

30 October 2015

NOTICE OF PROPOSED RULEMAKING

On-Site Sewage Management Systems Revisions to Regulation Chapter 511-3-1

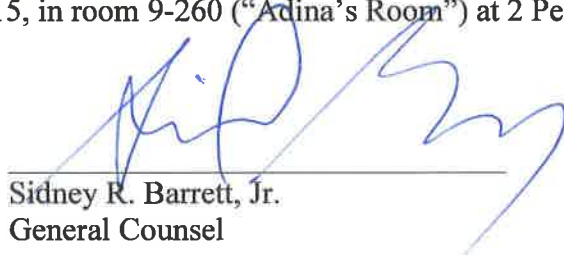
Please take note that the Department of Public Health proposes to amend the administrative regulations codified as Chapter 511-3-1, pursuant to its authority under O.C.G.A. Sections 12-8-1, 31-2A-6, and 31-2A-11. The proposed revised regulations are attached. They also may be found on our website at <http://health.state.ga.us/>.

In summary, the Department proposes to streamline and codify the grounds and procedures for granting, suspending, and revoking septage removal permits and certifications of soil classifiers, septic tank inspectors, on-site sewage management system inspectors, maintenance personnel, and sewage pumpers.

Interested persons may submit comments on these proposed revisions in writing addressed to:

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2 Peachtree Street, NW, 15th Floor
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Comment may also be presented in person at a public meeting scheduled for 1:30 p.m., 19 November 2015, in room 9-260 ("Adina's Room") at 2 Peachtree Street, NW, 9th Floor, Atlanta GA.



Sidney R. Barrett, Jr.
General Counsel



RULES OF THE DEPARTMENT OF PUBLIC HEALTH
CHAPTER 511-3-1

On-Site Sewage Management Systems

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511-3-1-.01 Applicability.

This Chapter shall apply to all on-site sewage management systems except those under the jurisdiction of and regulated by the Department of Natural Resources; any public or community sewage treatment system; and other systems subject to shared jurisdiction by Memoranda of Agreement or other agreements.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.02 Definitions.

(a) **“Absorption Field”** means a configuration of absorption trenches installed in a portion of land and used for the absorption and final treatment of sewage.

(b) **“Absorption Line”** means a pipe line of perforated pipe laid in an absorption trench to serve as a conduit for sewage effluent.

(c) **“Absorption Trench”** means an excavation in which an absorption line is laid.

(d) **“Absorption Trench Bottom and Side Wall Area”** means 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.

(e) **“Aggregate”** means washed gravel or washed stone meeting the Georgia Department of Transportation standards for hardness or other materials approved by the Department that shall be one half inch (1/2”) to two inches (2”) in diameter.

(f) **“Alternative On-Site Sewage Management System”** means an approved on-site sewage management system which differs in design or operation from the conventional or chamber septic tank system or privy.

(g) **“Approved” or “Approval”** means compliance with applicable specifications or criteria developed or accepted by the Department.

(h) **“Auxiliary System”** means a system to serve a portion of a residence, a pool house, or other adjunct facility.

(i) **“Bedroom”** means any room that is intended primarily for sleeping purposes, as shown on the building plan.

(j) **“Black Water”** means wastewater generated by fixtures or appliances that come into direct contact with human excreta or solid organic matter, such as toilets, urinals, bidets, kitchen sinks and garbage disposals.

(k) **“Building Drain”** means 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.

(l) **“Building Sewer”** means 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.

(m) **“Central On-Site Sewage Management System”** means an on-site sewage management system serving more than one building, business, residence or other facility designed or used for human occupancy or congregation on an individual lot or single parcel of land.

(n) **“Chamber Septic Tank System”** means a septic tank with a chamber system as defined in definition (o) below.

(o) **“Chamber System”** means 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.

(p) **“Conventional System”** means 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 wall areas.

(q) **“Conventional Septic Tank System”** means any septic tank and conventional system as defined in (p), but does not include alternative or experimental systems.

