

UPDATES TO CODE

UPDATED LANGUAGE TO EXISTING CODE SECTIONS

Title

The Upper Peninsula Environmental Health Code

Inspections and Investigations

- To assure compliance with the provisions of this regulation, the Department may conduct investigations and inspections as provided for by Section 2446 of the Michigan Public Health Code, Act 368, P.A. 1978 as amended. (Mich. Comp. Laws § 333.2446).
- It shall be unlawful for any person to molest, willfully oppose, verbally abuse, or otherwise obstruct the Department, or any other person charged with enforcement of these regulations, during, or as a result of performing, his or her professional duties.

Policy and Guidelines

- The Department is hereby granted the authority to adopt guidelines, not in conflict with the purpose and intent of these regulations, for the purpose of carrying out the responsibilities herein delegated to the Department by law and as necessary to conduct associated duties as required by contract with the State of Michigan and the minimum program requirements of the contracts.
- All such guidelines shall be in writing and shall be kept in a policy file available for public inspection upon request.

Licensure

Nothing in this code shall preclude a property owner, who is not a licensed OSTDS installer, from installing an OSTDS for his own use under a valid permit.

Technical Definitions

Absorption System -

The part of an OSTDS in which septic tank effluent is distributed by arrangement of trenches or beds that allows the effluent to be absorbed and treated by the surrounding soil.

Absorption Bed -

An absorption system with a minimum of two lateral lines in a distribution system wider than three feet installed below natural grade, at natural grade, or above natural grade on fill.

Absorption Trench -

An absorption system twelve to thirty-six (12-36") inches in width with one distribution line and installed below grade. Native soils shall remain in place between trenches in multiple trench systems.

Alternative Sewage System -

Any on-site sewage treatment system that is not a conventional sewage system. Any OSTDS that is not a conventional sewage system and meets NSF/ANSI Standard 40 or equivalent; or a sewage lagoon.

Conventional Sewage System -

An on-site sewage system containing a septic tank used in conjunction with absorption trenches or an absorption bed that utilized gravity distribution. An OSTDS containing a septic tank used in conjunction with an absorption system.

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Dwelling -	Any house, building, structure, tent, watercraft, shelter, mobile home, camper vehicle, or portion thereof which is occupied or adopted in whole or in part as a home, residence, or living or sleeping place for one or more occupants.
Effluent Filter -	A commercially produced filter designed to be installed in the outlet of a septic tank, or other approved location, for the purpose of preventing the discharge of solid material from the septic tank to the absorption system.
Failing System -	<p>An OSTDS is considered to be failing if any one of the following conditions exists:</p> <p>(4) Any part of the OSTDS is bypassed; the system is the source of an illicit discharge; there is an absence of an absorption system and/or a septic tank, or there is a structural failure of a septic tank or other associated appurtenances.</p> <p>(5) The OSTDS is creating or contributing to a threat to public health or the environment.</p>
Holding Tank -	A watertight receptacle designed to receive and store sanitary sewage effluent to be pumped, hauled, and disposed of in an approved manner by a licensed septage hauler.
Limiting Zone -	Any horizon or condition in the soil profile or underlying strata, which will interfere in any way with the treatment and/or infiltration of sewage effluent before entering the groundwater table. Such horizons include hardpans, fragipans, clay layers, compacted soils, bedrock, clayey soils, permanent and perched groundwater tables, and seasonal high water table.
Natural Grade -	The ground elevation as it exists in the natural state prior to the placement of any fill.
Sewage System-	The method and devices, including septic tanks, pipes, pumps, vents, absorption systems, and privies used to treat and/or dispose of all sewage.
OSTDS -	An On-Site Sewage Treatment and Disposal System having the primary design that incorporates a septic tank and an absorption system, or a privy.
OSTDS Installer	A person qualified to engage in sewage system installation, alteration, or repair. A person licensed to alter, install or repair an OSTDS.

