COUNTY AGENDA REQUEST

Department:	Legal	Presenter(s):	Attorney Dennis Davenport
Meeting Date:	Thursday, November 14, 2013	Type of Request:	New Business

Wording for the Agenda:

Consideration of staff's request to adopt Ordinance 2013-21 amending the Code of Ordinances for Fayette County, Georgia by enacting provisions pertaining to the regulation of on-site sewage management systems.

Background/History/Details:

Fayette County is adopting the regulations established by the State of Georgia's Department of Health. These regulations currently exist because they are statewide, but the County is unable to write citations until they are adopted into the County Code of Ordinacnes.

The Fayette County Department of Health is requesting the Board of Commissioners to adopt Ordinance 2013-21 in order to allow Fayette County Code Enforcement to write citations at the county level.

What action are you seeking from the Board of Commissioners?

Approval of staff's request to adopt Ordinance 2013-21 amending the Code of Ordinances for Fayette County, Georgia by enacting provisions pertaining to the regulation of on-site sewage management systems.

If this item requires funding, please describe:

Not Applicable.

Has this request been considered within the past two years?	No	If so, when?	
Is Audio-Visual Equipment Required for this Request?*	No	Backup Provided with Request?	Yes

**** All audio-visual material must be submitted to the County Clerk's Office no later than 48 hours prior to the meeting. It is also your department's responsibility to ensure all third-party audio-visual material is submitted at least 48 hours in advance.***

Approved by Finance	Not Applicable	Reviewed by Legal	Yes
Approved by Purchasing	Not Applicable	County Clerk's Approval	Yes
Administrator's Approval	Yes		

Staff Notes:

STATE OF GEORGIA

FAYETTE COUNTY

ORDINANCE

NO. 2013-__

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES FOR FAYETTE COUNTY, GEORGIA; TO ENACT PROVISIONS PERTAINING TO REGULATION OF ON-SITE SEWAGE MANAGEMENT SYSTEMS; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROMOTE THE PUBLIC HEALTH, SAFETY AND WELFARE, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF FAYETTE COUNTY AND IT IS HEREBY ENACTED PURSUANT TO THE AUTHORITY OF THE SAME THAT THE CODE OF ORDINANCES OF FAYETTE COUNTY AS IT PERTAINS TO BUILDINGS AND GENERAL FEES (CHAPTER 5), BE AMENDED AS FOLLOWS:

Section 1. By designating Sections 5-937 through 5-949 of Chapter 5 as "Reserved" and by creating a new Article XII, pertaining to "On-Site Sewage Management Systems", in Chapter 5, to be numbered and read as follows:

ARTICLE XII.

ON-SITE SEWAGE MANAGEMENT SYSTEMS

Sec. 5-950. Applicability.

These Rules will have application in all except the following cases:

(1) Any facility or system under the jurisdiction of and regulated by the Department of Natural Resources or its successor;

(2) Any public or community sewage treatment system;

(3) Other shared jurisdiction by Memoranda of Agreement or other agreements.

Sec. 5-951. Definitions.

For the purposes of this article, the following words and phrases shall have the meaning as indicated beside each listing:

Absorption field shall mean a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

Absorption line shall mean a pipe line of perforated pipe laid in an absorption trench to serve as a conduit for sewage effluent.

Absorption trench shall mean an excavation in which an absorption line is laid.

Absorption trench bottom and side soil area shall mean the total interface of bottom and side soil area with undisturbed soils of all absorption trenches in an absorption field and occurring horizontally and downward from the point of distribution into the soil, expressed in square feet.

Aggregate shall mean washed gravel or washed stone meeting the Georgia Department of Transportation standards for hardness or other materials approved by the Department and shall be one half inch (1/2″) to two inches (2″) in diameter.

Alternative on-site sewage management system shall mean any approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank system or privy.

Approved or *approval* shall mean compliance with applicable specifications or criteria developed or accepted by the Department.

Auxiliary system shall mean a system to serve a portion of a residence, a pool house or other adjunct facility.

Bedroom shall mean any room that is designed primarily for sleeping purposes, as shown on the building plan.

Black water shall mean wastewater generated by water closets, urinals, bidets, kitchen sinks and garbage disposals.

Building drain shall mean that part of the lowest piping of a building drainage system inside the walls of a building, which receives the discharge from soil, waste or other drainage systems and conveys the discharge to the building sewer.

Building sewer shall mean that part of the horizontal piping of a building drainage system beyond the building drain which receives the discharge from the building drain and conveys it to a public sewer, private sewer, on-site sewage management system, or other disposal.

