

BOARD OF HEALTH – PROGRAM, POLICY, & APPEALS COMMITTEE
Hybrid Meeting In-Person & Zoom

Agenda for September 13, 2021 at 2:00 PM

<https://us02web.zoom.us/j/85095417481?pwd=d1NCaFFITUVNaUtMZ2loZzVGclN6dz09>

1. Call to Order
 - a. Roll Call
2. Public Comment
3. New Business
 - a. 58354 Loop Rd Appeal*
4. Adjournment

Environmental Health Appeals

Procedure: Appeals received as outlined in the Environmental Health Code will be first reviewed and heard by the Program, Policy and Appeals Committee (PPAC) of the Board of Health. The PPAC then provides a recommendation for full board action at the next regularly scheduled Board of Health meeting.

Environmental Health Code for Branch, Hillsdale, St. Joseph Counties, Michigan: The Environmental Health Code (EHC) for Branch, Hillsdale, and St. Joseph Counties is a legal regulation supported by the three county government commissions that received final approval from the Board of Health. The version currently in effect was adopted by the Board of Health on December 20, 1990 and became effective April 1, 1991.

Authority: The EHC identifies in Article 1, Section 102. Authority. "...adopted under authority conferred upon local health departments by Section 2441(1) of the Michigan Public Health Code, P.A. 368 of 1978 as amended." This section states:

Sec. [2441.](#)

A local health department may adopt regulations necessary or appropriate to implement or carry out the duties or functions vested by law in the local health department. The regulations shall be approved or disapproved by the local governing entity. The regulations shall become effective 45 days after approval by the local health department's governing entity or at a time specified by the local health department's governing entity. The regulations shall be at least as stringent as the standard established by state law applicable to the same or similar subject matter. Regulations of a local health department supersede inconsistent or conflicting local ordinances. .

*History: 1978, Act 368, Eff. Sept. 30, 1978 ;-- Am. 1986, Act 76, Imd. Eff. Apr. 7, 1986 ;-- Am. [2010, Act 72, Imd. Eff. May 13, 2010](#)
Popular Name: Act 368*

Purpose: The EHC identifies in Article 1, Section 104. Purpose. "...adopted for the purpose of protecting public health and safety and the quality of the environment as it affects human health, and to prevent the occurrence of public health nuisances."

Appeals Board: The EHC identifies in Article 1, Section 119. Appeals Board. "Appeals from the rulings of the Health Officer are provided for reasonable and equitable interpretations of the provisions of these regulations. The Branch-Hillsdale-St. Joseph district Board of Health, Board of Appeals shall hear any appeal presented in accordance with rules of procedure established by the Board. The Board shall furnish the appellant with a written report of its findings and decision."

Hearing of Appeals: The EHC identifies in Article 1, Section 120. Hearing of Appeals. “Appeals shall be submitted in writing, addressed to the chairman of the Branch-Hillsdale-St. Joseph District Board of health in care of the Health Officer. Hearing of an appeal shall be granted at the next scheduled or regular meeting the District Board of Health or at the discretion of the chairman thereof at a special meeting called for the purpose: provided, that no hearing shall be scheduled within less than ten (10) days of receipt of written request. *The Board may grant individual variances from the requirements of these regulations when said Board has adequately determined that all of the following conditions exists:*

- 1) *That no substantial health or nuisance is likely to occur therefrom.*
- 2) *That strict compliance with the code requirements would result in unnecessary or unreasonable hardship.*
- 3) *That no state statute or other applicable laws would be violated by such variance.*
- 4) *That the proposed variance would provide essentially equivalent protection in the public interest.”*

Criteria for Permit Denial: The EHC identifies in Article 6, Section 600.9.1. Criteria for Permit Denial. “The Health Officer may decline to issue a sewage disposal facility permit for any of the following reasons or causes:

- a) ...
- b) Failure of the proposed sewage disposal facility design to conform to the requirements of Article VII of these Regulations.
- c) Failure of the proposed installation site for the sewage disposal facility to conform to the requirements of Article VII of these regulations.....”

Site Acceptance Criteria : The EHC identifies in Article 7, Section 700.3. Site Acceptance Criteria. “An acceptable site for a sewage disposal facility shall possess soils which are of sufficient quantity and permeability to absorb all sewage effluent to be discharged upon such site, and to insure its confinement beneath the ground surfaces at all times. The following minimum criteria shall also be determined to exist by the Health Officer as the basis for any site approval:

- f) Sufficient suitable area shall be available and reserved to provide for a minimum of one replacement system without utilization or disruption of the initial installation.”

Contractual requirements between DEQ and the BHSJCHA to administer the on-site wastewater program.

MPR 1: The local health department shall have a wastewater treatment regulation capable of protecting the public health legally adopted under enabling state legislation. The regulation shall authorize an enforcement process that is utilized and includes the capability to deny permits, issue orders for corrections of failed systems, and/or other remedies for construction without a permit or for violating an order.

References: Sections 2433 through 2446 of the Public Health Code, 1978 PA 368, as amended; Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; and Part 22, administrative rules.

DEQ On-Site Wastewater Program Staff Advice.

- In a 2009 response to a request for input from DEQ on an appeal of a denial of a sewage permit, the Agency was advised that the request, “should be denied until sewer becomes available or additional land with suitable soils is obtained that can support an onsite sewage system that complies with your department’s Sanitary Code.”

ROGALNY APPEAL

Our office received an application for a well and septic permit for the property located at 58350 Loop Rd., in Fabius Township. Ben Aalberts was the sanitarian assigned to the project. The property in question has an existing home that the owners wanted to raze and build a new home on the site. The lot is very small (approx. 32' wide by 105' deep) and is located on a lake. There are homes on each side of the lot so when we issue well and septic permits, we must verify that the location of the new services will meet all required isolation distances. Upon visiting the property Ben was concerned about having enough space available for the sewage disposal system. Ben took a number of measurements of the area to be used for the sewage disposal area and could not come up with enough space to accommodate the proposed project. One of the biggest obstacles was trying to obtain isolation from wells on an adjacent property. Our office did not have any records on the wells and we were not sure where one of the wells was located. Ben contacted the owners of the adjacent property and asked them to submit a drawing of the location of their wells. The drawing showed a well located inside the basement and another well in the front yard. It was thought at one point that the well located in the front yard had been abandoned which would have provided the space necessary to construct the appropriate sewage disposal system. However, when Ben spoke to the owner of the well and found out it had not been abandoned and was still in service.

At this point we could not come up with a solution that would allow a sewage disposal system to be installed meeting all required isolation distance requirements. The homeowners suggested that we grant them a variance, however, we cannot grant a variance for an isolation distance to a well that somebody else owns so the permits were denied.

It is the stance of the Health Department that we cannot issued the septic system permit for the project because the minimum requirements for the installation of the drainfield cannot be met. We have given a lot of time to try and come up with a solution but have concluded that it is not feasible.

ROGALNY APPEAL TIMELINE

- February 18, 2021: Our agency received the application for a well and septic permit.
- April 2, 2021: Ben sent the Rogalny's a letter informing them that their application was denied due to a lack of sufficient space for the new drainfield. Prior to issuing this letter, Ben spent a significant amount of time trying to figure out any possible way to fit the drainfield on the property. The most significant roadblock was a well located on the neighboring property. The neighboring well is located in the front yard, adjacent to the location where the drainfield would have to be constructed. The Environmental Health Code requires a 50' isolation from any well to any part of sewage disposal system. Once that 50' of isolation distance was measured from the neighboring well, it was determined that there was not adequate area left to construct the required drainfield.
- May 28, 2021: Ben sent a letter to the homeowner of the neighboring home requesting information on their well so we could be sure we knew the exact location. We were previously told that the well for the house was in the basement but we were not exactly sure where. Furthermore, there was a pipe in the front yard that we were not sure if it was a well or a stand pipe for an old fuel tank.
- June 2, 2021: BHSJ received a site drawing from the neighbor giving the location of the well inside the house as well as verifying that the standpipe in the front yard was a well. Ben went back to the property after receiving the drawing to determine if there was space to construct the drainfield. Ben determined that the 50' radius from the irrigation well did not leave enough space to construct the required drainfield.

July 29,2021:

Ben was told that the irrigation well on the neighbors property had been abandoned. Ben went back to the property and talked to the homeowner who indicated that the well was still there and operational but he simply cut off the top of the casing.

August 10,2021:

I accompanied Ben to the property to take on more look at the property to see if there was any feasible way to fit the drainfield on the property and maintain the proper isolation distances. We were not able to find a solution.

August 11, 2021:

