

NEW CODE LANGUAGE

PROPOSED LANGUAGE ADDITIONS TO THE U.P. ENVIRONMENTAL HEALTH CODE

Applicability

This article shall apply to single and two-family On-Site Sewage Treatment and Disposal Systems (OSTDS) and OSTDS other than private single or two-family residences, which utilize septic tanks and absorption system for peak daily flows less than 1,000 gallons per day.

Appeals on all sites which serve buildings other than single and two-family residences, including those with peak daily flows of less than 1,000 gallons per day evaluated under these regulations, shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch. 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirement.

Appeals on all sites where an OSTDS is proposed to be located on a parcel of less than one acre as created after July 28, 1997, a parcel within a subdivision, a parcel which is classified as a site condominium, or a parcel that was otherwise created in excess of the allowable number of exempt parcel splits under the Land Division Act, Act 288, PA 1967, (Mich. Comp. Laws Section 560) shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the rules entitled Part 4. Department of Environmental Quality On-site Water Supply and Sewage Disposal for Land Divisions and Subdivisions, being R560.401- R560.428 of the Michigan Administrative Code, or current State statute.

Definitions

- Board of Appeals -** A board appointed by the Board of Health whose purpose is to hear, pass judgment and make recommendations upon enforcement actions under these regulations that have been appealed above the Health Officer.
- Board of Health -** The Board approved by the Baraga, Gogebic, Houghton, Keweenaw, and Ontonagon County Board of Commissioners to sit as the Western Upper Peninsula Health Department Board of Health.
- Environmental Health -** Per Mich. Comp. Laws § 333.12101, the area of activity that deals with the protection of human health through the management, control, and prevention of environmental factors, which may adversely affect the health of individuals. This activity is concerned with the existence of substances, conditions or facilities in quantities, of characteristics, and under conditions, circumstances, or duration which are or can be injurious to human health.
- Governing Board -** The Board of Health and/or the Board of Commissioners to which the Department reports.

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Health Officer -	The administrative officer appointed by the local governing board who is responsible for the operations of the Department and the administration and enforcement of Michigan's Public Health Code, Act 368, P.A. 1978 as amended (Mich. Comp. Laws Ch. 333) and associated statutes within the legal jurisdiction of the Department. Health Officer also includes any employee or designee of the Department acting under the direction of the Health Officer during their normal course of duties.
Owner -	Both the owner of title record, and those persons occupying or in possession of any property or premises, or their designated representative.
Premises -	A tract or parcel of land on which a habitable building or dwelling is, or would be, located and shall include the building or dwelling.
Fill and Fill Material -	Soil that is placed beneath the absorption system of an OSTDS for the purpose of improving the infiltrative capacity of the native soil or to elevate the absorption system above a limiting layer to improve system performance. Fill shall consist of clean medium sand uncontaminated by other soil texture classes or debris of any kind, unless otherwise specified as part of a permit condition and approved by the Department. Fill may also refer to any non-native soil deposited above natural grade.
High Strength Wastewater-	Sanitary wastewater from structures other than a single or two family dwelling including, but not limited to, food service establishments, campgrounds, etc. that generate wastewater that exceeds the parameters of typical residential dwelling wastewater. High-strength wastewater is determined by the use of the structure served and the influent contaminant load. High strength wastewater exceeds the following parameters: 1. A monthly average of 30 mg/L fats, oil and grease. 2. A monthly average of 220 mg/L BOD5. 3. A monthly average of 150 mg/L TSS. 3. Or other constituent that interferes with biological action in the treatment facilities.
Install -	To alter, construct, place, or repair an OSTDS or any component thereof, or to provide labor or oversight under formal contract or informal agreement including excavation work, installation of fill material, placement of a tank or installation of associated piping.

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Native Soil -	Naturally occurring soil deposited through geologic processes and undisturbed by human activity. Native soil does not include soil deposited as fill. Also referred to as “insitu soil”.
New or Increased Use -	The connection of a new structure to an existing OSTDS or the addition to a structure of at least one bedroom, or a change to a structure resulting in an increase in one bedroom or increased sewage flow rate of 150 gallons per day or more.
Riser -	A watertight attachment to the top of a septic tank or dose chamber that allows at grade access to the tank for inspection and maintenance.
Sewage Lagoon –	A lagoon is a treatment method that utilizes a septic tank for primary treatment with the clarified effluent from the tank being discharged into a lagoon where sunlight, temperature, and wind provide the final treatment.

Inspections and Investigations

The Department may request the assistance of law enforcement agencies when necessary to fulfill the Department’s duty in a manner prescribed by law.