Central on-site sewage management system shall mean an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation.

Chamber septic tank system shall mean a septic tank and a chamber system as defined in this section.

Chamber system shall mean a system of chambers with each chamber being a molded polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall soil areas. Chambers may be of different sizes and configurations to obtain desired surface areas.

Community subsurface treatment system shall mean any system which treats primarily domestic wastewater other than those serving single family residences or non-domestic sewage systems.

Conventional system shall mean a traditionally used system that is composed of perforated pipe surrounded by gravel or stone masking for the infiltration of effluent into adjoining bottom and side soil areas.

Conventional septic tank system shall mean any septic tank and conventional system as defined in this section, but does not include alternative or experimental systems.

County board of health shall mean the Fayette County Board of Health established by the Official Code of Georgia Annotated (O.C.G.A. 31-3-1) or its designee.

Department shall mean the Department of Human Resources of the State of Georgia or its designee.

Distribution device shall mean a watertight structure which receives sewage effluent from a septic tank, dosing tank, or other sewage retention device and distributes it in equal portions to two or more absorption lines.

Dosing tank shall mean an approved watertight tank, located after a septic tank or other sewage retention de vice, to receive and retain sewage effluent, and so equipped as to discharge sewage effluent intermittently to a distribution device , either by pump or by siphon.

Experimental on-site sewage management system shall mean any on-site sewage management system proposed for testing and observation, and provisionally approve d for such purposes by the Department, but which has not been fully proven under field use.

Failure shall mean an on-site sewage system in such a condition that it constitutes a public hazard by inadequate treatment and/or disposal of sewage.

Filter shall mean an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

Flood plain shall mean a generally flat plain or depression susceptible to being flooded from any source, including small and intermittent water courses and coastal areas subject to intermittent tidal action.

Gray water shall mean wastewater generated by water-using fixtures and appliances, excluding water closets, urinals, bidets, kitchen sinks, and garbage disposals.

Grease trap shall mean a device in which the grease content of sewage is intercepted and congealed, and from which grease may be skimmed or otherwise removed for proper disposal.

Individual water supply system shall mean a system of piping, pumps, tanks, or other facilities, utilizing groundwater to supply a single family dwelling.

Lot shall mean a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both, and shall not include any part of the right-of-way of a street or road.

Manual for on-site sewage management systems shall mean the technical handbook currently adopted and periodically updated which is used by the Department in the implementation of this article and is available for inspection at the appropriate State Office in Atlanta or at local health departments. The Manual for On-Site Sewage Management Systems and its provisions are herein adopted unless inconsistent with other provisions of law or regulation and is hereafter referred to as the "Manual" or "Manual for On-Site Sewage Management Systems."

Mobile home park shall mean a parcel of land developed for subsequent rental or lease for placement of two (2) or more mobile homes.

On-site sewage management system shall mean a sewage management system other than a public or community sewage treatment system serving one or more buildings, mobile homes, recreational vehicles, residences, or other facilities designed or used for human occupancy or congregation. Such term shall include, without limitation, conventional and chamber septic tank systems, privies, and experimental and alternative on-site management systems which are

designed to be physically incapable of a surface discharge of effluent that may be approved by the department.

Percolation coefficient shall mean the ratio of trench bottom area to percolation time; it is expressed as the allowable rate of sewage application in gallons per square foot per day.

Percolation rate shall mean the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

Percolation test shall mean the method used to measure the percolation rate of water into soil as described in the Department's current Manual for On-Site Sewage Management Systems.

Person shall mean any individual, partnership, corporation, or association and may extend and be applied to bodies, both political and corporate.

Physical development shall mean development which includes, but is not limited to site preparation, erection of a structure, road construction, well construction, or installation of on-site sewage management systems.

Privy shall mean a structure (and necessary appurtenances) used for the sanitary disposal or storage of human wastes without the aid of water carriage; the term does not include chemical, composting, portable, or incinerator toilets.

Public water supply system shall mean a system for the provision of piped water to the public for human consumption, if such system has at least fifteen service connections, or regularly serves an average of at least twenty-five individuals daily, at least sixty (60) days out of the year.

Septage shall mean a waste that is a fluid mixture of partially treated or untreated sewage solids, liquids and sludge of human or domestic waste, present in or pumped from septic tanks, malfunctioning on-site sewage management systems, grease traps or privies.

Sewage treatment system shall mean a system that provides primary treatment and disposal, including absorption field components, devices and appurtenances intended to be used for disposal of sewage by soil absorption, but does not include a conventional or chamber septic tank system. The system shall be designed to be physically incapable of a surface discharge of effluent.