(r) **“County Board of Health”** means a County Board of Health organized pursuant to O.C.G.A. § 31-3-1 *et seq.*

(s) **“Department” or “DPH”** means the Georgia Department of Public Health.

(t) **“Distribution Device”** means 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.

(u) **“Dosing Tank”** means an approved watertight tank, located after a septic tank or other sewage retention device, 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.

(v) **“Experimental On-Site Sewage Management System”** means any on-site sewage management system proposed for testing and observation, and provisionally approved for such purposes by the Department, but which has not been fully proven under field use.

(w) **“Failure” or “failed”** means the on-site sewage system constitutes a health hazard by reason of inadequate treatment or disposal of sewage.

(x) **“Filter”** means an approved device that removes solids or other materials from the effluent that could cause failure of an on-site sewage management system.

(y) **“Flood Plain”** means 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.

(z) **“Gray Water”** means wastewater generated by water-using fixtures and appliances that does not come into direct contact with human excreta or solid organic matter.

(aa) **“Grease Trap”** means 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.

(bb) **“Hardscape”** means any area devoted to a landscape made up of hard wearing materials such as stone, concrete, decking and other similar construction materials.

(cc) **“Individual Water Supply System”** means a non-public system of piping, pumps, tanks or other facilities, utilizing groundwater to supply a single family dwelling.

(dd) **“Lot”** means a portion of a subdivision, or any other parcel of land, intended as a unit for transfer of ownership, or for development, or both. It does not include any part of the right-of-way of a street or road.

(ee) **“Manual for On-Site Sewage Management Systems”** means the most current version of the technical handbook adopted and periodically updated by the Department in the implementation of this Chapter.

(ff) **“Mobile Home Park”** means a parcel of land developed for subsequent rental, lease, or placement of two or more mobile homes.

(gg) **“On-Site Sewage Management System”** means 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.

(hh) **“Percolation Coefficient”** means the ratio of trench bottom area to percolation time, expressed as the allowable rate of sewage application in gallons per square foot per day.

(ii) **“Percolation Rate”** means the time, expressed in minutes per inch, required for water to seep into saturated soil at a constant rate.

(jj) **“Percolation Test”** means the method used to measure the percolation rate of water into soil as described in the *Manual for On-Site Sewage Management Systems*.

(kk) **“Person”** means any individual, partnership, corporation, association, and bodies both political and corporate.

(ll) **“Physical Development”** means the alteration or improvement of real property, including site preparation, erection of any structure or road, well construction, or installation of on-site sewage management systems.

(mm) **“Privy”** means a structure and necessary appurtenances used for the sanitary disposal or storage of human wastes without the aid of water carriage. It does not include chemical, composting, portable or incinerator toilets.

(nn) **“Public Water Supply System”** means 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 days out of the year.

(oo) **“Septage”** means 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.

(pp) **“Sewage Treatment System”** is 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. It 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.

(qq) **“Septic Tank”** means 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.

(rr) **“Sewage”** means and includes human excreta, black water, water-carried wastes, and liquid household waste from residences or commercial and industrial establishments.

(ss) **“Sinkhole”** means 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.

(tt) **“Site”** means the location where the absorption field will be installed, to include replacement area.

(uu) **“Soil Classifier”** means a person who has been approved by the Department to conduct soil evaluations to determine suitability of a sit for an on-site sewage management system.

(vv) **“Subdivision”** means any division of a tract or parcel of land into five or more lots, building sites, mobile home sites, or other divisions, resulting in at least one single lot of less than three acres, for the purpose, whether immediate or future, of sale or legacy, and includes re-subdivision. It does not include:

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; or
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.

(ww) **“Well”** means an excavation or opening into the ground by which groundwater is sought or obtained.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.03 General Requirements for On-Site Sewage Management Systems.

