

**HENRY COUNTY HEALTH CENTER  
REGULATION NO. 89-1  
WASTEWATER TREATMENT SYSTEMS REGULATION**

**PURPOSE:**

A regulation governing the construction, modification, installation and operation of wastewater treatment systems within the county, requiring certain permits and qualifications, and providing for enforcement hereof.

It is hereby ordered by the Henry County Health Center Board of Trustees:

**AUTHORITY:**

This regulation is enacted pursuant to Section 192.300, RSMo, which provides, in part, as follows: “The county commissions and the county health boards of the several counties may make and promulgate orders, regulations, rules or regulations, respectively, as will tend to enhance the public health and prevent the entrance of infectious, contagious, communicable or dangerous diseases into such county, but any orders, regulations, rules, or 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 . . . [t]he county commission or county health board of any such county has full power and authority to initiate the prosecution of any action under this section.”

**Section 1. APPLICABILITY**

**1.1.** 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.

**Section 2. DEFINITIONS**

The following words and phrases shall have the following meanings:

- 2.1. Board.** The Henry County Health Center Board of Trustees.
- 2.2. County Health Officer.** The Administrator of the Henry County Health Center and/or the Environmental Public Health Specialist.
- 2.3. Emergency Condition.** A condition of such extreme nature which presents an immediate danger to public health requiring immediate corrective action without the necessary time to apply for the required Permit as set forth herein.
- 2.4. Health Hazard.** Any condition which is known to cause disease or harm to a Person, community or the environment now or in the future.
- 2.5. HCHC.** Henry County Health Center.

**2.6. Lagoon.** Part of a Wastewater treatment consisting of a shallow pond, constructed and located in accordance with any state or local laws or regulations.

**2.7. Lateral Lines.** An absorptive trench excavated laterally with various state approved materials: 4" pvc (rock), 10" SB2, Eq 24 chamber EZ flow etc.

**2.8. Modification.** Any change, repair, replacement or addition to any Wastewater treatment system, including any earth removal, to obtain access to any Wastewater treatment system or any part thereof. This excludes earth removal necessary to empty a Septic Tank by a Registered Tank Cleaner or replacement of the inlet line from the house to Septic Tank.

**2.9. Permit.** A written authorization issued by HCHC, duly executed by the environmental public health staff, which authorizes the permittee to construct, install or modify a Wastewater treatment system in compliance with this regulation.

**2.10. Person.** An individual, partnership, corporation, association, firm, company, joint venture or any combination of these.

**2.11. Potable Water.** Water free from impurities that could cause disease or harmful physiological effects, and with the bacteriological and chemical quality conforming to applicable public health standards.

**2.12. Registered Installers.** An installer or homeowner who registers his business with the Board and meets the requirements for such registration.

**2.13. Registered Tank Cleaner or Pumper.** A Person engaged in the business of flushing, cleaning, emptying, or pumping any Septic Tank within Henry County.

**2.14. Septic Tank.** A watertight receptacle which is designed to receive the discharge of a building sanitary drainage system that is designed and constructed so as to separate solids from liquid, digest organic matter through a period of detention, and allow the liquid to discharge into an approved system for disposal.

**2.15. State Registered Engineers.** A registered, professional engineer authorized and empowered to operate in that capacity in the State of Missouri, registered as such with Missouri Board of Architects, Professional Engineers, and Land Surveyors.

**2.16. Stop Order.** A written order issued by the Board, County Health Officer or designated representative, to stop all construction, installation, Modification or operation of a Wastewater treatment system.

**2.17. Wastewater.** Includes but is not limited to any liquid or solid that goes down the drain--excreta, wash-water, ground garbage, or any other type of liquid or solid.

**2.18. Environmental Public Health Specialist (hereinafter referred to as EPHS).** A Person who has graduated from an accredited four year college with major specialization in one or a combination following: biology, chemistry, bacteriology, food science, soil science, sanitary

service, or environmental health, or a bachelor's degree in environmental health (or years of experience in qualifying areas may be substituted for deficiencies in the stated education) and taken courses and training required by the Missouri Department of Health and Senior Services.

**2.19. Homeowner-Landowner.** A Person who is registered with the county to install a septic system on his/her own property and installs the system him/herself.

### **Section 3. PROHIBITIONS AND ENFORCEMENT**

**3.1.** No Person shall construct, install or modify any Wastewater treatment system, without complying with all of the following requirements as set forth in this regulation:

- Application;
- Permit(s);
- County Registration; and
- Plan

**3.2.** No Person shall construct, install or modify any Wastewater treatment system when the Permit has expired or has been suspended or revoked.

