# State of Connecticut B-100a Review and How it Affects You

**"B100a" - BUILDING CONVERSIONS AND ADDITIONS**

On August 3, 1998, Section 19-13-B100a of the Public Health Code became effective. This code pertains to Building Conversions/Changes in Use, Building Additions, Garages/Accessory Structures, Swimming Pools, Sewage Disposal Area Preservation on lots which are served by on-site subsurface sewage disposal systems. It replaced Section 19-13-B100 which was somewhat narrower in scope but similar in intent.

**PURPOSE OF "B100a"**

The purpose of this code is to require that a site assessment be made on those properties served by on-site sewage disposal facilities in order to ascertain whether further development of the property would jeopardize the ability of that property to properly treat sewage waste due to the fact that a code complying septic system could not be placed on the site. The intent is not to determine the present status of the existing leaching system, but to determine that if or, when the existing system fails a septic system can be installed on the property which will meet the needs of the proposed future use.

The previous "B100", which was in effective since October 25, 1976, also stipulated that no change of use or building addition shall be approved unless it was determined that the property could support a fully code complying septic system, except for the requirement to maintain a separate 100 percent reserve area. It has always been the position of the State Department of Public Health that a determination must be made based on soil conditions and the available area present on the property. If such information was not available, soil testing would be required to determine suitability. Unfortunately, enforcement of B100 across the state was not consistent and many health departments were not applying the code (especially when it came to soil testing) properly. The revised "B100a" now makes it very clear that testing information is required prior to approval for building conversions, additions and construction of accessory structures on the property.

It must be understood that test information and the subsequent determination of a code complying area is required even if the proposed construction is for a none water use structure (request of a non-bedroom addition, detached garage or shed, deck, in-ground swimming pool, etc.). The key is that whenever a portion of the property will be lost (by virtue of the fact that a structure is being built which will reduce the area available for future septic system needs), a code complying area must be found, exclusive of the proposed construction area, prior to an approval being granted. If a code complying area can not be found the proposed construction shall not be granted since approving such a structure would only make the property less conforming relative to the proper disposal of sewage wastes.


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**PUBLIC HEALTH CODE REGULATION SECTION 1** - The Regulations of Connecticut Agencies are amended by adding Section 19-13-B100a. as follows:

**Sec. 19-13-B100a. Building Conversions/Changes in Use, Building Additions, Garages/Accessory Structures, Swimming Pools, Sewage Disposal Area Preservation.**
(a) Definitions. As used in this section:

(1) **"**Accessory structure" means a permanent non-habitable structure which is not served by a water supply and is used incidental to residential or non-residential buildings. Accessory structures include, but are not limited to, detached garages, open decks, tool and lawn equipment storage sheds, gazebos, and barns.

(2) "Building conversion" means the act of winterizing a seasonal use building into year round use by providing one or more of the following: (A) a positive heating supply to the converted area; or,(B) a potable water supply which is protected from freezing; or, (C) energy conservation in the form of insulation to protect from heat loss.

(3) "Change in use" means any structural, mechanical or physical change to a building which allows the occupancy to increase; or the activities within the building to expand or alter such that, when the building is fully utilized, the design flow or required effective leaching area will increase.

(4) "Code-complying area" means an area on a property where a subsurface sewage disposal system can be installed which meets all requirements of Section 19-13-B103 of the Regulations of Connecticut State Agencies, and the Technical Standards except for the one hundred percent reserve leaching area referred to in Section VIII A of the Technical Standards.

(5) "Design flow" means the anticipated daily discharge from a building as determined in accordance with Sections IV and VIII F of the Technical Standards.

(6) "Potential repair area" means an area on a property which could be utilized to repair or replace an existing or failed septic system and includes areas on the property where exceptions to Section 19-13-B103 of the Regulations of Connecticut State Agencies could be granted by the local director of health or the Commissioner of Public Health but does not include areas beyond those necessary for a system repair and areas of exposed ledgerock.

