

By: Representative Mayo

To: Conservation and Water
Resources; Public Health and
Human ServicesHOUSE BILL NO. 105
(As Sent to Governor)

1 AN ACT TO REENACT SECTIONS 41-67-1 THROUGH 41-67-29 AND
2 41-67-33 THROUGH 41-67-39, MISSISSIPPI CODE OF 1972, WHICH ARE THE
3 MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEM LAW; TO
4 AMEND REENACTED SECTION 41-67-2, MISSISSIPPI CODE OF 1972, TO
5 REVISE CERTAIN DEFINITIONS AND ADD CERTAIN DEFINITIONS; TO AMEND
6 REENACTED SECTION 41-67-3, MISSISSIPPI CODE OF 1972, TO DELETE
7 CERTAIN PROVISIONS OF LAW REGARDING CERTIFIED PROFESSIONAL
8 EVALUATORS' DOCUMENTATION AND APPROVAL FROM THE DEPARTMENT OF
9 HEALTH WHEN DESIGNING A DESIGN-BASED SYSTEM; TO PROVIDE THAT NO
10 FEE SHALL BE CHARGED TO A HOMEOWNER FOR TRAINING TO ASSIST THE
11 HOMEOWNER IN MAINTAINING THE HOMEOWNER'S SYSTEM; TO AMEND
12 REENACTED SECTION 41-67-6, MISSISSIPPI CODE OF 1972, TO ALLOW
13 HOMEOWNERS TO APPLY FOR A VARIANCE FROM THE DEPARTMENT OF HEALTH
14 BY ISSUING A CERTAIN REPORT AND PROOF OF ERRORS AND OMISSIONS
15 INSURANCE; TO REQUIRE THE INSTALLER OR CERTIFIED PROFESSIONAL
16 EVALUATOR TO NOTIFY THE DEPARTMENT OF HEALTH AT LEAST TWENTY-FOUR
17 HOURS BEFORE BEGINNING CONSTRUCTION OF A SYSTEM; TO ALLOW AN
18 INSTALLER TO COVER HIS WORK WITH SOIL OR OTHER SURFACE MATERIAL IF
19 A HEALTH INSPECTOR DOES NOT ARRIVE FOR INSPECTION AFTER
20 TWENTY-FOUR HOURS FROM NOTIFICATION AND TO REQUIRE THE INSTALLER
21 TO SUBMIT AN AFFIDAVIT OF PROPER INSTALLATION TO THE DEPARTMENT
22 FOR FINAL APPROVAL IF SUCH OCCURS; TO REVISE THE PROVISIONS OF LAW
23 REGARDING THE GRANDFATHERING OF SYSTEMS EXISTING ON JULY 1, 2008;
24 TO EXEMPT LOTS OF A CERTAIN ACREAGE FROM THE REQUIREMENTS RELATING
25 TO APPROVAL OF INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS BY
26 THE DEPARTMENT, PROVIDED THAT CERTAIN CONDITIONS ARE MET; TO AMEND
27 REENACTED SECTION 41-67-10, MISSISSIPPI CODE OF 1972, TO DELETE
28 CERTAIN PROVISIONS OF LAW REGARDING THE DEPARTMENT'S ON-SITE
29 MAINTENANCE TRAINING PROGRAM; TO AMEND REENACTED SECTION 41-67-25,
30 MISSISSIPPI CODE OF 1972, TO REQUIRE THE DEPARTMENT OF HEALTH TO
31 PROVIDE FOR RENEWAL INSTALLER CERTIFICATIONS TO BE APPLIED FOR AT
32 THE LOCAL DEPARTMENT OFFICES; TO PROVIDE THAT THE ANNUAL FEE FOR
33 INSTALLER CERTIFICATIONS SHALL NOT BE MORE THAN FIFTY DOLLARS; TO
34 AMEND REENACTED SECTION 41-67-35, MISSISSIPPI CODE OF 1972, TO
35 PROVIDE THAT A PERSON MAY OPERATE AS A CERTIFIED MAINTENANCE
36 PROVIDER IF HE IS A CERTIFIED INSTALLER; TO AMEND REENACTED
37 SECTION 41-67-37, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A
38 PERSON MAY OPERATE AS A CERTIFIED PROFESSIONAL EVALUATOR IF HE IS
39 A REGISTERED PROFESSIONAL ENGINEER; TO AMEND REENACTED SECTION
40 41-67-39, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE DEPARTMENT
41 OF HEALTH MAY SUSPEND OR REVOKE A PUMPER'S CERTIFICATION IF THE
42 PUMPER DUMPS OR DISPOSES OF SEPTAGE OR OTHER LIQUID WASTE IN AN
43 UNPERMITTED OR UNAPPROVED SITE; TO ALLOW MUNICIPAL WASTEWATER
44 TREATMENT FACILITIES TO MAKE A SITE AVAILABLE FOR CERTIFIED
45 PUMPERS TO DISPOSE OF SEPTIC OR OTHER LIQUID WASTE; TO REQUIRE THE
46 DEPARTMENT OF HEALTH TO PROVIDE FOR RENEWAL PUMPER CERTIFICATIONS