**3.3.** No Person shall fail to comply with a **STOP ORDER** issued pursuant to this regulation.

**3.4.** No Person shall construct, install, modify or operate any Wastewater treatment or any "on-site sewage disposal system" as defined in 701.025, RSMo, in violation of the provisions of chapter 701.025 through 701.059 RSMo.

**3.5.** All violations of this Section 4 will result in a penalty fee of \$250.00 per violation per day. Any violation lasting longer than 5 business days will result in a penalty fee of \$500.00 per violation per day.

**3.6.** HCHC shall petition the Circuit Court of Henry County for an order enjoining the operation of a Wastewater treatment system without a Permit or in violation of a Stop Order issued pursuant to this regulation, or if the construction, installation or Modification or operation of such Wastewater treatment system otherwise violates this regulation.

### **Section 4. PERMIT APPLICATION PROCEDURE AND REQUIREMENTS**

**4.1.** Any Person desiring to construct, install or modify a Wastewater treatment system must first obtain a valid Permit issued by the County Health Officer. Each applicant for such Permit shall follow the procedures and regulations set forth in Section 6 in applying for a Permit:

- A. Any Person who proposes to construct, install or modify a Wastewater treatment system shall submit a written application supplied by, and to be submitted to, the County Health Officer for approval. See Section 4.01.

- B. The application for a Permit to construct, install or modify must be accompanied by design data, copies of plans, specifications and other pertinent information pertaining to supplies and equipment to be used in construction of the Wastewater treatment systems and any additional information requested by the County Health Officer. Permits must be posted visibly at the septic job site.
- C. Emergencies must be reported immediately, and in no instance later than the next business day, in writing, to the County Health Officer, and a corresponding application for a Permit(s) for such Emergency Condition must be submitted within 5 days after reporting of said Emergency Condition.

**Section 5. APPLICATION PROCESSING PROCEDURE**

**5.1.** All Permit applications received will be processed in the following manner:

- A. The County Health Officer or EPHS shall review each application and will approve or disapprove such application within 15 business days from the date the application is received.
- B. All plans, specifications and other documentation must meet or exceed the requirements of this regulation.
- C. The County Health Officer or EPHS will notify the applicant, in writing, by mail or in person, of the approval of the application for the Permit. If, upon review of an application, the County Health Officer or EPHS determines that a Permit should not be granted, the County Health Officer shall notify the applicant in writing by mail or in person, of the Permit denial and state the reasons for said denial and further shall state any changes the applicant must make in order for the Permit to be issued.
- D. Any applicant aggrieved by the requirements of the County Health Officer or EPHS, or a denial of a Permit by the County Health Officer, may request a hearing in accordance with the provisions of Section 18.

**Section 6. CONSTRUCTION AND OPERATION IN COMPLIANCE WITH ISSUED PERMIT**

**6.1.** The permittee shall 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 filed with the County Health Officer or EPHS to obtain modification of a Permit. No Modification shall be implemented until a new or modified Permit has been issued or a waiver given pursuant to subsection 7.03.

**6.2.** The issuance of a Permit to construct a Wastewater treatment system does not relieve the permittee of the responsibility to properly operate and maintain the Wastewater treatment

system described in the application, in full compliance with the conditions of the Permit and all provisions of this regulation.

**6.3.** At the discretion of the County Health Officer or EPHS, a deviation from the prescribed requirements may be granted if materials and/or procedures specified in the Permit cannot be obtained or accomplished and alternative materials and procedures are approved by the County Health Officer and duly noted on the Permit.

**6.4.** The permittee shall notify the County Health Officer or EPHS to arrange for a date and specified time to allow the County Health Officer or EPHS to inspect and approve the Wastewater treatment system prior to backfilling. Backfilling may be allowed at the discretion of the County Health Officer or EPHS. If no final inspection is requested or performed as required herein, the owner or Permit holder may, in addition to other remedies or penalties as set forth in this regulation, be required at their own expense to dig up the system to allow a final inspection as required herein. There will be a charge of \$250.00 for no final inspection.

## **Section 7. MODIFICATION OF A PERMIT**

**7.1.** Any Permit issued pursuant to these regulations and any plans submitted in application for the Permit may be modified at any time by the County Health Officer or EPHS:

- A. To bring the proposed Wastewater treatment system into compliance with this regulation, or
- B. For any other reason necessary to prevent a Health Hazard.

**7.2.** The County Health Officer or EPHS will notify the permittee in writing of the intent to modify the Permit and plans, the reasons for the Modification, and the time in which the permittee must implement the Modification.

## **Section 8. PERMIT DURATION AND EXTENSION**

**8.1.** The Permit duration for construction, installation or Modification will be variable and expiration date must be recorded on each Permit issued, but in no event shall such duration exceed one (1) year from date of issuance.

