



## **Onsite Wastewater Treatment System (OWTS) Program** **Administrative Procedures and Policies**

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#### **I. APPROVAL CONDITIONS FOR ALTERATIONS TO PROPERTIES**

This section provides additional clarification for conducting reviews of property alteration permit plans/applications.

- a) Determining square footage for alterations to basements.
  - i) Finishing a basement that **does not** contain a doorway to the outside **shall not** be considered additional square footage to a residential dwelling or non-residential building.
  - ii) Finishing a basement that **does** have a doorway to the outside or adding a doorway to the outside as part of the alteration, **shall** be considered additional square footage to the structure.
  - iii) Newly constructed basements with no doorway to the outside under an existing house or under a proposed addition, or conversion of a crawl space to a basement with no doorway to the outside shall not be considered additional square footage.
  - iv) The addition of interior space with a ceiling of less than six feet shall not be considered additional square footage regardless of whether the space is heated (or unheated) or finished (or unfinished).
- b) Determining Bedroom Counts for alterations to basements
  - i) If finishing a basement creates a bedroom as defined in Chapter 171, this room shall be counted in the house bedroom count.
  - ii) If finishing a basement creates a bathroom containing at least a toilet, lavatory and shower stall, other existing rooms in the basement may meet the Chapter 171

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definition of a bedroom and this bedroom shall be counted in the house bedroom count.

- iii) If there is a discrepancy in the number of bedrooms in an existing dwelling between the proposed plan and the OWTS file of record, the OWTS file of record with the Health Department shall determine the bedroom count to be used. Below are some examples of discrepancies that arise and the resulting determination.
  - 1) Example #1 - the file of record indicates four bedrooms (and the OWTS was designed for four bedrooms), a submitted house plan for a proposed project indicates three bedrooms, and the owner wishes to add a bedroom. Since the record indicates an OWTS was approved for a four- bedroom house, this shall not be considered increased water usage.
  - 2) Example #2 - the file of record indicates three bedrooms (and the OWTS was designed for three bedrooms), a submitted house plan for a proposed project indicates four bedrooms and the owner wishes to add a bedroom. This is considered increased water usage and the replacement OWTS must be sized for a five-bedroom house.

c) Proposals to Replace Building – Primarily in the Same Footprint

- i) Chapter 171.068(B)(2) provides the requirements to replace existing residential or non-residential buildings primarily in the same building footprint. A proposal is deemed to be primarily in the same building footprint if 80% or more of the proposed building footprint square footage falls within the original building footprint. Additionally, Chapter 171.021 General Definitions defines a building footprint as the outside perimeter of a building including attached garages, seasonal rooms, breezeways, and covered porches.

If a proposal is submitted with an attached garage that is the **only part of the footprint** that renders the project <80% within the existing building footprint, the project may be deemed to meet the 80% requirement and be approved if the following conditions are met:

- 1) The location of the garage meets all applicable setback distances to the existing water well (or proposed water well) and OWTS components, and
- 2) There is no habitable space above the garage.

**II. PUBLIC SEWER AVAILABILITY**

When it has been determined that public sewer meets the availability criteria (distance, connection and controlling authority requirements), the owner may still request a variance from the requirement to connect to the public sewer. Section 171.258, Variances, allows applicants to request a variance when compliance with the code is impossible *or* impractical. The costs associated with connection could be considerably higher than what a replacement OWTS would cost, potentially rendering the connection impractical. For an owner to make the case that it would be impractical to require the connection, at a minimum, he or she would have to demonstrate the following:

- a) The site and soil conditions meet the suitability criteria for an OWTS design in Chapter 171.

- b) An OWTS that complies with Chapter 171 is able to be designed and installed. This design must be prepared by a Lake County licensed OWTS Designer.
- c) Indication in writing that the controlling authority of the sewer and/or the municipality in which the property is located has no objection to the installation of an OWTS.
- d) The cost difference between sewer connection and installation of the OWTS must be presented and it must be demonstrated that the cost differential, in terms of the percentage of the cost of the entire project (including potential alterations to the building) renders the connection impractical.

