities. (a) An adequate existing sewage disposal facility is a septic tank and leaching field that has been permitted and inspected and approved by GEPA or its predecessor,

providing the system is still operating properly and is still serving the structure for which it was designed.

(b) Any other waste disposal system permitted and approved by GEPA.

(c) Any other system for which a permit was not issued, but the owner is willing to retroactively apply for a permit and meet whatever inspection requirements are necessary.

§25106. Inadequate Existing Sewage Facilities.
Existing individual sewage disposal facilities shall be considered inadequate when:

(a) The existing sewage disposal facility has not been inspected and approved by GEPA or its predecessor.

(b) Any part of the system is located within three hundred (300) feet of any river, creek, pond, reservoir, stream, well, spring or body of fresh water.

(c) Any part of the septic tank and leaching and privy is located within ten (10) and twenty (20) feet respectively of any dwelling, school, public building, or a building used for commercial or industrial purposes or as a place of assembly.

(d) Any part of the system is located within five (5) feet of the boundary line of the lot.

(e) The system is located or constructed in such a manner that it is not accessible for inspection, emptying or cleaning.

(f) The septic tank or seepage pit does not have a substantial cover to prevent anyone walking over the tank or pit from falling in. Wooden or corrugated steel sheet covers, which are subject to rotting or corrosion, are not considered to be a suitable safe covering.

(g) A drinking water supply line exists within the following distances from the sewage disposal system:

septic tank - 10 feet

leaching field - 25 feet

seepage pit - 50 feet

§25107. Defective Existing Sewage Facilities.
Individual sewage disposal facilities are considered to have failed or become defective when:

(a) Sewage will not enter the individual sewage disposal system, but instead backs up into the building

through such openings as floor drains, sinks, toilets or plumbing vents and there is no stoppage in the service pipe from the building to the sewage disposal system.

(b) Sewage discharged to the individual sewage disposal system appears on the surface of the ground or in areas where people may come in contact with the untreated or partially treated wastes. Such surfacing of the untreated or partially treated sewage may occur in any of the following manners, but shall not be limited thereto:

(1) Through a broken pipeline.

(2) Through openings in the top or sides of the cesspool, septic tank or seepage pit.

(3) Through the ground surface above the leaching system or seepage pit.

(4) Through the ground surface where a slope exists below the cesspool septic tank, seepage pit or leaching system.

(c) Pollution of any waters of the territory of Guam is shown, by dye studies or laboratory analysis, to originate from such system.

(d) The existing sewage disposal facility is a cesspool or (is a septic tank which is not watertight,) and allows untreated wastes to discharge to the ground or waters of the territory.

(e) The sides of the septic tank are caving in due to lack of an adequate lining. [7]

§25108. Variances. (a) Variances based on availability:

(1) **New Single Family Residences or Duplex.** A variance shall be considered only if written application is made to the Administrator or his designated representative prior to approval of the construction permit and start of construction of the single family residence or duplex. A variance shall be considered only if no other practical alternatives exists. Practical alternatives would include relocating the proposed residence on the lot, grading the lot, raising the foundation of the residence or relocating the plumbing so as to enable connecting to the public sewer by gravity. Any new development other than one single family residence or one duplex will not be eligible for a variance.

(2) Existing Single Family Residence or Duplex.

An existing single family residence or duplex which cannot be connected to the public sewer by gravity (with a minimum grade of 1/8" per foot) may be granted a variance. The variance shall only be issued when the residence or duplex is served by an adequate existing individual sewage disposal system, as defined by these regulations, or when the lot is suitable for construction of an approved individual sewage disposal system and the owner agrees to construct and complete such system within thirty (30) days.

(3) Variances shall not be allowed for other than a single family residence or duplex.

(b) Variances for Inadequate Facilities. In special cases a variance may be granted to allow the continued use of inadequate existing sewage disposal facilities serving a single family residence for up to a maximum period of five (5) years after sewer becomes available. Such variance shall be considered only when the disposal system is entirely adequate except for location, such as being less than ten (10) feet from the building or five (5) feet from the property line, and the Administrator finds the request will not endanger public health or pollute waters of the territory.

If such a system is serving a single family residence which cannot connect to the public sewer by gravity, with a minimum grade of 1/8" per foot, the variance may be extended.

