

**MOBILE COUNTY BOARD OF HEALTH
SUPPLEMENTAL RULES TO**

ALABAMA STATE BOARD OF HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL SERVICES
DIVISION OF COMMUNITY ENVIRONMENTAL PROTECTION
ADMINISTRATIVE CODE

CHAPTER 420-3-1

ONSITE SEWAGE TREATMENT AND DISPOSAL

I. Purpose. The purpose and intent of these rules shall be to supplement Chapter 420-3-1 Rules of the Alabama Department of Public Health Onsite Sewage Treatment and Disposal and to protect the public health of the citizens of Mobile County by minimizing the effects of non-point source pollution on the public water supply. These supplemental rules shall apply to the J. B. Converse Reservoir Watershed, in Mobile County, as depicted in Appendix A to this supplement.

II. Definitions.

(a) **Buffer Zones** -- the area: within 100 feet of the reservoir.

(b) **Converse Reservoir Watershed** -- the geographic drainage basin area located in Mobile County, Alabama, in it's entirety as depicted in Appendix A to this supplement that discharges into the MAWSS municipal water supply as delineated by the Natural Resource and Conservation Society. When any portion of a lot, parcel or tract of land, or other real property is located within the watershed these supplemental rules shall apply to the entire property.

(c) **Maintenance**- The criteria for determining a well maintained, structured, and operational OSS, or component thereof, shall be as follows:

1. A survey of the OSS by a Septic Tank Pumper licensed by the Alabama Onsite Wastewater Board and permitted by the Mobile County Health Department, identifying the number and types of dwellings or establishments connected to the system, confirmation that there are no visible signs of system failure and verification that the OSS is operating as designed.

2. A record of specific initial actions taken by the Pumper (e.g. pumped tank, cleaned effluent filter, etc.) and a record of follow-up action either taken or recommended (e.g. schedule next routine maintenance).

(d) **Mobile County Health Department (MCHD)** -- the administrative arm of the Mobile County Board of Health, as provided for in the Code of Ala. 1975, Title 22, Chapter 2, State Health Authorities, Section 22-2-8, and includes variations in that name, such as Mobile County Department of Public Health, County Department of

Public Health, County Health Department, Public Health Department, Local Health Department, or the Department; and its agent. Under these Rules, an agent of the Department may function at any level within the organization, and that is the interpretation of the acronym MCHD.

(e) **Mobile County Health Officer** -- the Health Officer of Mobile County, appointed by the State Health Officer, or elected in accordance with the Code of Ala. 1975, Title 22, Chapter 3, Sections 22-3-2(5) & (6), or the local health officer's agent.

III. Appeals and Variances

[a] In order to avoid undue hardship and promote the effective and reasonable application and enforcement of these supplemental rules, the Mobile County Health Officer may grant variances from requirements of these supplemental rules.

(b) A person who after proper application, is denied a permit, license, or authorization; or who has been given notice of an intent to suspend, revoke, or withdraw a permit, license, or authorization shall be given notice of the facts or conduct which warrants the intended action and within ten (10) days following the receipt of the notice may contest such action or decision by applying in writing for an informal hearing to the Health Officer, or his/her designee, of the Mobile County Health Department.

(c) A person who is issued a permit, license, or authorization with any terms or conditions with which he does not agree may also within ten (10) days of the issuance of such permit, license, or authorization apply in writing for an informal hearing to the Health Officer, or his/her designee, of the Mobile County Health Department.

[d] If the person is not satisfied with the decision of the Health Officer, or his/her designee following the informal hearing, he/she may make further appeal for a formal hearing to the Mobile County Board of Health within fifteen (15) days following notice of the unfavorable determination. The Board of Health shall then schedule a time for a hearing at which person(s) may appear, either individually or through an attorney, and present any facts or evidence concerning the particular situation. The Board of Health shall then confer, and inform the person of its decision within thirty (30) days of the hearing date.

[e] The appeal and variance process is limited to these supplemental rules.

IV. General Requirements For An Onsite Sewage Treatment And Disposal System (OSS)

(a) The use of pit privies is prohibited.

(b) An OSS designed for more than 1,200 gpd shall require Advanced Treatment.

(c) OSS maintenance is critical in maintaining its proper function. Therefore, property owners serviced by an Advanced Treatment System installed after the effective date of these supplemental regulations shall be inspected and/or maintenance be conducted every (1) year by the manufacturer's service provider and shall do so every [1] year there after. Property owners serviced by all other OSS

installed after the effective date of these supplemental regulations shall, within four [4] years after the effective date of these Supplemental Rules for the Converse Lake Watershed, have the OSS inspected and maintained as defined by these Supplemental Rules and shall do so within each four [4] years there after. Proof of the inspection and/or maintenance shall be provided to the MCHD.

