ST. CLAIR COUNTY

WASTEWATER

TREATMENT SYSTEMS

ORDINANCE

NO. 96-1

RULES and REGULATIONS

As Provided In Section 192.300, RSMo 1986

And Adopted by St. Clair County August 5, 1996

Updated Ordinance adopted June 26, 2017

Enforced By: St. Clair County Health Center

**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.**

**The St. Clair County Health Center Board of Trustees hereby orders it as follows:**

**IMMUNITY:** The approval of any permits or wastewater treatment system shall not be taken as a guarantee that the system will operate and function as intended. The St. Clair County Health Center Board of Trustees or their representatives shall not be liable for damages resulting from the approval by the St. Clair County Health Center or its representatives for the construction, installation, or modification, maintenance or operation of an individual wastewater treatment system.

**SECTION 1 - AUTHORITY:** This ordinance is enacted pursuant to Section 192.300 RSMo.

**SECTION 2 – APPLICABILITY:** All properties in St. Clair County regardless of acreage or lot size must obtain a permit from the St. Clair County Health Center prior to installing or maintenance of any onsite wastewater treatment system.

These regulations apply to all wastewater treatment systems except for wastewater treatment systems connected to the sewage system operated by or on behalf of an incorporated municipality within the county. Disposal of wastewater from a dwelling or other facility producing sewage, of three thousand gallons (3000 gals.) or more per day. Commercial or industrial facilities and developers of subdivisions must first contact the Missouri Department of Natural Resources concerning compliance with the Missouri Clean Water Law and Regulations.

**SECTION 3 - DEFINITIONS:**

The following words and phrases shall have the following meanings:

**3:01 Board:** The St. Clair County Board of Health Trustees at the St. Clair County Health Center.

**3:02 Regulatory Authority:** The Administrator of the St. Clair County Health Center or authorized representative.

**3:03 Emergency Condition:**  A condition of such extreme nature which presents an immediate danger to public, requiring immediate correction without the necessary time to apply for the required permit as set forth herein.

**3:04 Health Hazards:**  Any condition which is known or suspected to cause disease or harm to a person, community or the environment now or in the future.

**3:05 Permit:** A written authorization issued by the regulatory authority which authorizes the permitted to construct, install, modify, repair or operate a wastewater facility as set forth in this ordinance.

**3:06 Stop Order:** A written order issued by the regulatory authority to stop all construction, installation, modification, repair or operation of a wastewater treatment system.

**SECTION 4 – PROHIBITIONS:**

No person shall:

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

**4.02** Construct, install, or modify, 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. 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 is not provided by methods or devices approved by the regulatory authority. It shall be the responsibility of the property owner to comply with this section.

**SECTION 5 - PERMIT APPLICATION PROCEDURE AND REQUIREMENTS:**

**5.01** Any person desiring to construct, install or modify a wastewater treatment system must first obtain a valid permit issued by the St. Clair County Health Center and follow procedures and regulations in applying for a permit.

**5.02** Applicant shall provide the following information:

a. Submit a written application to the St. Clair County Health Center.

b. Submit a design plan, specifications, and other pertinent information pertaining to supplies and equipment to be used in construction of the wastewater treatment system and any additional information requested by the Health Center.

c. Submit a soil morphology report for onsite sewage treatment systems unless otherwise instructed by the regulatory authority.

d. Emergency conditions must be reported immediately, or on the next working day in writing, to the St. Clair County Health Center and a corresponding application for a permit for such emergency condition must be submitted within five (5) days after reporting of said emergency condition.

**SECTION 6 - APPLICATION PROCESSING PROCEDURE:**

All permit applications will be processed in the following manner:

**6.01** All permit applications will be reviewed and approved or disapproved within fifteen days from the date the application is received.

**6.02** All plans and specifications must meet or exceed the requirements of this ordinance.

**6.03** When all of the documentation is processed and approved, a permit will be issued to the owner, or owner’s representative.

**6.04** Whenever the plans submitted are in noncompliance with state and county standards, then a denial notice will be issued.