Severability

If any section, subsection, clause or phrase of these regulations is for any reason declared unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected.

Other Laws and Regulations

These regulations are supplemental to the Michigan Public Health Code, Act 368, and P.A. 1978 as amended (Mich. Comp. Laws Ch. 333) and to other statutes duly enacted by the State of Michigan relating to public health and safety. These regulations shall be liberally construed for the protection of the health, safety, and welfare of the people of Western Upper Peninsula Health Department and shall control and prevail over a less stringent or inconsistent provision enacted by a local governmental entity for the protection of public health.

Amendments

The Department, through approval by the Western Upper Peninsula Health Department Board of Health and the Baraga, Gogebic, Houghton, Keweenaw, and Ontonagon Board of Commissioners, may amend, supplement or change these regulations or portions thereof.

Construction Permits

- The Department shall not issue a construction permit for any commercial OSTDS having a sewage flow rate of greater than 1,000 gallons per day, which does not meet the minimum criteria set forth in the Michigan Criteria for Subsurface Sewage Disposal, D48 Rev. 4/94, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch. 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State of Michigan requirement governing the installation of subsurface sewage disposal and

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treatment systems designed to handle sanitary sewage. The reasons for denial shall be furnished to the applicant in writing.

- The OSTDS installation contractor shall have a valid permit in possession on-site at the time of construction.

Authorization to Use an Existing OSTDS

Approval of a new/increased use is not required for the following:

- A permit with a final inspection indicating OSTDS approval is on file and Department documentation indicates the water supply meets the required isolation distances and the proposed dwelling was not constructed and a new or increased use is not proposed.
- A permit with a final inspection indicating OSTDS approval was performed within the past five years and Department documentation indicates the water supply meets the required isolation distances, the proposed dwelling was constructed, and new or increased use does not occur.
- New or increased use was approved within the past two years, through the performance of an existing system evaluation by the Department, and an additional new or increased use has not occurred and is not proposed.

Connection of Discharges

The following shall not be connected to an OSTDS:

- A swimming pool, hot tub (spa) or its appurtenances.
- Chemical solutions or other wastes, which would interfere with biological action in the treatment facilities.
- Non-sanitary wastewater from commercial facilities.

The Department may require suitable provisions for the proper discharge or disposal of liquid wastes listed above.

Site and System Evaluations

The Department may require as part of a soil evaluation, information including but not limited to engineering plans or drawings, topographic maps of a site indicating surface relief and/or grade elevations, soil analyses, additional soil test borings, groundwater elevations, flood elevations, information specific to easements, rights-of-way, parcel boundaries, wetland delineation, etc.

Construction Inspections

After Department final approval inspection of the construction of a newly installed OSTDS, or any newly installed component thereof, backfilling/covering shall be completed within 3 working days unless otherwise approved by the Health Officer.

Construction Requirements

The soil depth between the limiting zone and the aggregate/soil interface shall not be less than: thirty-six inches (36") for an OSTDS that provides uniform distribution through pressure distribution.

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Absorption System Distribution

Installation of technologies not comprising a conventional stone aggregate and perforated pipe design shall obtain approval of the Department prior to permitting and installation, or shall be designed specifically in accordance with the Department's technical manual.

Privies/Outhouses

A composting toilet may be used as an alternative to a privy, if all conditions of 3-15 (A) are met.

- No drains shall emanate from the composting toilet.
- The composting toilet shall be of adequate capacity for the intended use.
- Composting toilets shall meet NSF/ANSI Standard 41 Non-Liquid Saturated Treatment Systems

Certified Pool Operator

All facilities operating and/or housing a public swimming pool or hot tub shall employ an operator possessing the National Swimming Pool Foundation (NSPF) Certified Pool Operator (CPO) credential or equivalent. The certified swimming pool operator shall be available for immediate response to the facility within 15 minutes.

Board of Appeals

- Appeals on all sites which serve buildings other than single and two-family residences, including those with peak daily flows of less than 1,000 gallons per day evaluated under these regulations, shall be made to the Michigan Department of Environment Great Lakes and Energy or current State agency responsible under the Michigan Criteria for Subsurface Sewage Disposal, as written by the Division of Environmental Health, Bureau of Environmental and Occupational Health, Michigan Department of Public Health, April 1994, By authority of Act 368, P.A. 1978, as amended (Mich. Comp. Laws Ch. 333) and Act 451, P.A. 1994, as amended (Mich. Comp. Laws § 324.101 – 324.90106), or current State requirement.
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- Appeals against specific language referenced in State act, law, or statute shall be referred to the State regulatory authority having oversight over that specific act, law, or statute.