47 TO BE APPLIED FOR AND GRANTED AT THE LOCAL DEPARTMENT OFFICES; TO
48 CREATE A NEW SECTION OF LAW TO CREATE THE WASTEWATER ADVISORY
49 BOARD FOR THE PURPOSE OF ADVISING THE DEPARTMENT OF HEALTH
50 REGARDING INDIVIDUAL ON-SITE WASTEWATER DISPOSAL SYSTEMS; TO
51 PROVIDE FOR THE COMPOSITION OF THE BOARD; TO AMEND SECTION
52 41-67-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE
53 REPEALER ON THE MISSISSIPPI INDIVIDUAL ON-SITE WASTEWATER DISPOSAL
54 SYSTEM LAW; AND FOR RELATED PURPOSES.

55 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

56 **SECTION 1.** Section 41-67-1, Mississippi Code of 1972, is
57 reenacted as follows:

58 41-67-1. (1) This chapter shall be known and may be cited
59 as the "Mississippi Individual On-Site Wastewater Disposal System
60 Law."

61 (2) It is the purpose of the Legislature through this
62 chapter to protect human health and the environment while
63 providing for reasonable use of individual on-site wastewater
64 disposal systems. The Legislature finds that continued
65 installation and operation of individual on-site wastewater
66 disposal systems in a faulty or improper manner, in a manner that
67 lacks essential maintenance for the system, or in areas where
68 unsuitable soil and population density adversely affect the
69 efficiency and functioning of these systems, has a detrimental
70 effect on the public health and welfare and the environment
71 through contamination of land, groundwater and surface waters.
72 The Legislature, therefore, expresses a general preference for the
73 installation and operation of centralized sewerage systems in
74 Mississippi, where feasible. The Legislature recognizes, however,
75 that individual on-site wastewater treatment and disposal systems
76 help meet the needs of the state's citizens, especially in rural
77 locations, and can be rendered ecologically safe and protective of
78 the public health if the systems are designed, installed,
79 constructed, maintained and operated properly. It is the intent
80 of the Legislature to allow the continued installation, use and
81 maintenance of individual on-site wastewater disposal systems in a



82 manner that will not jeopardize public health and welfare or the
83 environment.

84 **SECTION 2.** Section 41-67-2, Mississippi Code of 1972, is
85 reenacted and amended as follows:

86 41-67-2. For purposes of this chapter, the following words
87 shall have the meanings ascribed herein unless the context clearly
88 indicates otherwise:

89 (a) "Advanced treatment system" means individual
90 on-site wastewater treatment systems that comply with Section
91 47-67-10.

