

Septage Disposal Ordinance for Kent County

Prepared for:

Kent County Septage Management Program Advisory Committee

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ARTICLE I General Provisions

Goals

Sec. 1.1 The protection of Kent County's lakes, wetlands, rivers, streams, and supplies of groundwater is essential to the promotion of public health, safety and welfare, as well as the protection of the county's environment and its socioeconomic growth and development in perpetuity.

Protection from Contamination

Sec. 1.2 Given the extensive resources and numerous supplies of surface water and groundwater and their susceptibility to contamination, proper septage disposal is essential to prevent the entry and migration of contaminants, thereby ensuring the non-degradation of surface water and groundwater, and to maintain public health.

Purpose

Sec. 1.3 These regulations are intended to protect ground and surface waters, the natural environment, and human health from the excess nutrients, toxins, and human pathogens that may be associated with the land application of septage by reducing the amount that is land applied and insuring that land applied septage waste is dealt with in a manner that will minimize its negative impact.

Rules Adopted

Sec. 1.4 This regulation contains minimum standards and supplements the rules and regulations enacted by the Michigan Department of Environmental Quality and the United States Environmental Protection Agency. This regulation shall supercede all local minimum standards previously enacted that are inconsistent with this regulation.

Conflicts and Inconsistencies

Sec. 1.5 Where conflicts or inconsistencies exist between the provisions of these Regulations and any regulations, requirements, rules, standards, criteria or guidelines of the federal government or the State of Michigan, the more restrictive requirements shall govern and prevail.

Authority

Sec. 1.6 These regulations are adopted pursuant to authority conferred upon local Health Departments by MCLA 324.11712.

Jurisdiction

Sec. 1.7 The Public Health Officer shall have jurisdiction to administer and enforce the provisions of this regulation. Nothing in this regulation shall be construed to restrict or nullify the authority of any municipality, or incorporated city, village, or township in Kent County to adopt standards that are more restrictive.

Severability

Sec. 1.8 Each provision of this regulation shall be interpreted in a way that is valid under Michigan law. If any provision is held invalid, the rest of the regulation will remain in full effect.

Power to Establish Policy, Criteria and Standards

Sec. 1.9 The Health Officer is empowered to establish criteria, policies, and standards concerning the application and interpretations of these regulations, and for the purpose of carrying out the responsibilities delegated to the Health Officer by law.

Effective Date

Sec. 1.10 These regulations will be effective upon approval by the Kent County Board of Commissioners.

ARTICLE II Definitions**Rules of Language**

Sec. 2.1 The following rules of language shall be applied to the text in this regulation: The word “shall” is mandatory; the word “may” is permissive. When not inconsistent with the context, words in the present tense shall include the future, words designating singular numbers shall include the plural, and words designating plural numbers shall include the singular. Words not defined herein shall be interpreted in the manner of their common usage.

Words and Terms

Sec. 2.2 The following words and terms used in this regulation, unless otherwise expressly stated, shall have the following meaning:

Application Site

Areas managed for septage disposal and utilized in general accordance with sound farm management techniques including runoff, ponding, erosion control, and nutrient management.

Authorized Agent

Any individual or corporation authorized, in writing, to act as the legal representative in all matters authorized by the person in question.

Business

Any business approved to service on-site wastewater systems within Kent County.

Business Permit

The permit allowing a Business to service on-site wastewater systems.

Department

Kent County Health Department.

Health Officer

The Director of the Department, the acting Public Health Officer, or his or her duly authorized representative.

Land Application

The placement of septage or human waste from on-site wastewater disposal systems or holding tanks on or into the soil surface.

Septage

Any human excrement or other domestic waste, including gray water and other material or substance removed from a portable toilet, septic tank, seepage pit, cesspool, sewage lift station or other enclosure, but does not include liquid industrial waste or grease trap waste.

Servicer

Any person who cleans, removes, transports, disposes of, or land applies septage waste.

Septage Waste Servicing

Cleaning, removing, disposing of, or land applying septage waste.

