

Randolph County On-Site Wastewater Treatment System Ordinance

SECTION I. AUTHORITY

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

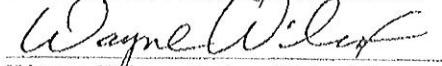
SECTION II. SCOPE OF COVERAGE

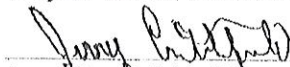
The Randolph County Commission hereby adopts an ordinance establishing minimum construction standards and procedures for on-site wastewater treatment systems as outlined in RSMo Sections 701.025-701.059 Missouri Laws for On-Site Disposal Systems, Construction Standards, and Permitting Authority. The Commission also adopts the "Decentralized Wastewater Glossary" as compiled by the Consortium of Institutes for Decentralized Wastewater Treatment (CIDWT) as its definitions resource, however defers to Missouri State Statute definitions in the above cited sections where any conflict in definition exists. This ordinance shall follow state law with the following exceptions:

1. This ordinance shall apply to all properties, regardless of size.
Existing Properties: Prior to connecting any structure to an onsite wastewater treatment system, an inspection is required by a State Licensed On-Site System Inspector/Evaluator or by the Randolph County Health Department ("RCHD") to assure that the system meets current state construction codes. In the event that it does not, a new system shall be installed or the existing system brought into compliance with current state construction codes.
2. Soil morphologies for wastewater stabilization lagoons will not be required so long as the Randolph County Soil Survey indicates that the area is compatible with such system and so long as the installer of the lagoon has available clay for lining the lagoon, if necessary.
3. A five person Advisory/Review Board shall be established to rule on variances and grievances, as outlined in the Mission Statement and Procedures.
4. The RCHD shall be the Administrative Authority responsible for the implementation of this ordinance. Fees collected shall be used for the On-Site Wastewater Treatment Program in Randolph County.
5. Actions of the representatives of the Administrative authority engaged in the evaluation and determination of measures required to effect compliance with the provisions of this ordinance shall in no way be taken as a guarantee or warranty that sewage treatment and disposal systems approved and permitted will function in a satisfactory manner for any given period of time.
6. Violations of the provisions of this ordinance shall constitute a misdemeanor and shall be referred to the Prosecuting Attorney for his action.

BY ORDER OF THE RANDOLPH COUNTY COMMISSION:


Susan Carter, Presiding Commissioner


Wayne Wilcox, Eastern District Commissioner


Jerry Crutchfield, Western District Commissioner

Effective Date: January 1, 2012




Randolph County Clerk

SMALL ON-SITE WASTE WATER SYSTEMS

SECTION I

1.1 Purpose: These regulations are enacted for the purpose of regulating the design, construction and modification of small on-site wastewater systems as the term is defined in these regulations in order to protect and promote the public health and to prevent the entrance of infectious, contagious communicable or dangerous diseases into Randolph County, Missouri.

1.2 Authority: These regulations are enacted under authority vested in the County Commission of Randolph County, Missouri by Section 192.300 RSMo. (supp. 1989) as enacted by Senate Bill 68 of the 85th General Assembly.

1.3 Definitions: As used in this chapter, unless the context clearly indicated otherwise or the definition of the term is found in a regulation adopted by reference in this regulation, the following words and terms shall have the following meanings:

1.3.1 Administrative Authority - The administrative agency or agencies appointed by the Randolph County Commission to administer these regulations or portions thereof.

1.3.2 Board of Review - A committee of five persons as further described in these regulations charged with determining requests for variances and appeals authorized by these regulations.

1.3.3 Permit - Written authorization issued by the Randolph County Health Department which authorized the permittee to construct or modify the small on-site wastewater systems regulated under this chapter. This permit is not intended to be construed to be a permit regulating the operation of a small on-site wastewater system after completion of construction of modification.

1.3.4 Person - Any natural person, business entity of any type, corporation, trust, association of any type, or any agent, officer or employee of any of the foregoing.

1.3.5 Small On-Site Wastewater System - Any subsurface sewage treatment system, lagoon disposal system or other waterborne waste disposal method employing basic hydrologic or engineering principles which receives 3000 gallons or less of water borne waste per day.

1.3.6 Class I Sewage Treatment System - A sewage treatment system meeting standard 40-1990 for Individual Aerobic Wastewater Treatment Plants published in 1990 by the National Sanitation Foundation (ANSI/NSF40 - 1990) made a part hereof by reference and which meets Class I effluent results prescribed by EPA Secondary Treatment Guidelines, Federal Register, Vol. 49, September 20, 1987, Title 40-Protection of Environment Chapter 1 - EPA, Subchapter D, Water Programs, part 133, Secondary Treatment Information, Item 133.102 Secondary Treatment, made a part hereof by reference and both maintained on file in the Randolph County Health Department and Office of the Randolph County Clerk.