92 (b) "Alternative system" means any on-site sewage
93 treatment and disposal system used in lieu of a conventional
94 system.

95 (c) "Board" means the Mississippi State Board of
96 Health.

97 (d) "Centralized sewerage system" means pipelines or
98 conduits, pumping stations, force mains, and all other
99 construction, devices and appliances appurtenant thereto, used for
100 the collection and conveyance of sewage to a treatment works or
101 point of ultimate disposal other than an individual on-site
102 wastewater disposal system.

103 (e) "Certified installer" means any person who has met
104 the requirements of Section 41-67-25.

105 (f) "Certified manufacturer" means any person
106 registered with the department who holds a written certification
107 issued by the department allowing the manufacturer to sell on-site
108 wastewater products in the state.

109 (g) "Certified professional evaluator" means any person
110 who has met the requirements of Section 41-67-37 or a registered
111 professional engineer.

112 (h) "Certified pumper" means any person registered with
113 the department who holds a written certification issued by the



114 department allowing the person to engage in the removal and
115 disposal of sludge, grease and waste.

116 (i) "Conventional system" means an individual on-site
117 wastewater disposal system consisting of a septic tank and * * *
118 subsurface disposal field.

119 (j) "Department" means the Mississippi State Department
120 of Health.

121 (k) "Final approval" means a determination by the
122 department that the system being inspected by the department
123 fulfills all requirements under this act.

124 (l) "Generator" means any person whose act or process
125 produces sewage or other material suitable for disposal in an
126 individual on-site wastewater disposal system.

127 (m) "Individual on-site wastewater disposal system"
128 means a sewage treatment and effluent disposal system that does
129 not discharge into waters of the state, that serves only one (1)
130 legal tract, that accepts only residential waste and similar waste
131 streams maintained on the property of the generator, and that is
132 designed and installed in accordance with this law and regulations
133 of the board.

134 (n) "Notice of intent" means notification by an
135 applicant to the department prior to construction and submission
136 of all required information, which is used by the department to
137 design an individual on-site wastewater disposal system.

138 (o) "Performance-based system" means an individual
139 on-site wastewater disposal system designed to meet standards
140 established to designate a level of treatment of wastewater that
141 an individual on-site wastewater disposal system must meet,
142 including, but not limited to, biochemical oxygen demand, total
143 suspended solids, nutrient reduction and fecal coliform.

144 (p) "Person" means any individual, trust, firm,
145 joint-stock company, public or private corporation (including a
146 government corporation), partnership, association, state, or any



147 agency or institution thereof, municipality, commission, political
148 subdivision of a state or any interstate body, and includes any
149 officer or governing or managing body of any municipality,
150 political subdivision, or the United States or any officer or
151 employee thereof.

152 (q) "Property of the generator" means land owned by or
153 under permanent legal easement or lease to the generator.

154 (r) "Qualified homeowner" means the current owner of a
155 specific residence where that homeowner resides and where the
156 homeowner has met the requirements of the Department of Health
157 regulations.

158 (s) "Registered professional engineer" means any person
159 who has met the requirements under Section 73-13-23(1) and who has
160 been issued a certificate of registration as a professional
161 engineer.

162 (t) "Subdivision" means any tract or combination of
163 adjacent tracts of land that is subdivided into ten (10) or more
164 tracts, sites or parcels for the purpose of commercial or
165 residential development.