(7) "Technical Standards" means those standards established by the Commissioner of Public Health in the most recent revision of the publication entitled "Technical

Standards for Subsurface Sewage Disposal Systems" prepared pursuant to Section 19-13-B103d(d) of the Regulations of Connecticut State Agencies. These standards can be obtained from the Department of Public Health, 410 Capitol Avenue, MS #51SEW, P.O. Box 340308, Hartford, CT. 06134-0308, or by calling (860) 509-7296.

(b) Building conversion, change in use. If public sewers are not available, no building or part thereof shall be altered so as to enable its continuous occupancy by performing any building conversion, nor shall there be a change in use unless the local director of health has determined that after the conversion or change in use, a code-complying area exists on the lot for installation of a subsurface sewage disposal system. The determination by the local director of health of whether a code-complying area exists on the property shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. The local director of health may require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of the change in use for those properties whenever the proposed change in use results in a more than 50% increase in the design flow.

(c) Building additions. If public sewers are not available, no addition to any building shall be permitted unless the local director of health has determined that after the building addition a code-complying area exists on the lot for the installation of a subsurface sewage disposal system. Once a code-complying area is identified, portions of the property outside this designated area may be utilized for further development of the property. This determination by the local director of health shall be based upon analysis of existing soil data to determine if a code-complying area exists. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the building addition shall be permitted, provided:

(1) The size of the replacement system shown on design plans or sketch provides a minimum of 50% of the required effective leaching area per the Technical Standards,

(2) The replacement system shown on the plans or sketch provides a minimum of 50% of the required Minimum Leaching System Spread (MLSS) per the Technical Standards,

(3) The proposed design does not require an exception to Section 19-13-B103d(a)(3) of the Regulations of Connecticut State Agencies, regarding separation distances to wells,

(4) The addition does not reduce the potential repair area, and

(5) The building addition does not increase the design flow of the building.

The local director of health may require expansion of the existing sewage disposal system or installation of a new sewage disposal system at the time of building addition whenever the proposed addition results in a more than 50% increase in the design flow. The separation distance from an addition to any part of the existing sewage disposal system shall comply with Table 1 in Section II of the Technical Standards.

(d) Attached or detached garages, accessory structures, below or above ground pools. If public sewers are not available, no attached garage, detached garage, accessory structure, below or above ground pool shall be permitted unless the local director of health has determined that after construction of the attached garage, detached garage, accessory structure, below or above ground pool, a code-complying area exists on the lot for installation of a subsurface sewage disposal system. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. If the applicant submits soil test data, design plans or a sketch and is unable to demonstrate a code-complying area, the attached or detached garage, below or above ground pool, or accessory structure shall be permitted, provided the structure does not reduce the potential repair area. The separation distance from the attached or detached garage, below or above ground pool, or accessory structure to any part of the existing sewage disposal system shall comply with Table 1 in Section II of the Technical Standards.

(e) Sewage disposal area preservation. If public sewers are not available, no lot line shall be relocated or any other activity performed that affects soil characteristics or hydraulic conditions so as to reduce the potential repair area, unless the local director of health has determined that after the lot line relocation or disturbance of soils on the lot a code-complying area exists for the installation of a subsurface sewage disposal system. This determination by the local director of health shall be based upon analysis of existing soil data. If soil data is not available, the property owner shall perform soil testing. The property owner or the owner's authorized agent shall submit design plans or a sketch to demonstrate how the property contains a code-complying area that can accommodate a sewage disposal system. In no case shall a relocated lot line violate Subsection (d) of Section 19- 13-B103(d)

of the Regulations of Connecticut State Agencies that requires that each subsurface sewage disposal system shall be located on the same lot as the building served.

(f) Decision by Director of Health. Any final decision of the local director of health made in regard to this section shall be made in writing and sent to the applicant. Any decision adverse to the applicant or which limits the application shall set forth the facts and conclusions upon which the decision is based. Such written decision shall be deemed equivalent to an order, and may be appealed pursuant to Section 19a-229 of the Connecticut General Statutes.

If you have any questions related to the B100a process or just general questions pertaining to your existing or proposed septic system, please contact Arthur H. Howland & Associates, P.C. at (860) 354-9346 and ask for Paul Szymanski. You can also visit us on the web at http://ahhowland.com.

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