

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Roberson, K. offered the following:

2
3 **Amendment (with directory and title amendments)**

4 Between lines 91 and 92, insert:

5 (j) An onsite sewage treatment and disposal system ~~for a~~
6 ~~single-family residence that is~~ designed by a professional
7 engineer registered in the state and certified by such engineer
8 as complying with performance criteria adopted by the department
9 must be approved by the department subject to the following:

10 1. The performance criteria applicable to engineer-
11 designed systems must be limited to those necessary to ensure
12 that such systems do not adversely affect the public health or
13 significantly degrade the groundwater or surface water. Such
14 performance criteria shall include consideration of the quality
15 of system effluent, the proposed total sewage flow per acre,
16 wastewater treatment capabilities of the natural or replaced

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17 soil, water quality classification of the potential surface-
18 water-receiving body, and the structural and maintenance
19 viability of the system for the treatment of domestic
20 wastewater. However, performance criteria shall address only the
21 performance of a system and not a system's design.

22 ~~2. The technical review and advisory panel shall assist~~
23 ~~the department in the development of performance criteria~~
24 ~~applicable to engineer-designed systems.~~

25 2.3. A person electing to utilize an engineer-designed
26 system shall, upon completion of the system design, submit such
27 design, certified by a registered professional engineer, to the
28 county health department. The county health department may
29 utilize an outside consultant to review the engineer-designed
30 system, with the actual cost of such review to be borne by the
31 applicant. Within 5 working days after receiving an engineer-
32 designed system permit application, the county health department
33 shall request additional information if the application is not
34 complete. Within 15 working days after receiving a complete
35 application for an engineer-designed system, the county health
36 department either shall issue the permit or, if it determines
37 that the system does not comply with the performance criteria,
38 shall notify the applicant of that determination and refer the
39 application to the department for a determination as to whether
40 the system should be approved, disapproved, or approved with
41 modification. The department engineer's determination shall
42 prevail over the action of the county health department. The
43 applicant shall be notified in writing of the department's
44 determination and of the applicant's rights to pursue a variance

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45 or seek review under the provisions of chapter 120.

46 ~~3.4.~~ The owner of an engineer-designed performance-based
47 system must maintain a current maintenance service agreement
48 with a maintenance entity permitted by the department. ~~The~~
49 ~~maintenance entity shall obtain a biennial system operating~~
50 ~~permit from the department for each system under service~~
51 ~~contract. The department shall inspect the system at least~~
52 ~~annually, or on such periodic basis as the fee collected~~
53 ~~permits, and may collect system-effluent samples if appropriate~~
54 ~~to determine compliance with the performance criteria. The fee~~
55 ~~for the biennial operating permit shall be collected beginning~~
56 ~~with the second year of system operation.~~ The maintenance entity
57 shall inspect each system at least twice each year and shall
58 report quarterly to the department on the number of systems
59 inspected and serviced. The reports may be submitted
60 electronically.

61 4. The property owner of an owner-occupied, single-family
62 residence may be approved and permitted by the department as a
63 maintenance entity for his or her own performance-based
64 treatment system upon written certification from the system
65 manufacturer's approved representative that the property owner
66 has received training on the proper installation and service of
67 the system. The maintenance service agreement must conspicuously
68 disclose that the property owner has the right to maintain his
69 or her own system and is exempt from contractor registration
70 requirements for performing construction, maintenance, or
71 repairs on the system but is subject to all permitting
72 requirements.

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73 5. The property owner shall obtain a biennial system
 74 operating permit from the department for each system. The
 75 department shall inspect the system at least annually, or on
 76 such periodic basis as the fee collected permits, and may
 77 collect system-effluent samples if appropriate to determine
 78 compliance with the performance criteria. The fee for the
 79 biennial operating permit shall be collected beginning with the
 80 second year of system operation.

81 ~~6.5.~~ If an engineer-designed system fails to properly
 82 function or fails to meet performance standards, the system
 83 shall be re-engineered, if necessary, to bring the system into
 84 compliance with the provisions of this section.

85
 86 Remove line 196 and insert:
 87 obtain a system operating permit from the department and

88
 89 -----

90 **D I R E C T O R Y A M E N D M E N T**

91 Remove line 32 and insert:
 92 Section 1. Paragraphs (j), (l), and (u) of subsection (4)
 93 of

94
 95 -----

96 **T I T L E A M E N D M E N T**

97 Between lines 3 and 4, insert:
 98 deleting provisions relating to the development of
 99 performance criteria applicable to engineer-designed
 100 systems; revising requirements for maintenance entity

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101 service agreements for certain engineer-designed
102 systems; authorizing certain property owners to be
103 approved and permitted as maintenance entities for
104 performance-based treatment systems under certain
105 conditions; requiring owners of performance-based
106 treatment unit systems to obtain certain permits;