166 **SECTION 3.** Section 41-67-3, Mississippi Code of 1972, is
167 reenacted and amended as follows:

168 41-67-3. (1) The State Board of Health shall have the
169 following duties and responsibilities:

170 (a) To exercise general supervision over the design,
171 construction, operation and maintenance of individual on-site
172 wastewater disposal systems;

173 (b) To adopt, modify, repeal and promulgate rules and
174 regulations, after due notice and hearing, and where not otherwise
175 prohibited by federal or state law, to make exceptions to, to
176 grant exemptions from and to enforce rules and regulations
177 implementing or effectuating the duties of the board under this
178 chapter to protect the public health. The board may grant
179 variances from rules and regulations adopted under this chapter,



180 including requirements for buffer zones, or from setbacks required
181 under Section 41-67-7 where the granting of a variance shall not
182 subject the public to unreasonable health risks or jeopardize
183 environmental resources;

184 (c) To provide or deny certification for persons
185 engaging in the business of the design, construction or
186 installation of individual on-site wastewater disposal systems and
187 persons engaging in the removal and disposal of the sludge and
188 liquid waste from those systems;

189 (d) To suspend or revoke certifications issued to
190 persons engaging in the business of the design, construction or
191 installation of individual on-site wastewater disposal systems or
192 persons engaging in the removal and disposal of the sludge and
193 liquid waste from those systems, when it is determined the person
194 has violated this chapter or applicable rules and regulations;

195 (e) To require the submission of information deemed
196 necessary by the department to determine the suitability of
197 individual lots for individual on-site wastewater disposal
198 systems; and

199 (f) To adopt, modify, repeal and promulgate rules and
200 regulations, after due notice and hearing, and where not otherwise
201 prohibited by federal or state law, as necessary to determine the
202 suitability of individual on-site wastewater disposal systems in
203 subdivisions.

204 (2) Nothing in this chapter shall preclude a certified
205 professional evaluator or registered professional engineer from
206 providing services relating to the design of an individual on-site
207 wastewater disposal system to comply with this chapter, except for
208 performance-based systems as specified in subsection (4) of this
209 section. A certified professional evaluator or registered
210 professional engineer shall notify the department in writing of
211 those services being provided, including the type of treatment,
212 the type of disposal, and the property address for the treatment



213 and disposal system. Construction or installation shall not begin
214 prior to authorization by the department. The department shall
215 respond within ten (10) business days with authorization that the
216 certified professional engineer or registered professional
217 engineer fulfills the requirements of the law.

218 (3) To assure the effective and efficient administration of
219 this chapter, the board shall adopt rules governing the design,
220 construction or installation, operation and maintenance of
221 individual on-site wastewater disposal systems, including rules
222 concerning the:

223 (a) Review and approval of individual on-site
224 wastewater disposal systems in accordance with Section 41-67-6;

225 (b) Certification of installers of individual on-site
226 wastewater disposal systems and persons engaging in the removal
227 and disposal of the sludge and liquid waste from those systems;

228 (c) Registration and requirements for testing and
229 listing of manufacturers of advanced treatment systems;

230 * * *

231 (d) Certification of certified professional evaluators;
232 and

233 (e) Creation of regulations that authorize the original
234 and any subsequent homeowner to be trained by factory installers
235 or other factory representatives in order to educate the homeowner
236 with the necessary knowledge to provide maintenance to the
237 homeowner's system; no fees shall be charged to the homeowner for
238 such training, thus allowing the homeowner to meet the
239 requirements of Section 41-67-6(8).

240 (4) In addition, the board shall adopt rules establishing
241 performance standards for individual on-site wastewater disposal
242 systems for single family residential generators and rules
243 concerning the operation and maintenance of individual on-site
244 wastewater disposal systems designed to meet those standards. The
245 performance standards shall be consistent with the federal Clean



246 Water Act, maintaining the wastes on the property of the generator
247 and protection of the public health. Rules for the operation and
248 maintenance of individual on-site wastewater disposal systems
249 designed to meet performance standards shall include rules
250 concerning the following:

251 (a) A standard application form and requirements for
252 supporting documentation;

253 (b) Application review;

254 (c) Approval or denial of authorization for proposed
255 systems;

256 (d) Requirements, as deemed appropriate by the board,
257 for annual renewal of authorization;

258 (e) Enforcement of the requirements and conditions of
259 authorization; and

260 (f) Inspection, monitoring, sampling and reporting on
261 the performance of the system.