Septic tank shall mean an approved watertight tank designed or used to receive sewage from a building sewer and to affect separation and organic decomposition of sewage solids, and discharging sewage effluent to an absorption field or other management system.

Sewage shall mean and includes human excreta, all water carried wastes, and liquid household waste from residences or commercial and industrial establishments.

Sinkhole shall mean a depression in the land surface, generally in a limestone region, which communicates or has the potential to communicate with a subterranean passage developed by solution; typical sinkholes can be broad, closed basin-like features or steep-sided dropouts, or variants thereof.

Site shall mean the location where the absorption field will be installed to include replacement area.

Soil classifier shall mean a person who holds at least a Bachelor of Science degree from an accredited college or university with a major in Agronomy, Soil Science, or related field, as approved by the Soil Classifiers Certification Advisory Committee. Must have completed a minimum of 15 semester hours or 25 quarter hours in approved soil science courses including a course in pedology and have four years or more of full time experience as a Soil Classifier/Soil Scientist actively mapping, identifying and classifying soil features, and interpreting the influence of soil features on soil uses. Certification shall be in accordance with guidelines published in the Manual for On-Site Sewage Management Systems. Any person who holds a valid certificate of registration as a geologist issued pursuant to O.C.G.A. Chapter 19 of Title 43, or who holds a valid certificate of registration as an engineer issued pursuant to O.C.G.A. Chapter 15 of Title 43 and is practicing within his or her area of engineering competency may register with the Department as a Soil Classifier.

Subdivision shall mean any division of a tract or parcel of land into five or more lots, building sites, mobile home sites, or other divisions, resulting in any single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes resubdivision and, where appropriate to the context, relates to the process of subdividing or to the land or area subdivided, provided; however, that the following are not included within this definition:

(1) The combination or recombination of previously platted lots or portions thereof where the total number of lots is not increased and the resultant lots conform to the standards of these rules.

(2) The division of land into parcels, all of which are three acres or more in size with minimum width of one hundred and fifty feet (150′) for a distance sufficient to provide an adequate area for the placement of structures and improvements including wells and approved installation of approved on-site sewage management systems.

Well shall mean an excavation or opening into the ground by which groundwater is sought or obtained.

Sec. 5-952. General provisions.

(a) *On-site sewage management system required.* Where public or community sewage treatment systems are not available, the owner, lessee or agent thereof of every building, residence or property, designed, used or intended to be used for human occupancy or

congregation, shall provide an approved on-site sewage management system sufficient for persons normally expected to use or frequent the building, residence or other property for two hours or more. Connection shall be made to a public or community sewage treatment system when such system is available within two hundred feet (200′) of the property line , or available in a public right-of-way abutting the property. Where a public or community sewage treatment system is to be constructed, or an existing public or community sewer is to be extended to serve a lot, or an approved on-site sewage management system is to be used, the building sewer shall be installed so that it will insure gravity flow at a self-cleaning velocity throughout. If an existing on-site sewage system fails, immediate connection shall be made to a public or community sewerage system if such a system is available. Any facility that produces a waste stream with BOD5 (Biochemica l Oxygen Demand) and TSS (total suspended solids) higher than 200 mg/L shall be required to pretreat the waste to reduce the BOD5 and TSS to 200 mg/L or be low before disposal through a conventional or chamber septic tank system.

(b) *On-site sewage management system construction permit required.* No person may begin the physical development of a lot or structure thereon, where an on-site sewage management system will be utilized, nor install an on-site sewage management system or component thereof without having first applied for and obtained from the County Health Department a construction permit for the installation.

(1) Application for such a construction permit shall be made in writing on forms provided by the County Board of Health. The County Board of Health shall approve or disapprove such application within twenty days after the receipt of a completed application. The application shall include:

(A) Name and address of the owner and the applicant, if other than the owner;

(B) Location of property;

(C) Plans and specifications including location and design of the proposed on-site sewage management system including surface and subsurface drainage and piping;

(D) Nature of the facility to be served;

(E) Location of all water supplies, geothermal systems, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;

(F) Number of bedrooms in the dwelling, or the number of persons to be served in other types of establishments, or other sewage flow or water usage data;

(G) Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high groundwater tables, occurrence of rock and other impervious strata;

(H) Signature of the owner or agent applying for permit; and

(I) Any additional information deemed necessary to determine the suitability of the site.