### III. **INVESTIGATING A POSSIBLE FAILING OWTS**

Staff shall follow the ~~following~~ procedures below when investigating a possible failing ~~onsite wastewater treatment system~~ OWTS, undefined OWTS program complaint, and/or laundry discharge to the ground surface, that ~~is~~ are creating unsanitary conditions, as described in §171.050 (A):

- a) Prior to inspecting the property, the available aerial photography of the property in question using Lake County Maps Online should be viewed to look for signs of the location of the OWTS, and records of the Health Department should be reviewed to determine if OWTS plans and/or previous investigation cases exist.
  - i) The initial inspection shall be conducted no later than 7 calendar days after the date of receipt of the case.
- b) When onsite, staff shall go to the front or main door of the house/building to attempt to make contact with the owner/tenant before investigating the property. Staff shall assure they are wearing their identification badge and carry business cards with them. It is also advisable to drive a County-owned vehicle if possible.
  - i) If someone answers the door, staff shall identify themselves and explain they are investigating/responding to a possible failing septic system or other wastewater disposal related complaint. Staff shall get the names of the owner and tenants and shall ask for permission to inspect the property. If the person interviewed asks who “reported” them, staff shall inform them that information is protected and can only be released by an order of the court. Staff shall explain to them that it is the Department’s responsibility as provided for in state and local health codes to investigate these complaints.
    - 1) If permission is granted for the inspection, staff shall thank the person and ask if they would like to accompany them for the inspection. If a household employee (e.g., housekeeper, child sitter, etc.), family member, or tenant, answers the door and appears indifferent about the inspection, staff shall give the person a business card and inform the person they will do an inspection.
    - 2) If permission is **not** granted to conduct the inspection, staff shall explain the importance of the situation and try to convince the person to allow the inspection. If the person still objects to the inspection, staff shall provide the person with a business card and inform them that a supervisor will be contacting them. Staff shall ask for the telephone number where the property owner can be reached.

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- ii) If no one answers the door and the property is open to access, i.e., there is no fence with a closed gate, and there are no "No Trespassing" signs present, without disrupting anything, staff shall ~~may~~ complete the inspection and collect a sample if possible (see below). If the ~~yard is fenced and there is no way to property is not accessible as described above, the area in question,~~ staff shall leave a completed yellow door hanger notice on the front door indicating that ~~they were there onsite representing the Health Department was present onsite to investigating investigate a complaint, and requesting a call from the owner.~~ If there are "No Trespassing" signs staff shall leave a completed yellow door hanger as indicated above. ~~S~~Staff shall leave a completed yellow door hanger, regardless of if an inspection was conducted, requesting the owner/occupant to call if no one was present.
- iii) If the owner/occupant does not call within 3 days, staff shall conduct a second visit to the property. If there is still no response, staff must send a letter to the owner (and occupant if they are different people), requesting to set time to allow an inspection. If there is still no response, staff must consult with the OWTS Program Coordinator to determine next steps.
- ii)iv) If staff cannot obtain access to the property on which the complaint has been made, they may, if possible and accessible take photos or visually inspect and document conditions on the subject property.