(c) Variance for Defective Facilities. Variances shall not be allowed for any sewage disposal system found to be defective.

(d) Variance Application Procedures. An applicant for a variance or a variance extension shall submit a written request for the variance to the Administrator. Such application shall include sufficient information, including construction plans, to evaluate the application and an explanation of why a variance or extension is being requested.

The Administrator shall, for a variance for inadequate facilities within two (2) weeks after receipt of sufficient information, send official written notification to the applicant that the variance has been either approved or denied.

For a variance for availability, the Administrator shall make a preliminary decision within two (2) weeks after receipt of sufficient information. A Notice of Intended decision will be published in a local paper for at least three (3) consecutive days. The Notice will briefly describe the application, the preliminary decision, and request public comment. He shall send written notification to the applicant that the variance has either been approved or denied no sooner than ten (10) days after the initial appearance of the Notice of Intended decision.

(e) **Hearings.** An applicant for a variance who feels the decision of the Administrator or his designated representative was arbitrary or capricious may request a hearing before the Board of Directors. The procedures for conducting hearings shall be in accordance with the Administrative Adjudication Act of the Government Code of Guam.

§25109. Connection to Public Sewers. (a) Connection to an available public sewer is required in the following situations:

(1) All new construction.

(2) Existing buildings which are remodeled or extended when; an increase in sewage flow is anticipated as a result of the construction, or; whenever improvements to the structure will increase the enclosed floor area by more than twenty percent (20%).

(3) All such buildings existing at a time a public sewer first become available and being served only by Type 3 (privy) facilities must be provided with such installation and connection within six (6) months after the public sewer becomes available.

(4) Any such building existing at the time a public sewer first becomes available and being served by Type 2 facilities (septic tank and leaching field) which are entirely adequate and without defect may continue to be served by such existing facilities for a maximum period of five (5) years upon the following conditions:

(A) No repairs, replacements or additions of or to such facilities will be permitted.

(B) Whenever any such facility becomes defective or inadequate, connection to the public sewer must be made within thirty (30) days after

notice given by the Administrator, who may, however, upon application, extend the time to not more than six (6) months if he finds that the defect or inadequacy is not hazardous to health.

(C) Whenever a public sewer becomes available, the Administrator, as soon as possible, shall make or cause to be made an inspection of all Type 2 facilities on lands abutting the road, street or other way or easement in which such sewer is located and shall promptly notify the persons concerned of his determination of which such facilities may continue to be used as above provided.

(D) In situations within the Groundwater Protection Zone where the density of Type 2 facilities exceeds four (4) septic tank and leaching systems per acre and public sewer is available, in order to protect the groundwater, the Administrator has discretion in requiring building owners to connect to public sewer within six (6) months of being served proper notice.

(b) **Application** - Prior to connection to public sewer a construction permit must be obtained. This permit must have both GEPA, PUAG, DPW approval. The applicant must provide information concerning lot location, proposed sewer connection point and method of connection. If there is a question concerning ability to connect by gravity a profile of the proposed sewer is required.

(c) **General Requirements** - During construction of the public sewage collection system, stubouts or wye branches, have been installed so as to serve most existing buildings. Wherever possible, these outlets shall be used when connecting to the public sewer. The location of the sewer line and stubout shall be included in the civil drawings for the project. Where no outlet has been provided, or where the outlet location is such that it cannot be utilized, permission shall be obtained from PUAG to cut the line and make the necessary connection. All connections to the public sewer must be inspected by GEPA or its delegated representative, prior to backfilling, to assure compliance with these regulations. When it becomes necessary to cut the sewer line to make a connection, one of the following procedures shall be used:

(1) A short section of the sewer line shall be removed and a wye branch fitting installed with rubber gasket couplings or clamps.

(2) A hole, equal in size to the service line, shall be carefully cut in the upper portion of the sewer line and the service line installed therein. Some means, such as a tapping saddle or other approved device, shall be used to prevent the service line extending into the main sewer where it will interfere with flow or prevent the use of sewer cleaning tools. After installation of the service connection, the entire joint shall be encased with a minimum of six (6) inches thickness of concrete for a distance of twelve (12) inches on each side of the connection. Concrete encasement shall extend completely around the main sewer line.

