

Septic System Ordinance Summary

[Ordinance 21-018](#)

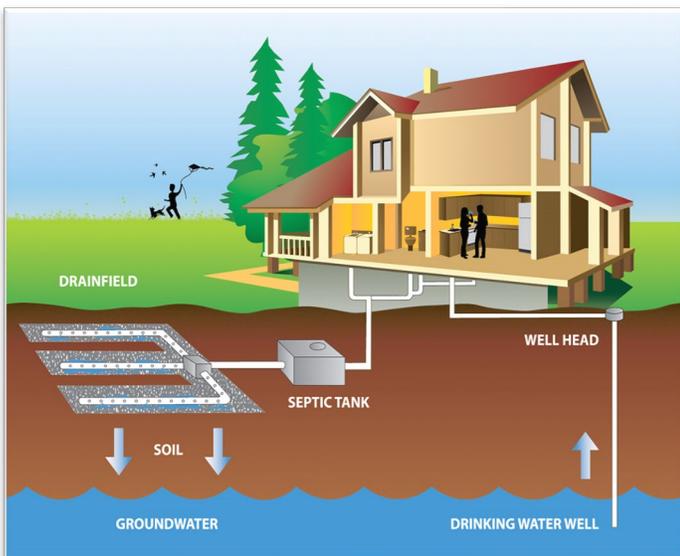
Purpose: To remove the expiration date from the restriction of not allowing major subdivisions on septic systems in the Suburban (S) zoning district. The current restriction has been in place for three years and expires at the end of August 2021. Minor subdivisions served by septic systems would be permitted under the current and proposed legislation. Individual septic systems were never designed for major development. The goal of the legislation is to:

- protect water quality;
- limit rural sprawl development; and
- better manage growth and infrastructure.

Proliferation of private septic systems and community packaged waste treatment plants pose a threat to our waterways and drinking water quality. Improper maintenance and failure of these systems also leads to costly retrofits. This ordinance would limit new development spread across rural areas and help direct it to growth areas with infrastructure. ***This ordinance will be before the New Castle County Council for a vote on August 31, 2021.***

Background:

Concerned with the unintended environmental impacts that significant residential development on individual septic systems would cause to the County's natural resources, the Meyer Administration in 2018 drafted and promoted [Ordinance 18-093](#), a moratorium on major subdivisions with on-lot wastewater systems. That ordinance and its subsequent companion, [Ordinance 19-078](#) were approved by County Council maintaining the basic tenants of the moratorium.



The County commissioned two independent studies ([Duffield Associates](#) and [University of Delaware's Water Resources Center](#)), to evaluate the science of communities built dependent on individual septic systems. These studies examined wastewater infrastructure and pollution, land use planning, and other related concerns. Concurrently, the County with significant public input, also completed the [Southern New Castle County Master Plan](#), which emphasized the importance of building communities within the designated growth area, consolidating infrastructure costs, providing adequate public services (e.g. first responders, schools and transportation options) and preserving open space and farmland.

Facts:

- **Water Quality**
 - Over 90% of Delaware's waterbodies are polluted and the average home on a septic system pollutes significantly more nitrogen to the environment than the same home on central sewer.

- New Castle County treats 50 million gallons of wastewater each day utilizing the latest technology to remove harmful pollutants such as nitrogen, a leading cause of groundwater pollution. Wastewater is monitored frequently and is regulated by a specific permit. By contrast, septic systems are built to basic requirements, are usually not designed to remove nitrogen pollution, and are not subject to monitoring.
- *Growth*
 - Rapid growth of the housing market and construction of the new Route 301 has accelerated development activity in the southern part of New Castle County.
 - In the 10 years preceding the adoption of the current regulations, there were less than 90-units on septic in the west wing of the Southern New Castle County study area.
 - In the 24 months preceding the adoption of the current regulations, multiple developers have proposed the construction of over 900 homes south of the C&D Canal, in areas not served by public sewer.
 - There is potential for 5,000+ new septic lots in the suburban zoning district should the current regulations sunset.
- *Infrastructure*
 - Existing and future septic systems pose a potential infrastructure failure threat. Over time, some of these septic systems will fail causing environmental damage. There are approximately 4,300 parcels on septic systems in the east, core, and west wings* of southern New Castle County with more than half of these systems greater than 10-years old and nearly a third known to be greater than 20-years old. In the mid-2000s, studies indicated it would cost, at a minimum, \$25,000 per property to connect a household from septic to sewer. Major development should be targeted for growth areas served by central sewer that is monitored and maintained.
**For purposes of sewer planning, the land generally from Middletown straight east to the Delaware River and north to the C&D Canal is considered in three roughly equally sized areas known as the east wing, central core, and west wing.*

The population in southern New Castle County is projected to grow by more than 8,000 by the year 2050 (Delaware Population Consortium). Given that growth is predictably coming, development must be directed to infrastructure that provides the greatest environmental benefit so that our water quality is protected into the future in a sustainable way. Continuing the public policy of not allowing major residential developments to occur on septic systems in the suburban (S) zoning district is necessary and prudent to ensure that all aspects of intentional growth work in harmony.

You can support the future of clean water by contacting members of County Council to voice your support for [Ordinance 21-018](#). The Ordinance is scheduled for public discussion at the [August 31 Land Use Committee](#) and later that same evening at the full [County Council meeting](#) for its vote.