- c) Staff shall adhere to the following guidelines in inspecting the property, collecting samples, and recording the results of the investigation.
  - i) Staff shall look for the problem area in and around the OWTS. Problems that are obvious and which can be corrected by an owner or OWTS contractor in a short time are to be communicated immediately to the owner of the property if they are present. Examples include but are not limited to: broken force main, pumping out a tank onto the ground, uncapped stand pipe for a pressure test, collapsed drop boxes, and clogged septic tank inlet and outlet. If possible, staff must collect a sample. A notice of violation ~~can~~ shall be prepared upon returning to the office since the source of unsanitary conditions is easily identified.
  - ii) If suspected wastewater is seeping out of the ground, coming out a pipe, or flowing or ponding in a ditch, staff shall collect a sample of the wastewater for analysis. Samples shall be collected in 100ml regular water sample (non-T) bottles.
    - 1) Staff shall make a sketch, or be able to note on an aerial photograph, of the location where the sample was collected and describe ~~of~~ the location of the sampling point on the green lab form under sampling point. Examples of location descriptions are:
      - a. Water on ground surface over seepage trench/septic tank
      - b. Seepage from toe of mound/at-grade
      - c. Water of unknown source not near septic field
      - d. Water flowing in ditch downstream of pipe
      - e. Water flowing from pipe
      - f. Catch basin
      - g. Clear water sump in basement.
  - iii) The sample must be submitted to the lab on the day it is collected. While in the field, staff shall keep samples in a cooler containing an ice pack.

- iv) Upon returning to the office, staff shall complete the green lab form marked Non-Potable Water and check mark the test for fecal coliform testing. If the system was dyed, the dye test box must be checked. If the wastewater is suspected to be laundry discharge water, the detergent box must be checked.
  - v) Staff shall obtain the Latitude/Longitude coordinates of the location of the sample using Maps Online and write them on the lab form where stated.
  - vi) Staff shall update the electronic case notes accurately describing the investigation, including documenting inspection findings and a summary of any contact with persons involved in the case. Staff must and maintain a methodology, i.e. Outlook, Energy Inspections, to track scheduled inspections so they are completed when due.- It is strongly advised that staff put scheduled dates for follow-up inspections in Outlook so that a reminder will come up when the inspection is due.
  - vii) Staff shall conduct follow-up visits to the property as needed to assure that the owner/occupant is taking as possible measures to prevent sewage from surfacing to the ground, **but in no case shall the time between inspections exceed 6 months.**
- d) Dye Testing Procedure
- i) If dye testing is needed to confirm the source of the suspect wastewater, staff shall explain this to the owner if present. If dye is used and no one is present, staff must indicate that dye was used on the yellow door hanger.
  - ii) Dye testing doesn't have to be done on every site being investigated. The most common situations when dye testing is indicated include:
    - 1) When it isn't clear from what house/building the suspect wastewater is coming, or it isn't clear what fixture or room in a house (i.e., kitchen, basement bathroom, garage bathroom) is the source of the water. Dye one house, or room of a house, at a time. A follow-up inspection should be conducted a day or two after the dye test; several subsequent inspections over a period of a week or so may be needed to attempt to confirm the presence of dye.
    - 2) When the property owner disputes the suspect wastewater isn't from their property.
    - 3) Identifying laundry discharge.
    - 4) When it is requested by the State's Attorney for a court case.
- e) Preparing a Notice of Violation (NOV)
- i) A Notice of Violation (NOV) must be mailed to the property owner and the tenant (if a rental property) when a failing system is confirmed by direct observation [as indicated in Section III (c)(i)] and/or by laboratory analysis. There are two standard NOV formats that are used: Initial and Final. The brochure, Guidelines for Addressing a Failing Septic System, shall also be mailed with the NOV. NOVs shall also contain an outline of corrective actions required for the recipients to follow to correct the failing OWTs.
    - 1) Staff must conduct the first follow-up inspection after the NOV has been issued on, or at least within 7 days of the date stated on the NOV. If the violation still exists, staff must communicate with the property owner and/or tenant to ascertain the reason(s) for the inaction. Common reasons for inaction include requests of additional time, weather conditions, contractor response and/or availability, lack of money, and/or simple assertive non-compliance. If the

owner has not completed required corrective action(s) or has completed only minimal corrective action and the violation is still present, after discussions with an OWTS Specialist and/or OWTS Program Coordinator, staff shall issue a Final Notice of Violation.

