

LAWRENCE COUNTY HEALTH DEPARTMENT
WASTEWATER TREATMENT SYSTEMS ORDINANCE

REVISED 01-03-2007

AN ORDINANCE GOVERNING THE CONSTRUCTION, MODIFICATION, INSTALLATION AND OPERATION OF WASTEWATER TREATMENT SYSTEMS WITHIN THE COUNTY; REQUIRING CERTAIN PERMITS AND QUALIFICATIONS, AND PROVIDING PENALTIES FOR VIOLATION THEREOF:

SECTION 1. AUTHORITY. This ordinance is enacted pursuant to Section 192.300, RsMO 1986, which provides in part as follows: The County Commission and County Health Boards of the several counties may make and promulgate orders and regulations, respectively, as will tend to enhance the public health and prevent the entrance of infections, contagious, communicable or dangerous diseases into such a county, but orders or ordinances and rules and regulations shall not be in conflict with any rules or regulations authorized and made by the Department of Health in accordance with this chapter or by the Department of Social Services under Chapter 198 RsMo.

SECTION 2. APPLICABILITY. These regulations apply to all wastewater treatment systems connected to the sewage systems operated by or on behalf of an incorporated municipality or incorporated public sewer district within the count.

SECTION 3. DEFINITIONS. The following words and phrases shall have the following meanings.

- 3.01 Commission: The Lawrence County Commission, the governing body of Lawrence County.
- 3.02 Department: The Lawrence County Health Department
- 3.03 Detailed Design: The sketch drawing with all calculations and alterations.
- 3.04 The Health Officer: The Administrator of the Lawrence County Health Department or an authorized representative.
- 3.05 Emergency Condition: A condition of such extreme nature which presents and immediate danger to public health, requiring immediate correction without the necessary time to apply for the required permit as set forth herein.
- 3.06 Health Hazards: Any condition which is known to case disease or harm to a person, community or the environment now or in the future.
- 3.07 Lending Institution: A bank, savings and loan association, credit union, consumer credit lender, mortgage banker or any other association or institution which makes real estate loans.

3.08 Permit: A written authorization issued by the Lawrence County Health Department which authorized the permittee to construct, install, modify or operate a wastewater facility as set forth in this ordinance.

3.09 Person: An individual, corporation or other legal entity.

3.10 Stop Order: A written order issued by the County Health Officer or designated representative to stop all construction, installation, modification or operation of a wastewater treatment system.

3.11 Variance: An allowance to install a wastewater treatment system when the minimum requirements for Set-Back Distances, Minimum Trench Area, Minimum Distance between Restrictive Feature/Bedrock cannot be complied with. All variances shall be notarized.

SECTION 4. PROHIBITIONS. No person shall:

4.01 Construct, install, modify or operate any sewage or wastewater treatment system without the permit required herein.

4.02 Construct, install or modification of any sewage or wastewater treatment system when the permit has expired or has been suspended or revoked.

4.03 Fail to comply with a STOP ORDER issued pursuant to this ordinance.

4.04 Construct, install, modify or operate any sewage or wastewater treatment system or any “on-site sewage disposal system” as defined in 701.025, RsMO. In violation of the provisions of Chapter 701 or in violation of any construction, modification or operation permit issued by the Missouri Department of Natural Resources or any other Federal or State agency.

4.05 Live, work or assemble in any building or assemble at any public gathering six (6) or more hours in duration where sanitary disposal of all human wastes and domestic sewage if not provided by method or devices approved by the department. It shall be the responsibility of the property owner to comply with this section.

SECTION 5. CONSTRUCTION PERMITS.

5.01 Any person or company engaged in the construction, installation or renovation of any wastewater treatment system shall obtain a sewage construction permit from the Lawrence County Health Department.

5.02 Applicant shall provide the following information:

A. Legal description of the property to the nearest $\frac{1}{4}$, $\frac{1}{4}$ section.

B. Individual systems: A completed Site Evaluation and sketch for the individual sewer treatment systems.

C. Commercial systems with a maximum daily flow of less than 3,000

gallons per day (GPD): a completed Site Evaluation information and detailed design of the proposed system.

- D. Commercial systems with a maximum daily flow of greater than 3,000 GPD: a letter of approval for the construction issued by Missouri Department of Natural Resources and a copy of the engineering plans as approved by the Missouri Department of Natural Resources.
- E. Name of the installer and signature of the installer.

5.03 Individual sewage treatment systems shall be approved as to type, design and capacity by the Department prior to issuance of the construction permit, in accordance with the current construction standards 10 CSR 10-8-8.021.