(2) The County Board of Health may waive submission of part of the information required for the application, provided the Board deems that such information is available from previously submitted subdivision or mobile home park data, or from other sources. The information must be sufficient to make an adequate appraisal of the acceptability of the proposed lot for the installation of an on-site sewage management system.

(3) Repairs, replacement, or additions to existing systems must be permitted and inspected.

(4) Any person preparing to modify a lot for the purpose of obtaining a construction permit for the installation of an on-site sewage management system shall submit plans showing the type and extent of modifications. No modifications shall be carried out prior to the approval of the plans by the County Board of Health. Such approval shall be in accordance with the provisions of the Department's current Manual for On-Site Sewage Management Systems.

(c) *Requirements for on-site sewage management system construction permit issuance or denial*. On-site sewage management system construction permits shall be issued only after a site inspection by the County Board of Health shows favorable findings relative to absorption rates, soil characteristics, groundwater, rock, and any other factors which would affect the acceptability of the lot. No construction permit for an on-site sewage management system shall be issued prior to the approval of the public water supply system, where a public water supply system is to be utilized. Lot suitability and approval is to be determined by the criteria established by the Department's current Manual for On-Site Sewage Management Systems. Lots shall be sized according to the regulations of the County Board of Health. The County Board of Health may deny or revoke an on-site sewage management system construction permit upon finding the lot unsuitable or for failure of the applicant to comply with the provisions of these rules. Such denial shall be made in accordance with the provisions of O.C.G.A. §§ 12-8-1, 31-5-2, 31-5-3, 31-5-4,315-5 and 31-5-6. On-site sewage management construction permits shall remain valid for not more than twelve (12) months from the date of issue.

(1) Issuance of a construction permit for an on-site sewage management system, and subsequent approval of same by representatives of the County Board of Health shall not be construed as a guarantee that such systems will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action

taken in affecting compliance with these rules, assume any liability for damages which are caused, or which may be caused, by the malfunction of such system.

(2) On tracts or parcels of land of three acres or more, the conventional or chamber septic tank system may be utilized where the percolation rate does not exceed 120 minutes per inch. All other conditions must comply with the requirements of the regulations for onsite sewage management systems.

(d) *Inspections.* No person may backfill or use an on-site sewage management system until final inspection has been ma de by the County Board of Health to determine compliance with the provisions of the construction permit issued under Subsection (c) of this section and written approval has been issued by the County Board of Health.

(1) A copy of the final inspection of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.

(2) Grading, filling, digging trash pits or other landscaping or construction activities on the lot subsequent to final inspection by the County Board of Health which may adversely affect the on-site sewage management system shall render the approval void. Removal or alteration of system components after final inspection by the County Board of Health shall render the approval void.

(e) *Design limits for conventional or chamber septic tank systems.* To provide for the maintenance of sanitary conditions through the proper functioning of a conventional or chamber septic tank system for a reasonable period of time, no such system may be installed, constructed, or used, having a septic tank design capacity of less than one thousand (1000) gallons or greater than ten thousand (10,000) gallons, or where the total length of absorption trenches required would exceed three thousand (3,000) linear feet, or where the total absorption trench bottom area required would exceed nine thousand (9,000) square feet.

(f) *Submission of plans, specifications, and soil data.* Plans, specifications, soil data and, if required, absorption test data, submitted to the County Board of Health for the purpose of obtaining a construction permit to install an on-site sewage management system, which will produce a sewage flow in excess of two thousand (2,000) gallons per day, shall bear the registration number and signature of a Registered Professional Engineer, certified and registered under the laws of this State. The County Board of Health may accept plans, specifications, soil data, and absorption test data for facilities with sewage flow of two thousand (2,000) gallons or less per day, when prepared in accordance with these rules, from any person who demonstrates to the satisfaction of the County Board of Health that they have sufficient knowledge of on-site sewage management system design.

(g) *Soil data acceptability for individual lots.* Soil evaluations shall be conducted by individuals meeting the requirements established in the Department's current Manual for On-Site Sewage Management Systems.