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- Permeability -** The quality of the soil, which enables it to transmit water or air. Permeability values in these regulations are based upon standard estimates derived from the United States Department of Agriculture (USDA) established soil texture classes.
- Privy -** An enclosed non-portable toilet into which non-water-carried human wastes are disposed. Privies may be of earth pit or vaulted design.
- Public Sewer -** A sanitary sewer or combined sanitary and storm sewer used or intended for use by the public for the collection and transportation of sanitary sewage. Commonly known as a municipal sewage system.
- Sanitary Sewage -** Human wastes discharging from any plumbing fixture within a residence, building, commercial establishment, or other place, including toilets, kitchen, sinks, bath, showers, dish-washing, laundry wastes, and/or other associated fixtures.
- Sewer line -** That part of the system of drainage piping which conveys sanitary sewage into a septic tank or other treatment facility from a building or dwelling into an OSTDS or public sewer.
- Site and Soils Evaluation -** An investigation to evaluate the suitability of a tract or parcel of land to support an adequate sewage system. An on-site investigation to evaluate the suitability of a site (i.e., a specific location on each parcel) to support a functional, legally compliant, and environmentally sound OSTDS.
- Stream -** A river, watercourse, creek, gully, ravine, or ditch, natural or manmade, which may or may not be serving as a drain, having definite banks, a bed, and visible evidence of flow, either continuous or intermittent, for a period of greater than two months in any one year.
- Surface Water -** Any natural or manmade body of water that exists on the ground surface for greater than two months in any one-year an extended period of time.
- Vaulted Privy -** A structure used for the disposal of human waste, which is discharged into a watertight receptacle designed and constructed for the purpose of receiving sanitary sewage.

Premises Occupancy/Condemnation

It shall be unlawful for any person to occupy, or permit to be occupied, any premises not equipped with an approved OSTDS for the disposal of sanitary sewage unless properly connected to a public sewer.

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Public Sewer Connection

All facilities from which sanitary sewage flows shall be connected to an available sewer. When the Department has determined a lack of an available sewer, all facilities from which sanitary sewage flows shall be connected to an approved OSTDS.

Permits Required

An application for a permit to construct, alter, extend or replace a residential or commercial OSTDS shall be submitted by the property owner or his authorized representative using the appropriate form provided by the Department.

Authorization to Use an Existing Sewage System OSTDS

- No person shall connect any habitable structure to an existing sewage system OSTDS except where allowed, in writing, by the Department.
- Sewage flow to an existing OSTDS shall not be increased beyond the original design capacity of the existing system except where permitted in writing by the Department.
- 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.

Existing OSTDS of Permit Record

When a permit record with a final inspection conducted by the Department is available for the existing OSTDS in question, the new or increased use of the system may be granted when the following conditions are met:

- A system evaluation, conducted by the Department reveals no signs of system failure.
- The septic tank shall have been pumped and evaluated by a septage hauler within the last three years. A written report shall be provided by the septage hauler to the Department on forms provided. The report shall include information regarding the tank's materials and construction, condition, volume, and presence or absence of an outlet baffle.
- The proposed new/increased use is no greater than a one-bedroom increase for residential structures or 150 gallons per day in the projected sanitary sewage flow for commercial structures.
- When the projected sanitary sewage flow is greater than 150 gallons per day or a one-bedroom increase, the OSTDS shall be modified or replaced to meet the requirements of these regulations. Permits shall be obtained for any modification or replacement.

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Existing OSTDS of No Record or Permitted Systems with No Record of a Final Inspection Performed by the Department.

When a permit record is not available, or when no record of a final inspection conducted by the Department is available, for the existing OSTDS in question, the new or increased use of the OSTDS may be granted when the following conditions are met:

- When adequate site and soil information, including water table information, is not recorded in the permit file, or when no permit exists, a site and soils evaluation shall be performed in the area of the existing OSTDS by the Department. It shall be the applicant's responsibility to provide excavations for the purpose of evaluation of soil conditions.
- Minimum of twenty-four inches (24") of soil exists between the limiting zone and the bottom of the absorption system.
- Isolation distances meet the requirements of this code as specified in Table 3-14.2A.
- Existing septic tank and absorption system is sized adequate to meet the current sanitary sewage flows from the structure.
- The proposed new or increased use is no greater than a one-bedroom increase for residential structures or 150 gallons per day in the projected sanitary sewage flow for commercial structures.
- When the projected sanitary sewage flow is greater than 150 gallons per day or a one-bedroom increase, the OSTDS shall be modified or replaced to meet the sizing requirements of this code. Permits shall be obtained for any modification or replacement.

Construction Permits

- No person shall construct, alter, extend, or replace a residential or commercial OSTDS without first having been issued a construction permit from the Department.
- Any permit issued pursuant to the requirements of this code shall be valid for the term of 24 months from the date of issuance unless declared void as provided in this code. After the expiration of the construction permit, a 30-day grace period shall exist for an extension request. A construction permit may be extended for a period of 12 months following a site evaluation conducted by the Department that determines no change in the site conditions.
- Any variance to the requirements of these regulations shall be documented by the Health Officer.

