

**TITLE 18. ENVIRONMENTAL QUALITY**  
**CHAPTER 9. WATER POLLUTION CONTROL**  
**ARTICLE 3. AQUIFER PROTECTION PERMITS - GENERAL PERMITS**  
**PART A. GENERAL PROVISIONS**

**R18-9-A312. Facility Design for Type 4 Onsite Wastewater Treatment Facilities**

- G.** Alternative design, setback, installation, or operational features. When an applicant submits a Notice of Intent to Discharge, the applicant may request that the Department review and approve a feature of improved or alternative technology, design, setback, installation, or operation that differs from a general permit requirement in this Article.
1. The applicant shall make the request for an improved or alternative feature of technology, design, setback, installation, or operation on a form provided by the Department and include:
    - a. A description of the requested change;
    - b. A citation to the applicable feature or technology, design, setback, installation, or operational requirement for which the change is being requested; and
    - c. Justification for the requested change, including any necessary supporting documentation.
  2. The applicant shall submit the appropriate fee specified under 18 A.A.C. 14 for each requested change. For purposes of calculating the fee, a requested change that is applied multiple times in a similar manner throughout the facility is considered a single request if submitted for concurrent review.
  3. The applicant shall provide sufficient information for the Department to determine that the change achieves equal or better performance compared with the general permit requirement, or addresses site or system conditions more satisfactorily than the requirements of this Article.
  4. The Department shall review and may approve the request for change.
  5. The Department shall deny the request for the change if the change will adversely affect other permittees or cause or contribute to a violation of an Aquifer Water Quality Standard.
  6. The Department shall deny the request for the change if the change:
    - a. Fails to achieve equal or better performance compared to the general permit requirement;
    - b. Fails to address site or system conditions more satisfactorily than the general permit requirement;
    - c. Is insufficiently justified based on the information provided in the submittal;
    - d. Requires excessive review time, research, or specialized expertise by the Department to act on the request; or
    - e. For any other justifiable cause.
  7. The Department may approve a reduced setback for a facility authorized to discharge under one or more of the general permits in R18-9-E303 through R18-9-E322, either separately or in combination with a septic tank system authorized under R18-9-E302, if the applicant demonstrates that:
    - a. The treatment performance is significantly better than that provided under R18-9-E302(B),
    - b. The wastewater loading rate is reduced, or
    - c. Surface or subsurface characteristics ensure that reduced setbacks are protective of human health or water quality.