**8.2.** Permits will be issued to the authorized representative, and such authorization must be in writing on the application.

**8.3.** A Permit may be extended by the County Health Officer for good cause. Such extension request shall be made in writing to the County Health Officer and shall be received not less than five (5) days prior to the expiration date of the Permit.

## **Section 9. PERMIT SUSPENSION OR REVOCATION**

**9.1.** The County Health Officer may suspend or revoke a Permit for a Wastewater treatment system for the following reasons:

- A. Non-compliance with the terms of the Permit;
- B. Unauthorized Modifications in design or construction;
- C. Falsification of information submitted;
- D. Non-compliance with 19 CSR 20-3.60 of the State regulations; or
- E. For any other reason the construction, operation, Modification would constitute a violation of this regulation or would be a Health Hazard.

**9.2.** Before a Permit will be suspended or revoked, the Board shall give the permittee ten (10) working days to correct the construction, installation or Modification in order to come into compliance with all the laws, regulations and regulations pertaining to the Permit.

**Section 10. STOP ORDER**

**10.1.** A STOP ORDER may be issued by the County Health Officer for the following reasons:

- A. When substandard materials are being used in construction, installation, or Modification of the Wastewater treatment system; or
- B. When a Wastewater treatment system is being constructed, installed, modified or operated in violation of this regulation.

**Section 11. COMPLAINT INSPECTIONS**

**11.1.** Upon receipt of any complaint regarding a Wastewater treatment system, the County Health Officer or EPHS shall:

- A. Send written notice to the owner of the property upon which said Wastewater treatment system is located informing the owner of the complaint and requiring the owner to contact HCHC within five (5) business days;
- B. Set a time and date to investigate the complaint with the owner;
- C. Investigate the Wastewater treatment system and prepare a written report; and
- D. If violations are found, send written notice to the owner describing such violation and requiring correction within a period of not less than 30 but not to exceed 90 days, such period to be determined with regard to the seriousness of the violations.

**Section 12. MINIMUM STANDARDS FOR A WASTEWATER TREATMENT SYSTEM**

**12.1.** Any Wastewater treatment system shall meet the following regulations and requirements:

- A. Section 303, 208, and 201 of the Federal Clean Water Act and Chapter 701 RSMo, Department of Health and Senior Services rules 19CSR 20-3.060 and any local regulations adopted by the Board.
- B. Minimum lot size and restrictions for Permit requirements:
  - (i) No Wastewater treatment system shall be constructed on a tract of ground which does not contain a minimum of 10,000 sq. ft. of suitable land for sewage disposal as determined by of the County Health Officer. Properties under 10 acres on new septic construction must be engineered by a State Registered Engineer or if soil conditions, properties and permeability are acceptable as determined by soil profile done by a Soil Scientist, the Installer can draw up a septic system for the property as long as setbacks can be met. All portions of any Wastewater treatment system shall be at least 100 feet away from any Potable Water source used for human or animal consumption, except:
  - (ii) When the property's Potable Water is supplied by a rural water district, any portion of the Wastewater treatment system shall be a minimum of 10 ft. from any portion of rural water district lines, or
  - (iii) When a non-discharging Lagoon is used as part of the Wastewater treatment system, the Lagoon must be 100 ft. from all property lines and the house it serves and 200 ft. from all neighboring residences.
- C. Septic Tank size shall be a minimum of 1,000 gallon capacity concrete tank or polyurethane tanks that are state approved.
- D. The minimum standard of lateral trenches on new construction is 300 linear feet. Increase to be in accordance with the number of bedrooms in the home. Lateral bed systems will be sized 1.5 times the trenched lateral system size.
- E. Lagoons shall have a Septic Tank installed ahead of the Lagoon. The minimum Lagoon shall be 30 x 40 ft. or 1200 square feet of surface water non-discharging, 3 to 5 feet deep, fenced, mowed and free of all algae, duckweed and other aquatic vegetation, and shall remain unshaded by trees at all times. Routine maintenance is required. Lagoons for houses with more than 3 bedrooms will be based on 400 sq feet per bedroom.

- F. No metal or steel tanks will be approved for sewage disposal, unless they are National Sanitation Foundation approved, and coated inside and out.
- G. A two-compartment Septic Tank may be used when approved by the County Health Officer.
- H. Other innovative systems may be approved by the County Health Officer when site conditions dictate.
- I. All lateral trenches must be dug with a level bottom and all distribution lines must be levelly installed, therefore all installers are required to use a laser or transit when installing septic systems. Systems installed without following this procedure will not be approved and the violation shall result in a \$250.00 penalty.
- J. A 6 inch (6”) inspection port shall be provided over the inlet and outlet baffles of each tank and terminate at or above grade. An inspection port shall not be used as pump-out access. A manhole cover at or above grade may also serve in place of the inspection ports. Tanks over 18 inches (18”) below grade must have a manhole riser to grade.
- K. Owners of a Class One aeration tank must maintain a service contract in accordance with manufacturers’ specifications.