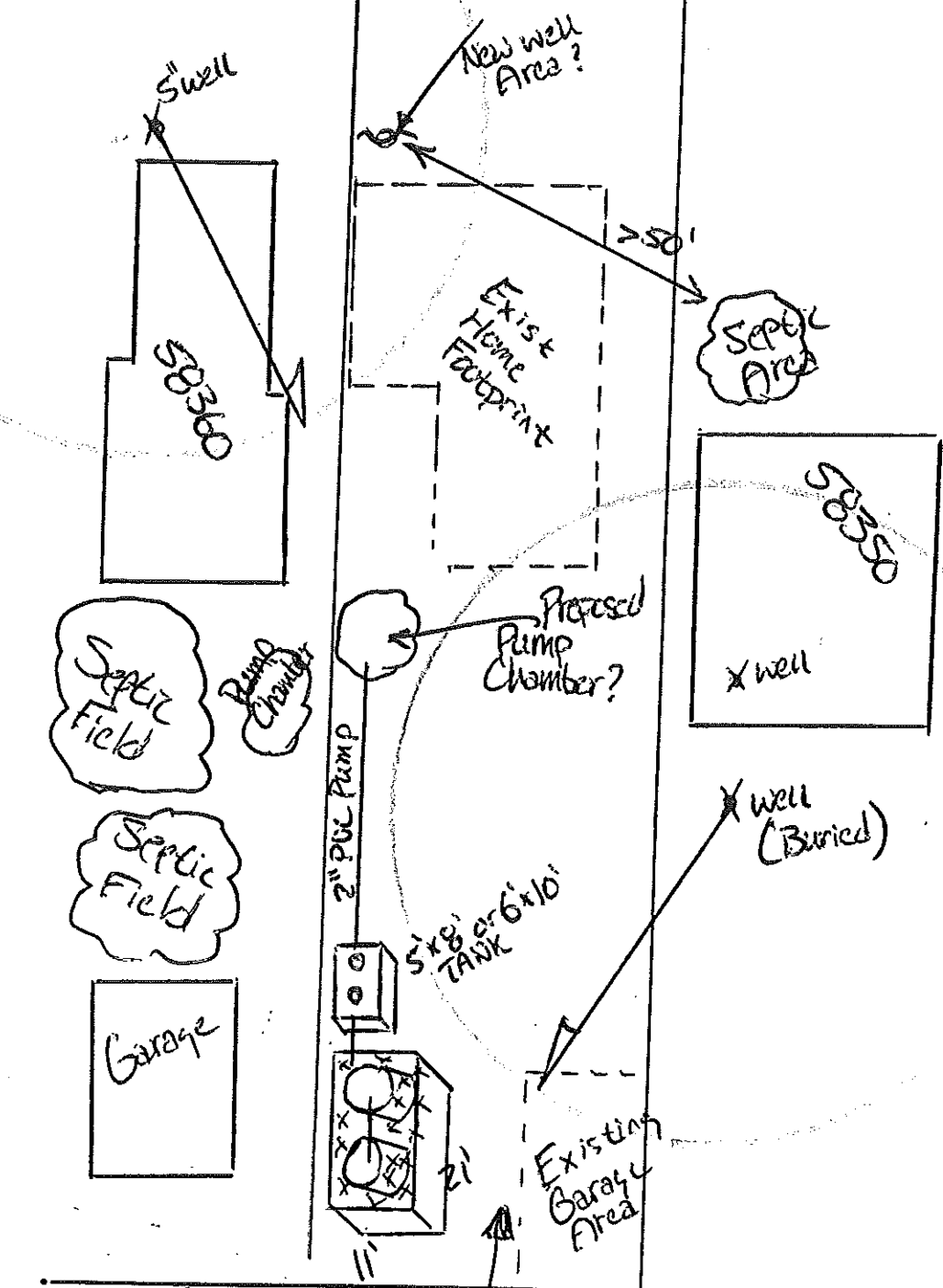
Ben sent a letter to the Rogalny's informing them of our findings and gave them the information about filing for an appeal.

Clear Lake



Not to scale
all figures approximate

1000gal (5'x8')
with 2 precast
3'deepth x 6'diameter
drywells in a 11'x21'
hole = ~400sqft
1-2 bed home with
no softener or disposal



Road Right of Way
33' off Road Centerline

LOOP/E. Clear Lake Road

Possible Repair Zone?

Chris and Loretta Rogalny

28W517 Riverview Dr, Warrenville, IL 60555 * 630-202-1258 * lorettarogalny@yahoo.com

August 20, 2021

Chairman of the Branch - Hillsdale - St. Joseph District Board of Health

C/O Health Officer

Dear Chariman,

We hope that you are doing well. We are writing to appeal your decision not to grant our well and septic permit for 58354 Loop Rd, Three Rivers. Our proposed septic location has been denied as it falls within 50' of our neighbor's (58550 Loop Rd) well. We would like to work together and provide a resolution to our issue.

Our intent is to build a new home on our property and update the land with new well and septic. The neighbor has two wells. One located within their home and is used as a primary well. The landowner is stating that there is also an irrigation well located on the west side of the property. We believe that there is no well located here, and the health department has been provided incorrect information. This information is preventing our plans for a new septic field. We feel that this will adequately fulfill regulation (2) that strict compliance with the code requirements would result in unnecessary or unreasonable hardship.

In addition: Our current well is located inside of our home and is within 50' of our neighbors septic. Our neighbors primary well is inside of their home and sits within 50' of our septic. Both situations are currently non-compliant. As there are already violations, we feel that this fulfills regulation (3) that no state statute or other applicable laws would be violated by such variance and (2) that strict compliance with the code requirements would result in unnecessary or unreasonable hardship.

In our building plan, we would like to move our well to conform with the current requirements. This would require a new well to be located to a southwest location. We would then like to replace our existing septic to ensure full working conditions exist. This would require that our septic be located within a 50' radius of the neighbors "irrigation" well.

We are open to special conditions and requirements pertaining to the approval and use of our proposed septic, including the submission of detailed engineering plans, periodic operational reports, and periodic inspections. We feel that this will adequately fulfill regulation (1) that no substantial health or nuisance is likely to occur therefrom, (3) that no state statute or other applicable laws would be violated by such variance, and (4) that the proposed variance would provide essentially equivalent protection in the public interest.

In light of these facts, we request that you reconsider your decision regarding the well and septic permits.

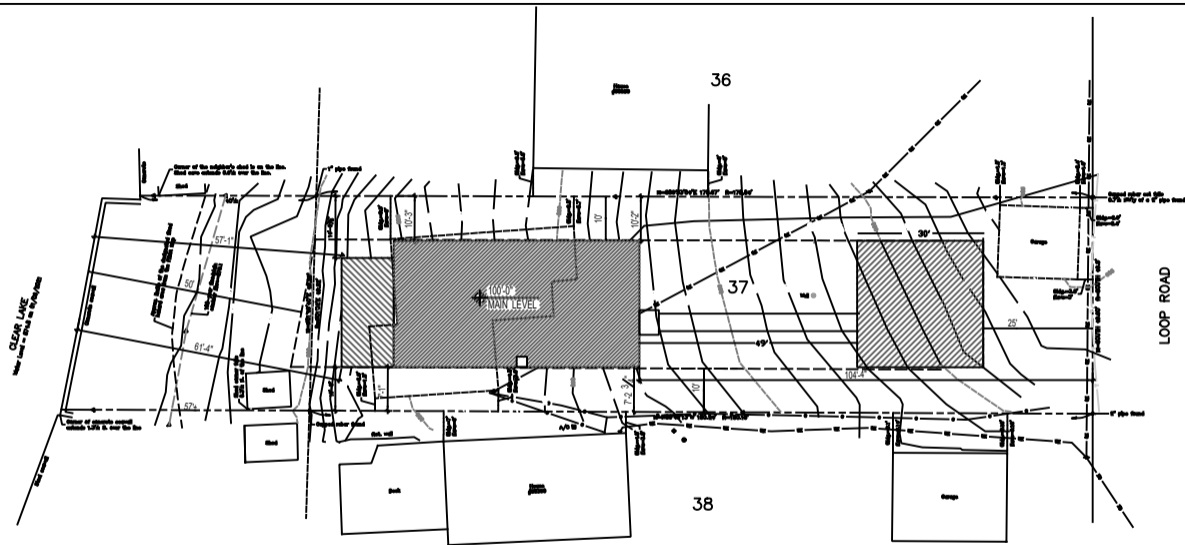
We greatly appreciate you taking the time to read this appeal. We are happy to discuss further, if needed.

Respectfully,

Chris Rogalny

Loretta Rogalny

Chris and Loretta Rogalny



LEGEND

- PROPERTY LINE
- SETBACK LINE
- OLD HOUSE
- OLD GARAGE
- NEW HOUSE
- NEW DRIVEWAY
- NEW GARAGE
- NEW PORCH
- NEW DECK
- NEW SIDEWALK

SITE PLAN
 SCALE: 1/16" = 1'-0"

ENVIRONMENTAL HEALTH CODE

Branch, Hillsdale St. Joseph County

District Health Department

As of January 1, 1998, the District Health Department was formally changed to:

The Branch-Hillsdale-St. Joseph Community Health Agency

ARTICLE I - TITLE, AUTHORITY, JURISDICTION,

PURPOSE AND ADMINISTRATION

101 - TITLE

These Regulations shall be identified by the title: Environmental Health Code for Branch, Hillsdale and St. Joseph Counties, Michigan.

102 - AUTHORITY

These Regulations are hereby adopted pursuant to authority conferred upon local health departments by Section 2441(1) of the Michigan Public Health Code, Act 368, 1978, as amended.

103 - JURISDICTION

- (1) The Health Officer shall have jurisdiction throughout Branch, Hillsdale and St. Joseph Counties, which includes cities, villages and townships for the administration and enforcement of these Regulations.
- (2) Nothing contained herein shall be construed to restrict or abrogate the authority of any municipality in Branch, Hillsdale or St. Joseph Counties to adopt more restrictive regulations or ordinances.

104 - PURPOSE

These Regulations are hereby adopted for the purpose of protecting public health and safety and the quality of the environment as it affects human health, and to prevent the occurrence of public health nuisances.

105 - RIGHT OF INSPECTION

- (1) To assure compliance with the provisions of these Regulations, the Health Officer may conduct necessary inspections as provided by Section 2446 of the Michigan Public Health Code.

(2) It shall be unlawful for any person to molest, willfully oppose or otherwise obstruct the Health Officer, or any other person charged with enforcement of these Regulations during the routine performance of his or her duties.

(3) The Health Officer may request the assistance of the respective sheriff Departments or other police agencies or peace officers with Branch, Hillsdale or St. Joseph Counties Michigan when necessary to execute his or her official duty in a manner prescribed by law.

106 –POWER TO ISSUE VIOLATION NOTICES; POWER TO ORDER CORRECTIVE ACTIONS

The Health Officer shall be empowered to issue a notice to any person who violates a provision of these Regulations. Such notice shall contain a description of the violation, and shall cite the specific section of the Regulation which applies. The Health Officer may also order correction of a violation, and may specify the nature of corrective action required and a reasonable time limit for such corrective action to be completed. In the case of violations which may present an imminent danger to public health and safety, immediate corrective action may be required.

106.1 – Interference with notice.

No person shall remove, mutilate or conceal any notice or placard posted by the Health Officer, except by permission of the Health Officer.