(1) If public or community sewage treatment systems are not available, the owner of a building, residence, or property that is designed or intended for human occupancy or congregation shall provide an approved on-site sewage management system sufficient for the number of persons normally expected to use or frequent the building, residence or other property for two hours or more.

(a) Connection shall be made to a public or community sewage treatment system if such system is available within two hundred feet (200') of the property line, or available in a public right-of-way abutting the property. If 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, then 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.

(b) A residential on-site sewage systems of less than two thousand gallons per day that is failing may be exempted from connecting to sewer if the repair or replacement of the system will meet the criteria set forth in the *Manual for Onsite Sewage Management Systems* and has sufficient area and usable soils as determined by the County Board of Health.

(c) Any facility that produces a waste stream with BOD₅ (biochemical 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 below before disposal through a conventional or chamber septic tank system.

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

(a) 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:

1. Name and address of the owner and the applicant, if other than the owner;
2. Location of property;
3. Plans and specifications showing the location and design of the proposed on-site sewage management system, including surface and subsurface drainage and piping;
4. Nature of the facility to be served;

5. Location of all water supplies, geothermal borehole, or other utilities and trash pits on or off the lot, which will bear upon the location of the on-site sewage management system;
6. 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;
7. Soil characteristics, including soil types and capabilities, frequency and evaluations of seasonal high groundwater tables, occurrence of rock and other impervious strata;
8. Signature of the owner or agent applying for permit; and
9. Any additional information deemed necessary to determine the suitability of the site.

(b) The County Board of Health may waive submission of part of the information required for the application if it determines that sufficient information already is available from previously submitted subdivision or mobile home park data, or from other sources, to determine the acceptability of the proposed lot for the installation of an on-site sewage management system.

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

(d) Any person preparing to modify a lot or structure 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 *Manual for On-Site Sewage Management Systems*.

(3) 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. If a public water supply system is to be used, then no construction permit for an on-site sewage management system shall be issued until the public water supply system is approved.

(a) Lot suitability and approval will be determined by the criteria set forth in the *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. On-site sewage management construction permits shall remain valid for not more than twelve months from the date of issue.

(b) 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.

- (c) On tracts or parcels of land of three acres or more, a conventional or chamber septic tank system may be utilized if the percolation rate does not exceed 120 minutes per inch. Percolation rates greater than 120 minutes per inch shall be considered unsuitable for these systems unless the application for the construction permit includes the results of a special study by the soil classifier and a site plan from an engineer licensed in the state which demonstrates the adsorption limitations can be overcome by design. All other conditions must comply with the requirements of the regulations for on-site sewage management systems.
- (4) No person may backfill or use an on-site sewage management system until a final inspection has been made by the County Board of Health, and written approval has been issued by the County Board of Health.
 - (a) A copy of the final inspection report of an on-site sewage management system shall be provided to the owner, builder, developer or agent, whichever is appropriate.
 - (b) 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.
- (5) A conventional or chamber septic tank system must have a septic tank design capacity of no less than one thousand gallons and no greater than ten thousand gallons.
- (6) If a proposed on-site sewage management system will produce a sewage flow in excess of two thousand gallons per day, then plans, specifications, soil data, and absorption test data shall be submitted to the County Board of Health for the purpose of obtaining a construction permit. This information shall bear the registration number and signature of an engineer licensed in this State. If a proposed on-site sewage management system will produce a sewage flow of two thousand gallons per day or less, then the County Board of Health may accept plans, specifications, soil data, and absorption test data from any person whom it determines to have sufficient knowledge of on-site sewage management system design.
- (7) Soil evaluations shall be conducted by individuals certified by the Department as meeting the requirements set forth in the *Manual for On-Site Sewage Management Systems*. In addition, 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 liability insurance certificate with limits of liability of no less than one million dollars.
- (8) Soil evaluation reports shall be prepared in compliance with the requirements established by the Soil Survey Report Checklist in Section C of the Department's *Manual for On-Site Sewage Management System*. 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's *Manual for On-Site Sewage Management Systems*. If the county board of health finds the soil evaluation is deficient, then it shall notify the person or entity that submitted the evaluation in writing by mail within 3 business days stating all deficiencies and measures needed to correct deficiencies.