2) Staff shall conduct follow-up visits to the property as needed to assure that the owner/occupant is taking as possible measures to prevent sewage from surfacing to the ground, but in no case shall the time between inspections exceed 6 months.

ii) If the owner and/or tenant fail to keep wastewater off the ground surface as required in corrective action, an Administrative Adjudication (AA) Warning may be issued. Continued failure to abate the violation will result in the issuance of an AA Citation and required hearing attendance.

i) If, within the time period stated on the Final Notice of Violation, the failing system violation has not been corrected, then the case is must be referred to the State's Attorney for enforcement (see Section IV). Additional time for correction may be necessary and shall be discussed with the owner. Documentation of all communication with the owner/owner's agent/tenant shall be entered in the case notes.

iii) Periodic inspection of the site and resultant case documentation shall continue when the case has been referred to the State's Attorney's Office (SAO). Requests for additional inspections and samples may be received from the SAO.

#### **IV. REFERRING CASES TO STATE'S ATTORNEYS OFFICE**

To assist in assuring a successful outcome to violations that are escalated to the Circuit Court for prosecution, staff shall adhere to the following procedures when cases are referred to the State's Attorney's Office. Where there is an imminent health hazard, however, immediate action may be sought from the State's Attorney's Office after the issuance of a single Notice of Violation to mitigate or eliminate the hazard.

a) **Notices of Violation:** At least two NOV's shall be issued to the owner and tenant (if applicable) of the property, one of which shall be a Final Notice of Violation. The court complaint will contain the owner's name and the tenant's names and the case file shall contain documentation that all parties have been appropriately notified of the violation and have not complied. A copy of the NOV shall also be mailed to the municipality, if applicable. Case documentation shall be the responsibility of the field practitioner staff, with the assistance of the OWTS Specialist. This case will be reviewed by the OWTS Specialist for completeness before referring the case to the SAO.

b) **Other Documentation:** All pictures, correspondence, and lab result report forms must be attached to the case file for review by a program specialist. The cover sheet shall clearly indicate that personal contact (telephone, in person) with the person against whom the case is being filed has occurred. If contact with the owner or tenant has not been possible, the dates and times that contact was attempted must be documented, as well as the methods of contact that were attempted.

#### **V. PROJECT APPROVALS – ADDITIONAL CRITERIA**

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LCCO Chapter 171, Section 171.065 details the approval conditions required for categories of projects. The following guidelines provide additional clarification not directly addressed in Chapter 171.

a) **Existing Licensed Food Facilities Change of Risk Category:** A change in the risk category of a licensed food facility from a low risk to a medium or high risk is considered a change of use and is subject to review to determine if there will be increased water usage (see definitions §171.021). A change from a medium risk to high risk shall generally not be considered a change of use unless there is a significant change to the food service (e.g., from a medium risk facility that uses only paper/disposables for service to a full service high risk restaurant). Daily design wastewater flow for a facility is determined by adding the wastewater flow values for the specific sources using Chapter 171, Table C.1. For example, a 50 seat restaurant (kitchen and toilet wastes) with a 20 seat bar (patron space) and 10 employees per day shall have a daily wastewater flow of:  $50 \times 35 \text{ gal.} + 20 \times 9 + 10 \times 15 = 2080 \text{ gals/day}$ . Low risk facilities shall use the category “Bars and Cocktail Lounges. Medium risk and high risk restaurants shall use the appropriate restaurant values. If other more specific wastewater flow values not in Table C.1 are identified, these values may be considered in tabulating the daily design flow. In addition, water meter data from similar operating establishments for the past 6 to 12 months may be considered.

b) **Restaurants that have been closed and wish to re-open:**

i) **Re-opening as Same Risk Category**

- 1) Re-opening as the same risk category facility and same daily design wastewater flow stated in the Health Department’s records is permitted providing the record shows no unresolved failing system issues, the system is operable, and all applicable management activities are up to date.
- 2) If Health Department records show that repairs and/or modifications were made to the system, and/or maintenance agreements were established for the satisfactory operation of the system, there must be documented evidence that these improvements corrected the deficiencies in the system. The documentation shall exist over a period of time that would include seasonal variations in business activity (i.e., summer recreational season, major holiday seasons).