(h) *Soil data or design certification required.* The soil classifier, engineer, geologist or other professional approved by the Department shall be required to attach to any soil evaluation submitted to the county board of health a copy of a current in force liability insurance certificate with limits of liability of no less than one million dollars. Soil evaluation reports submitted in compliance with the requirements established by the Soil Survey Report Checklist in Section C of the Department's Manual shall be deemed sufficient and shall be accepted. The county board of health shall issue on-site sewage management system permits on sites deemed suitable by soil evaluations conducted in accordance with requirements established by the checklist in Section C of the Department Manual. In the event that the county board of health finds that the soil evaluation is deficient, it shall notify the person or entity that submitted the evaluation in writing by mail within 3 business days stating all deficiencies and all measures needed to correct deficiencies. Engineer designs submitted in compliance with the requirements established by the Engineered Site Plan Checklist in Section F of the Department's Manual and submitted with a copy of current in force liability insurance certificate with limits of liability of no less than one million dollars shall be accepted by the county board of health. Engineer designs shall be evaluated within 20 days of submission and a written determination of said evaluation shall be mailed to the submitter within 3 business days of the findings by the county board of health. If the engineer design is rejected, the county board of health shall so notify the submitter listing the deficiencies found, the measures needed to correct the deficiencies and of the submitter's right to appeal the county's decision.

(i) *On-site sewage management system notice required.* In the event an on-site sewage management system, alternative system or soil fill installation is installed, notice shall be delivered to the owner of such property and in the event of new construction homes or commercial buildings, notice must be de livered to new owner, by the homebuilder/contractor, at the time of conveyance on such property stating the type of installation, design and maintenance needs.

Sec. 5-953. Sewers.

(a) *Size of sewers.* Sewers connecting component parts of onsite sewage management systems shall be of sufficient size to serve anticipated flow conditions.

(b) *Sewers.* All solid pipe and fittings used in an on-site sewage management system, beginning at the house, shall be NSF International schedule 40 PVC or equivalent and shall be a minimum of four inches in diameter. Sewers under driveways or similar areas of load or impact shall be of material capable of withstanding anticipated loads or installed so as to provide protection from crushing.

(c) *Construction.* Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be la id with sealed, watertight, root-resistant joints. Such sewers shall be laid on a firm foundation, shall not be subject to settling, and shall be installed on a grade that will insure a self-cleaning velocity. Where on-site sewage management systems are used, and where installation of building drains and building sewers is not covered by duly adopted local plumbing codes, or in the absence of a local plumbing code and/or plumbing inspections, the County Board

of Health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.

Sec. 5-954. Septic tanks.

(a) *Minimum design and construction.* Septic tanks shall provide a minimum of 24 hours of retention and shall be designed and constructed to equal or exceed minimum design and construction criteria established by the Department as published in the current Manual for On-Site Sewage Management Systems. After the effective date of these regulations, any person seeking approval of septic tanks to be used in on-site sewage management systems, shall submit detailed plans and specifications for tank manufacture and other information as may be required by the Department. Manufacturers and suppliers may be subject to periodic inspection, and approval by the County Board of Health or the Department. Both the inlet and outlet tees shall be ASTM 3034 rated or equivalent. In addition, an approved filter shall be installed on the outlet end of the septic tank in compliance with the Manual for On-Site Sewage Management Systems.

(b) *Location.* No septic tank shall be installed less than fifty feet (50′) from existing or proposed wells/springs, sink holes, or suction water lines, and tanks shall be located downgrade from wells or springs if physically possible; less than twenty-five feet (25′) from lakes, ponds, streams, water courses, other impoundments; less than ten feet (10′) from pressure water supply lines, or less than ten feet (10′) from a property line. No septic tank shall be installed less than fifteen feet (15′) from a drainage ditch or embankment. Septic tanks shall be installed so as to provide ready access for necessary maintenance. Normally, the distance a septic tank should be located from a building foundation is at least ten feet (10′) but, lesser distances may be allowed by the County Board of Health. The County Board of Health, after site inspection, may require greater separation distances than cited here in due to unusual conditions of topography, or other site configuration; subsurface soil characteristics and/or groundwater interference.

(c) *Capacity.* The liquid capacity of septic tanks for single family dwellings shall be one thousand (1000) gallons for one, two, three or four bedrooms, and 250 additional gallons for each bedroom over four. Septic tank capacity shall be increased by (50%) where garbage grinders are to be used. Auxiliary systems serving single family residences or other facilities shall be based on the maximum daily flow.

(d) *Compartmented tanks.* Two compartment tanks shall be required. The first compartment shall be at least 2/3 the liquid capacity of the tank.

(e) *Tanks in series.* The County Board of Health may approve the installation of two septic tanks placed in series provided that the capacity of the first tank is at least one thousand (1000) gallons and at least equal to the capacity of the second tank. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.

(f) *Foundation and backfill.* Septic tanks will be constructed or installed level, on a foundation that will prevent settling; backfill shall be placed so that a stable fill results and undue strain on the tank is avoided. Earth backfill shall be free of voids, large stones, stumps, broken

masonry, or other such materials. A minimum earth cover of six inches (6″) over the tank is recommended. With proper documentation, the County Board of Health may approve less cover. All openings and manholes shall be constructed so as to prevent the entrance of surface water.