(9) Engineer designs shall be prepared in accordance with the Engineered Site Plan Checklist in Section F of the Department's *Manual for On-Site Sewage Management Systems*, and shall include a copy of the engineer's current professional liability insurance certificate with limits of liability of no less than one million dollars. Engineer designs shall be evaluated within 20 days of submission and a written determination mailed to the applicant within 3 business days of the findings by the county board of health. If the permit application is denied due to rejection of the engineer design, then the County Board of Health shall so notify the submitter listing the deficiencies found, the measures needed to correct the deficiencies, and the applicant's right to appeal the decision.

(10) If an on-site sewage management system, alternative system, or soil fill installation is installed, the installer shall delivered a notice to the owner of such property stating the type of installation, design, and maintenance needs. In the case of newly constructed homes or commercial buildings, such notice must be delivered to new owner by the homebuilder or contractor at the time of conveyance of such property.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.04 Sewers.

(1) Sewers connecting component parts of on-site sewage management systems shall be of sufficient size to serve anticipated flow conditions.

(2) All solid pipes 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.

(3) Sewers, other than perforated pipe or drain tiles used in absorption fields, shall be laid 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 or plumbing inspection, the County Board of Health may verify the adequacy and acceptability of all or any portion of the building sewer or the building drain.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.05 Septic Tanks.

(1) 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 set forth in the *Manual for On-Site Sewage Management Systems*. 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 are subject to 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*.

(2) 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 geothermal boreholes, lakes, ponds, streams, water courses, and 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, and should be at least ten feet (10') from hardscape, drives, swimming pools and building foundations. The County Board of Health, after site inspection, may allow lesser separation distances or require greater distances than cited herein due to unusual conditions of topography, site configuration, subsurface soil characteristics, or groundwater interference.

(3) Capacity. The liquid capacity of septic tanks for single family dwellings shall be one thousand 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%) if a garbage grinder is to be used. Auxiliary systems serving single family residences or other facilities shall be based on the maximum daily flow.

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

(5) Tanks in Series. The County Board of Health may approve the installation of tanks placed in series as equivalent to a single compartmented septic tank. Tanks in series should be single compartment tanks, with the first tank being at least 1000 gallons and equal to 2/3 of the required liquid capacity. When tanks in series are used, they shall be connected with a sealed sewer line, and all sewage shall initially enter the first tank.

(6) Foundation and Backfill. Septic tanks shall be 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, risers, and manholes shall be constructed so as to prevent the entrance of surface water.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.06 Distribution Devices and Dosing Tanks.

(1) Distribution devices shall be designed and constructed in accordance with minimum design and construction criteria set forth in the *Manual for On-Site Sewage Management Systems*.

(2) Where required, dosing tanks shall be designed, constructed, and installed in accordance with the *Manual for On-Site Sewage Management Systems*.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.07 Absorption Fields.

(1) 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 *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.

(2) Prior Approved Systems. Any "prior approved system" as defined in the Official Code of Georgia Annotated Section 31-2A-11 (a) (4) is approved for installation according to the manufacturer's recommendation.

(3) 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, hardscape, and property lines; less than fifteen feet (15') from an embankment, swimming pool foundation, drainage ditch or trash pits; not less than fifty feet (50') from geothermal boreholes and the normal water level of any impoundment, tributary, stream, or other body of water, including ponded areas of 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, non-aggregate absorption line or other 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.

(4) 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 set forth in the *Manual for On-Site Sewage Management Systems*.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.08 Privies.

Privies shall be designed and constructed in accordance with minimum design and construction criteria set forth in the *Manual for On-Site Sewage Management Systems*.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.09 Alternative On-Site Sewage Management Systems.