1.3.7 Construction - Any act of building and/or installing new small on-site waste system in order to make it operational and functional or any act of repairing or replacing a small on-site wastewater system other than routine maintenance.

1.3.8 Modification - Any act or work upon an existing small on-site waste system which changes the design or function of system other than routine maintenance.

DESIGN AND CONSTRUCTION STANDARDS

2.1 Small On-site Wastewater System Design and Construction Standards: All small on-site wastewater systems shall be designed, constructed or modified in accordance with the standards set forth in 19 CSR 20-3.060. Individual Sewage Treatment System Standards, effective September 1995, the same being incorporated by reference as if fully set out in this regulation verbatim and maintained on file in the office of the Randolph County Health Department, and Randolph County Clerk's office except to the extent the same is modified by these regulations.

2.1.1 Exceptions to Design and Construction Standards - The Regulations 19 CSR 20-3.060 Individual Sewage Treatment System Standard effective April 15, 1989, are hereby amended for purposes of the chapter as follows:

2.1.1.1 Soil Scientist - The term "soil scientist" defined in 10 CSR 20-3.060 shall be defined as follows - A soil scientist shall have a minimum of 15 semester credit hours in the area of soil sciences including a minimum of 3 credit hours in the area of soil morphology and interpretation as well as a minimum of three years field experience by employment or otherwise in interpreting soil texture, color, structural and stratigraphic properties relative to temporal fluxes of water in soil landscapes.

PERMITS

3.1 Permit Required for Construction or Modification of Small On-Site Wastewater Systems: From and after the effective date of these regulations no small on-site wastewater system shall be constructed or modified except in accordance with the terms and conditions of a valid permit issued pursuant to these regulations. Except as provided in section 3.6.2, nothing in these regulations is intended or is to be construed to require a permit to operate a small on-

site wastewater system once the construction or modification of such a system under permit has been finally inspected and approved by the Administrative Authority. The issuance of a permit in accordance with these regulations does not relieve the permittee of the responsibility to properly plan, design, construct, install, modify, operate or maintain the system as may be otherwise regulated by law, rule or regulation nor does issuance of such permit guarantee that the system will function in compliance with these regulations or other applicable laws, rules or regulations.

3.2 Permit Applications - Any person seeking a permit to construct or modify a small on-site wastewater system shall submit a written application for same on forms provided by the Administrative Authority; such application shall be accompanied by plans, including site plans indicating the location of percolation test holes or soil profile holes, test results, lot lines, proposed location of treatment systems in relation to buildings and lot lines, specifications, design data, and other pertinent information required by the Administrative Authority. If an alternative on-site wastewater disposal system, as defined by 19 CSR 20-3.060 section 6, is proposed, plans must be designed by a registered engineer and must be submitted with the permit application. All plans and specifications shall conform to the design standards required under these regulations. All permit applications, including site plans, shall demonstrate in writing and graphically that the proposed small on-site wastewater system to be constructed or modified is in compliance with the requirements of these regulations.

3.3 Permit Application Processing Procedures - The Administrative Authority shall review all permit applications initially for completeness; incomplete applications shall be returned to the applicant for completion. The Administrative Authority shall take final action on all completed permit applications within fifteen (15) calendar days of submission by either approving the application and issuing the permit, issuing the permit with modifications necessary for compliance with these regulations or denying the permit. Any permit issued with modifications or denied shall be accompanied by written reasons for such modification or denial and in the case of denial, the Administrative Authority at its discretion may recommend corrective action. Any applicant aggrieved by the issuance of a permit with modifications or denial of permit may appeal such issuance or denial to the Board of Review within 30 days of such issuance or denial in accordance with the provisions of these regulations.

3.4 Compliance with Permit - No small on-site wastewater system shall be constructed or modified except in compliance with the terms and conditions of the permit issued for same and approved application therefore; unauthorized changes, deviations, or modifications shall constitute a violation of the permit and subject the permittee to permit suspension, revocation and/or prosecution.