ii) **Re-opening as a Higher Risk Category**

- 1) If the re-opened facility will be a higher risk category, it must be determined if this change will result in increased water usage, as addressed in §171.068(C)(2)(a). If there will be no increased water usage, §171.068(B)(1) applies. The daily design wastewater flow shall be determined by using Table C.1. If other references provide flow estimates for more specific sources/uses than provided in Table C.1, these values may be considered in obtaining a daily wastewater estimate. In addition, water meter data from similar operating establishments for the past 6 to 12 months may be considered.

c) **Repair to an OWTS - Pretreatment Tank(s) and Lift Station Capacity**

- i) For the replacement of pretreatment tanks and lift stations, there are situations when the required minimum size tank(s) are impractical/impossible to install. Common situations include but are not limited to: limited site accessibility,



interfering existing improvements, and existing building sewer elevation. In these situations, it is acceptable to install the same size tank as is being replaced without a variance to Chapter 171 being required.

d) **Replacement OWTS**

- i) **Pretreatment Tank and Lift Station Capacity:** For the replacement of pretreatment tanks and lift stations, there are situations when the required minimum size tank(s) are impractical/impossible to install. Common situations include but are not limited to: limited site accessibility, interfering existing improvements, and existing building sewer elevation. In these situations, it is acceptable to install the same size tank as is being replaced when the conditions in §171.067 (B) are met.
- ii) **Approval of System Components not Complying with Setback Distances in Appendix D to Correct a Failing OWTS as Defined in Section 171.021**
  - 1) If site conditions preclude the installation of OWTS components that comply with the setback distance requirements in Appendix D, the replacement OWTS component may be approved at a distance that is equal to or greater than the setback distances measured the existing component that is being replaced. If it is impossible or highly impractical (highly impractical means more than inconvenient; there must be significant cost difference or other issues such as the location of large trees or structures) to design and install a replacement component to meet these setback distances, the replacement component may be designed and installed closer than existing conditions if:
    - a. The Health Officer determines that the location is protective of the health of the public and the natural resources of Lake County;
    - b. Written permission must be granted by the owner that is adversely affected if the component is to be installed closer to a feature (usually a water well) that is on a neighboring property; and
    - c. An additional or improved pre-treatment component is installed to improve the quality of the wastewater.
- iii) **OWTS With Atypical Flow**
  - 1) If a replacement OWTS is proposed for a use that meets the definition of Atypical Wastewater Flow (§171.021), the replacement system must be reviewed in accordance with §171.071 and the fees associated with the review of an OWTS with atypical flow shall be assessed.

VI. **OWTS DESIGN**

- a) **Proposed Multiple OWTS on a Property (Building Site):** If a project proposal includes the installation of multiple OWTSs serving one building, for example a type 4 system **and** a holding tank system, or a single OWTS for each building on the property (building site), the appropriate site plan review fee for each project approval category (each system) in §171.065 shall be assessed.
- b) **Wastewater Flow From Buildings:** All wastewater of similar quality discharged from a residential building or non-residential building shall be discharged to a single OWTS that serves the building.