Sec. 5-955. Distribution devices and dosing tanks.

(a) *Minimum design and construction of distribution devices.* Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria established in the Department's current Manual for On-Site Sewage Management Systems.

(b) *Minimum design and construction of dosing tanks.* Where required, dosing tanks shall be designed, constructed, and installed in accordance with the Department's current Manual for On-Site Sewage Management Systems.

Sec. 5-956. Absorption fields.

(a) *Absorption area.* The absorption area shall be based upon the anticipated volume of treated sewage and upon the characteristics of the soil in which absorption fields are to be located as specified in the Department's current Manual for On-site Sewage Management Systems. Soil characteristics and other related data, including percolation tests, may be required by the County Board of Health. Absorption areas shall be classified as follows: aggregate, non-aggregate and other.

(b) *Prior approved systems.* Any "Prior approved system" as defined in the Official Code of Georgia Annotated § 31-2-7(a)(4) is approved for installation according to manufacturer's recommendation.

(c) *Location.* No absorption field will be constructed less than one hundred feet (100') from existing or proposed wells, springs or sinkholes; less than ten feet (10') from water supply lines and buildings with basements and less than five feet (5') from buildings without basements, other structures, drives and property lines; less than fifteen feet (15') from an embankment or trash pits, nor less than fifty feet (50') from the normal water level of any impoundment, tributary, stream, or other body of water, including wetlands. If the water supply line crosses or comes within ten feet (10') of the absorption field the water supply line shall be installed at least twelve inches (12") above the top of the aggregate layer of the absorption line and shall be encased in a single length of larger diameter water pipe. No absorption field shall be installed in areas where groundwater, soil characteristics or adverse geological formation may interfere with the absorption or effective treatment of sewage effluent.

(d) *Minimum design and construction for absorption fields.* Absorption lines and absorption trenches shall be designed and installed in accordance with the minimum design and installation criteria established in the Department's current Manual for On-site Sewage Management Systems.

Sec. 5-957. Privies.

Privies shall be designed and constructed in accordance with minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems.

Sec. 5-958. Alternative on-site sewage management systems.

Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems. The Department shall maintain a list of approved alternative on-site sewage management systems.

Sec. 5-959. Experimental on-site sewage management systems.

Any limitations to the use of experimental on-site sewage management systems shall be decided by the Department's technical review committee.

Sec. 5-960. Septage removal and disposal.

(a) *Permit required.* No person shall engage in the removal or disposal of the contents of septic tanks, pit privies, or other on-site sewage management or experimental systems without having first applied for and obtained from the Department or County Board of Health a septage removal permit, renewed annually, for such activities. The application for such septage removal permit shall be submitted in writing on forms provided by the Department or the County Board of Health at least ten (10) days prior to engaging in such activities. The application shall include but not be limited to: the business name and address, name and address of the applicant, the manner by which such contents are to be removed, transported and given final disposal, and such other documentation as may be required by the County Board of Health, including evidence that septage removed and transported will be accepted at approved disposal sites. The permit shall be subject to suspension and revocation for failure to comply with the requirements of these regulations or the Department's current Manual for On-Site Sewage Management Systems.

(b) *Pumping and disposal methods.* Approved methods of pumping and disposal of septage from on-site sewage management systems shall be: discharge to a public or community sewage treatment system for treatment in a wastewater treatment plant, treatment at separate septage handling facilities, or direct land application. Pumping and disposal shall be in accordance with the requirements of the Department's current Manual for On-Site Sewage Management Systems.

(c) *Vehicle identification.* The name and address of the person or firm engaging in the removal of septage from on-site sewage management systems and the permit number shall be lettered on both sides of each vehicle used for septage removal purposes. Letters and numerals shall not be less than two inches (2″) in height and shall be readily visible.

(d) *Vehicle maintenance.* Every vehicle used for removal of septage from on-site sewage management systems shall be equipped with a watertight tank or body and properly maintained.

Liquid wastes shall not be transported in open bodied vehicles. All pumps, hose lines, valves and fittings shall be maintained so as to prevent leakage.

Sec. 5-961. Grease traps.

(a) *Grease traps required.* Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems where it is determined by the County Board of Health that the amount of grease introduced into the system is in excess of 50 mg/l.