V. Connection To Sanitary Sewer Or Decentralized Wastewater Cluster Systems, and Public Water.

(a) When new development is proposed it shall be required to connect to a Sanitary Sewer or a Decentralized System, and Public Water if the services are available.

(b) When an existing OSS malfunctions, the owner shall be required to connect to a Sanitary Sewer or a Decentralized System, and Public Water if the services are available.

VI. Standards For Lots And Sites Utilizing an OSS

(a) The size, topography and other characteristics of the lot may limit the location and size of the structures that can be built on the lot. If an OSS is to be placed on a lot, the minimum lot size shall be one-half acre (21,780 sf) of land when public water is available and one acre (43,560 sf) when an individual well is located or proposed on the site

(b) The minimum lot size may be reduced to 15,000 square feet for public water and 20,000 square feet when an individual well is located or proposed on the site, provided that:

1. There shall be a minimum of three site evaluations. A minimum of two evaluations shall be conducted in the proposed EDF, and one evaluation in the REDF.

2. The following conditions and requirements are met:

i. An engineer shall submit the application and design the system, and certify that the design and completed system meet the requirements of ADPH OSS Rules (420-3-1) and these Supplemental Rules.

ii. The lot shall contain no hydric or high shrink-swell soils.

iii. EDF and REDF may be reduced on basis of advanced treatment only, and shall be specified in the product permit issued by ADPH.

iv. Prior to beginning lot modification, or structural, or OSS construction-related activity (building development) the lot owner, developer, or builder shall possess a valid Permit to Install an Onsite Sewage disposal system.

v. The EDF, REDF, existing or planned buildings, structures, driveways, easements, septic tank or pretreatment unit, and other appurtenances shall be drawn to scale on a surveyed plot plan recorded in Probate Court with the Covenant to Run with the Land.

a. The EDF and REDF shall be shown as restricted areas and shall be protected from any form of encroachment until plotted on plot plan and submitted to the Health Department for approval.

vi. The lot shall be developed according to the plot plan.

vii. No modifications shall be made to an approved plot plan by a developer, builder, or subsequent owner until the proposed modification has been submitted in writing to the Mobile County Health Department, and a written approval for the modification has been issued.

viii. Issuance of an Approval to Use shall be contingent upon complete compliance with the plot plan.

(c) A site for an EDF having ASHES within 24 inches of the natural ground shall be required to install an Advanced Treatment System.

(d) A site for an EDF with a slope in excess of 25 percent shall be considered unsuitable for an OSS.

VII. Inspections And Approval For Use Of An OSS.

(a) The Approval for Use shall remain in effect as long as the system functions in the manner designed. Upon the effective date of these Supplemental Rules on each occasion of a change in owner occupancy of a property, the new owner shall be notified and required to provide proof of proper inspection and/or maintenance of the OSS within four years of purchase. The MCHD will notify the new owner of this requirement in writing

VIII. Location Of An OSS.

(a) No OSS shall be located in a Buffer Zone established for Converse Watershed.

IX. Requirements For EDF Layout And Construction.

(a) The use of serial distribution systems is prohibited.

X. OSS Repairs.

(a) All OSS repairs shall meet the requirements established by these Supplemental Rules except the minimum lot size requirement.

XI. General Provisions For Large Flow Developments.

(a) In anticipation of future sanitary sewer or decentralized system, utility easements shall be provided throughout the subdivision for future construction of collection system.

[b] Lots in a large flow development shall be connected to a Sanitary Sewer or a Decentralized Wastewater System if either service is available.

(c) Lots in a large flow development shall be connected to a public water system if one is available.

(d) Use of OSS in a large flow development submitted after the effective date shall meet all requirements of these Supplemental Rules. Final Large Flow Development applications that are complete, approvable, and received by the MCHD prior to the effective date of these Supplemental Rules will be exempt from minimum lot size requirements, but shall be subject to all other provisions of these Supplemental Rules. Individual lot applications for large flow development submitted after the effective date of these Supplemental Rules that do not meet the minimum lot size requirement shall be submitted in accordance with VI. b.

(e) The developer shall record a copy of the approved large flow development plat in the Office of the Judge of Probate Court of Mobile County which has the following statement affixed:

**THIS SUBDIVISION
LIES WHOLY OR PARTIALLY WITHIN THE
J. P. CONVERSE WATERSHED**

APPENDIX A

J.B. CONVERSE RESERVOIR WATERSHED