- c) **Plan Revisions:** An approved site plan may be revised without a fee if the owner is required to make changes to the plan in order to obtain a site development and/or building permit. If, however, the type, size and location of the soil treatment component is changed, the revised system design must be submitted and reviewed in accordance with §171.065, §171.125 and §171.255. The expiration date of the revised plan shall remain the same as the original plan approval.
- d) **Calculating Daily Design Flow For Non-Residential Structures – Appendix C:**
- i) Unlike residential dwellings where the daily design wastewater flow is determined solely by the number of bedrooms in the dwelling, the daily design wastewater flow for non-residential structures is determined by adding together all the wastewater flow values for the specific uses/activities in the structure. For example, a 50 seat restaurant (restaurant and toilet wastes) with a 20 seat bar (patron space) and 10 employees per day shall have a daily design wastewater flow of:  $50 \times 35 \text{ gal.} + 20 \times 9 + 10 \times 15 = 2080 \text{ gals/day}$ . The Health Officer may consider water meter data from currently operating similar facilities in lieu of, or to supplement the values in Appendix C.
- e) **Animal Pen/Washing Wastewater:** The volume of wastewater produced from washing down animal pens or kennels can vary greatly depending on water management practices of the facility. When this water is discharged to an OWTS receiving domestic sewage, even when the OWTS has been increased in size to accommodate the flow, the risk of overloading the system and creating unsanitary conditions as described in Section 171.015 is greatly increased. Examples of this wastewater include but are not limited to, water that is used to wash kennel floors where the solid waste is picked up and discarded offsite, and water used to wash animals in a washing area. A practical and more environmentally sound alternative to handling this wastewater would be to discharge it to a separate sub-surface soil treatment component. To address this situation, the Health Officer shall consider the approval of a property alteration site plan to install an in-ground dispersal system when the proposal clearly and convincingly addresses the treatment and disposal of this type of wastewater. The system shall comply with Appendix D: Minimum Setback Distances.

## **VII. OWTS INSTALLATION INSPECTIONS**

- a) **Scheduling:** Inspections of the construction and/or installation of an OWTS, or component thereof, and the building served shall be conducted by the Health Officer to determine compliance with Chapter 171. Inspection requests must be scheduled no later than 8:00 am of the day the inspection is requested. Unless prior arrangements are made, the earliest time for an inspection is 9:00 am, and the maximum number of inspections that can be scheduled for the same OWTS in a single day is two. No inspections shall be scheduled on Saturdays, Sundays, or Fixed Holidays.
- b) **Reports:** Inspections shall be conducted using the Department's onsite wastewater treatment system current checklist. All relevant items for the inspection must be checked and when completed, initialed, and dated. If an item is unable to be verified it shall be marked UV (unverified). All measurements/dimensions/capacities are to be checked to confirm agreement with the approved site plan. Additional notes, comments, and sketches are to be entered on page two of the checklist.

- c) **House Walkthrough Inspection:** If during a house walk-through inspection, it is discovered that the house contains more bedrooms than depicted on the approved site plan due to the construction of a closet where none was originally proposed, the owner has three options to bring the system size and bedroom count into agreement.
- i) Remove the closet permanently by removing the walls supporting the closet doors;
  - ii) Remove the closet door and all associated hardware and install shelving on the wall;  
or
  - iii) Enlarge all the OWTS components to accommodate the actual number of bedrooms in the house.
- d) **As-Built Plans:** An as-built plan must be submitted by the OWTS Installation Contractor when components are not installed in reasonable agreement with the approved site plan, primarily pretreatment tanks and units, lift stations, conveyance piping, and force mains. The need for the submittal of an as-built plan shall be indicated on the inspection checklist and shall be communicated to the installation contractor. An as-built plan is important since it becomes the site plan of record and will be used for any future project reviews. The following are examples depicting common scenarios when an as-built plan is required:

**Changing Tank Locations (most common)**

(Refer to the drawing below)

Example A - Tanks have been moved to another side of the house/structure.