(b) *Grease trap design.* Plans and specifications for grease traps shall be submitted to the County Board of Health for approval. The County Board of Health shall review the grease trap design in accordance with minimum design and construction criteria established by the Department's current Manual for On-Site Sewage Management Systems. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption fie ld. Grease traps shall be located, installed and constructed so that the temperature of the sewage will be reduced to permit congealing or separation of grease, and easy access for cleaning is provided.

Sec. 5-962. Sewage flow.

The design sewage flow of an on-site sewage management system shall be determined from the Department's current Manual for On-Site Sewage Management Systems. The daily sewage flow may be determined by the Department after due consideration of data submitted by the owner or his agent on design criteria. Calculations will be made on the basis of peak flow and not on long term averages.

Sec. 5-963. Subdivision and mobile home parks.

(a) *Pre-development review.* It is recommended that developers considering subdivision or mobile home park development, where public or community sewage treatment systems will not be available, seek a predevelopment review by the County Board of Health prior to developmental improvements. A predevelopment report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including:

(1) A vicinity map;

(2) A topographic map;

(3) A preliminary soil study conducted in compliance with the Department's current Manual for On-Site Sewage Management Systems.

(b) *Proposals and plans required.* The following information is required for subdivision and mobile home park proposals:

(1) A boundary plat drawn to a reasonable scale which includes:

(A) A vicinity map;

(B) Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;

(C) A topographic map depicted in two (2) foot contour intervals. Lesser contour intervals may be approved by the County Board of Health if the slope is sufficiently steep;

(D) A soil map and soil descriptions based on a high intensity soil study conducted in compliance with the Department's current Manual for On-Site Sewage Management Systems;

(E) The location of all present and proposed wells, water systems, water courses, flood plains, sewage systems, structures, right-of-ways, utilities, storm water drainage systems and easements on the property and within one hundred feet (100′) outside the perimeter of the property; and

(F) The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.

(2) A completed Subdivision Analysis Record on forms provided by the Department.

(3) A copy of the following documents issued by the Environmental Protection Division of the Department of Natural Resources:

(A) The land disturbance activity permit issued by either the Environmental Protection Division or the local "Issuing Authority". For the purposes of this section, "Issuing Authority" means the governing authority of any county or municipality, which is certified pursuant to subsection (a) of Code Section 12-7-8 by the director of the Environmenta l Protection Division;

(B) A letter of approval to begin construction of a public water supply system and approving the source of the water supply where a public water supply system is to be utilized; and

(C) For a development, which will result in the disturbance of more than five (5) acres, a copy of the Notice of Intent (NOI) submitted to the Environmental Protection Division to be covered under NPDES Permit GAR100000 for the discharge of storm water associated with construction activity.

(c) *Approval required.* No person may sell, offer for sale, lease, rent, begin construction or otherwise begin the physical development of a lot or lots in a subdivision or mobile home park until written approval of plans for water supply and sewage disposal has been obtained from the County Board of Health. This approval constitutes general acceptance of all lots, except those lots excluded, for development with on-site sewage management systems. (Excluded lots may receive further consideration based on additional information.)

(d) *Limits on use of on-site sewage management systems for subdivision and mobile home parks.* Approval of subdivisions and mobile home parks utilizing on-site sewage management systems shall not be granted:

(1) When a public or community sewage system is available within five hundred feet (500′) off the subdivision or mobile home park.

(2) When soil maps, descriptions, and reports compiled by a registered Soil Classifier indicate that soil conditions prohibit safe development of on-site sewage management systems.

(3) Prior to receipt of a letter(s) from the Environmental Protection Division approving the plans to construct the public water supply system and approving the source of the water supply where a public water supply system is to be utilized.

(e) *Construction permits.* Construction permits for on-site sewage management systems shall be issued in accordance with Section 5-952(b)(1).

Sec. 5-964. Subdivision, mobile home park water and sewage.

(a) *Subdivision and mobile home park water supply.* Connection to a public water supply system shall be require d if available within one thousand feet (1,000′) of the proposed subdivision or mobile home park.

(b) *Subdivision and mobile home park percolation tests.* Where required for planning purposes and determination of the general absorptive capacity of soils, the number of percolation tests to be made shall be one (1) per lot, in the area where absorption fields are to be located. Before construction of on-site sewage management systems, individual lots within the proposed development shall comply with Section 5-963.

(c) *Subdivision and mobile home park test bores.* Where required for planning purposes, test bores to determine groundwater elevations and subsurface rock formations shall be made at locations, in numbers and at depths to be determined by the Department or County Board of Health.

Sec. 5-965. Certification and decertification of septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel.