Priority Over Building Permits

No municipality, township, county, or other governing body shall issue a building permit for, or allow commencement of construction of, any addition to or alteration of any habitable building which would result in an increase in the number of bedrooms and/or additional sewage flows for any habitable building located on any land not served by an available sewer until a permit has first been obtained for construction of an OSTDS or acceptance of continued use of existing OSTDS has been obtained from the Department.

A municipality, township, or other agency or an officer or employee thereof shall not issue an occupancy permit for any newly constructed or placed habitable structure until final approval of the structure's water supply and sanitary sewage connection has been granted by the Department.

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Site and System Evaluations

- Prior to the issuance of a permit to install a commercial or residential OSTDS, the Department shall conduct a site and soils evaluation to determine the ability of the parcel to meet the minimum requirements of these regulations. The depth, number, type and location of soil excavations required to evaluate site suitability for the installation of a permitted OSTDS shall be determined by the Department and shall be consistent with the contract requirements of the State.
- A site and soil approval for the suitability of installation of an OSTDS shall be valid for not more than 24 months.
- Approval or denial of a site proposed for the installation of an OSTDS shall be provided in writing to the applicant.

Seasonal/Weather Restrictions

- A site and soils evaluation shall not occur when depth of snow cover, frost, or other impeding condition prohibits adequate evaluation of a parcel of land to determine the suitability of a site proposed for the installation of an OSTDS.
- Installation of an OSTDS shall not occur when it is reasonable to assume that weather and site conditions will result in a compromise to the construction, installation, and/or long-term operation of the proposed system.
- The health officer may grant written permission for an emergency situation on an individual basis during the restricted seasons if weather conditions are suitable and total installation shall be completed within forty-eight hours.

Final Construction Inspections

Installation contractors shall notify the department 3 working days in advance of the date of completion of the OSTDS to schedule the final construction inspection. The Department shall perform the final inspection of the OSTDS within 3 working days of completion of installation, if advanced notification is provided as required.

Residential Single and Two-family On-site Sewage Treatment and Disposal System (OSTDS) Construction

The following requirements shall apply to the construction and installation of all OSTDS.

- Deep cut excavations to remove undesirable soil horizons shall be made to a soil horizon meeting the requirements of Section 3.14.1.A.1 and 2.
- The site of the proposed system shall not be located in a floodplain of 100 years or less, or in an area subject to seasonal flooding, runoff, or ponding of surface waters. It shall be the property owner's responsibility to document the 100-year flood plain as recognized by the Michigan Department of Environment Great Lakes and Energy (EGLE), or appropriate agency, at the request of the Department.

Construction Requirements

- The soil depth between the limiting zone and the aggregate/soil interface shall not be less than: forty-eight inches (48") for an OSTDS that provides non-uniform distribution through gravity flow.
- The absorption system shall not be sized for less than two bedrooms have a minimum absorption area of 400 ft² for a bed system, or 300 ft² for a trench system.

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Table 3-14.2 A. Isolation Distances

An absorption system shall satisfy the minimum isolation distances: foundation wall footing drains 10 feet.

Water Wells

- A permit may be rescinded or declared void by the Department when one or more of the following conditions exists: issuance of the permit, and/or the construction of facilities thereunder, may create a condition that constitutes a nuisance, or a threat to public health or the environment.
- The well driller/contractor shall have a valid permit in possession and on-site at the time of construction, unless operating under emergency conditions per Section 5-11.

Availability of Public Water Supply

The existence or availability of a public water supply shall not preclude the issuance of an individual water supply construction permit under this Code unless prohibited by other regulations.

Rental Properties

Water supplies serving rental properties may be condemned and ordered corrected by the Department when any one of the following conditions exists: The Department determines that continued use of a well represents a potential health hazard.

Criminal Enforcement

By authority of Michigan's Public Health Code, Act 368, P.A. of 1978, Section 2443, as amended (Mich. Comp. Laws § 333.2443), a misdemeanor committed under this code is punishable by imprisonment for not more than six months, or a fine of not more than \$200 or both.

Civil Enforcement

The notice shall be in writing and include the following information:

- The nature of the violation, stated with particularity, including reference to the section alleged to have been violated.

Schedule of Civil Penalties

Monetary civil penalties shall be imposed according to the following schedule for subsequent violations occurring within a rolling 24-month period. Violations occurring beyond 24 months of the initial violation will be considered first violation.

Board of Appeals

In order to provide for reasonable and equitable interpretations of the provisions of this code and associated technical manual, a board of appeals may be formed to hear appeals. The board shall have not less than three but not more than five members, appointed by the board of health.