107 - ABATEMENT OF NUISANCES, HEALTH AND SAFETY HAZARDS

Nothing stated in these Regulations may be construed to limit the power of the Health Officer to order the immediate and complete abatement of a public health nuisance, health hazard or menace to the public, as well as any place, object or condition which the Health Officer reasonably believes would otherwise endanger the public health or safety.

108 – PENALTY

108.1 - Penalty, Criminal

As provided for in Sec. 2441.(2) of The Michigan Public Health Code, Act 368, P.A. 1978, as amended, a person who violates these Regulations is guilty of a misdemeanor, punishable by imprisonment for not more than 90 days, or a fine of not more than \$200.00, or both.

108.2 – Penalty, Civil

The Health Officer may issue a citation within ninety (90) days of the discovery of an alleged violation of the provisions of this code. The citation shall be written and shall state with particularity the nature of the

violation, including reference to the Section, Rule, a monetary civil penalty of not more than \$1000.00 for each violation or day that the violation continues. The citation shall also include the alleged violator's right to appeal the citation pursuant to Article 120 of this Code.

108.3 – Penalty, Late Fee Schedule

The Board of Health may set a fee schedule that imposes an additional penalty fee, based on extra costs, on persons who fail to meet certain provisions of this code. This shall include, but not be limited to, permits where construction is started prior to application, or the person, owner, occupant or installer fails to follow the requirements of this code. The amount of the fee shall be listed in the Health Department fee schedule.

109 - INJUNCTIVE PROCEEDINGS

As provided for in Sec. 2465(1) notwithstanding the pursuit of any other remedy, the health officer, without posting bond, may maintain injunctive action to restrain, prevent or correct a violation of these Regulations.

110 - DELEGATION OF HEALTH DEPARTMENT AUTHORITY

When deemed prudent and necessary, the administrator may, pursuant to Section 2435(c) of the Michigan Public Health Code, enter into an agreement, contract, or arrangement with a governmental entity or other person appropriate to assist the Health Department in carrying out its duties and functions unless otherwise prohibited by law.

111 - 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.

112 - OTHER LAWS AND REGULATIONS

These Regulations are supplemental to the Michigan Public Health Code, as amended, Act 368, P.A. 1978 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 Branch, Hillsdale and St. Joseph Counties, Michigan and shall control or prevail over a less stringent or inconsistent provision enacted by a local governmental entity for the protection of public health.

113 - AMENDMENTS

The Board of Health may amend, supplement or change these Regulations or portions thereof in compliance with the provisions of Sections 2441 and 2442 of Michigan Public Health Code, Act 368, P.A. 1978, as amended.

114 - REPEAL OF PREVIOUS REGULATIONS

(1) Previous regulations entitled "Sanitary Code, Branch - Hillsdale -St. Joseph District Health Department" as adopted by the Branch - Hillsdale - St. Joseph District Health Department Board of Health on May 27, 1975 are hereby repealed.

(2) No existing violation of any repealed regulation or portion thereof shall be made legal by virtue of adoption of these Regulations. Any unlawful action or violation occurring prior to the date of the enactment of these Regulations may and shall be continued to be prosecuted and dealt with according to the provisions of the law, code or regulation which was in effect at the time the violation or unlawful action was observed and/or documented to exist. The issuance of any permit or license that was previously mandatory shall continue under this code if a similar requirement for a permit or license is provided for herein.

115 - APPROVAL AND EFFECTIVE DATE

(1) These Regulations were reviewed and approved by the policy and appeals committee of the Branch -Hillsdale - St. Joseph District Health Department on November 15, 1990 and adopted by action of the Branch - Hillsdale - St. Joseph District Board of Health on December 20, 1990.

(2) These Regulations shall be in effect as of April 1, 1991.

116 - FEES

(1) A written receipt shall be issued by the Branch - Hillsdale - St. Joseph District Health Department for all fees collected for the enforcement and services rendered under these Regulations.

(2) All fees collected shall be deposited in the Branch - Hillsdale - St. Joseph District Health Department fund.

(3) A schedule of fees for licenses and other services authorized by these Regulations shall be adopted, and revised periodically, by the Branch - Hillsdale - St. Joseph District Board of Health.

(4) Fees paid for services or permits authorized by these Regulations shall be non-refundable unless requests for refunds are received within one year of receipt and prior to the commencement of actions by the department pursuant to the requested services or permits.

(5) All fee schedules existing prior to the adoption of these Regulations shall remain in effect until revised by the Branch Hillsdale - St. Joseph - District Board of Health.

117 - POWER TO ESTABLISH POLICY AND GUIDELINES

(1) The Health Officer is hereby granted the authority to establish policies and guidelines, not in conflict with the purpose and intent of these Regulations, for the purpose of carrying out the responsibilities herein delegated to the Health Officer by law.

(2) All such policies and guidelines shall be in writing and shall be kept in a policy file available for public inspection upon request. These policies and guidelines are subject to review and approval of the Branch - Hillsdale - St. Joseph District Board of Health.

118 - VARIATIONS

Variations in tests, standards, or general requirements may be permitted by the Health Officer upon application when sufficient evidence of special factors warranting such variance in his opinion do exist. Any variance allowed by the Health Officer under the provisions of this regulation shall be in writing, including the conditions upon which all judgement and actions are based and any time limit of such variances. In no case shall a variance be construed to permit the commission of any act as may jeopardize the public health, safety or welfare of people in Branch, Hillsdale or St Joseph Counties, Michigan.

119 - APPEALS BOARD

Appeals from the rulings of the Health Officer are provided for reasonable and equitable interpretations of the provisions of these regulations. The Branch -Hillsdale - St. Joseph District Board of Health, Board of Appeals shall hear any appeal presented in accordance with rules of procedure established by the Board. The Board shall furnish the appellant with a written report of its findings and decision.

120 - HEARING OF APPEALS

Appeals shall be submitted in writing, addressed to the chairman of the Branch - Hillsdale - St. Joseph District Board of Health in care of the Health Officer. Hearing of an appeal shall be granted at the next scheduled or regular meeting the District Board of Health or at the discretion of the chairman thereof at a special meeting called for the purpose: provided, that no hearing shall be scheduled within less than ten (10) days of receipt of written request. The Board may grant individual variances from the requirements of these regulations when said Board has adequately determined that all of the following conditions exists:

- (1) that no substantial health or nuisance is likely to occur therefrom.

- (2) that strict compliance with the code requirements would result in unnecessary or unreasonable hardship.
- (3) that no state statute or other applicable laws would be violated by such variance.
- (4) that the proposed variance would provide essentially equivalent protection in the public interest.

ARTICLE II - GENERAL DEFINITIONS

201 - INTERPRETATION

When not inconsistent with the context, words used in the present tense include the future, words in the singular number include the plural number, and words in the plural number include the singular. The word "shall" is always mandatory, and not merely directive. Words, terms or expressions not defined herein shall be interpreted in the manner of their commonly accepted meanings, in accordance with standard English usage.

202 - ADMINISTRATOR

Shall mean the administrative director of the Branch - Hillsdale - St. Joseph District Health Department who is the Health Officer for the District.

203 - APPEAL

Shall mean a formal written request for administrative review of any decision, action, or failure to act, on the part of the Director, pursuant to the provisions of these Regulations, directed to the Board of Appeals.

204 - APPROVED

Shall mean acceptable for the intended use as judged by the Health officer, in accordance with public health laws, regulations, rules, guidelines and/or other available technical data.

205 - BOARD OF APPEALS

Shall mean the Policy and Appeals Committee of the Branch - Hillsdale - St. Joseph District Health Department.

206 - BOARD OF HEALTH

Shall mean the District Board of Health of the Branch - Hillsdale - St. Joseph District Health Department.

207 - DWELLING

Shall mean any house, building, or structure, tent, shelter, trailer, vehicle, watercraft or portion thereof which is occupied in whole or in part as home residence, living or sleeping place of one or more human beings whether permanently or transiently.

208 - HABITABLE BUILDING

Shall mean any structure or dwelling where persons reside, are employed, or congregate.

209 - HEALTH DEPARTMENT

Shall mean the Branch - Hillsdale - St. Joseph District Health Department.

210 - HEALTH OFFICER

Shall mean the Administrative Director of The Branch - Hillsdale - St. Joseph District Health Department, and/or his or her authorized representatives. For the purpose of these regulations authorized representatives of the Administrative Director shall include the Director of Environmental Health and the Environmental Sanitarians employed by the Branch - Hillsdale - St. Joseph District Health Department.

211 - IMMINENT DANGER

Shall mean a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the imminence of the danger can be eliminated through enforcement procedures established in these regulations.

212 - NUISANCE

(1) Shall refer to any condition or activity on private or public property which, in the judgment of the Health Officer, may have or threaten to have a detrimental effect on the health of the public.

(2) The definition of a nuisance may include, but shall not be limited to the following:

- (a) Where sewage effluent is permitted to drain upon, or to the surface of the ground, into any ditch, storm sewer, lake, stream, pond, or other body of surface water.

- (b) Accumulations of refuse, animal manure, dead animals, mosquito breeding areas, or vermin infestations.
- (c) When the odor, appearance, or presence of an item or substance has an obnoxious or detrimental effect on or to the senses, and/or the health of persons, or obstructs the use or sale of adjacent property; and all other conditions or activities recognized as nuisances by the statutory and common law of the State of Michigan.

213 - OWNER AND PERSON-IN-CHARGE

Shall mean both the owner of title record, and those persons occupying or in possession of any property or premises, or their designated representative.

214 - PERSON

Shall mean any individual, firm, partnership, party, corporation, company, society, association, local governmental entity, or other legal entity responsible for the ownership operation of a premise, or an employee, officer, or agent thereof.

215 - PREMISE

Shall mean any tract of land containing a habitable building.

216 - SAFETY HAZARD

Shall mean any object, place, event or condition which can reasonably be expected to result in serious physical injury or death to persons exposed to the object, place. event or condition.

ARTICLE III - TECHNICAL DEFINITIONS

ON-SITE SEWAGE DISPOSAL

301 - ABSORPTION BED

Shall mean a type of sub-surface soil absorption system which consists of a square or rectangular excavation not exceeding 3 feet in depth, and which contains a distribution network of several perforated pipes or tubes laid upon a bed of aggregate material of uniform thickness.