(a) *Certification required.* Individuals performing services related to site approval, the design, location, installation, inspection and maintenance of an on-site sewage management system, must be certified by the Department.

(1) Guide lines defining certification qualifications for septic tank contractors, inspection personnel, pumpers, soil classifiers and maintenance personnel shall be established by the Department and shall be published in the Manual for On-Site Sewage Management Systems. The guide lines shall be based on education, experience, testing and performance.

(2) The Department shall write a protocol for decertification of persons certified under the provisions of this Section.

(3) Certification shall be required every two years and shall be based on meeting continuing education requirements.

(b) *Fee.* The Department shall adopt a fee schedule for the certification and recertification of the persons listed in this Section.

Sec. 5-966. Maintenance and operation.

(a) *Prohibited discharge.* No person shall allow the unapproved discharge or spillage of sewage, nor shall an on-site sewage management system be used or maintained in such a manner that will allow the seepage or discharge of effluent from such system to the ground surface, to a water course, drainage ditch, open trench, canal, storm drain or storm sewer, water well, abandoned well, lake , stream, river, estuary, groundwater, or other body of water.

(b) *Maintenance.* The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase the life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria established in the Department's current Manual for On-Site Sewage Management Systems. Where an on-site sewage management system is proposed to serve facilities under separate ownership, a contract to insure proper operation and maintenance of the system signed by all owners, shall exist as a precondition to the issuance of a permit for the construction of an on-site sewage management system.

(c) *Additives.* No strong bases, acids or organic solvents shall be used in the operation of an on-site sewage management system.

(d) *Existing system evaluations.* If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure established in the Department's current Manual for On-Site Sewage Management Systems.

(e) *Variances.* The County Board of Health may grant variances in the cases of hardship where existing systems are malfunctioning.

Sec. 5-967. Enforcement.

The administration and enforcement of this chapter shall be in accordance with O.C.G.A. Chapter 31-5.

Sec. 5-968. Standards for non-conventional on-site sewage management systems.

(a) The Department shall review absorption field products that differ in design from the conventional on-site sewage management system. The following standards will be used to determine equivalency to the conventional on-site sewage management system:

(1) The design infiltrative surface is the wetted trench bottom area.

(2) Due to the combined effects of compaction, contact area and fines associated with gravel aggregate, the effective infiltrative surface area is reduced by an estimated 50%.

(3) The minimum amount of effective trench bottom infiltrative surface area per linear foot shall be equivalent to the conventional 36-inch wide gravel system.

(4) Sidewall area shall not be considered for design reduction. The minimum amount of effective sidewall infiltrative surface area per linear foot shall be equivalent to the conventional 36-inch wide gravel system.

(5) The minimum storage volume required for a system shall be equivalent to the conventional 36-inch wide gravel system.

(6) The design absorption area required is based on the most hydraulically limiting soil horizon that comes into contact with the infiltrative surface of the sidewall, trench bottom and for a distance 1 foot below the absorption trench bottom.

Infiltration area for conventional 36-inch wide gravel trench absorption
Sidewall Infiltration Area: 2 sq. ft./ft. x .50 = 1 sq. ft./linear foot
Trench Bottom Infiltration Area: 3 sq. ft./ft. x .50 = 1.5 sq. ft./linear foot
Storage Volume: 3 cubic feet / linear foot x 7.48 gallons / cubic foot x .35 = 7.85 gallons / linear foot

(b) *Prior approval.* Lots approved for development based on a reduction in absorption trench length up to 50% shall continue to be approved and permitted for up to a 50% reduction in absorption trench length provided the lot is part of a recorded plat or part of a preliminary development plan submitted to the County Board of Health within one year of rule adoption.

Preliminary plans must include as a minimum: proposed lots and streets with lot identifications, lot dimensions and square footage; a topographic map with water courses and flood plain identified; a level 3 soil report; the location of the water supply system, right-of-ways, easements and utilities; and the name , registration number and seal of the professional surveyor or engineer.

Section 2. This ordinance shall become effective immediately upon its adoption by the Board of Commissioners for Fayette County.

Section 3. All other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4. In any event any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases of this Ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not a part thereof. The Board of Commissioners hereby declares that it would have passed the remaining parts of this Ordinance if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SO ENACTED this ____ day of _____, 2013.

BOARD OF COMMISSIONERS OF
FAYETTE COUNTY

By:_____
Steve Brown, Chairman

(SEAL)

ATTEST:

_____
Floyd Jones, County Clerk

Approved as to form:

_____
Interim County Attorney