**6.05** Any aggrieved applicant may request a hearing in accordance with this ordinance.

**SECTION 7 - CONSTRUCTIONS AND OPERATION IN COMPLIANCE ISSUED PERMITS**

**7.01** On new construction sites, properties must have a Soils Morphology Test from a Missouri Department of Health and Senior Services registered Onsite Soil Evaluator prior to a septic system being installed. All systems must be constructed with at least minimum construction standards of the Missouri Department of Health and Senior Services. The regulatory authority may require a soils morphology exam in areas of potential surface water flooding, depth of the water table, and ground water contamination as referenced on the county soil survey reports, which are available from the United States Department of Agriculture (USDA) and the Natural Resources Conservation Service (NRCS). The regulatory authority may determine that a state certified engineered design is necessary on a septic system on these restrictive sites.

**7.02** The permitted is responsible to conduct all construction, installation, or modification of any wastewater treatment system in accordance with the terms and conditions of the permit. A new application or amended application must be refiled with the Health Center to obtain a modification of a new permit. No modification shall be implemented until a new or modified permit has been issued or a waiver given pursuant to this ordinance.

**7.03** The permitted is responsible for posting the issued permit visibly at the job site from the nearest public road.

**7.04** The owner is required to operate and maintain the wastewater treatment system in full compliance with the conditions of the permit and all provisions of this ordinance.

**7.05** At the discretion of the regulatory authority, a deviation from the prescribed requirements may be granted by variance if materials and or procedures specified in the permit cannot be obtained or accomplished and alternative material and procedures are approved by the regulatory authority and duly noted on the permit.

**7.06** All registered installers are required to photograph all portions of the wastewater treatment systems prior to backfilling when a final inspection is not conducted by the Health Center.

**SECTION 8 - PERMIT DURATION AND EXTENSION**

**8.01** The permit expiration date will be recorded on each permit issued.

**8.02** The Permit shall not exceed one year from the date that it is issued.

**8.03** Permits may be extended by the Health Center for a good cause, such extension requests must be submitted to the Health Center and should not be received not less than five (5) days prior to the expiration date of the permit.

**SECTION 9 - PERMIT SUSPENSIONS OR REVOCATION**

**9.01** The regulatory authority may suspend or revoke a permit for a wastewater treatment system for the following reasons:

a. Non-compliance with the term of the permit.

b. Unauthorized modifications in design or construction.

c. Falsification of information submitted.

d. If for any reason the construction, operation, or modification would constitute a violation of this ordinance or be a health hazard.

**9.02** Before a permit will be suspended or revoked, the permitted will be given ten working days to correct the construction, installation, or modification in order to come into compliance with all the laws, ordinances, and regulations pertaining to the permit.

**SECTION 10 - STOP ORDER**

**10.01** A Stop Order may be issued by the regulatory authority for the following reasons:

a. When substandard 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.

c. When wastewater discharge constitutes an environmental health hazard causing pollution to the adjoining neighbor's property, or to the ground and surface waters of St. Clair County, or causes foul and obnoxious odors to nearby residences.

d. Any other improper handling of wastewater that violates this ordinance.

**SECTION 11 - INSPECTIONS**

**11.01** The regulatory authority shall have full power at any time to enter onto any property to conduct an inspection of and wastewater treatment system under construction, installation, modification or operation of any wastewater treatment system located within the county.

**SECTION 12 - MINIMUM STANDARDS FOR A WASTEWATER TREATMENT SYSTEM**

Any wastewater treatment system shall meet the following regulation and requirements:

**12.01** Missouri Department of Health and Senior Services, 701.025 – 701.059 RSMo, or any local regulations adopted by the St. Clair County Health Center Board.

**12.02** Lagoons shall have a septic tank ahead of the lagoon.

**12.03** Other innovative systems may be approved by the regulatory authority when site conditions dictate.

**SECTION 13 - REGISTRIES OF PERSONS ENGAGE IN WASTEWATER TREATMENT SYSTEM PROJECTS**

**13.01** Every person engaged in the business of construction, installation or modification of wastewater treatment systems within St. Clair County must hold a State installers license and maintain a registration with the St Clair County Health Center. Every person who does cleaning of wastewater treatment systems must register with the St. Clair County Health Center.

**13.02** The St Clair County Health Board may adopt rules and regulations establishing qualifications and minimum standards of experience, training, and knowledge for persons desiring to register under this ordinance.

**13.03** Any persons whose application for registration under this section has been denied will be notified in writing as to the reasons for denial.

