



# Department of Environmental Quality

To protect, conserve, and enhance the Quality of Wyoming's environment for the benefit of current and future generations



Matt Mead, Governor

Todd Parfitt, Director

## MEMORANDUM

To: All Interested Parties

From: Jennifer Zygmunt, Nonpoint Source Program Coordinator

Date: June 4, 2015

Re: Clean Water Act Section 319 Septic System Remediation General Criteria

The following are the minimum eligibility criteria needed to be met in order for a private homeowner in the State of Wyoming to receive federal cost-share funds under a Section 319 grant for septic system installation or upgrading. The following represents a consolidation of three previous sources of these eligibility criteria—an April 1, 2004 memorandum from the WDEQ Nonpoint Source Program; conditions established at the May 27, 2004 Nonpoint Source Task Force meeting; and an August 15, 2008 memorandum from the WDEQ Nonpoint Source Program. The criteria contained in these three sources have been consolidated into one document for easier accessibility and use by project sponsors. This consolidation has not updated any criteria previously established or added any new criteria. The references provided at the end of this memorandum (previously included in the April 2004 memorandum) have been updated.

Thank you for your continued attention to this matter and please contact the WDEQ Nonpoint Source Program if there are any questions concerning a septic system or your Section 319 project.

### Minimum Eligibility Criteria for Section 319 Septic System Cost-Share Assistance

1. Systems support a single family dwelling only.
2. Existing systems must have been installed prior to July 1, 1973.
3. Existing system cannot currently be under formal written violation or order from the WDEQ or Delegated County.
4. System must be located within a watershed listed by the State as threatened or impaired for fecal coliform, *E. coli* bacteria, or nutrients on the current Section 303(d) list.
5. Remediation of the system must have the real potential to reduce fecal coliform, *E. coli* bacterial, or nutrient loading to the Section 303(d)-listed waterbody. Systems with the

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INDUSTRIAL SITING  
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LAND QUALITY  
(307) 777-7756  
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SOLID & HAZ WASTE  
(307) 777-7752  
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WATER QUALITY  
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real potential to reduce bacterial or nutrient loads to a Section 303(d)-listed waterbody must meet the following conditions:

- a. The point where the system effluent expresses itself at the surface (pipe outlet or surface seepage) must be less than 500 linear feet from the focus water. This distance is used because overland flow distances greater than 500 feet will result in a minimal bacteria delivery to perennial water due to infiltration, UV radiation exposure, and residence time in an inhospitable environment. Focus waters are defined as: the 303(d) listed water, a perennial tributary to the 303(d) listed water, or a canal/ditch that directly contributes flow to said waters during some part of the primary contact recreation season (May 1 through September 30).
- b. If the project site is within 500 linear feet of a non-listed, perennial tributary to a 303(d) water, the project site must be within the same USGS 8-digit Hydrological Unit Code (HUC) as the impaired stream. For example: The Shoshone River's current bacteria listing is contained entirely in HUC 10080014. This HUC includes that reach of the river from the confluence with Bighorn Lake upstream to the outlet of Buffalo Bill Reservoir. The South Fork of the Shoshone River is a perennial tributary to the Shoshone River, but a project site in that hydrologic unit (HUC 10080013, South Fork Shoshone above Buffalo Bill Reservoir) would not be eligible. If the possible project site is outside the HUC of the listed water, but in the near proximity to that HUC boundary, the project sponsor must contact the DEQ project officer to determine if the site could receive a variance from this requirement.
- c. If the effluent does not express itself at the surface but groundwater seepage is believed to contribute to the surface water listing, either the solids collection component (septic tank or cesspool) or the adsorption component (leach field) must be within 50 linear feet of one of the focus waters defined above. Fifty linear feet is used because this is the minimum isolation distance for domestic wastewater systems with less than 2,000 gallons per day (WDEQ, Chapter 11. Part D). If the existing adsorption component is within the seasonal groundwater saturation zone of an alluvial aquifer, but greater than 50 feet from one of the focus waters listed above, the sponsor must contact the DEQ project officer to determine if the site is eligible. If the existing leach field is located in excessively permeable material (percolation rate of one minute per inch, or less) and immediately above the alluvial aquifer, but greater than 50 feet from one of the focus waters listed above, the sponsor must contact the DEQ project officer to determine if the site is eligible.
- d. There is not a minimum load reduction threshold requirement for an individual project, however it is strongly recommended the project sponsor examine the Wyoming DEQ's Septic Load Reduction Model to help define the water quality problem. In general, sites run through the model that generate a predicted fecal coliform load reduction value of less than 1.0E+10 organisms per year should be scrutinized intensely. This bacteria load reduction value represents less than 0.1% of the reduction that would be achieved through the remediation of one straight pipe system and less than 0.5% of the reduction that would occur through the remediation of one straight pipe system with some primary treatment (septic tank but no leach field). Financially, if the average Section 319 cost share of a septic

remediation project is \$4,000 it would cost the taxpayers \$4,000,000 to remediate 1,000 of these marginal systems to gain the water quality improvement equivalent of remediating a single straight pipe home for \$4,000.

6. The Recipient must utilize a priority ranking methodology to identify potential cooperators.
7. System must be permitted by WDEQ or Delegated County prior to construction and constructed in accordance with that permit.
8. The Recipient of the project grant and its contractors/grantees shall have the responsibility to make themselves familiar with and comply with all applicable state and federal laws, rules, and regulations including but not limited to: Procurement of Construction Services; State Wage and Hour Provisions; Insurance and Taxes; Nondiscrimination; Registration to Conduct Business in the State of Wyoming; Kickbacks; Protection of Archeological and Historical Features; and, Indemnification.

The final agreement between the State of Wyoming and Recipient will provide specific language on these and other requirements necessary to comply with state and federal laws. The Recipient must thoroughly review any agreement document prior to signature. The Recipient is not relieved of compliance with any local, state, or federal law, rule and regulation not specifically mentioned in the final agreement. It is the recipient's responsibility to make all grantees aware that any subcontracting work authorized by the grantee as part of this program must also be in accordance with state and federal laws.

9. No more than 50% of the labor and material cost for each system can be funded with 319 money.
10. Documentation of a water quality problem through an onsite evaluation by qualified personnel is required.
11. The project sponsor must provide the WDEQ individual justification for any project with a total cost for labor and materials of over \$8,500.

The following documents may provide the Recipient with helpful information:

Code of Federal Regulations: 2 CFR Subtitle A, Chapter 2, Part 225—Cost principles for state, local, and Indian tribal governments (the Office of Management and Budget Circular A-87);

Code of Federal Regulations: 44 CFR Chapter 1, Part 13—Uniform administrative requirements for grants and cooperative agreements to state and local governments

The Office of Management and Budget's Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations";

Applicable federal grantor agency regulations including, but not limited to, 40 CFR Parts 31, 32, 33 and 34.