3.5 Operation of Small On-site Wastewater System - No small on-site wastewater system shall be operated unless and until a final inspection of same is conducted by the Administrative Authority and the system is approved and found to be in compliance with these regulations. No final inspection shall be conducted or approval granted unless the system is exposed for inspection without backfilling so that the system can be examined for compliance with these regulations. Any small on-site wastewater system which has been backfilled in whole or part

or otherwise covered such that a complete inspection for compliance cannot be conducted shall upon request of any representative of Administrative Authority be uncovered, re-excavated, or otherwise exposed at the sole expense of the permittee such that a complete inspection can be conducted for purposes of determining compliance with these regulations. Any permittee who shall fail to expose a small on-site sewage system for inspection under the provisions of these regulations shall be subject to permit suspension or revocation. Any permittee who shall fail to expose a small on-site sewage system to inspection after construction or modification within thirty (30) days after request of a representative of the Administrative Authority, shall be subject to permit revocation.

3.6 Permit Modification - No small on-site wastewater system shall be constructed or modified in deviation from the terms and conditions of the permit and approved application therefor unless a new application or amended application for such permit has been first filed with the Administrative Authority and approved by such authority or a waiver of permit modification has been granted pursuant to section 3.7.

3.7 Waiver of Permit Modification - Submission of a new or amended application for small on-site wastewater system permit may be waived by the Administrative Authority in cases where approved materials and/or procedures cannot be used under the terms and conditions of the existing permit and alternative materials or procedures will meet minimum standards without substantial change in the small on-site wastewater system approved under the existing permit and which will not result in any violation of these regulations. The Administrative Authority may grant such waiver orally upon oral request provided the request and waiver is documented on forms approved by the Administrative Authority and signed by the permittee and a representative of the Administrative Authority granting the waiver. Failure or refusal of the Administrative Authority to grant an oral waiver shall not entitle the permittee to appeal such decision to the Board of Review.

3.8 General Permit Conditions - The following general conditions shall be applicable to all small on-site wastewater system permits:

3.8.1 Expiration of Permit - All small on-site wastewater system permits shall be valid for six months after date of issuance and the Administrative Authority shall record the expiration date on each permit. Permits may be renewed for additional ninety (90) day periods after the initial period of validity for good cause provided there have been no changes in the plans for construction or modification of the system under the initial permit and application for renewal is made prior to the expiration date of the permit. No small on-site wastewater system permit shall be renewed except by the Administrative Authority making a written endorsement of renewal upon the existing permit prior to the expiration date of such permit. Failure to request or obtain renewal prior to the expiration date shall require the permittee to submit an application for new permit.

3.8.2 Transfer of Permit - Small on-site wastewater system permits may be transferred only to successor property owners prior to completion of construction or modification for which the permit is issued by completion of ownership transfer documents issued and

approved by the Administrative Authority. All terms and conditions of issued permits for construction or modification shall be automatically applicable to any successor property owner upon transfer of ownership.

ENFORCEMENT

4.1 Permit Denial - The Administrative Authority may deny an on-site wastewater system permit for any or the reasons enumerated in sections 4.1.1 through 4.1.4. In the event the Administrative Authority denies issuance of a permit the applicant shall be notified in writing of the reason or reasons for denial. An applicant denied a permit may request in writing a hearing before the Board of Review stating the grounds in support of the request within thirty (30) days of notification of denial. The ruling of the Board of Review shall be final; any further appeal or review of the decision shall be as provided by Chapter 536 RSMo.

4.1.1 Denial Due to Violation of Design and/or Construction Standards - A small on-site wastewater system permit may be denied because application for such permit is incomplete or does not meet applicable minimum design and/or construction standards established by these regulations.

4.1.2 Denial Due to Violation of Applicable Building, Subdivision, or Zoning Regulations - A small on-site wastewater system permit may be denied if the system to be constructed or modified will cause a violation of applicable building, subdivision, or zoning regulations.

4.1.3 Denial Due to Location Within 225 Feet of Sanitary Sewer - A small on-site wastewater system permit may be denied because the building lot upon which it is to be located is within 225 feet of a sanitary sewer to which connection is practical and is permitted by the governmental agency or utility responsible for the sanitary sewer. or in the case of the nonconforming on-site wastewater system under section 7.1, no such permit shall be issued where such a system constitutes a nuisance as otherwise prohibited in these regulations and the building lot upon which such system exists is located within 225 feet of a sanitary sewer to which connection is practical.