5.04 The system shall be constructed by an installer or contractor registered by the Missouri Department of Health/Senior Services and the county Department, except as specified in Section 8.03.

5.05 The permit application shall be signed by the owner of the property on which the system is to be installed or by his legally authorized representative.

5.06 Any application knowingly providing false information on the application shall be subject to termination of the permit.

SECTION 6. OPERATING PERMITS:

6.01 Any wastewater treatment system that incorporates a mechanical system as the main component of the wastewater system must have an operating permit issued by the Department.

6.02 Any wastewater treatment system that serves more than a single family dwelling and utilizes any system other than septic tank and laterals must have an operating permit issued by the Department.

6.03 Applicants will provide the following information:

- A. Legal description of the property to the nearest $\frac{1}{4}, \frac{1}{4}$ section.
- B. Name of person responsible for the system (property owner).
- C. A copy of any permits, letters of approval or other documentation as to the operation of the system.
- D. A copy of the results of any water quality testing required by any state or federal agency.

6.04 All operating permits for wastewater systems that are not installed within one year must be renewed.

SECTION 7. STOP ORDER

7.01 A STOP ORDER may be issued for the following reasons:

- A. When sub-standard materials are being used in construction, installation or modification of the wastewater treatment system.
- B. When a wastewater treatment system is being constructed, installed, modified or operated in violation of this ordinance.

SECTION 8.

8.01 Every person engaged in the design, construction, installation, evaluation and assessment, modification or operation of wastewater treatment systems, or septic tank cleaning and pumping within Lawrence County must apply for registration with the County Health Officer.

8.02 The Commission may adopt rules and regulations establishing qualifications and minimum standards of experience and knowledge for persons desiring to register under this ordinance.

8.03 A homeowner is not required to be registered, but shall demonstrate a thorough knowledge of the Department's minimum standards for construction to install, add to, alter or repair the private wastewater system that serves his permanent residence,; however, he must obtain a permit. The homeowner is required to meet all other requirements of this ordinance.

8.04 An applicant for registration shall demonstrate a thorough knowledge of the Department's minimum standards for construction. The installer is required to complete a training program each year within the county, which is provided by the Department. If the installer has attended an installers class within the year from an accredited provider, the Department will accept this training for the year.

8.05 An applicant shall be able to guarantee workmanship and materials on all installations for one year.

8.06 Any installer failing to comply with any and all regulations, rules, orders and decisions of the Department relative to the type of systems installed, constructed or maintained shall be subject to termination or suspension of registration.

8.07 Any installer failing to comply with the stated provisions for inspection of the system shall be subject to termination or suspension of registration.

8.08 The installer installing any system for which no permit exists shall be subject to termination or suspension of registration.

8.09 The installer shall provide any and all installation of construction data requested by the Department and shall maintain complete and accurate records of each installation for a period not less than three (3) years.

8.10 The installer shall report promptly to the Department any conditions not in accordance with the system permit and shall cease construction of any installation until approval is obtained.

8.11 Any person whose Application for Registration under this section has been denied will be notified in writing as to the reasons for denial, and said person may appeal pursuant to Section 12 of this ordinance.

8.12 Whenever the County Health Officer determines that a holder of a valid registration under this section has violated any provision of this ordinance, or any provisions, rules or regulations adopted by the Commission, the County Health Officer may recommend to the Commission that said registration be suspended or revoked. If the Commission finds that the County Health Officer's recommendation has merit, the Commission shall schedule a hearing on the proposed suspension or revocation after giving the said holder not less than ten (10) days notice of said hearing and reasonable opportunity to be heard. The Commission shall set the term of the suspension or revocation within ten (10) days of said hearing.

SECTION 9. SEPTIC TANK CLEANING STANDARDS

9.01 Inspection of equipment and dumping site: The County Health Officer or representative thereof, shall inspect or cause to be inspected the equipment and dump-site of the Registered Tank Cleaners for the purpose of determining if his equipment and dump is in good operating condition and if the same are being operated and maintained in a sanitary and healthful manner, and in compliance with this ordinance. The discharge of wastewater or sewage from the tank truck shall be emptied by using hoses and connections that are approved by the County Health Officer. An inspection of the dump-site will be conducted at the time of registration and periodically as the County Health Officer deems appropriate.

9.02 The property owner of the dumping site and registered tank cleaner must have an agreement on file with the County Health Officer or representative thereof, to use the property as a sewage disposal site, and said dumping site must be approved by the Department of Natural Resources and the County Health Officer for proper sewage disposal. The registered tank cleaner must use one of the following methods of disposal.