262 Any system proposed for authorization in accordance with
263 performance standards must be designed and certified by a
264 professional engineer registered in the State of Mississippi * * *
265 and must be authorized by the board before installation.

266 (5) To the extent practicable, all rules and regulations
267 adopted under this chapter shall give maximum flexibility to
268 persons installing individual on-site wastewater disposal systems
269 and a maximum number of options consistent with the federal Clean
270 Water Act, consistent with maintaining the wastes on the property
271 of the generator and consistent with protection of the public
272 health. In addition, all rules and regulations, to the extent
273 practicable, shall encourage the use of economically feasible
274 systems, including alternative techniques and technologies for
275 individual on-site wastewater disposal.

276 (6) All regulations shall be applied uniformly in all areas
277 of the state and shall take into consideration and make provision



278 for different types of soil in the state when performing soil and
279 site evaluations.

280 (7) No public utility supplying water shall make connection
281 to any dwelling house, mobile home or residence without the prior
282 written approval of the department certifying that the plan for
283 the sewage treatment and disposal system at the location of the
284 property complies with this chapter. Temporary connections of
285 water utilities may be made during construction if the department
286 has approved a plan for a sewage treatment and disposal system and
287 the owner of the property has agreed to have the system inspected
288 and approved by the department before the use or occupancy of the
289 property.

290 **SECTION 4.** Section 41-67-4, Mississippi Code of 1972, is
291 reenacted as follows:

292 41-67-4. (1) The board shall determine the feasibility of
293 establishing community sewerage systems upon the submission by the
294 developer of a preliminary design and feasibility study prepared
295 by a professional engineer. The developer may request and obtain
296 a hearing before the board if the developer is dissatisfied with
297 the board's determination of feasibility. The determination that
298 a sewerage system must be established shall be made without regard
299 to whether the establishment of a sewerage system is authorized by
300 law or is subject to approval by one or more state or local
301 government or public bodies. Whenever a developer requests a
302 determination of feasibility, the board must make the
303 determination within forty-five (45) days after receipt of the
304 preliminary design and feasibility study from the developer. The
305 board shall state in writing the reasons for its determination.
306 If the board does not make a determination within forty-five (45)
307 days, all sites within the subdivision shall be approved, if a
308 certified installer attests that each site can be adequately
309 served by an individual on-site wastewater disposal system.



310 (2) Where residential subdivisions are proposed which are
311 composed of fewer than thirty-five (35) building sites, and no
312 system of sanitary sewers is available to which collection sewers
313 may be feasibly connected, the board may waive the requirement for
314 a feasibility study. If the feasibility study is waived, all
315 sites within the subdivision shall be approved, if a certified
316 installer attests that each site can be adequately served by an
317 individual on-site wastewater disposal system.

318 (3) No feasibility study or community sewerage system shall
319 be required for subdivisions designed, laid out, platted or
320 partially constructed before July 1, 1988, or for any subdivision
321 that was platted and recorded during the period from July 1, 1995,
322 through June 30, 1996.

323 **SECTION 5.** Section 41-67-5, Mississippi Code of 1972, is
324 reenacted as follows:

325 41-67-5. (1) No owner, lessee or developer shall construct
326 or place any mobile, modular or permanently constructed residence,
327 building or facility, which may require the installation of an
328 individual on-site wastewater disposal system, without having
329 first submitted a notice of intent to the department. Upon
330 receipt of a notice of intent, the department shall provide the
331 owner, lessee or developer with complete information on individual
332 on-site wastewater disposal systems, including, but not limited
333 to, applicable rules and regulations regarding the design,
334 construction, installation, operation and maintenance of
335 individual on-site wastewater disposal systems and known
336 requirements of lending institutions for approval of the systems.

337 (2) No temporary or permanent water service connection shall
338 be provided to any mobile, modular or permanently constructed
339 residence, building or facility unless the owner, lessee or
340 developer shows proof of the submission of the notice of intent
341 required by this section.



