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<u>Code/Year</u> Code of Montgomery County Regulations 1994	<u>Title and Section of Code</u> 27.A.00.01 – On-Site Water Systems and On-Site Sewage Disposal Systems	<u>Subsection</u> 27.A.00.01.05 –On-Site Sewage Disposal System Site Criteria
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**Statement/Background of Issue:**

This policy is regarding the validity status of existing soils testing (percolation tests) results conducted by the County. Interested parties may include owners of properties designated to use septic systems, land development design professionals, contractors, realtors, etc. Percolation (perc) testing is a required part of the soil evaluation process for installing a septic system. The maintenance of percolation test records by the County began around 1960. Since percolation testing was initiated, additional testing has been necessary for the issuance of septic permits and safe approval of building permits for lots where percolation testing was previously done. The intent of this policy is to eliminate the inadequacy of previously approved percolation test data that is marginal or unreliable and allow for a more consistent interpretation of aging soils testing data.

**Department Interpretation/Policy:**


The date Feb. 28, 1979 is representative of significant regulation changes made in the Code of Montgomery County Regulations (COMCOR) for Individual Water Supply and Sewage Disposal Systems. Therefore, effective as of Sept. 1, 2022, data for percolation testing conducted by the County prior to Feb. 28<sup>th</sup>, 1979, regardless of when or if the soil tests/evaluation was initially approved (including all approval formats), will not be valid for obtaining septic permit approval unless one of the exceptions in the bulleted items below is met. Soils testing/evaluation on a lot or parcel conducted prior to this date must be reevaluated which will require new water table and percolation tests (or sand mound tests), and plan review fees.

Percolation tests conducted by the County on or after Feb. 28, 1979 may still be considered valid on a case-by-case basis after evaluation by this office. The evaluation process will still be completed through submission of a Request for Percolation Test Results form. Validity of the existing data will be determined by the adequacy of the information on file, whether the test data is sufficient to properly design an onsite sewage disposal system based on current design standards, and the current condition of the property.

To apply for a new septic permit using test data prior to Feb. 28, 1979 which was previously approved or determined to be satisfactory by this office, then a complete application submission for a new septic permit must be received by Sept. 1, 2022 to be considered for approval.

This policy does not apply to:

- New septic permit applications actively in the review process, which contain perc test data prior to Feb. 28, 1979;
- New septic permits that have been issued and have not expired which contain perc test data prior to Feb. 28, 1979; and
- Perc test data prior to Feb. 28, 1979 which was used in combination with additional perc test data conducted after Feb. 28, 1979, and was approved on a Final Well and Septic Plan, will still be considered for septic permit issuance.

<b>Effective Date:</b> Sept. 1, 2022	Division Chief: Linda Kobylski 
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