1. Land application
2. Lagoon
3. Discharge in municipal treatment plant

SECTION 10. POWERS AND AUTHORITY OF INSPECTORS

10.01 The County Health Officer, or representative thereof, bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provision of this ordinance.

SECTION 11. PENALTIES

11.01 Any person found to be violating any provision of this ordinance shall be served by the Department with a written notice or Stop Order via certified mail or in person stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

11.02 Any person who shall continue any violation beyond the time limit provided for in Section 11.01 shall be guilty of a misdemeanor and or conviction thereof shall be fined in an amount not exceeding One Thousand Dollars (\$1,000.00) for each violation. Each day in which any such violation does continue shall be deemed a separate offense.

11.03 Any person violating any of the provisions of this chapter shall become liable to the Department for any expenses, loss or damage incurred by the Department by the reason of such violation.

11.04 The Department may institute injunction, mandamus or other appropriate action or proceedings to prevent or remedy any violation of any provision of this ordinance.

SECTION 12. APPEALS

12.01 Any person aggrieved by any decision of the County Health Officer may appeal to the Commission by filing a written application with the County Health Officer within (30) days after being notified of the decision which is the subject of the appeal.

12.02 The Commission shall schedule a hearing on appeal and shall give the person notice of the date of the hearing at least ten (10) days prior to the hearing date and give the person reasonable opportunity to be heard.

12.03 Appeal hearings to the Commission shall be conducted in accordance with the Commission’s adopted rules and procedures.

SECTION 13. WASTEWATER TREATMENT SYSTEM PERMIT FEES

WASTEWATER TREATMENT SYSTEM PERMIT FEES ARE NON-REFUNDABLE.

13.01 The fees for single family dwellings and non-single family dwellings are as follows:

- A. The fee for a single family dwellings. \$90.00
- B. The fee for a commercial (non-single family dwelling). \$125.00
- C. The fee for a single family dwelling wastewater treatment system repair is twenty five dollars. (\$25.00)
- D. The fee for a commercial (non-single family dwelling) wastewater treatment system repair is seventy five dollars. (\$75.00)

13.02 Registered Engineers, Registered Contractors, Tank Cleaners and Registered Installers fee:

- A. The fee for Registered (Soil Scientists) Engineers, Registered Contractors, Registered Septic Tank Cleaners and Registered Installers is \$25.00 annually.

13.03 The fee for an operating permit is twenty five dollars (\$25.00) annually.

13.04 Waiver Of Fees.

The fees for single family dwelling wastewater treatment may be waived by the Health Officer if the fees

would cause undue hardship on the permit applicant.

SECTION 14. SEVERABILITY AND LIABILITY

14.01 If any article, chapter, section, clause or phrase of this regulation is, for any reason, held to be invalid by any court of competent jurisdiction, such decision shall not affect the remaining portions of this regulation.

14.02 No statement contained in this article shall be construed to interfere with any additional requirements that may be imposed by the Department.

14.03 This ordinance shall not create a liability on the part of or a cause of action against the County or any employee thereof for any private sewage system which may not function as designed. There shall be no liability or warranty for any site which is approved or denied. The issuance of a septic permit and the final inspection of such a system does not warrant the system's function, nor is there a guarantee that the system is free of defects or that all aspects of the system comply to Missouri Statute or Administrative Code requirements.

SECTION 15. VARIANCES

15.01 Requests for variances from provisions of the rules and regulations may be considered by the Department on an individual basis. The variance requests must demonstrate to the satisfaction of the Department that the variance has been requested because conditions are such that equivalent protection of the public health and the environment can be provided by alternate means.

SECTION 16. INSPECTION OF EXISTING SEWAGE SYSTEMS

16.01 Inspection of existing sewage system and a water quality test (unofficial) may be conducted by a Department representative. The Department may charge up to fifty dollars (\$50.00) for an inspection of an existing sewage system and well evaluation, pursuant to a request from a lending institution, land title company, real estate company or the owner of a property involved in a transfer of ownership.

16.02 If an unofficial water sample is required for approval of a loan application or for property involved in a transfer of ownership, a charge of twenty five (\$25.00) will be levied. An additional ten dollars (\$10.00) plus mileage at county rate will be charged for each trip made for retesting.

16.03 If an unofficial water sample is requested by an individual for personal use or information, they will be issued the appropriate bottles and instructions on how to draw the sample. They will be charged fifteen dollars (\$15.00) for a bacteriological test and ten dollars (\$10.00) for a chemical screening analysis.

