

**BATES COUNTY
WASTEWATER TREATMENT SYSTEMS
ORDINANCE**

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 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 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 except for wastewater treatment systems connected to the sewage system operated by or on behalf of an incorporated municipality or incorporated public sewer district within the county.

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

3.01 Board: The Bates County Health Center Board of Trustees.

3.02 Department: The Bates County Health Center.

3.03 Detailed Design: The sketch drawing with all calculations and alterations.

3.04 The Health Officer: The Administrator of the Bates County Health Department or an authorized representative.

3.05 Emergency Condition: A condition of such extreme nature which presents an 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 cause disease or harm to a person, community, or the environment now or in the future.

3.07 Permit: A written authorization issued by the Bates County Health Center which authorizes the permittee to construct, install, modify, or operate a wastewater facility as set forth in this ordinance.

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

3.09 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.

SECTION 4 PROHIBITION. 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 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 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.

SECTION 5. CONSTRUCTION PERMITS

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

5.02 Applicant shall provide the following information:

5.021 Legal description of the property to the nearest 1/4, 1/4 section.

5.022 Individual systems - a completed Site Evaluation information and sketch for the individual sewer treatment systems.

5.023 Commercial systems with a maximum daily flow of less than 1500 gallons per day (GPD) - a completed Site Evaluation information and detailed design of the proposed system.

5.024 Commercial systems with a maximum daily flow of greater than 1500 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.

5.025 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 of the Missouri Department of Health, in particular 10 CSR 208.021.

5.04 The system shall be constructed by an installer or contractor registered by the 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 Knowingly providing false information on the application will result in 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:

6.031 Legal description of the property to the nearest 1/4, 1/4 section.

6.032 Name of the person responsible for the system.

6.033 A copy of any permits, letters of approval or any other documentation as to the operation of the system.

6.034 A copy of the results of any water quality testing required by any state or federal agency

6.04 All operating permits will be for a period of one year.

SECTION 7. STOP ORDER

7.01 A Stop Order may be issued by the county health officer for the following reasons:

7.011 When substandard materials are being used in construction, installation, or modification of the wastewater treatment system.

7.012 When a wastewater treatment system is being constructed, installed, modified, or operated in violation of this ordinance.

SECTION 8 REGISTRY OF PERSONS AND BUSINESSES ENGAGED IN WASTEWATER TREATMENT SYSTEM PROJECTS.

8.01 Every person engaged in the design, construction, installation, or modification of wastewater treatment systems, or septic tank cleaning, within Bates County must apply for registration with the county health officer.

8.02 The board 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 by the department to install, add to, alter, or repair the private wastewater system that serves his permanent residence, however, he must obtain a permit, if the repairs are being done as a result of a valid complaint received by the department. 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 will be provided by the department.

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.

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

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

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 of not less than three (3) years.

8.10 The installer shall report 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 the 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 board, the county health officer may recommend to the board that said registration be suspended or revoked. If the board finds that the county health officer's recommendation has merit, and the findings are supported by the County Commission then the board shall schedule a hearing on the proposed supervision or revocation after giving the said holder not less than ten (10) days 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.

SECTION 9. SEPTIC TANK CLEANING STANDARDS.

9.01 Inspection of equipment and dumping site - The county health officer shall inspect or cause to be inspected the 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 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, 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 for disposal.

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

SECTION 10. POWERS AND AUTHORITY OF INSPECTORS

The health officer, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and testing in accordance with the provisions 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, 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 violation.

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 on conviction thereof shall be fined in the amount not exceeding one thousand dollars (\$1000.00) 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 damages incurred by the department by reason of such violation.

SECTION 12 APPEALS

12.01 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 thirty (30) days after being notified of the decision which is the subject of the appeal.

12.02 The board shall schedule a hearing on appeal, and shall give the person 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.

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

SECTION 13 WASTEWATER TREATMENT SYSTEM PERMIT FEES

Wastewater treatment system permit fees are non-refundable. These fees are as follows:

13.01 Single family dwellings

The fee for a single family dwelling wastewater treatment system is seventy-five dollars (\$75.00).

13.02 Non-single family dwellings

The fee for a wastewater treatment system permit other than a single family dwelling wastewater treatment system is one hundred twenty-five dollars (\$125.00).

13.03 Registered Engineers, Registered Contractors, Tank Cleaners, and Registered Installers Fee.

The fee for Registered Engineers, Registered Contractors, Registered Septic Tank Cleaners, and Registered Installers, is twenty-five dollars (\$25.00), annually.

13.04 Operating Permit

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

13.05 Waiver of fees.

The fees for modification of an existing single family dwelling wastewater treatment system may be waived by the health officer if the fees would cause undue hardship on the permit applicant.

SECTION 14. SEVERABILITY

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 regulations.

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