302 – ALTERNATING SUB-SURFACE SOIL ABSORPTION SYSTEM

Shall mean a soil absorption system consisting of two or more separate sub-surface disposal systems to allow alternate use of the individual fields over extended periods of time in order to allow extended periodic resting of each sub-surface disposal system for the purpose of extending the life of each individual sub-surface disposal system.

303 – AUTOMATIC SIPHON

Shall mean a mechanical device which will automatically cause a liquid entering a receptacle to be retained until a predetermined high water level has been attained after which it is automatically released from the receptacle until a second predetermined level has been reached, at which time the flow from such receptacle ceased until the high water level has again been attained.

304 - AGGREGATE

Shall mean a particulate material utilized for structural support and support and sewage effluent dispersal within a soil absorption system, consisting of washed stone, gravel, or similar materials possessing particle sizes meeting the standards for Michigan Department of Transportation's "Specification 6-A stone" or other suitable clean aggregate from 1/2 to 1-1/2 inch size.

305 - DRAINFIELD (TRENCH SYSTEM)

Shall mean a type of sub-surface soil absorption system consisting of a series of interconnected excavated trenches, each of which contains a single perforated pipe or tube laid upon a bed of aggregate material of uniform thickness.

306 - DREDGED SOILS

Shall mean soils (other than sand) artificially removed from a lake, river, stream, marsh, delta, canal, swamp, or pond onto another location for the purpose of creating developable land. May alternately be referred to as dredged spoils.

307 - EFFLUENT

As used in these regulations shall have the same meaning as "sewage", unless the context in which it is used implies otherwise.

308 - FILL SAND OR FILTER MATERIAL

Shall consist of medium to coarse, clean sand, unless otherwise specified in the regulations, or as part of a permit condition and approved by the Health Officer.

309 - FLUSH TOILET

Shall mean a type of water closet or plumbing receptacle containing a portion of water which receives human excreta and so designed as by means of a flush of water to discharge the contents of the receptacle to an outlet connection.

310 - GROUND WATER

Shall mean the water in the ground that is in the zone of saturation.

311 - SEASONAL HIGH WATER TABLE OR GROUND WATER ELEVATION

Shall mean the elevation of the upper surface of the zone of saturation as may occur during the normally wet periods of the year.

312 - INFILTRATIVE SURFACE

Shall mean that portion of the interface between a soil absorption system and surrounding soils which is intended to conduct sewage effluent away the absorption system into the surrounding soil matrix.

313 - PERCOLATION RATE

Shall mean a measurement of the ability of a specific soil to receive, absorb, and transport water, as determined by performance of a percolation test conducted in accordance with standard test procedures specified by the health officer.

314 - PERMEABILITY

Shall mean a description of the capability of a soil to transmit water and/or air.

315 - PUBLIC SEWER

Shall mean a system of pipes and conduits for the collection and transportation of sewage for which the ownership and responsibility for maintenance and operation resides with a governmental entity.

316 - SEEPAGE PIT (DRY WELL)

Shall mean a type of sub-surface absorption system which typically consists of an underground cavity lined with cement block, or precast concrete; the purpose of which is to receive sewage effluent from a septic tank, and to disperse it into the surrounding soil.

317 - SEPTIC TANK

Shall mean a buried vessel which functions to receive sewage, and to partially treat sewage by combined physical separation and anaerobic decomposition, prior to its release to a sub-surface soil absorption system.

318 - SEWAGE

Shall mean a combination of the domestic liquid or semi-solid wastes conducted away from a dwelling or habitable building and includes human excreta (black water), and garbage disposal wastes, dishwashers, bath water, laundry wastes, basement draining, and other commercial and industrial wastes (gray waters), excluding roof, water softener discharge, footing and storm drainage, clear cooling water waste or condensate. Commercial laundry waste and wastes from industrial and commercial processes are not considered sewage and generally require a separate permit from the Michigan Department of Natural Resources.

319 - SEWER

Shall mean a watertight conduit for carrying off sewage.

320 - SEWAGE DISPOSAL FACILITY

320.1 – General Definition

Shall mean any device structure, or facility which functions, either singly, or in combination with other components, to transport, store treat, or dispose of sewage.

320.2 – Alternative Sewage Disposal Facility

Shall mean a facility which employs design features, processes, or operational methods significantly different from those which apply to a conventional sewage disposal facility.

320.3 – Conventional Sewage Disposal Facility

Shall mean a facility which includes a building sewer, one or more septic tanks, a sub surface soil absorption system, and all associated connections, fittings, and appurtenances.

320.4 – Experimental Sewage Disposal Facility

Shall mean a facility which possesses unique and untested characteristics pertaining to its design, location, or principles of operation; limited use of which is authorized under the provisions of a controlled test program.

321 - SEWAGE SYSTEM FAILURE

Shall mean any one of the following conditions exist:

- (a) The system cannot accept sewage effluent at the rate of application.
- (b) Sewage effluent seeps from, or ponds on or around, the system or otherwise discharges on the ground surface, or into a roadside ditch or other drainage way.
- (c) The system contaminates an aquifer capable of being used for drinking water supply or contaminates surface waters of the state.

322 - SUB-SURFACE SOIL ABSORPTION SYSTEM

Shall mean any system that utilizes the soil for subsequent absorption of septic tank effluent or treated sewage; such as an absorption bed, drainfield or a seepage pit.

323 – SITE EVALUATION OF VACANT LAND

Shall mean a survey conducted by the Health Officer of an undeveloped parcel of land, for the purpose of determining the suitability of such land as a site for the installation of a sewage disposal facility meeting the requirements of these regulations.

ARTICLE IV GENERAL PROVISIONS
ON SITE SEWAGE DISPOSAL

401 - PROHIBITED SEWAGE DISPOSAL PRACTICES

It shall be unlawful for any person to discharge or deposit sewage, or to permit sewage to be deposited, upon the ground surface; into a lake, river, stream or ditch; or in any location other than a public sewer, or a sewage disposal facility acceptable to the Health Officer.

402 - SEWAGE DISPOSAL FACILITIES REQUIRED

402.1 – Approved Sewage Disposal System on All Premises

It shall be unlawful for any person to occupy, or permit to be occupied, any premise which is not equipped with adequate facilities for the disposal, in a sanitary manner, of sewage. Such facilities shall be constructed in accordance with the provisions of these regulations. Any dwelling or premise not meeting the requirements of this section may be placarded by the Health Officer as unfit for human habitation. Such dwellings and premises may be used only upon installation of an approved sewage disposal system meeting the requirements of this regulation and upon written approval to occupy by the Health Officer. Every sewage disposal facility installed subsequent to the effective date of these regulations shall conform to the design, location, and construction requirements contained herein.

402.2 – Continued Use of Existing Sewage Disposal Facilities

Sewage disposal systems in use prior to the effective date of these Regulations may continue in use only if such usage does not create a nuisance or hazard to the public health and safety.

403 – SEWAGE DISPOSAL FACILITY OPERATION AND MAINTENANCE

Every sewage disposal facility shall be operated and maintained in such a way as to prevent a nuisance or hazard to public health and safety.

404 - REMOVAL AND DISPOSAL OF MATERIALS FROM SEWAGE DISPOSAL FACILITIES

All waste materials removed from sewage disposal facilities, including sewage, sludge, grease or septage, shall be handled and disposed of in a manner acceptable to the Health Officer. Persons who engage in the removal and disposal of such materials shall be licensed in accordance with applicable statutory requirements of the State of Michigan.

405 - REQUIREMENT FOR CONNECTION TO PUBLIC SEWER

405.1 - New Development

Newly constructed premises shall be required to utilize public sewers for wastewater disposal when such public sewers are available and of adequate capacity and when connection to public sewer is consistent with provisions of local codes and ordinances.

405.2 – Existing Development

Existing premises may be required to connect to public sewers by order of the local city, village or township, upon such public sewers becoming available. Existing premises may also be required to connect to available public sewer by the Health Officer when continued use of on-site sewage disposal facilities would constitute a hazard to public health and safety, or would result in the creation of nuisance.

406 - ABANDONMENT OF SEWAGE DISPOSAL FACILITIES

Septic tanks, dosing chambers, seepage pits or similar below grade facilities shall be emptied and completely filled with earth, sand or other inert materials when the use of such facilities is to be permanently discontinued, if the Health Officer shall so order.

ARTICLE V

POWERS AND DUTIES OF THE HEALTH OFFICER

500 - GENERAL PROVISIONS

The Health Officer shall be responsible for regulating the design, installation, operation, and maintenance of all sewage disposal facilities serving single and two-family premises within Branch, Hillsdale and St. Joseph Counties, Michigan. The Health Officer shall also be empowered to exercise regulatory controls over sewage disposal facilities serving other types of premises, when so authorized by other public agencies or officials possessing statutory jurisdiction over sewage disposal facilities serving such premises.

500.1 – Duty to Review Specific Sewage Facility Plans

The Health Officer shall review and evaluate plans for all proposed sewage disposal facilities intended to serve single and two-family residential premises, and other types of sewage disposal facilities for which plan review authority is authorized by other public agencies or officials.

500.2 – Power to Issue Permits for Proposed Sewage Disposal Facilities; Power to Withhold Permits

The Health Officer shall be empowered to issue permits authorizing the installation of all sewage disposal facilities subject to his jurisdiction. If the Health Officer determines that the installation of a sewage disposal facility may endanger public health and safety or create a nuisance, he shall be authorized to withhold issuance for such facility.

500.3 – Duty to Investigate Complaints

The Health Officer shall investigate complaints from persons alleging health or safety hazards, nuisances, or environmental degradation resulting from improper sewage disposal practices or from malfunctioning sewage disposal facilities. Records of such investigations shall be documented in writing and shall be retained by the Department for a reasonable period of time.

ARTICLE VI

SEWAGE DISPOSAL FACILITY PERMITS

600 - PERMIT REQUIREMENTS

600.1 – General Requirements

Before any person shall construct, repair, enlarge, or relocate any sewage disposal facility serving any premise within Branch, Hillsdale or St. Joseph Counties Michigan, he shall first obtain a permit authorizing such action from the Health Officer.