An alternative on-site sewage management system is an on-site sewage management system which differs in design or operation from the conventional or chamber septic tank or privy, and which has been approved by the Department. Alternative on-site sewage management systems shall be designed and constructed in accordance with the minimum design and construction criteria set forth in the *Manual for On-Site Sewage Management Systems*. The Department shall maintain a list of approved alternative on-site sewage management systems.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.10 Experimental On-Site Sewage Management Systems.

Experimental on-site sewage management systems proposed for testing and observation may be provisionally accepted for such purposes by the Department's technical review committee, and shall be subject to limitations imposed by the Department's technical review committee.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.11 Septage Removal and Disposal.

(1) Permits. 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 obtained a septage removal permit issued by the County Board of Health for such activities. The application for such septage removal permit shall be filed in the county where the business's base of operations is located, on forms provided by the Department or the County Board of Health, at least ten days prior to engaging in such activities. The application shall include 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, and including evidence that septage removed and transported will be accepted at approved disposal sites.

(2) Suspension, Revocation, or Denial of Renewal. The permit shall be valid for one year and must be renewed annually. The following are grounds for suspension, revocation, or denial of renewal:

- a) A material misrepresentation or omission on an application or manifest;
- b) A pending judicial disciplinary action(s) related to on-site sewage services;
- c) A civil judgment against the individual or company related to on-site sewage services;

- d) An unfair or deceptive trade practice as defined by Code Section 10-1-393; and
- e) A violation of the Department's Rules and Regulations for On-site Sewage Management Systems or the Manual for On-Site Sewage Management Systems.

A lesser sanction, including probation on specified terms, may be imposed where the circumstances of the violation do not merit suspension or revocation of the permit.

(3) Pumping and Disposal Methods. Approved methods of pumping and disposal of septage from on-site sewage management systems shall be by direct discharge to a system approved by the Environmental Protection Division; these systems include public or community sewage treatment plants, septage handling facilities, or direct land disposal sites. ~~for treatment in treatment plant, treatment at separate septage handling facilities, or direct land application.~~ Pumping and disposal shall be in accordance with the requirements of the *Manual for On-Site Sewage Management Systems*.

(4) Vehicle Identification. The name 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.

(5) 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 to prevent leakage.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.12 Grease Traps.

(1) Grease traps shall be required for commercial or industrial establishments with on-site sewage management systems if the County Board of Health determines that the amount of grease introduced into the system may exceed 50 mg/l.

(2) Plans and specifications for grease traps shall be prepared in accordance with minimum design and construction criteria set forth in the *Manual for On-Site Sewage Management Systems* and submitted to the County Board of Health for approval. Effluent from grease traps shall be disposed of in a septic tank and not directly discharged to the absorption field. 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.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1-.13 Sewage Flow.

The design sewage flow of an on-site sewage management system shall be determined in accordance with the *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.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.14 Subdivision and Mobile Home Parks.

(1) **Approval.** No person may sell, offer for sale, lease, rent, or begin construction or otherwise begin the physical development of a lot in a subdivision or mobile home park until written approval of plans for water supply and sewage disposal in the subdivision or park has been issued from the County Board of Health. This approval constitutes general acceptance of all lots for development with on-site sewage management systems.

(2) **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. A predevelopment report which indicates disapproval or tentative approval may be obtained by submitting a boundary plat including a vicinity map, a topographic map, and a soil map and soil descriptions based on a high intensity soil study conducted in compliance with the Department's *Manual for On-Site Sewage Management Systems*.

(3) **Proposals and Plans Required.** The following information is required for subdivision and mobile home park proposals:

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

1. A vicinity map;
2. Proposed lots and streets including lot identification, dimensions, building lines and square footage of lots;
3. A topographic map depicted in two foot (2') contour intervals. Additional contour intervals may be required by the County Board of Health.
4. A soil map and soil descriptions based on a high intensity soil study, Level III, conducted in compliance with the *Manual for On-Site Sewage Management Systems*;
5. 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, proposed road and street construction, grading or disturbance plans, setbacks, and easements on the property and within one hundred feet (100') outside the perimeter of the property; and
6. The name, registration number and seal of the professional surveyor or engineer that prepared the development plan.