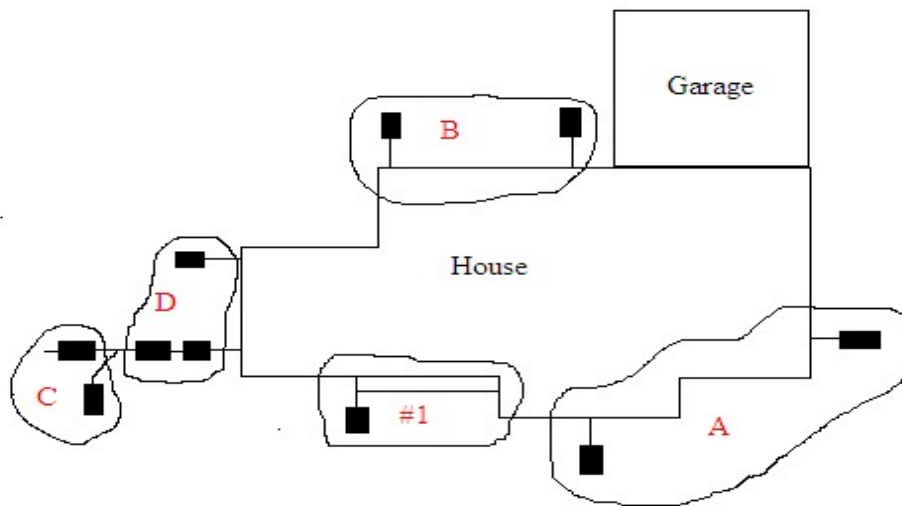
Example B - Tanks have been moved to a different corner of the house but on the same side.

Example C - The lift station has been moved near the soil absorption component when the plan shows it near the septic tank and aerobic unit.

Example D - The plan shows a separate septic tank and aerobic unit but the contractor installed both components as a single unit.

Example #1 - The number of building sewers installed changes.

Other examples are situations when the length, number, or orientation of seepage trenches changes.



### VIII. CONSTRUCTION APPROVAL

- a) **Expired Approvals:** Construction approval (CA) can be extended for 30 days to the original contractor without submittal of an additional fee after expiration (after 120 days) if work on the system has been delayed by weather conditions and/or site and soil conditions making installation impossible. For example, if construction approval is issued in the fall, soil conditions may not be suitable for construction of the system until spring or summer of the following year. To extend approval to construct an OWTS:
  - i) The original contractor must submit a new CA application before starting work on the system. **Approval cannot be extended for a contractor other than the original contractor.**
  - ii) This extended approval will be valid for 30 days beginning on the expiration date of the original approval.
  - iii) Staff shall conduct another site inspection before extending the approval.
  - iv) If, at the end of the 30-day extension, weather or site conditions still preclude the construction of the system, an additional 30-day extension may be granted as described in this section.
- b) **Non-transferable:** Construction approval cannot be transferred from one OWTS Installation Contractor to another. If a property owner decides to have another OWTS Installation Contractor install the system before an active construction approval expires, the new OWTS Contractor must submit a new construction approval application and fee.
- c) **Site Disturbance:** When a site inspection for construction approval reveals that the area of the proposed OWTS has been altered such that is different than the approved site plan, construction approval shall not be granted and the OWTS cannot be constructed. The OWTS Installation Contractor may submit documentation to disprove that the site has been altered and/or submit a proposal for remediation. If the remediation is successful, construction approval may be granted. If the remediation is unsuccessful, the approved site plan shall be revoked in accordance with §171.238.

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d) **Proposed Multiple OWTS on Property (Building Site)**

- i) Only one construction approval and fee are needed if multiple OWTSs are being installed on a property by the same OWTS Installation Contractor. If the systems are being installed by different OWTS installation contractors, separate construction approval shall be required for each system.

X. **OWTS AND SYSTEM COMPONENT MANAGEMENT ACTIVITIES**

a) **OWTS Containing an NSF ANSI Standard Number 40 Pretreatment Unit:** Unless otherwise approved by the Health Officer, an OWTS containing an NSF ANSI Standard Number 40 pretreatment unit that was installed in accordance with a site plan approved before April 1, 1997, is exempt from the management activities required in §171.220.