600.2 – Permit Exceptions

The requirement for a sewage disposal facility permit from the Health Officer shall not apply when any of the following circumstances prevail:

- a. All sewage will be discharged directly into a public sewer via a system of enclosed piping or conduits from the point of origin.
- b. The served premise falls within a category which subjects it to the legal jurisdiction of an agency of state or federal government, and such agency has not delegated authority for issuance of permits to the Department.

600.3 – Priority Over Building Permit

No officer or employee of any city, village, township or county shall issue a construction permit for any new building or structure within Branch, Hillsdale, or St. Joseph Counties Michigan, which must be served by a sewage disposal facility pursuant to these Regulations, unless a permit for such sewage disposal facility has first been obtained by the owner from the Health Officer. In the case of an existing building or structure, a city, village, or township official shall notify the Health Officer prior to issuance of a construction permit to ensure that any proposed construction will not adversely affect an existing sewage disposal facility.

600.4 – Application for Permits

600.5 - Eligibility

Applications for sewage disposal facility permits shall be submitted by owners of properties upon which sewage disposal facilities are to be constructed, repaired, enlarged, or relocated, or by other persons acting as authorized agents on behalf of property owners.

600.6 – Application Procedures

Applications for sewage disposal facility permits shall be submitted on forms provided for such purpose by the Health Officer. Application shall contain such reasonable information as required by the Health Officer. At his discretion the Health Officer may require substantiating data, including but not limited to engineering drawing, maps, soil analysis, test borings, percolation, ground water and flood elevations, adjacent land use, location of adjacent well water supplies and detailed plans for the proposed sewage disposal system. The actual or proposed use of the property shall be indicated in all instances.

600.7 – Applicant Responsibilities

It shall be the responsibility of the permit applicant to furnish the Health Officer with all facts, details, designs, and information required in these Regulations. Any expenses associated with the provision of such facts, details, designs, and information shall be the responsibility of the applicant. The Health Officer may, but shall not be obligated to, provide limited technical advice and assistance to applicants upon request relative to sewage disposal facility design, location, and construction. The ultimate responsibility for the adequacy of all plans, designs, and completed disposal facilities shall reside with the applicant.

600.8 – Permit Issuance

The Health Officer, following his review of an application for a sewage disposal facility permit, may issue a permit to the applicant authorizing performance of the requested construction, repair, enlargement, or relocation. The permit shall describe the nature and extent of work authorized, and may contain specific requirements or limitations which the Health Officer deems necessary. A sewage disposal facility permit shall remain valid for a period of one year from date of issuance, unless an extension is requested of, and approved by, the Health Officer. A sewage disposal facility permit shall not be transferable as to permit holder or property location.

600.9 – Permit Denial

600.9.1 – Criteria for Permit Denial

The Health Officer may decline to issue a sewage disposal facility permit for any of the following reasons or causes:

- a. Incomplete, inaccurate, or false information supplied by the applicant.
- b. Failure of the proposed sewage disposal facility design to conform to the requirements of Article VII of these Regulations.
- c. Failure of the proposed installation site for the sewage disposal facility to conform to the requirements of Article VII of these regulations.
- d. Failure of the applicant to submit the required application fee.
- e. The existence of any facts which give the Health Officer reasonable grounds to believe that issuance of the requested permit would create a nuisance, or a hazard to the public health and safety.

600.9.2 – Voidance of Permits

The Health Officer may declare a previously issued permit for a sewage disposal facility to be null and void, for any of the following reasons or causes:

- a. False or inaccurate information supplied by the permit holder.
- b. A change in the plans of the permit holder affecting circumstances relative to the sewage disposal facility design, location, or use.
- c. Acquisition of new information indicating that the previously approved installation site for the sewage disposal facility does not satisfy the requirements of these regulations.

601 - INSPECTIONS

601.1 - General

The Health Officer shall be empowered to conduct such inspections as he may deem necessary in connection with the review of applications for sewage disposal facility permits, and the construction, repair, enlargement, or relocation of such facilities.

601.2 – Final Inspections

All work authorized by a permit issued by the Health Officer shall be subject to a final inspection before such work shall be approved. No sewage disposal facility or component thereof shall be given a final cover, or otherwise rendered inaccessible, until a final inspection has taken place, and the Health Officer has given his approval. Upon completion of a final inspection, the Health Officer shall notify the permit holder of his findings, and shall signify his approval or disapproval. The requirements for a final inspection may be waived by the Health Officer, if the adequacy of the completed work can be adequately verified by other means.

601.3 – Final Approvals Required

No person shall utilize a sewage disposal facility which has been constructed, repaired, enlarged or relocated under authority of a permit issued by the Health Officer, unless the Health Officer signified his approval of such facility. Utilization of any sewage disposal facility which has not received such approval from the Health Officer, shall be a violation of these regulations.

601.4 – Occupancy Permits

No Officer or employee of any city, village, township or county shall issue an occupancy permit for any premise within Branch, Hillsdale or St. Joseph Counties, Michigan, which must be served by a sewage disposal facility pursuant to these Regulations unless the Health Officer has signified his approval of such facility.

ARTICLE VII
SEWAGE DISPOSAL FACILITIES
Location, Design, Materials, and Construction

700 - LOCATION; CRITERIA FOR SITE APPROVAL

700.1 – General Requirements

A site proposed for the construction, repair, enlargement, or relocation of a sewage disposal facility shall be approved by the Health Officer only if the site possesses characteristics which will permit the safe and adequate operation of the facility, will not create a nuisance, and with no adverse effects to human health and safety.

700.2 – Identification of Criteria for Site Approval

The following characteristics as a minimum shall be evaluated by the Health Officer in making a determination as to the acceptability of a proposed sewage disposal facility site:

- a. Total usable land area
- b. Horizontal isolation
- c. Slopes
- d. Flooding Potential
- e. Groundwater elevation
- f. Soil permeability and drainage
- g. Reserve area for replacement of sub-surface disposal systems

700.3 – Site Acceptance Criteria

An acceptable site for a sewage disposal facility shall possess soils which are of sufficient quantity and permeability to absorb all sewage effluent to be discharged upon such site, and to insure its confinement beneath the ground surfaces at all times. The following minimum criteria shall also be determined to exist by the Health Officer as the basis for any site approval:

- a. On-site soils shall have a permeability rate of not more than 45 minutes per inch.
- b. At least 2 feet of natural permeable soil above the seasonal high water table.
- c. A disposal system shall not be installed at an elevation below the flood plain of 100 years, nor otherwise located in an area subjected to seasonal flooding or ponding of surface water.

- d. A disposal system shall not be located where any factor would prohibit use of said system.
- e. A disposal system shall not be installed where the minimum required isolation distances specified in this regulation cannot be maintained.
- f. Sufficient suitable area shall be available and reserved to provide for a minimum of one replacement system without utilization or disruption of the initial installation.
- g. Slope conditions shall not exceed 20 degrees from a horizontal plane. Grading or filling of a site to achieve acceptable slope conditions may be permitted by the Health Officer.
- h. Where the parcel of land is found to be in violation of Act 288, P>A> 1987 as amended, entitled, "Subdivision Control Act 1967".

700.4 – Permit Denial

The Health Officer shall have the right to deny any application which does not satisfy the minimum acceptance criteria as outlined above, or where conditions exist or may be created which may endanger the public health.

700.5 – Isolation Distance Requirements

An acceptable site for a sewage disposal facility shall provide for horizontal isolation of the facility, and all components thereof, from other structures, objects, boundaries, or natural features in accordance with the minimum distances specified in Table VII - A.

TABLE VII - A MINIMUM ISOLATION REQUIREMENTS FOR SEWAGE DISPOSAL FACILITIES

FROM	TO	SEPTIC TANK	ABSORPTION AREA
Private well (single family)		50 ft	50 ft
well water suction line (unprotected)		50 ft	50 ft
Public/Semi-Public well	As Mandated by Michigan Law Act 399, P.A. 1976		
well water suction line (unprotected)	" " " " " " " "		
Potable Water Pressure Line		10 ft	10 ft
Surface Water Body, Stream:			

Construction (after 7/1/75)	50 ft	50 ft
Construction (Prior to 7/1/75)	25 ft	50 ft
Building Foundation	10 ft	10 ft
Drop - Off (25% or greater)	10 ft	10 ft
Footing Drains	10 ft	25 ft
Sub-surface Drains	10 ft	25 ft
Drainage ditches	10 ft	10 ft
Property Lines	5 ft	5 ft
Swimming Pools	10 ft	10 ft

700.6 – Groundwater Elevation Requirements

700.6.1 - Groundwater Elevation Determinations

The elevation of the seasonal high groundwater table may be established by any or all of the following methods:

- a. Physical measurements during Spring Wet season of year.
- b. Physical examination of soils (by a person trained in soil science)
- c. Other verifiable evidence and information acceptable to the Health Officer.

700.6.2 – Minimum Acceptable Permeability

Soils to be utilized for the subsurface absorption of sewage effluent shall possess a stabilized percolation rate equal to, or less than 45 minutes per inch. Soils of acceptable permeability shall extend to a depth of at least 4 ft. beneath the lowest elevation of the proposed soil absorption device or facility. A variance may be issued for soils exceeding a percolation rate of 45 minutes where the facility to be served is limited to a single family dwelling located on a greater than 10 Acre parcel. Reasons, terms and limitations of the variance shall be stipulated by the Health Officer and the written variance agreement shall be filed as part of the permit and with the deed to the property at the Register of Deeds Office in the respective county where the system is to be located.

700.6.3 - Determination of Soil Permeability

Determinations of soil permeability shall be on physical observation of soil texture, structure, and coloration by persons trained in soil science. In the event of inconclusive, inconsistent, or disputed finding concerning soil permeability as determined by the previously cited method, the Health Officer shall be empowered to exercise his

judgment concerning the permeability of the soils in question.