ARTICLE III Septage Waste Disposal Technical Advisory Committee**Purpose**

Sec. 3.1 A Septage Waste Disposal Technical Advisory Committee, hereinafter referred to as the "Committee," may be established for the purpose of advising the Health Officer on technical matters and issues relevant to septage disposal. The composition of the Committee shall be as follows:

- a) Two septage servicers;
- b) Two township government representatives, one from a rural township and one from an urban township;
- c) One engineer;
- d) One university appointee;
- e) One Regional Environmental Planning Agency appointee.

Appointments to the Committee

Sec. 3.2 Appointments of members of the Committee shall be by the Kent County Board of Commissioners. Committee members shall serve without pay or other compensation or reimbursement. Appointments to the Committee shall be for a period of two years, provided that initial appointments may be of greater or lesser terms. Committee members may succeed themselves if reappointed.

Frequency of Meetings

Sec. 3.3 The committee shall convene at such times and frequencies as deemed necessary by the Health Officer.

Chairman of the Committee

Sec. 3.4 Members of the Committee shall select one of their members to serve as Chairman at the first meeting held each calendar year. The Chairman shall retain his position for the duration of the calendar year.

Secretary of Committee

Sec. 3.5 The Health Officer shall act as secretary to the Committee and shall be responsible for the preparation of agendas, notices, minutes, and other correspondences.

Meeting Agenda

Sec. 3.6 Items for discussion by the Committee may be submitted by the Department, by Committee members, or by other persons having reasonable concerns or interests related to septage collection, treatment and disposal.

Committee Actions and Recommendations

Sec. 3.7 The Health Officer shall consider actions or recommendations of the Committee in administering the provision of this Ordinance. Such actions or recommendations shall not limit or obligate the Health Officer in the administration of this Ordinance.

ARTICLE IV Approval**Business Approval**

Sec. 4.1 All Businesses, as defined by this regulation, shall be approved annually by the Department. The Department shall determine rules for approval with assistance from the Committee. A Business's approval may be denied if the Business or one of its employees violates this Ordinance, State, or Federal septage disposal laws. The Department shall maintain a list of approved Businesses and certified Servicers.

ARTICLE V Septage Disposal**Treatment Plant Disposal**

Sec. 5.1 Wastewater treatment plants may determine when Servicers are allowed to deposit septage and may limit the amount of septage that is deposited. It is the Servicer's responsibility to schedule drop-offs when the plant can accept them.

Land Application

Sec. 5.2 All land applied septage waste will be subsurface incorporated or shall be disposed of in such a way as to prevent surface and groundwater contamination. The Department shall develop rules for septage waste disposal with assistance from the Septage Waste Disposal Advisory Committee. All land disposals shall, at a minimum, meet 40 CFR part 503 regulation standards.

Septage Holding Tanks

Sec. 5.3 Septage that is not disposed of at a treatment plant or immediately land applied must follow rules as adopted by the Department with Assistance from the Committee.

ARTICLE VI Records

Pumping Records

Sec. 6.1 Septage servicing Businesses shall submit the following information to the Department within thirty days of the date that a particular septic tank is pumped:

- a) Pumping date and location;
- b) Approximate amount of septage pumped in gallons;
- c) Where and when the septage was deposited;
- d) Business name.

Septage Disposal Records

Sec. 6.2 Septage servicing Businesses shall submit the following information to the Department within thirty days of the date that any quantity of septage is disposed of:

- a) The amount of septage land applied, in gallons;
- b) The date the septage was land applied at the site;
- c) The specific sites which were used for disposing of septage;
- d) The land application method;
- e) The amount of septage disposed of in wastewater treatment plants, in truckloads and gallons;
- f) The date the septage was disposed of at a wastewater treatment plant;
- g) The specific plants which were used for disposing of septage;
- h) Business name.

ARTICLE VII Responsibilities of Various Parties

Health Department

Regulation

Sec. 7.1.1 The Department shall do the following:

- a) Administer and enforce this regulation;
- b) Conduct Servicer training;
- c) Issue legal updates and permit renewal forms annually to Businesses;
- d) Audit Business Records as allowed by this regulation;
- e) Issue approval to Businesses;
- f) Inspect Land Application Sites;

Record Keeping

Sec. 7.1.2 The Department shall maintain the following records for three years:

- a) A list of approved Businesses and certified Servicers, separated by year;
- b) Complete records of septage pumping and disposal reports;
- c) Complete records of past violations of these regulations;
- d) Land application site inspection reports;

- e) Documents obtained from the annual audits of Business Records;
- f) Servicer Training Records.