**13.04** Whenever the Regulatory Authority determines that a holder of a valid registration has violated any provision of this ordinance, then the appropriate administrative measures will be taken to suspend or revoke such registration. If the measures have merit, then the aggrieved party may schedule a hearing on the proposed suspension or revocation case after reasonable opportunity has been given for them to be heard. The St. Clair County Health Center Board will make a decision within ten days of the hearing.

**13.05** All persons applying for registration within St. Clair County must hold a valid registration license through the Missouri Department of Health and Senior Services.

**13.06** Homeowners may install their own wastewater treatment systems, however the homeowner is required to have a valid state license and to registered with the St. Clair County Health Center.

**SECTION 14 - WASTEWATER TREATMENT SYSTEM PERMIT FEES**

**14.01** Registration fees and permit fees may be assessed by the St. Clair County Health Center Board, as required by this ordinance.

**14.02** A Waiver of the required permit fee may be issued if the fee would cause undue hardship on the permit applicant. This will only be done at the discretion of the Administrator and proof of income status is submitted to the Administrator of the St. Clair County Health Center.

**SECTION 15 - PENALTIES**

**15.01** Any person who violates any provision of this ordinance is guilty of a Class “A” misdemeanor. Every day, or any part thereof, in which a violation occurs or continues shall constitute a separate violation.

**SECTION 16 - APPEALS PROCESS**

**16.01** Any person aggrieved by any decision of the St. Clair County Health Centermay appeal to the Board of Trustees by filing a written complaint with the Administrator within ten days after being notified of the decision, which is the subject of the appeal.

**16.02** The Board of Trustees shall schedule a hearing on the appeal, and shall give the person appealing notice of the date of hearing at least ten days prior to the hearing date and give the person reasonable opportunity to be heard.

**16.03** Appeal Hearings to the Board of Trustees shall be conducted in accordancewith the adopted rules and procedures of this ordinance.

**SECTION 17 - NOTICES**

**17.01** Any violations, hearings, stop orders, required herein shall be served by one (1) of the following methods:

a. By personal delivery.

b. By depositing the said stop order in ordinary mail, postage prepaid.

c. By certified mail.

d. By posting said stop order at the wastewater treatment site.

**SECTION 18 - GRANDFATHER CLAUSE**

**18.01** All persons now operating an individual wastewater treatment system are grandfathered under this ordinance, however if the system fails, and if restoration is required, a permit is required to restore that portion of the system that has failed. This restored system would have to be approved by the Health Center as an innovative system covered under previous sections of this ordinance.

**18.02** For properties that do not, as of the date of this ordinance, have a wastewater treatment system, the property owner shall be required to utilize contiguous property, if necessary, to meet the requirements for a wastewater treatment system under this ordinance. If the property owner does not own any contiguous property, which would allow such requirements to be met, the lack of distance between the proposed sites of the wastewater treatment system and the nearby water wells shall not alone be grounds for the denial of a permit, unless prohibited by other applicable laws or regulations.

**SECTION 19 - SEVERABILITY**

**19.01** If any portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct and independent provision and that holding shall not affect the validity of the remaining portion of this ordinance.

**SECTION 20 - AMENDMENTS**

**20.01** This ordinance may be amended at any time pursuant to RSMo 192.300.

**SANITATION MAINTENANCE ADOPTING REGULATIONS REGARDING THE ADMINISTRATION OF SEWAGE TREATMENT SYSTEMS STANDARDS BY THE ST. CLAIR COUNTY HEALTH DEPARTMENT.**

BE IT ORDAINED AS FOLLOWS:

**Section 1:** The St. Clair County Health Center Board hereby promulgates and adopts this ordinance and regulations regarding the administration of Onsite Sewage Treatment Systems Standards. A copy of said ordinance is attached hereto and made a part hereof by reference.

**Section 2:** The County Clerk is hereby ordered to have the attached ordinance printed and available in their office for distribution to the public.

**Section 3:** A copy of this ordinance shall be published in a newspaper in St. Clair County on three (3) successive weeks, with the first publication occurring not later than thirty days after the passage of this order.

**APPROVED THIS 26TH DAY OF JUNE, 2017.**

 **ST. CLAIR COUNTY HEALTH CENTER BOARD OF TRUSTEES**

**By:**

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 Chairman Member

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 Member Member

ATTEST:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Secretary/Treasurer