700.6.4 – Site Modifications

Site modifications, such as cutting, grading, or filling may be permitted in some cases for the purpose of overcoming soil permeability limitations of natural soils. Limits on the nature and extent of allowable modifications may be prescribed in guidelines prepared by the Health Officer and approved by the Board of Health.

700.7.5 – Building Sewers and Septic Tank Effluent Sewers

Sewers from the building to the septic tank, gravity sewers from the septic tank to the sub-absorption system and sewers connecting seepage pits connected in series in separate holes shall be of a material possessing physical properties equivalent or superior to schedule 40 polyvinyl chloride pipe. Building sewers shall have a minimum diameter of 4 inches and shall extend in a straight line, if practical, between the premise served and a sewage disposal facility. Short-radius 90 degree bends shall not be permitted in a building sewer.

701 - SEPTIC TANKS

701.1 - General Provisions

701.2 - Influent Requirements

All sewage generated by any premise shall be discharged into a septic tank prior to being discharged to any soil absorption device or facility. Wastewater from roofs, parking areas, or footing drains shall not be discharged into any septic tank.

702.3 - Multiple Tanks

At least two septic tanks, connected in series, or a two compartment septic tank may be required for a new sewage disposal facility when a garbage grinder or other plumbing fixture that is likely to cause a large volume surge discharge is proposed to be connected to the system.

702.4 - Existing Septic Tanks

When repairs are made to an existing sewage disposal facility serving a single family residence, existing septic tanks which are part of the system, and which do not meet the standards contained in these Regulations, may remain in service without modification. This provision shall apply only if the Health Officer determines that such

existing tanks are in sound condition, of adequate size, adequately isolated from well water supplies, equipped with an approved outlet device, otherwise pose no dangers to human health and safety, nuisances, or degradation of the natural environment. Existing metal tanks shall not be approved.

702.5 - Location

- a. No septic tank shall be installed in any location which renders it inaccessible for cleaning and maintenance. A septic tank shall be isolated in accordance with requirements of TABLE VII - A of these Regulations.
- b. No septic tank shall be installed under any building, driveway, road or parking area; provided that the Health Officer may permit a septic tank to be installed in any location which may subject it to excessive mechanical stresses, if it is reinforced in a manner acceptable to the Health Officer.
- c. Whenever practical, septic tanks shall be installed on the same side of the served premise where the interior plumbing exits the building.
- d. The top of a septic tank shall not be buried deeper than 20 inches beneath the finished ground surface, unless a riser is provided above the access opening at the outlet end of the septic tank. The top of the riser, when installed, shall not be buried deeper than 1 foot from the finished ground surface. The riser shall be equipped with a latch or cover of reinforced concrete, or other material of equivalent properties.

702.6 - Materials

A septic tank shall be constructed of sound and durable materials not subject to excessive corrosion or decay, and structurally capable of supporting the stresses to which it will be subjected. Such materials shall not permit water flow from surrounding soils into the septic tank.

702.7 – Capacities

702.7.1 - Single Family Residential Premises Capacities

Minimum total septic tank capacities for single and two-family residential premises shall be based upon the number of bedrooms present, in accordance with Table VII - B.

TABLE VII - B Minimum Septic Tank Capacities Single Family Residences

Number of Bedrooms	Minimum Required Capacity	
	Without Garbage Grinder and/or water conditioner	With Garbage Grinder and/or water conditioner
1 – 4	1000 Gallons	1500 Gallons
Over 4	add 250 gallons/bedroom	

702.7.2 - Commercial, Industrial, Multiple Residential Premises <10,000 gpd

Minimum total septic tank capacities for other than single family residential premises with an estimated discharge of less than 10,000 gallons of sewage per day shall comply with the Michigan Department of Public Health Bureau of Environmental and Occupational Health guidelines for such systems entitled " MICHIGAN CRITERIA FOR SUBSURFACE SEWAGE DISPOSAL, JUNE, 1989."

702.8 - Internal Dimensions & Relationships

The distance from the bottom of a septic tank outlet to the floor of a septic tank shall not be less than 2.5 feet. The width of a septic tank shall not be less than 2.0 feet. A septic tank shall provide an air space having a volume of at least 10 % of the liquid capacity of the tank. A minimum clearance of at least 9 inches shall be provided between the maximum liquid level of the tank and the tank top or cover.

702.9 – Inlets

702.9.1 - Minimum Diameter

The inlet connection to a septic tank shall not be less than 4 inches inside diameter.

702.9.2 - Elevations

The bottom of an inlet connection to a septic tank shall be at least 3 inches above the maximum liquid level of the tank.

702.9.3 - Venting

Inlet tees or baffles, if provided, shall be designed and installed so as to permit the venting of gases from the septic tank to the building sewer.

702.9.4 - Location

Inlet connections shall be located at the end of the septic tank opposite the outlet connection.

702.9.5 – Outlets

702.9.6 - Minimum Diameter

The outlet opening in a septic tank shall not be less than 4 inches in diameter.

702.9.7 - Tees or Approved Outlet Device

A tee or other device, approved by the Health Officer, shall be required to be installed on the outlet of a septic tank. Such a tee or approved device shall extend to a depth of at least 40 % of the distance from the maximum liquid level to the bottom of the tank. A tee or approved device shall be vented at its point of highest elevation within the tank. A tee or approved device shall have a continuous interior minimum dimension of no less than 4 inches. A tee or approved outlet device shall be securely mounted to the tank outlet in such a manner as to prevent leakage or dislodgement.

702.9.8 - Access for inspection and Cleaning

A septic tank shall be provided with one or more secured access openings on its top surface to provide for periodic inspection, cleaning, or repair. If an inlet device is provided an access opening shall be located over each the inlet and outlet end of the septic tank, immediately above the inlet and outlet device respectively. Access openings shall have a minimum dimension of sufficient size to allow pumping of the septic tank by a Michigan Licensed Septic Tank Cleaner and to allow removal, repair or replacement of inlet or outlet devices. Hatches or covers used to secure access openings shall be equipped with permanent handles, and shall be constructed of reinforced concrete, or other material of equivalent properties.

702.10 – Effluent Pump Chambers: Gravity Distribution of Effluent

Effluent pump chambers shall be water tight and of corrosion resistant material. The chamber shall be equipped with an exposed manhole cover at ground surface for easy access to the pump. The pump chamber shall be large enough to allow locating the pump a minimum of 8 inches of the floor of the chamber and have a minimum of 50 gal. liquid capacity. The pump discharge line shall be equipped with a readily accessible disconnect device for ease of removal of the pump for servicing or replacement.

703 – SUB-SURFACE ABSORPTION SYSTEMS

703.1 - General Requirements

Sewage from any septic tank, or similar device which releases partially treated sewage effluent, shall be discharged into a soil absorption system or device designed to distribute and confine such effluent beneath the surface of the ground.

703.2 - Location Requirements

703.2.1 - General Requirements

A soil absorption system or device shall be installed in such a location as to maximize its potential for long-term satisfactory operation.

703.2.2 - Isolation Requirements

A soil absorption system or device shall be isolated from other structures objects, boundaries, or natural features in accordance with the distances specified in Table VII of these Regulations.

703.2.3 - Relationship to Buildings, Roads, Driveway, or Parking Areas

A soil absorption system or device shall not be installed beneath any building, road, driveway, or parking area, or in any other location which may subject it to damage from vehicular traffic.

703.2.4 - Relationship to Floodplain; Surface Drainage Pathways

A Soil absorption system or device shall not be installed in any location subject to periodic flooding, or frequent surface run-off due to precipitation.

703.2.5 - Depth to Groundwater

The bottom of the excavation for any soil absorption system or device shall be isolated a minimum vertical distance of 4.0 feet above the seasonal high water table elevation.

703.2.6 - Depth of Impermeable Soils or Underlying Materials

The lowest point of any soil absorption system or device shall be isolated a minimum vertical distance of 4.0 feet above an impermeable soil layer, or other material of an impermeable nature.

703.2.7 - Reserve Area

A soil absorption system or device shall be located in such a manner as to provide sufficient area for installation of a future system or device of equivalent capacity.

703.3 - MATERIAL REQUIREMENTS

703.3.1 - Distribution Piping or Tubing

Distribution piping or tubing materials utilized in soil absorption systems shall conform to the criteria in the then current edition "Michigan Standards for Certification and Utilization of Perforated Plastic Tubing for Drainfields", as adopted by the Michigan Department of Public Health. Other materials may be utilized subject to approval of the Health Officer.

703.3.2 - Drainstone and Aggregate

Materials utilized for drainstone or aggregate in soil absorption systems shall possess physical properties and characteristics equivalent to washed 6-A aggregate.

703.3.3 - Fittings

Fittings and connections shall be of a material, design, and size compatible with the piping or tubing to which they are attached

703.3.4 -Drainstone and Aggregate Cover

Materials utilized to protect against infiltration of the earth or soil into completed soil absorption systems may be required by the Health Officer and, if provided shall be no thicker than necessary, and shall be biodegradable. Acceptable materials shall include untreated building paper and straw or other material approved by the Health Officer.

703.4 - CONSTRUCTION REQUIREMENTS, GENERAL

703.4.1 -Protection of Infiltrative Surfaces

No soil absorption system may be installed in soils having significant amounts of silt or clay, when such soils are in a wet or saturated condition. Precautions shall be taken to minimize the smearing or sealing of infiltrative surfaces caused by excavation, machinery, movement, or walking.

703.4.2 -Fill Materials

No soil absorption system shall be installed in any fill material which has not achieved a stabilized condition, either by natural settling, or mechanical compaction.

703.4.3 -Effluent Distribution

Every soil absorption system shall be designed in such a way as to maximize the even distribution of sewage effluent throughout all absorption surfaces of the system. If even distribution of effluent is impractical or impossible to achieve via gravity flow then provisions for mechanical dosing of effluent via pumps or siphons may be required.

703.4.4 - Design Selection Criteria

Soil absorption systems which provide for uniform distribution of sewage effluent at shallow depths shall be installed whenever practical. Preferred systems shall include trench style drainfields, and absorption bed (area excavation) installations. Seepage pits (dry wells) shall be permitted only if installation of drainfields or absorption beds are not feasible, due to space limitations, or due to excessive depths of impermeable soils overlying soils of acceptable permeability.