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

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

1. The land disturbance activity permit issued by either the Environmental Protection Division, or by a governing authority of the applicable county or municipality certified by the director of the Environmental Protection Division pursuant to the Official Code of Georgia Annotated Section 12-7-8(a); and

2. 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.

(3) Water Supply. Connection to a public water supply system shall be required if available within one thousand (1,000) feet of the proposed subdivision or mobile home park.

(4) 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 is subject to the following conditions:

- (a) No public or community sewage system is available within five hundred feet (500') of the subdivision or mobile home park;

- (b) Soil maps, descriptions, and reports compiled by a registered Soil Classifier indicate no soil conditions that would prohibit safe development of on-site sewage management systems;

- (c) If a public water supply system is to be built and utilized, 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.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.15 Technical Review Committee.

(1) The Department shall appoint and maintain a Technical Review Committee consisting of no more than fifteen individuals with technical or scientific knowledge relating to on-site sewage management systems. The committee shall approve new systems, periodically review systems performance, assist the Department with the development of standards and guidelines for new technology, assist with the periodic updating of the *Manual for On-Site Sewage Management Systems*, revise the standards and serve as the authority for product approval, evaluation, and the development of installation standards. The Committee shall also maintain a list of approved systems.

(2) The Committee shall include at least one individual from the following disciplines:

- (a) A DPH Environmental Health Section staff person who shall serve as the secretary;

- (b) Local County Environmentalist;
- (c) Health District Environmentalist;
- (d) Engineering;
- (e) Manufacturing;
- (f) Home Builders Association;
- (g) Soil Classifier;
- (h) University/academia;
- (i) District Health Director;
- (j) Environmental Protection Division;
- (k) Well Driller;
- (l) Georgia On-Site Wastewater Association;
- (m) Land Developer;
- (n) Septic Tank Contractor.

(3) The Committee shall meet as deemed appropriate by the Department.

(4) The Department shall adopt a fee schedule for the technical review of new products and technology.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.16 Certification of Soil Classifiers, Septic Tank Contractors, On-Site Sewage Management System Inspectors, Maintenance Personnel, and Sewage Pumpers.

(1) No person shall perform services as a soil classifier, septic tank contractor, inspection personnel, maintenance personnel, or sewage pumper unless that person is currently certified by the Department in that capacity, or is performing services under the personal on-site supervision of someone who is currently certified by the Department to act in that capacity.

(a) The qualifications for certification of soil classifiers, septic tank contractors, inspection personnel, maintenance personnel, and sewage pumpers shall be set forth by the Department and published in the *Manual for On-Site Sewage Management Systems*. The qualifications shall be based on education, experience, testing and performance.

(b) The Department may suspend or revoke a certification as provided in DPH Rule 511-3-1-.19.

(c) Certification shall be renewed every two years and shall be conditioned on meeting continuing education requirements.

(2) The Department shall adopt a fee schedule for certifications and renewals under this Rule.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.17 Maintenance and Operation.

(1) 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 as to 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.

(2) Maintenance. The property owner shall be responsible for properly operating and maintaining the on-site sewage management system to increase its life expectancy and prevent failure. Maintenance of the system shall be in accordance with the criteria set forth in the *Manual for On-Site Sewage Management Systems*.

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

(4) Existing System Evaluations. If a performance evaluation of an existing system is conducted, the evaluation shall be performed in accordance with the procedure set forth in the *Manual for On-Site Sewage Management Systems*.

(5) Abandonment of a Septic Tank. If the use of a septic tank is discontinued, or if the tank cannot be made to comply with the Rules and its further use is prohibited, then the property owner shall either have the abandoned tank pumped out by a certified pumper and fill the empty tank with sand, soil, or rock to prevent entrapment, or have the empty tank removed to make room for a new system component.