- i) If an NSF ANSI Standard Number 40 pretreatment unit installed in accordance with a site plan approved before April 1, 1997, is replaced in accordance with §171.069, the owner becomes subject to the management requirements in §171.221(A).
- ii) When the Health Officer learns of a change of owner on a property containing a NSF ANSI Standard Number 40 pretreatment unit subject to the management activities in §171.220, the new owner shall receive educational information informing them of required annual management activities.

b) **Surface Discharging OWTS**

- i) While biannual sampling of a surfacing discharging OWTS is required, it is not mandated that sampling be conducted by the Health Officer. Property owners have the option of conducting sampling after consultation with the Health Officer or contracting for services with an appropriately qualified individual to conduct the sampling.
- ii) Sampling by the Health Officer is typically conducted during the months of March through December. Inspection/sampling and laboratory analyses fees are assessed in accordance with Chapter 178. Most surface discharging systems serve year-round occupied homes and are therefore sampled two times per year. Seasonal residences served by surface discharging systems are sampled one time per year. The sampling events are to be used as educational opportunities for the owners regarding the use and management of their system when the owner is present.
  - 1) **Lack of Flow for Sample Collection for Year-Round Occupied Homes** - When a sample cannot be collected for four (4) consecutive inspection/sampling events (two years) due to absence of effluent flow because an upstream soil absorption component is absorbing all the flow discharged to it, the inspection/sampling frequency may be reduced to one time per year. The appropriate one time per year inspection/sampling fee shall apply.
  - 2) **Return of Flow in System** – If the effluent flow of a system that had the inspection/sampling frequency reduced because of the conditions described in (a) above returns for two consecutive inspection/sampling events (two years), the inspection /sampling frequency shall return to two times per year and the appropriate inspection/sampling fee shall apply.
- iii) Prior to collecting a sample for fecal coliform analyses, the effluent shall be tested to confirm that chlorine is present. If residual chlorine is present and is estimated to be less than 50mg/l, samples for Biological Oxygen Demand (BOD), Total Suspended

Solids (TSS), and Fecal Coliform (FC) may be collected. If residual chlorine is not present, or is estimated to be greater than 50mg/l, the following actions shall occur:

- 1) **Chlorine not present** - an Administrative Adjudication Warning shall be issued to the owner of the property. The owner shall be given 14 days to assure that chlorine is properly being dispensed to the effluent and that the chlorinator has been replenished with the appropriate chlorine tablets. Samples for BOD and TSS shall be collected, if possible. A reinspection shall occur after 14 days for confirmation that the chlorinator contains tablets, and that chlorine residual is present in the effluent. If chlorine residual is present and is estimated to be less than 50mg/l a sample for FC analyses shall be collected. If chlorine residual is not present, an Administrative Adjudication Ticket shall be issued, and the owner shall be required to attend a hearing.
  - 2) **Chlorine Concentration Greater Than 50mg/l** – If the chlorine residual in the effluent is estimated to be greater than 50 mg/l, laboratory analyses for BOD is not possible. Correction of this situation is discussed with the owner and a re-sampling date is scheduled.
- iv) If at the time of sampling, it is observed that the aerobic treatment unit is not operating, collection of effluent samples shall not be conducted. An Administrative Adjudication (AA) Warning shall be issued to the owner of the property. The owner shall be given 14 days to get the aerobic unit operating. A reinspection shall occur after 14 days for confirmation that the aerobic unit is operating and for collection of samples. If the aerobic unit is not operating at the follow-up inspection, the owner shall be issued an Administrative Adjudication Citation and be required to attend an administrative hearing. Attendance at the hearing may be waived if the owner has complied with the corrective action stated in the AA Warning prior to the hearing.
- v) The target sampling times for staff are: first sampling in March, April, and May; second sampling in September, October, and November.
- vi) Sampling must be scheduled with the laboratory using the Outlook calendar provided by the laboratory. If staff are unable to collect the number of samples they signed up for, they must call the laboratory prior to returning to the office so the lab can reduce their sample analyses preparation accordingly. Collection of a sample for only fecal coliform analyses does not have to be scheduled. Detailed sampling procedures for staff are located in the OWTS Program training materials.