704.5 -INFILTRATIVE AREA REQUIREMENTS

704.5.1 - General Provisions

A soil absorption system shall provide sufficient total infiltrative area to provide for the confinement of all sewage beneath the ground surface at all times. Infiltrative area requirements shall be calculated based upon the quantity of sewage flow from the premise served, and the absorptive characteristics of the underlying soils. The same total infiltrative area requirements shall apply regardless of the type or category of soil absorption system to be utilized.

704.5.2 -Single and Two-Family Residential Premises

Soil absorption systems serving single and two-family residential premises shall possess minimum total infiltrative areas in accordance with the provisions in Table VII – C.

704.5.3 - Commercial, Industrial, Multi-Family Residential Premises

Commercial, industrial, multi-family residential systems serving premises other than single family premises shall be sized and constructed in compliance with the Michigan Department of Public Health Bureau of Environmental and Occupational Health guidelines for such systems entitled “MICHIGAN CRITERIA FOR SUBSURFACE SEWAGE DISPOSAL, JUNE, 1989.”

705 - ABSORPTION SYSTEMS AND DEVICES: DRAINFIELDS

705.1 - Calculation of Total Infiltrative Area

The total infiltrative area of a drainfield shall be equal to the sum of the infiltrative areas of the individual drainage trenches comprising the drainfield. The infiltrative area of a drainage trench shall be equal to the total trench bottom area, plus the side wall area beneath the top of the aggregate per 1.0 feet of trench.

Example: A single 2 ft. wide, 100 ft. long trench, using 4” diameter drainage pipe, and with 6” of stone under the drainage pipes would possess an infiltrative area of: 200 Sq. ft. of trench bottom plus 200 sq. ft. of trench sidewall area for a total of 400 sq. ft. of infiltrative area.

TABLE VII – C
Minimum Required Total Infiltration Areas
Single and Two-Family Residential Premises

Percolation Rate (Min. / in.)	Soil Texture (Approximate)	Required Infiltrative Area*	
		1-2bedrooms*	3-4 bedrooms*
< 30 Min./In.	Coarse Sand to Sandy Loam	400 Sq. Ft. *	600 Sq. Ft. *
31 – 45 Min./In.	Silty Loam to Clay Loam	600 Sq. Ft. *	800 Sq. Ft. *
>45 Min./In.	Silt to Clay	Unacceptable** **Acceptable for special design system if system to serve only single family dwelling located on greater than 10 acres parcel. Variance Agreement required.	

* Add 200 square feet per bedroom beyond 4 bedrooms

* Add 100 square feet for water conditioner

* Add 100 square feet for garbage grinder

705.2 - Dimensional Standards

A drainfield shall be constructed in accordance with the dimensional standards specified in Table VII – D.

TABLE VII - D
Drainfield Dimensional Standards

Item	Minimum	Maximum
Number of Trenches	2	-----
Length of Trenches	-----	100 ft.
Width of Trenches	1 ft.	3 ft.
Final Cover	1 ft.	3 ft.
Uniform Aggregate Depth		
a. Under distribution pipe	6"	18"
b. Above distribution pipe	2"	2"
Slope of Trenches and Distribution Pipes	level preferred	4" in 100 Feet
Sidewalls	4 ft.	----

705.3 - Dosing Requirements

Drainfields designed to accommodate sewage quantities equal to or exceeding 2000 gallons per day shall be dosed by means of pumps or siphons to insure uniform distribution of sewage. Dosing quantities and frequencies shall be reviewed and approved by the Health Officer.

706 – SOIL ABSORPTION SYSTEMS AND DEVICES; ABSORPTION BEDS

706.1 – Calculation of Total Infiltrative Area

The total infiltrative area of an absorption bed shall be equal to its entire bottom area.

706.2 – Dimensional Standards

An absorption bed shall be constructed in accordance with the dimensional standards specified in Table VII –F.

TABLE VII – F
Absorption Bed Dimensional Standards

Item	Minimum	Maximum
No. of Distribution Pipes	2	----
Length of Distribution Pipes	---	100 ft.
Separation Between Distribution Pipes and Bed Sidewall	1.5 ft.	3 ft.
Distance From Final Grade To Top of Aggregate	6 in.	3 ft.
Uniform Depth of Aggregate:		
a. Beneath Distribution Pipes	6 in.	----
b. Above Distribution Pipes	2 in.	2 in.
Slope of Distribution Pipes	Level Preferred	4 in. / 100 ft.

706.3 – Dosing Requirements

Absorption beds designed to accommodate sewage quantities equal to or exceeding 2000 gallons per day shall be dosed by means of pumps or siphons to ensure uniform distribution of sewage. Dosing quantities and frequencies shall be reviewed and approved by the Director.

707 – SOIL ABSORPTION SYSTEMS AND DEVICES: SEEPAGE PITS (DRY WELLS)

707.1 – Lining Materials

Materials utilized for lining seepage pit excavation shall be durable, and shall possess sufficient structural strength to prevent collapse or cave-in of the excavation. Lining materials shall allow free passage of sewage effluent to the surrounding infiltrative surfaces, while excluding the entry of stone or soil into the lined cavity. Acceptable materials include cement blocks, bricks, pre-cast concrete, or other materials approved by the Health Officer.

707.2 – Hatches and Covers

Hatches and covers shall be provided on the top surfaces of a seepage pit, to facilitate inspection and cleaning. Such hatches or covers shall be of a material possessing strength and durability equivalent to that of reinforced concrete.

707.3 – Infiltrative Area Requirements

Seepage pits shall provide for a total infiltrative area, either singly, or in combination, in accordance with the infiltrative area requirements specified in Tables VII – C and VII – D. Soils possessing an average percolation rate slower than ten minutes per inch shall not be acceptable for seepage pit installation.

707.4 – Calculation of Infiltrative Area

The total infiltrative area for a seepage pit, or combination of pits, shall be calculated in accordance with the following formula:

$$A = (P_s + P_b) \times N$$

Where: A = Total infiltrative area.

 P_s = Total sidewall area of pit in contact with permeable soils, from lowest inlet level to bottom of excavation.

 P_b = Total bottom area of excavation.

 N = Number of seepage pits of equal size.

707.5 – Dimensional Standards

A seepage pit shall be constructed in accordance with the dimensional standards specified in Table VII – G.

TABLE VII – G

Item	Minimum	Maximum
Distance From bottom of Excavation to Finish Grade	----	6 ft.
Depth of Final Cover Over Top Of Pit	1 ft.	3 ft.
Aggregate Thickness:		
a. Bottom of Pit	----	----
b. Between Liner and Pit Sidewalls	1 ft.	3 ft.
Distance Between Seepage Pits*	4 ft.	----

* If placed in separate holes. Seepage pits may be placed in common excavation in series with a maximum of three seepage pits to a common excavation.

708 – MISCELLANEOUS SOIL ABSORPTION SYSTEMS

Soil absorption systems other than drainfields, absorption beds, or seepage pits may be installed, when, in the judgment of the Health Officer, their use is justified, and will adequately protect public health and safety and the natural environment. The use of miscellaneous soil absorption systems shall be subject to the same conditions and limitations which apply to other categories of soil absorption systems.

709 – ALTERNATING SUB-SURFACE SOIL ABSORPTION SYSTEM

A device to allow separate discharge of septic tank effluent to two or more sub-surface soil absorption systems may be required when in the opinion of the Health Officer such a device is necessary to extend the life of the system. Such devices shall allow complete separation of the flow between individual sub-surface disposal systems.

710 – ALTERNATIVE SEWAGE DISPOSAL FACILITIES

710.1 – Authorization of Guidelines

The Health Officer shall be empowered to prepare guidelines concerning the application, location design, construction, usage, and maintenance of specific categories of alternative sewage disposal facilities, devices, or process. Such guidelines shall be reviewed and approved by the Board of Health

710.2 – General Provisions

Alternative sewage disposal facilities, devices, or processes may be approved by the Health Officer. An alternative sewage disposal facility or process shall not be approved unless the Health Officer has determined that the use of such a facility, device, or process will not create a nuisance, result in a hazard to public health or safety, or endanger the natural environment. The usage of alternative sewage disposal facilities, devices, or processes shall be subject to restrictions or limitations imposed by statutes, ordinances, or rules other than those contained in these Regulations, and to policies and guidelines adopted pursuant to authority of Section 700 of these Regulations.

710.3 – Experimental Sewage Disposal Facilities

In the absence of applicable guidelines and technical information concerning a new category of alternative sewage disposal facility, device, or process, the Health Officer may authorize the utilization of such an alternative facility, device, or process on a limited experimental basis if it is determined that no hazard to public health and safety, nuisance, or degradation of the natural environment will result. The Health Officer may impose special conditions and requirements pertaining to the approval and use of such a facility, including the submission of detailed engineering plans, periodic operational reports, periodic inspections, and provisions for alternate methods of sewage disposal in the event of failure of the experimental facility.

ARTICLE VIII – VARIANCES

801 - AUTHORIZATION TO GRANT VARIANCES

The Health Officer shall be empowered to grant variances to the requirements of these Regulations in situations when the strict application of such requirements would create a unique hardship or unfair burden upon those affected. Variances may be authorized only when it can be reasonably demonstrated that no hazard to public safety, no nuisance, and no degradation of the natural environment will result.

802 – DOCUMENTATION OF VARIANCES

All variances granted by the Health Officer shall be documented in writing. Records concerning a variance shall contain a description of the variance, and a statement of the reasons why the variance was authorized. If the variance concerns requirements for a proposed sewage disposal facility, details concerning said variance shall be noted on the permit issued for the facility.

803 – REVIEW OF VARIANCES

All documented variances shall be periodically reviewed and evaluated by the Health Officer to insure that they are not contrary to the purpose of the Regulations.

