

SENATE BILL NO. 523

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

1891S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal sections 701.040 and 701.046, RSMo, and to enact in lieu thereof two new sections relating to sewage regulation.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 701.040 and 701.046, RSMo, are
2 repealed and two new sections enacted in lieu thereof, to be
3 known as sections 701.040 and 701.046, to read as follows:

701.040. [1.] The department of health and senior
2 services shall:

3 (1) Develop by September 1, 1995, a state standard for
4 the location, size of sewage tanks and length of lateral
5 lines based on the [percolation or permeability rate of the]
6 soil **properties**, construction, installation, and operation
7 of on-site sewage disposal systems. Advice from the
8 department of natural resources shall be considered. City
9 or county governments may adopt, by order or ordinance, the
10 state standard in accordance with the provisions of sections
11 701.025 to 701.059. In any jurisdiction where a city or
12 county has not adopted the state standard, the department of
13 health and senior services shall enforce the state standard
14 until such time as the city or county adopts the standard;

15 (2) Define by rule a list of [those persons who are
16 qualified to perform the percolation tests or] **onsite soil**
17 **evaluators registered by the department to conduct soils**

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 morphology [tests] **evaluations** required by the state
19 standard. The list shall include the following:

20 (a) Persons trained and certified by either the
21 department, which shall include on-site sewage disposal
22 system contractors or a certified agent of the department;

23 (b) Licensed engineers as defined in section 327.011;

24 (c) Sanitarians meeting standards defined by the
25 department;

26 (d) Qualified geologists as defined in section
27 256.501; and

28 (e) "Soil scientists", defined as a person that has
29 successfully completed at least fifteen semester credit
30 hours of soils science course work, including at least three
31 hours of course work in soil morphology and interpretations;

32 (3) Develop in accordance with sections 701.053 to
33 701.055 a voluntary registration program for on-site sewage
34 disposal system contractors. Approved county programs shall
35 implement the contractor registration program. In any area
36 where a county has not adopted, by order or ordinance, the
37 contractor registration program, the department shall
38 implement the program until such time as the county adopts
39 the registration program;

40 (4) Establish an education training program
41 specifically developed for contractors and city and county
42 employees. [Contractors may be taught and allowed to
43 perform percolation tests.] Reasonable fees may be charged
44 of the participants to cover the cost of the training and
45 shall be deposited in the public health services fund
46 created in section 192.900. The department shall provide,
47 as a part of the education training program, an installation
48 manual for on-site sewage disposal systems. The manual
49 shall also be made available, at the cost of publication and

50 distribution, to persons not participating in the education
51 and training program;

52 (5) [Periodically review, but not more than annually,
53 any county's or city's ordinance or order and enforcement
54 record to assure that the state standard is being
55 consistently and appropriately enforced. In its review the
56 department shall assess the timeliness of the county's or
57 city's inspections of on-site sewage systems, and county or
58 city enforcement may be terminated if the department
59 determines that the county or city is unable to provide
60 prompt inspections. If the department determines that the
61 standard is not being consistently or appropriately enforced
62 in any city or county, the department shall notify the
63 county or city of the department's intent to enforce the
64 standard in that jurisdiction and after thirty days' notice
65 hold a public hearing in such county or city to make a
66 determination as to whether the state shall enforce the
67 state standard. Any city or county aggrieved by a decision
68 of the department may appeal a decision of the department to
69 the state board of health and senior services established
70 under section 191.400. Any city or county aggrieved by a
71 decision of the state board of health and senior services
72 may appeal that decision to the administrative hearing
73 commission in the manner provided in section 621.120]

74 **Administer in accordance with sections 701.025 to 701.059 a**
75 **mandatory registration program requiring continuing**
76 **education until January 1, 2024, for onsite wastewater**
77 **treatment system professionals qualified to perform**
78 **percolation tests in accordance with the standards**
79 **promulgated pursuant to subdivision (1) of subsection 1 of**
80 **this section. If a soil morphology evaluation cannot be**
81 **reasonably obtained, a percolation test may be accepted, at**

82 **the discretion of the administrative authority until January**
83 **1, 2024. The provisions of this subdivision shall be void**
84 **and of no effect as of January 1, 2024; and**

85 (6) Promulgate such rules and regulations as are
86 necessary to carry out the provisions of sections 701.025 to
87 701.059.

88 [2. Subdivision (5) of this section shall be void and
89 of no effect after January 1, 1998.]

701.046. Except as otherwise provided in section
2 701.031, no person may, on or after September 1, 1995,
3 construct or make a major modification or major repair to an
4 on-site sewage disposal system without first notifying the
5 city, county or department and completing an application,
6 upon a form provided by the department, [and] submitting [a]
7 **an application** fee in the amount established by the city,
8 county or department, **and obtaining a construction permit.**

9 [The fee shall be set at an amount no greater than that
10 necessary to cover the cost to implement the state standard
11 for on-site sewage disposal systems and the registration of
12 contractors.] For areas of the state where the department
13 is enforcing the state standard or registering contractors,
14 the department shall [establish the fee, by rule, at an
15 amount not greater than ninety dollars. The department may
16 charge an additional fee, as necessary, to cover the
17 expenses of training those contractors electing to perform
18 the percolation tests] **promulgate regulations establishing**
19 **the conditions and requirements for the construction permit**
20 **application including the collection of reasonable fees.**
21 **The fees shall be set at a level to produce revenue that**
22 **shall not exceed the cost and expense of administering the**
23 **provisions of sections 701.025 to 701.059.** The application
24 form shall require such information necessary to show that

25 the on-site sewage disposal system will comply with the
26 state standard. Such fees, when collected by the
27 department, shall be deposited in the state treasury to the
28 credit of the Missouri public health services fund. The
29 department shall provide technical assistance regarding the
30 type and location of the system to be installed when
31 processing applications received under sections 701.046 to
32 701.048 and 701.050. Fees collected by the department shall
33 be deposited in the Missouri public health services fund
34 created in section 192.900 and shall be used to implement
35 sections 701.025 to 701.059 and for no other purpose.

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