



## Arkansas Department of Health

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Governor Asa Hutchinson

Nathaniel Smith, MD, MPH, Director and State Health Officer

MEMO EHGS 0015 Replaces EHGS 0003 2-22-2007

October 19, 2015

MEMORANDUM (Bulletin 9 Clarification and Procedures)

To: All Environmental Health Specialists

From: J. Terry Paul, R.S. Environmental Director 

Subject: Clarify the use of Bulletin 9 with other State and Federal Regulations; Procedures for reviewing construction permit applications.

Act 402 of 1977 states; Lots in any subdivision approved by the Department of Health and recorded at the County Courthouse are not to be held to a more stringent requirement as found the most current version of the Individual Onsite Regulations. From the July 1, 1977 date forward, individual onsite wastewater systems are reviewed using the rules and regulation established by the above referenced act. In order to reconcile differences between Bulletin 9 and current rules and regulations the following procedures will be used.

1. Permit application for those lots platted, approved, and recorded prior to July 1, 1977 may not require a secondary dispersal area for new construction or repair.
2. Setbacks in the applicable Bulletin #9's are to be utilized unless in conflict with other regulatory agency who may have jurisdiction over the placement of an absorption system. The setback from a **water supply lake** is 100 feet from the **High Water Mark** of the lake, unless the absorption system is located within 1/4 mile of the **public water supply system intake structure**, then the setback distance will be 300 feet. The High Water Mark of a water supply lake is the elevation of the overflow of the impoundment structure or the assigned base flood elevation. The normal pool elevation will not be considered as the high water mark for determining 100 or 300 foot setbacks.
3. New construction or repair permit application for an absorption system wherein part or the entire filter area is located within 100 feet of a water supply lake or river high water mark shall require advance treatment. The septic tank, pump tank or advanced treatment unit shall not be located within the setbacks of the high water mark. The level of advance treatment and, if warranted, the use of a disinfection method shall be at the sole discretion of the Department. A waiver submittal shall be required for any application under this subsection and shall be submitted prior to the submittal of the

application for construction. The approval or disapproval of any waiver request is at the sole discretion of the Department.

4. Absorption fields may be sized by either percolation test or soil morphology; however, in no case shall the absorption field size be less than required by soil morphology. If a percolation test is performed, the absorption field size shall be calculated using the sizing table found in the applicable version of Bulletin #9.
5. The number of gallons per day per bedroom used for sizing a system shall be the number as found in the applicable Bulletin # 9 of 150 gallons per bedroom. If the property owner/developer so chooses to use the flow rate found in the current regulations, the permit application shall indicate both primary and secondary absorption areas.
6. Applications submitted under Bulletin #9 shall have a copy of the original approval letter for the subdivision or other supportive documents indicating review and approval by the Department and recorded at the County Courthouse.