ARTICLE IX – SITE EVALUATIONS OF VACANT LAND

901 – PURPOSE

Vacant land evaluations may be conducted by the Health Officer on behalf of requesting persons for the purpose of determining the suitability of undeveloped properties as sites for installation of sewage disposal facilities. Such evaluations shall be conducted utilizing the standards and requirements specified in these Regulations. The findings of such evaluations are intended for informational purposes only.

902 - APPLICATIONS FOR SITE EVALUATIONS OF VACANT LAND

Applications for vacant land evaluations shall be submitted on forms provided for such purposes by the Health Officer and shall be accompanied by the appropriate fee, as established by the Board of Health. If the applicant for an evaluation is not the owner of the property to be evaluated, the applicant shall be responsible for obtaining necessary permissions from the owner to authorize entry upon, and evaluation of said property.

903 - RESPONSIBILITY FOR NECESSARY EVALUATION SERVICES

If the Health Officer determines that special evaluation procedures are necessary in order to conduct a vacant land evaluation, the responsibility for arranging for such procedures and the responsibility for paying for associated services may include excavations, soil borings, permeability tests, soil classifications or other similar tests.

904 - EVALUATION REPORTS

Reporting of findings of vacant land evaluations shall be provided in writing to the applicant. The findings of such reports shall relate only to specific sites evaluated and to specific development proposal as outlined by the applicant at the time of submitting the applicant request. Opinions expressed in evaluation reports shall be subject to revision in the event of any change in conditions, including subsequent revisions to applicable statutes, rules or regulations.

ARTICLE X
WELL WATER SUPPLIES

1001 - WELL CONSTRUCTION REQUIREMENTS

Requirements with respect to water well construction and water pump installations for new water wells with the counties of Branch, Hillsdale and St. Joseph shall be those requirements as set forth in Part I - R. 325.1601 (Rule 101) through and including R.325.1676 (Rule 176) of the "GROUNDWATER QUALITY CONTROL RULES" as promulgated November 23, 1966, by the Director of Public Health of The Michigan Department of Public Health pursuant to promulgation authority under Part 127, Act 368, P.A. 1978 as amended.

1002 – ISOLATION REQUIREMENTS FOR TYPE II AND TYPE III WATER SUPPLIES

For all water supplies serving the public, Type II and Type III, such as motels, food service establishments, gasoline stations, etc., the isolation requirements shall be as required by Act 399, P.A. of 1976 as amended.

1003 - CONSTRUCTION PERMIT

It shall be unlawful for any person to construct a new Private or Type II or Type III public well water supply or install a pump for such supplies unless he has obtained a permit to construct or install issued by the Health Officer.

1003.1 - Permit Exceptions

The requirement for a well or pump permit shall not apply under the following circumstances.

- a. Permits are not required for replacement pumps, well point, or well screens, providing the pump capacity is not increased, or the well depth or location changed.
- b. The served premise falls within a category which subjects it to the legal jurisdiction of an agency of state or federal government, and such agency has not delegated authority for issuance of permits to the Department.

1003.2 - Application for Permits

Application for a permit shall be filed with the Health Officer, on forms provided by the Health Officer, prior to the issuance of a construction permit for a private well or Type II or Type III public well.

1003.3 - Permit Issuance

The Health Officer, following his review of an application for a Private or Type II or Type II Public well construction or pump installation, may issue a permit to the applicant authorizing performance of the requested construction or installation. The permit shall describe the nature and extent of work authorized, and may contain specific requirements or limitations which the Health Officer deems necessary.

1003.4 - Permit Expiration

A well construction or pump installation permit shall remain valid for a period of 1 year from date of issuance, unless an extension is requested from, and approved by, the Health Officer. A well construction or pump installation permit shall not be transferable as to permit holder or property location.

1003.5 - Voidance of Permits

The Health Officer may declare a previously issued permit for a well construction or pump installation for a private or Type II or Type III public supply to be null and void, for any of the following reasons or cause:

- a. False or inaccurate information supplied by the permit holder.
- b. A change in the plans of the permit holder affecting circumstances relative to the well water supply design, location or use.
- c. Acquisition of new information indicating that the previously approved installation site for the well water supply does not satisfy the requirements of these Regulations.

1003.6 - Permit Denial

The Health Officer shall be authorized to deny a water well installation permit where the parcel of land is found to be in violation of Act 288, P.A. 1967 as amended, entitled, "Subdivision Control Act 1967", or where there is sufficient reason to believe that the site does not meet the minimum requirements for a water well installation permit.

1004 - INPECTION AND APPROVAL

The Health Officer shall make such inspection as he deems necessary at the construction site of any new, replacement or addition to any well water supply system or pump installation. Failure to construct according to the applicable well construction or pump installation requirements of Section 1001 or 1001.1 of these regulations shall be deemed a violation of these regulations.

ARTICLE XI
NUISANCES

1101 - SOLID WASTE STORAGE AND TRANSPORTATION

1101.1 - Technical Definitions

1101.1.1 - Garbage

“Garbage” shall mean rejected food wastes including waste accumulation of animal, fruit or vegetable matter used or intended for food or that attend preparation, use cooking, dealing in or storing of meat, fish fowl, fruit or vegetable.

1101.1.2 - Rubbish

“Rubbish” shall mean non putrescible solid wastes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind that will be a detriment to the public health and safety.

1101.1.3 - Litter

“Litter” shall mean “garbage” and “rubbish”, as herein defined, and all other waste material which, if thrown or deposited in an unapproved or unauthorized areas as herein prohibited, tends to create a danger to public health, safety or welfare.

1101.2 - Accumulation of Garbage

No owner of any premise or occupant of any private or two family dwelling shall permit to accumulate upon such premise any garbage except in covered containers of rodent proof, fly proof and water tight construction.

1101.3 - Accumulation of Rubbish

No owner of any premise or occupant of any private or two family dwelling shall permit to accumulate on such premise any rubbish except durable containers with close fitting covers except that bulky rubbish such limbs, weeds, large cardboard boxes, etc., may be bundled and so stored as not to provide a nuisance or a breeding place, or potential breeding place, for rodents, insects, or other vermin.

1101.4 -Disposal of Garbage and Rubbish

Garbage and rubbish shall be disposed of in a manner which creates neither a nuisance nor menace to health in accordance with the provisions of Act 641, P.A. 1978 as Amended and Rules.

1101.5 - Transportation of Garbage and Rubbish

Vehicles used in the transportation of garbage and rubbish shall be so constructed or maintained so that no portion of the contents therefrom shall be accidentally discharged from the vehicle.

1101.6 -Littering

It shall be unlawful for any person to place, deposit, throw, scatter or leave in any street, alley or public place or on any public or private property, occupied or vacant, any litter, dead animal or other noxious material.

1102 - PREMISES UNFIT FOR HABITATION

Any habitable building which the Health Officer has found to be unfit for human habitation because of any of the following defects may be declared by the Health Officer to be a nuisance and may be condemned by the Health Officer:

- a. Those which shall have been damaged by fire, wind or other cause so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the public.
- b. Those which because of their conditions have become or are so dilapidated decayed unsafe unsanitary or are likely to cause sickness or disease as to work injury to the health, safety or general welfare of those living therein.
- c. Those which lack natural illumination, natural ventilation or sanitation facilities to an extent to endanger the health or safety of the occupants.
- d.

1102.1 - Minimum Requirements for Habitable Dwelling

The minimum requirements for habitable dwelling shall be those requirements contained in Article 3, Section PM 301.1 through PM 301.7; Article 3, Section PM-302.1 through PM-303.8; PM-400.1 through PM-403.10; Article 5, PM-500.1 through PM-506.1; Article 6, PM-601.1 through PM-603.2; Article 7, PM-700.1 through 704.5.1; Article 8, PM-800.1 through PM-802.4: Article 9, PM-900.1 through 902.1 of the property maintenance code of the Building Officials Conference of America, Inc., 4051 W. Flossmor Rd. Country Hills, Illinois, 60478-5795 entitled "The BOCA National Property Maintenance Code/1990, Third Edition".

1102.2 - Notices and Orders

Upon determination by the Health Officer that a habitable building is unfit for human habitation, the Health Officer shall post in a conspicuous place or places a notice or notices to read substantially as follows: "This building has been inspected and found to be unfit for human habitation."

1102.3 - Securing of Condemned Buildings

The owner of any building which is condemned as unfit for human habitation and vacated shall make such building safe and secure in a manner the Health Officer deems necessary to insure that the building shall not be dangerous to human life and shall not constitute either a fire hazard or a public nuisance.

1102.4 - Vacating of Condemned Buildings

Any habitable building which has been condemned and placarded by the Health Officer shall be vacated within a reasonable time, as required by the Health Officer. No owner or agent shall let to any person for human for human habitation and no person shall occupy any building which has been condemned by the Health Officer, after the date on which the Health Officer has required the affected building to be vacated.

1103 - DISPOSAL OF INFECTIONS OR TOXIC MATERIALS

It shall be unlawful to place or allow to remain in any place accessible to children or unauthorized persons any infectious or used bandages, and syringes or medical injection devices, and razor blades, or any drugs, vaccines, medicines, chemicals or other toxic materials. Any such materials deposited or allow to remain in a place or condition accessible to unauthorized persons shall be hereby declared to be a nuisance, and the owner or responsible person in control of the premise where said nuisance exists shall have the duty to remove or secure the materials in a manner to abate and prevent such nuisance. Disposal shall be accomplished in a manner acceptable to the Health Officer.

1104 - ANIMALS AND VERMIN

It shall be unlawful for any person to create or maintain a vermin or rat infested condition on premises owned by him. When the Health Officer shall find an infestation or rodents, insects or evidence of such infestation, on or within such property, the Health Officer may order the owner or other responsible person to take whatever measures are deemed to be reasonably necessary to abate the condition.

1104.1 - Disposal of Dead Animals

It shall be unlawful for any person to allow a dead animal to remain for over twenty-four (24) hours after death on premises owned or occupied by him. Such animals shall be buried to a depth of four (4) feet or as otherwise specified by the Health Officer. The bottom of the required excavation shall be a minimum of four (4) feet above the high ground water elevation.