Businesses

Duties

Sec. 7.2.1 Businesses shall do the following:

- a) Obtain permits to operate;
 - b) Servicers shall be certified;
 - c) Pay all necessary fees;
 - e) Dispose of septage properly according to the federal, state, and local requirements;
 - f) Maintain and submit Pumping Records and Annual Reports as required;
 - g) Cooperate fully with any Department inspections or audits.
- Additionally, Businesses may maintain and submit records of voluntary attendance of any conferences or trainings.

Wastewater Treatment Plants

Duties

Sec. 7.3.1 Wastewater Treatment Plants shall maintain complete septage disposal records.

ARTICLE VIII Inspection and Audit

Pumping and Disposal Records Audit

Sec. 8.1 The Department shall periodically audit pumping and disposal records.

Land Application Site Inspections

Sec. 8.2 The Health Officer shall inspect each land application site within Kent County at least twice annually. The Business using this site and the site's owner shall cooperate fully with the Health Officer. The Business shall provide the Health Officer with land application records, including the date of last land application. These inspections shall ensure that land disposal practices meet 40 CFR part 503 regulations.

Unannounced Inspections

Sec. 8.3 Representatives of the Department may inspect land application sites without notice or a search warrant to monitor compliance with this Ordinance. Prior to conducting any inspection under this Ordinance, the person conducting the inspection on behalf of the Department shall present his or her credentials to the owner or occupier of the site unless this requirement would wholly or partially frustrate the inspection.

ARTICLE IX Enforcement

Violations Defined as Misdemeanors

Sec. 9.1 Any person who violates a provision or requirement of this Ordinance shall be guilty of a misdemeanor as provided in Section 2441(2) of the Michigan Public Health Code, Act 368, P. A. 178, as amended.

Successive Violations

Sec. 9.2 Each day that a violation of this ordinance exists shall be considered a separate offense and may be cited as such.

Civil Monetary Penalties: Citations

Sec. 9.3 As provided by Section 2461 of the Public Health Code (Act No. 368 of the Public acts of 1978 as amended), the Kent County Board of Commissioners may adopt and the Kent County Board of Commissioners may approve a schedule of civil monetary penalties to be levied for specific violations of this Ordinance. Further, the Health Officer may issue citations for violations of these regulations as provided by Section 2461 of the Public Health Code (Act No. 368 of the Public Acts of 1978 as amended).

Reimbursed Court Costs

Sec. 9.4 In addition to said civil penalties, the appropriate judicial authority may award to the Board of Commissioners for reasonable attorney fees for the enforcement of the Ordinance and costs of litigation, including depositions and related costs.

Fees

Sec. 9.5 The Department may establish a fee schedule for the administration and enforcement of this Ordinance, as well as a per-gallon fee for land disposal of septage.

ARTICLE X Recourse

Hearings and Appeals

Sec. 10.1 Any person wishing to appeal a Notice of Violation, order, citation, or decision issued or made by the Health Officer under this Ordinance must petition the Department for a hearing within 20 days of the date of the decision. The petition shall be in writing and shall be filed with the Department. The specific procedures applicable to any appeal under these regulations shall be as set forth in Article X-A "Appeals Procedures" of the Kent County Department Sewage Disposal Regulations, as amended.

Hearing Verdict

Sec. 10.2 The hearing shall be held before the Health Officer within 30 days after receipt of the petition by the Department. After the hearing, the Health Officer may affirm, dismiss, modify, or reverse the Notice, order, citation, or decision.

Filing an Appeal

Sec. 10.3 The decision of the Health Officer shall be final, unless, within 60 days of

the decision, the Kent County Health Director receives a written petition for a hearing by the Committee. The Committee may hear the appeal, as provided in the Article X-A "Appeals Procedures" of the Kent County Sewage Disposal Regulations, as amended. If the review is granted, the Committee may affirm, dismiss, modify, or reverse the decision of the Health Officer.

Further Appeals

Sec. 10.4 A person aggrieved by a final decision of the Health Officer or the Committee under this Section may petition the Circuit Court of Kent County for relief.