342 (3) The department shall furnish to the county tax assessor
343 or collector, upon request, the name and address of the person
344 submitting a notice of intent and the section, township and range
345 of the lot or tract of land on which the individual on-site
346 wastewater disposal system will be installed.

347 **SECTION 6.** Section 41-67-6, Mississippi Code of 1972, is
348 reenacted and amended as follows:

349 41-67-6. (1) Within five (5) working days following receipt
350 of the notice of intent and plot plan by an owner, lessee or
351 developer of any lot or tract of land, the department shall
352 conduct a soil and site evaluation, except in cases where a
353 certified professional evaluator or registered professional
354 engineer provides services relating to the design, construction or
355 installation of an individual on-site wastewater disposal system
356 to comply with this chapter. Within ten (10) additional working
357 days, the department shall make recommendations to the owner,
358 lessee or developer of the type or types of individual on-site
359 wastewater disposal systems suitable for installation on the lot
360 or tract, unless there are conditions requiring further
361 investigation that are revealed in the initial evaluation. In
362 making recommendations on the type or types of individual on-site
363 wastewater disposal systems suitable for installation on a lot or
364 tract, personnel of the department shall use best professional
365 judgment based on rules and regulations adopted by the board,
366 considering the type or types of systems which are installed and
367 functioning on lots or tracts near the subject lot or tract. To
368 the extent practicable, the recommendations shall give the owner,
369 lessee or developer maximum flexibility and a maximum number of
370 options consistent with the federal Clean Water Act, consistent
371 with maintaining the wastes on the property of the generator and
372 consistent with protection of the public health. The system or
373 systems recommended shall be environmentally sound and
374 cost-effective. The department or a certified professional



375 evaluator shall provide complete information, including all
376 applicable requirements and regulations on all systems
377 recommended. The owner, lessee or developer shall have the right
378 to choose among systems. The department shall provide the owner,
379 lessee or developer with a form that specifies all types of
380 individual on-site wastewater disposal systems that are suitable
381 for installation on the lot or tract and lists all installers of
382 those systems that are certified by the department. Approval of
383 the design, construction or installation of an individual on-site
384 wastewater disposal system by the department is required, except
385 as otherwise provided in subsection (9) of this section. Upon
386 completion of installation of the system, the department shall
387 approve the design, construction or installation of that system,
388 as requested, if the system is designed, constructed and
389 installed, as the case may be, in accordance with the rules and
390 regulations of the board. Whenever a person requests approval of
391 an individual on-site wastewater disposal system and has met the
392 requirements in subsection (7), the department must approve or
393 disapprove the request within five (5) working days. If the
394 department disapproves the request, the department shall state in
395 writing the reasons for the disapproval. Homeowners may apply for
396 a variance from the department by submitting a report for a
397 proposed system to the department from a certified professional
398 evaluator or registered professional engineer that the proposed
399 wastewater treatment system will properly treat and maintain
400 wastewater on the property and proof of errors and omissions
401 insurance. The department shall grant the variance but still have
402 authority for final approval to inspect that the system is
403 installed as designed. All forms from the department relating to
404 allowed wastewater systems shall include the variance option as an
405 alternative. If the department does not respond to the request
406 within ten (10) calendar days, the request for approval of the



407 individual on-site wastewater disposal system shall be deemed
408 approved.

409 (2) Within thirty (30) days of receipt of a request for
410 determination of suitability of individual on-site wastewater
411 disposal systems in a subdivision, the department shall advise the
412 developer in writing either that all necessary information needed
413 for determination of suitability has been received or state the
414 additional information needed by the department for determination
415 of suitability.

416 (3) Whenever a developer requests a determination of
417 suitability of individual on-site wastewater disposal systems in a
418 subdivision, the department must make the determination within
419 forty-five (45) days after receipt of all necessary information
420 needed for the determination of suitability from the developer.
421 The department shall state in writing the reasons for its
422 determination.