Service connections shall not be made to manholes unless no other method of connection is feasible. Prior to making connection of a service line to a sewer manhole, the approval of both the Public Utility Agency of Guam and the Guam Environmental Protection Agency must be obtained.

§25110. Construction of Pumping Facilities.

When sewage pumping facilities must be constructed in order to connect to the public sewer, the design of the holding tank and pump installation shall be approved by the Guam Environmental Protection Agency and a permit issued therefor prior to the start of any construction. Concurrent approval must be obtained from the Public Utility Agency of Guam. The Guam Environmental Protection Agency must be notified, and the system inspected and approved before being placed in operation. Pumping facilities shall meet the following general requirements:

(a) **Holding Tank** - A suitable watertight receptacle shall be constructed to receive the discharge of sewage from the building (an existing adequate septic tank may be used). This tank shall be designed to hold the anticipated sewage flow from a residence for a thirty-six (36) hour period or more. Automatic switches or pumping schedules shall be set such that the tank has a twenty-four (24) hour, or greater, storage capacity for emergency conditions. The size of holding tanks which are designed with the standby

pumps and/or emergency generators shall be considered on a case by case basis.

(b) **Pump Types** - For installations serving not more than ten (10) dwelling units, pumps may be of the submersible type provided the installation is designed so as to allow ready removal of these units for servicing. Installations serving more than ten (10) units shall be of the dry pit type or of the vertical wet pit type with motor mounted on the floor above the wet pit. All pumps shall be of non-clog design for pumping of untreated sewage.

(c) **Number of Pumps** - Installations serving a single family residence or duplex, may use a single pump. Larger installations, and those serving multiple units, shall be provided with at least two (2) pumps, of such size that peak flows may be handled with any one pump out of service. Automatic controls shall be provided to start additional pumps in the event that one pump is unable to handle the flow or fails to operate.

(d) **Valves** - Suitable shut-off valves and couplings shall be installed so that a pump may be removed for service without shutting down the entire installation or draining the discharge line.

(e) **Ventilation** - Where the pump pit is below the ground surface and personnel must enter regularly to service the equipment; adequate mechanical ventilation must be provided. Ventilation equipment shall be capable of providing at least thirty (30) complete air changes per hour.

(f) **Emergency Operation** - For larger installations, consideration should be given to the installation of a standby power supply. Where standby power supply is not practical, provision shall be made to store at least four (4) hours flow, at average daily flow rate, in the event of power failure. This may be accomplished either by providing a separate holding tank, or by allowing additional capacity in the pump pit above the normal operating high water level of the pumps. In any event, provision must be made to discharge the contents of the holding tank on resumption of normal power. Overflows which will cause the discharge of untreated sewage, either onto the ground or into the waters of the Territory, will not be permitted.

(g) **Storm Drainage** - The pump installation shall not be subject to flooding and all storm drainage shall be excluded from any part of the sewage system.

(h) **Maintenance** - Will be the responsibility of the owner unless mutually agreeable arrangements can be with a public agency.

§25111. Abandonment of Existing Individual Sewage Disposal Systems. Whenever any septic tank, cesspool, seepage pit or other portion of an individual sewage disposal system is abandoned or its use discontinued, the owner, of the property on which the system is located, shall render such system, or part thereof, safe by having the contents pumped out by a plumbing contractor and filling it completely with earth, sand, gravel or other similar material as approved by the GEPA.

§25112. Severability. If any section, paragraph, sentence, phrase, word or other provision or position of these regulations is found to be invalid or inoperative for any reason, the remainder of these regulations shall nevertheless continue in full force and effect.

§25113. Penalties and Appeals. (a) Any person who violates any provisions of these regulations shall be penalized pursuant to 10 GCA §48126(a).

(b) Any order or decision of the Administrator pursuant to these regulations, shall become final unless a hearing is requested before the Board. the Board shall have the power to review and to affirm, modify or reverse any order or decision of the Administrator so appealed. Such appeal shall be made pursuant to the provisions of the Administrative Adjudication Law, 5 GCA Chapter 9.

(c) Any order or decision of the Board pursuant to these regulations shall be subject to an appeal therefrom to the Superior Court of Guam. Such appeal shall be made pursuant to the provisions of the Administrative Adjudication Law, 5 GCA Chapter 9.