4.2 Permit Suspension and Revocation - The Administrative Authority may suspend or revoke a permit before construction or modification of a small on-site wastewater system is completed due to noncompliance with the terms of the permit or these regulations, unapproved modifications in design or construction, false information submitted in the application for permit, changing site conditions which would result in a violation of one or more of the provisions of these regulations, submission of false percolation test data or false soil morphology/landscape data, permittee misrepresentation concerning compliance with these regulations or any other reasons necessary for protection of the public health or safety. Except in cases where continued construction or modification under permit would present an imminent threat to human health, life or safety, a permittee shall be given at least five (5) days advance written notice of the Administrative Authority's intent to suspend or revoke a permit which shall contain a written statement of the reasons for the proposed suspension or revocation,

duration of suspension (if applicable) together with notice of corrective actions (if applicable) necessary to authorize the permittee to retain the permit. The permittee may appeal a notice of suspension or revocation to the Board of Review by submitting a written notice of appeal to the Administrative Authority on or before the date suspension or revocation is to take effect. An appeal shall not stay the suspension or revocation of a permit unless so ordered by the Board of Review upon a showing of good cause or with consent of the Administrative Authority. The Board of Review shall determine the appeal of any suspension or revocation as soon as reasonably practicable; the decision of the Board of Review shall be final and any further appeal or review shall be as prescribed by Chapter 536 RSMo.

SMALL ON-SITE WASTEWATER SYSTEM BOARD OF REVIEW

5.1 Board of Review - The county commission shall appoint a review committee consisting of five members to be known as the Small On-Site Wastewater System Board of Review, shall review and determine application for variances as authorized by these regulations and hear and determine appeals from Administrative Authority decisions as are authorized and prescribed by these regulations. The voting members of the Board of Review shall consist of a representative from the Randolph County Commission, a registered engineer or soil scientist, or in the event no such engineer or soil scientist is available, a person actively involved in the design or inspection of small on-site wastewater systems, and three citizens at large owning or possessing real estate containing a small on-site wastewater system. A member of the Randolph County Health Department shall provide administrative support to the Board of Review and serve as a non-voting ex-officio member of the board. The governmental representative seat on the Board of Review shall be permanent. Persons occupying seats on the Board of Review shall be subject to removal from the Board by the Randolph County Commission for misconduct or neglect of office. The nongovernmental members on the Board of Review shall be appointed for staggered terms by the Randolph County Commission with initial terms to cover one, two, and three years as deemed appropriate by the County Commission and thereafter each successive term shall be for a period of three years. The Board of Review shall be entitled to established rules of procedure and bylaws for the conduct of its business subject to review, modifications and approval by the Randolph County Commission.

5.2.1 General Variance - The Board of Review may grant variances from the strict application of these regulations in cases where a property owner or occupant would not be able to effectively or properly use a small on-site wastewater system and the grant of a variance would not result in contamination of surface waters or ground water or present a nuisance or health hazard to any person and would not result in the discharge of treated or untreated domestic sewage or human waste off the property subject to the permit. No variance shall be granted on the condition of reduced water usage or maximum specified water usage. The Board may impose such conditions on a variance as it deems appropriate for purposes of preventing a nuisance or health hazard condition to other persons or preventing discharge of treated or untreated domestic sewage or human waste off the property subject to the permit.

5.2.2 Class I Sewage Treatment System Variances - The Board of Review may grant a

variance for a Class I Sewage Treatment System as the term is defined in these regulations when due lot size or other extraordinary circumstances no other small on-site wastewater system will be effective and installation or construction of some other system would otherwise result in a reasonable probability of contamination of surface waters or ground water or present a nuisance or health hazard to other persons or result in treated or untreated domestic sewage or human waste discharging off the property for which the permit was issued in an unsanitary condition. No Class I Sewage Treatment System variance shall be granted without issuance of an operating permit conditioned on periodic inspection of the system and maintenance of the system under the conditions established by the Board of Review. No Class I Sewage Treatment System shall be operated without a valid operating permit in effect issued by the Board of Review; breach of any condition contained in an operating permit shall authorize the Board of Review to revoke an operating permit after notice of the violation to the permittee and opportunity to be heard. The issuance of Class I Sewage Treatment System variance shall not authorize the permittee to discharge wastewater on property of another without consent or otherwise impede right or privilege of property ownership to persons not subject to the permit issued under authority of these regulations.

CERTIFICATION

6.1 Certification of Small On-Site Wastewater System Installers and Percolation Test Technicians - No person shall construct or modify a small on-site wastewater system unless certified as an installer for such system by the Administrative Authority or unless otherwise exempt from such certification under these regulations. No person shall administer a soil percolation test for purposes of complying with these regulations unless certified as percolation test technician. No person shall perform or administer a soil morphology/landscape analysis purpose of complying with these regulations unless qualified as a soil scientist as defined herein.

6.1.1 Certification Requirements for Installers - An individual may be certified as a small on-site wastewater system installer if such person has attended a training as required by the Administrative Authority consisting of instruction on the application of these regulations. The Administrative Authority is authorized to establish such courses of instruction and/or testing as it may deem appropriate from time to time to insure installer compliance with these regulations.