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

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.18 Standards for Non-Conventional On-Site Sewage Management Systems.

(1) 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:

- (a) The design infiltrative surface is the wetted trench bottom area.
 - (b) Due to the combined effects of compaction, contact area and fines associated with gravel aggregate, the effective infiltrative surface area shall be reduced by an estimated 50%.
 - (c) The minimum amount of effective trench bottom infiltrative surface area per linear foot shall be equivalent to the conventional 36-inch wide gravel system.
 - (d) 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 a conventional 36-inch wide gravel system.
 - (e) The minimum storage volume required for a system shall be equivalent to a conventional 36-inch wide gravel system.
 - (f) 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.
- (2) The infiltration area for conventional 36-inch wide gravel trench absorption shall be considered to be as follows:
- (a) Sidewall Infiltration Area: $2 \text{ sq. ft./ft} \times .50 = 1 \text{ sq.ft. / linear foot}$
 - (b) Trench Bottom Infiltration Area: $3 \text{ sq. ft./ft} \times .50 = 1.5 \text{ sq.ft. / linear foot}$
 - (c) Storage Volume: $3 \text{ cubic feet / linear foot} \times 7.48 \text{ gallons / cubic foot} \times .35 = 7.85 \text{ gallons / linear foot}$
- (3) 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 the April 1, 2007 rule adoption. Preliminary plans must include 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.

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11.

511-3-1.19 Decertification and Denial of Renewal

- (1) The Department may revoke the certification of any person or entity under the Chapter, or may deny certification, for any of the following reasons:
- (a) A violation of Title 31 of the Official Code of Georgia or the Rules of the Departments;
 - (b) An unfair or deceptive trade practice as defined by Code Section 10-1-393;

- (c) Performing services which a certification is required if, at the time of the service, the person or entity lack a current certification;
- (d) A material misrepresentation or omission on any application for certification or renewal;
- (e) A criminal conviction, including a plea of nolo contendere, for any felony, crime of moral turpitude, or offense related to on-site sewage services;
- (f) Failure to pay certification or renewal fees;
- (g) Failure to maintain continuing education credits required by the Department;
- (h) A civil judgment based on conduct related to on-site sewage services; or
- (i) Such other conduct as, in the opinion of the Department, would render continued certification of the person or entity a threat to the health or safety of the public.

(2) The Department may, in its discretion, impose a lesser sanction where the circumstances of the violation do not merit revocation of the certification, including suspension or probation on specified terms.

(3) Procedure.

- (a) The Department may, but is not required to, refer information concerning a certified person or entity to the Certification Review Committee. The Committee shall review the evidence and make a recommendation to the Department.
- (b) The Department shall give written notice of any disciplinary action taken pursuant to this regulation by certified mail or statutory overnight delivery to the last known address of the person or entity. The notice shall set forth the facts which support disciplinary action.
- (c) Upon request made in writing and received by the DPH Office of General Counsel no later than twenty days after the written notice of disciplinary action is mailed, the Department shall refer the matter to the Georgia Office of Administrative Hearings for hearing in accordance with its rules. The burden of proof shall be on the person or entity seeking the hearing.

(4) Effective date of disciplinary action.

- (a) All disciplinary actions by the department are effective twenty days after the certified person's receipt of the notice, unless otherwise specified in the notice, or unless the certified person makes a timely request for a hearing.
- (b) Upon a written finding set forth in the notice of disciplinary action that the public safety, health, and welfare imperatively require emergency action, the suspension of the certification shall be effective immediately upon issuance of the notice.

(5) Upon request for exculpatory, favorable, or arguably favorable information relative to pending allegations involving disciplinary action, the Department shall either furnish such information, indicate that no such information exists, or provide such information to the hearing officer for *in camera* inspection pursuant to O.C.G.A. § 50-13-18(d)(2).

Authority: O.C.G.A. Secs. 12-8-1, 31-2A-6, 31-2A-11,