**Section 13. REGISTRIES OF PERSONS AND BUSINESSES ENGAGED IN WASTEWATER TREATMENT SYSTEM PROJECTS**

**13.1.** Every Person engaged in the design, construction, installation, or Modification of Wastewater treatment systems, or Septic Tank cleaning, within Henry County, must apply for registration with the County Health Officer or EPHS. Failure to register will result in a \$500.00 penalty.

**13.2.** The Board may adopt rules and regulations, establishing qualifications and minimum standards of experience and knowledge for Persons desiring to register under this regulation.

**13.3.** 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 18 of this regulation.

**13.4.** Whenever the County Health Officer or EPHS determines that a holder of a valid registration under this section has violated any provision of this regulation, or the rules or regulations adopted by the Board, the County Health Officer may recommend to the Board that said registration be suspended or revoked. If the Board finds, in its sole and absolute discretion, that the County Health Officer’s recommendation has merit, then the Board 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 Board shall set the term of the revocation or suspension within ten (10) days of said hearing.

**13.5.** HCHC shall petition the Circuit Court of Henry County for an order enjoining the design, construction or installation, or Modification of Wastewater treatment by any Person who has not registered with the County Health Officer in violation of this Section 14.

#### **Section 14. SEPTIC TANK CLEANING STANDARDS**

**14.1.** Inspection of Equipment and Dumping Site. The County Health Officer or EPHS may inspect or cause to be inspected the equipment and dump-site of the Registered Tank Cleaner or Pumper for the purpose of determining if his equipment and dump-site are in good operating condition, and if the same are being operated and maintained in a sanitary and healthful manner, and in compliance with this regulation. 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 may be conducted at the time of registration and periodically as the County Health Officer deems appropriate.

**14.2.** The Registered Tank Cleaner or Pumper must use one of the following methods for disposal:

- A. land application,
- B. lagoon, or
- C. discharge in municipal treatment plant.

#### **Section 15. PERMIT FEES**

**15.1.** Wastewater treatment system Permit fees are non-refundable. These fees are as follows:

- A. *Single Family Dwellings.* The fee for a single family dwelling Wastewater treatment system Permit is \$200.00. For repair—Tank replacement-\$100, Lateral field repair- \$100, Lagoon repair-\$100, etc
- B. *Non-Single Family Dwellings.* The fee for a Wastewater treatment system Permit other than a single family dwelling is \$300.00.
- C. *Registered Homeowners, Tank Cleaners and Registered Installers.* Registered Homeowners, Registered Septic Tank Cleaners and Registered Installers shall pay an **annual fee** as follows:

Registered Homeowners	\$200.00
State Registered Installers	\$25.00 (effective 1-1-2010) If paid after 3/1 then \$100.00
Registered Septic Tank Cleaners or Pumpers	\$100.00

**Section 16. APPEALS PROCESS**

**16.1.** Any Person aggrieved by any decision of the County Health Officer may appeal to the Board by filing a written application with the County Health Officer within ten (10) days after being notified of the decision which is the subject of the appeal.

**16.2.** The Board shall schedule a hearing on the appeal, and shall give the Person appealing notice of the date of hearing at least ten (10) days prior to the hearing date and give the Person reasonable opportunity to be heard.

**16.3.** Appeal Hearings to the Board shall be conducted in accordance with the Board's adopted rules and procedures.

**Section 17. NOTICES**

**17.1.** Any notice required herein or any STOP ORDER shall be served by one of the following methods:

- A. By personal delivery;
- B. By depositing said STOP ORDER in ordinary mail, postage prepaid; or
- C. By posting said STOP ORDER at the Wastewater treatment system site.

**Section 18. SEVERABILITY**

**18.1.** If any portion of this regulation 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 regulation.

**Section 19. AMENDMENTS**

**19.1.** This regulation may be amended at anytime pursuant to RSMO 192.300.

It is hereby ordered that all provisions of this regulation regulating Wastewater Treatment Systems regulation NO. 89-1 and any rules and regulations connected therewith, be printed and available for distribution to the public in the office of the County Clerk, and this order shall be published in the Daily Democrat for three successive weeks, not later than 30 days after date of this order.

HENRY COUNTY HEALTH CENTER BOARD OF TRUSTEES

BY:

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Vice-Chair

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

Attest: \_\_\_\_\_  
Secretary

\_\_\_\_\_  
Treasurer