6.1.2 Requirements for Percolation Test Technician Certification - Soil Technicians may be certified as a soil percolation test technician under these regulations who meets the criteria of 19 CSR 20-3.060 and has a working knowledge of the proper procedure for administering soil percolation tests and the application of these regulations pertaining thereto. The Administrative Authority may provide training and require testing in proper procedure for administering soil percolation tests and these regulations as they apply to them. The Administrative Authority may exempt any person from training and testing requirements if the person is already qualified as a percolation test technician by education and experience; it shall be the responsibility of the party requesting exemption to prove to the Administrative Authority's reasonable satisfaction their entitlement to exemption.

6.1.3 Homeowner Exemption for Installer Certification - Any individual who owns real estate upon which a small on-site wastewater system is to be constructed or modified and who resides on such real estate or shall reside upon such real estate upon completion of construction of a residence may construct or modify a small on-site wastewater system pursuant to these regulations so long as such individual had obtained written exemption from the Administrative Authority pursuant to this regulation and is primarily responsible for the actual construction or modification of the small on-site wastewater system constructed or modified on such real estate. Exemption from this certification requirement may be revoked by the Administrative Authority due to noncompliance with these regulations or permitting a non-certified person to assume responsibility for the actual construction or modification of the small on-site wastewater system authorized under such exempted person's permit.

6.1.4 Revocation of Certification - The Administrative Authority may revoke the certification of any small on-site wastewater system installer or soil percolation test technician who is found to intentionally violate any provision of these regulations or who after written warning of violation of a particular regulation is found to violate the same regulation on one or more subsequent occasions regardless of whether or not such person intended violation. Any certification revoked by the Administrative Authority may be appealed in writing to the Board of Review within ten (10) days after notice of revocation has been served upon the person whose certification is to be revoked. The Board of Review shall hear and determine such appeal as soon as reasonably practicable and may for good cause shown, stay revocation prior to hearing. The decision of the Board of Review shall be final and any appeal thereafter, shall be as prescribed by Chapter 536 RSMo.

NONCONFORMING SMALL ON-SITE WASTEWATER SYSTEMS

7.1 Nonconforming Small On-Site Wastewater Systems: All small site wastewater systems existing as of the effective date of this chapter shall be presumed to be in compliance with these regulations unless such system is found to be public health nuisance or hazard or is in violation of state law pertaining to wastewater systems. Prior to the sale of any property, the on-site wastewater system shall be inspected. A copy of the approved inspection report shall be attached to any deed of conveyance at the time same is filed with the County Recorder. When any such noncompliance condition exists, the owner of the real estate upon which such system exists shall then be subject to the provisions of these regulation and shall be required to apply for a small on-site wastewater permit in order to modify the existing system within such time as prescribed by the Administrative Authority.

INTERPRETATION AND SEVERABILITY

8.1 Interpretation and Severability: The regulation enacted under this chapter are intended to be supplementary to other provisions or remedies authorized or prescribed by law or rule or regulation enacted thereunder. The invalidity of any particular regulation enacted herein shall not affect the validity of any other provision and all regulations hereunder shall be construed as consistency and harmoniously as possible with each other and other applicable provision of

F the law. In the event these regulations irreconcilably conflict with another law, rule or regulation, the law, rule or regulation which affords the greater protector to the public health or safety shall prevail except the case of conflict with any rules or regulations made by the Missouri Department of Health or the Missouri Department of Social Services pursuant to chapter 168 RSMo, in which case the regulations of the state thereunder shall prevail. These regulations also shall be liberally constructed to the fullest extent permitted by law to effectuate the broad remedial purposes for which they are intended.

JURISDICTION

9.1 Jurisdiction: The regulations contained in this chapter shall be applicable to all unincorporated areas within Randolph County, Missouri, and by order of the Randolph County Commission in incorporated municipalities which petition the Randolph County Commission to be included and the Randolph County Commission agrees to order their inclusion after public hearing thereon.

10.1 Penalties and Remedies: Any person who violates any requirement or provision of these regulations shall be deemed guilty of a misdemeanor and shall be punished as provided by law; each day's violation of any such regulation shall constitute a separate and distinct offense. The penalty provided in this section shall not be construed to be exclusive but is intended to be supplementary and in addition to any other remedy provided by law or at equity.

11.1 Fees: The Randolph County Health Department may from time to time impose such user fees as permit fees or inspection fees as it may deem appropriate so long as such fees comply with the provisions of Section 192.300 RSMo. and are otherwise authorized by law.

12.1 Effective: These regulations shall become effective on and after the date of their passage.