423 (4) (a) The installer or certified professional evaluator
424 shall notify the department at least twenty-four (24) hours before
425 beginning construction of an individual on-site wastewater
426 disposal system and, at that time, schedule a time for inspection
427 of the system with the appropriate county department of health.

428 (b) An installer shall not cover his work with soil or
429 other surface material unless the installer has received
430 authorization to cover the system after an inspection by a county
431 department of health inspector, or unless a health inspector does
432 not arrive for inspection after twenty-four (24) hours from the
433 notification to the department beginning construction, in which
434 case, an installer may submit an affidavit of proper installation
435 to the department for final approval.

436 (5) A person may not design, construct or install, or cause
437 to be designed, constructed or installed an individual on-site
438 wastewater disposal system that does not comply with this chapter
439 and rules and regulations of the board.



440 (6) If any person or contractor fails to obtain final
441 approval or submit an affidavit of proper installation to the
442 department in the installation of the system, the board, after due
443 notice and hearing, may levy an administrative fine not to exceed
444 Ten Thousand Dollars (\$10,000.00). Each wastewater system
445 installed not in compliance with this chapter or applicable rules
446 and regulations of the board may be considered a separate offense.

447 (7) After construction or installation of the individual
448 on-site wastewater disposal system, the property owner or his
449 agent shall provide a final approval request containing the
450 following to the department:

451 (a) A signed affidavit from the installer or certified
452 professional evaluator and any additional required documentation
453 that the system was installed in compliance with all requirements,
454 regulations and permit conditions applicable to the system
455 installed; and

456 (b) For any advanced treatment system, an affidavit
457 from the property owner agreeing to a continuing maintenance
458 agreement on the installed system at the end of the required
459 manufacturer's maintenance agreement.

460 (8) The property owner shall keep a continuing maintenance
461 agreement with a certified installer or qualified homeowner on all
462 advanced treatment systems in perpetuity.

463 (a) All systems existing on July 1, 2008, shall be
464 grandfathered in until the system is reapproved * * * or the
465 system is replaced * * *.

466 (b) Any person violating this subsection shall be
467 subject to the penalties and damages as provided in Section
468 41-67-28(5).

469 (9) Any lot or tract that is two (2) acres or larger shall
470 be exempt from the requirements of this chapter and regulations of
471 the department relating to approval of individual on-site
472 wastewater disposal systems by the department, provided that:



473 (a) All wastewater is contained on the lot or tract;
474 (b) No water course, as defined in Section 51-3-3(h),
475 of Mississippi or the United States is impacted; and
476 (c) A certified installer provides the department with
477 a signed affidavit attesting that the requirements of paragraphs
478 (a) and (b) are met.

479 **SECTION 7.** Section 41-67-7, Mississippi Code of 1972, is
480 reenacted as follows:

481 41-67-7. Individual on-site wastewater disposal systems
482 shall be considered acceptable on lots in areas or subdivisions
483 where prior to the sale of the lots, the following requirements
484 are met:

485 (1) Individual on-site wastewater disposal systems with
486 underground absorption fields shall be considered acceptable,
487 provided the following requirements are met:

488 (a) Sewers are not available or feasible;

489 (b) The existing disposal systems in the area are
490 functioning satisfactorily;

491 (c) Soil types, soil texture, seasonal water tables and
492 other limiting factors are satisfactory for underground
493 absorption; and

494 (d) Any private water supply is located at a higher
495 elevation or it must be properly protected and at least fifty (50)
496 feet from the individual on-site wastewater disposal system and at
497 least one hundred (100) feet from the disposal field of the
498 system.

499 (2) Except for systems utilizing underground absorption,
500 alternative individual on-site wastewater disposal systems shall
501 be considered acceptable, provided the following requirements are
502 met:

503 (a) Sewers are not available or feasible; and



504 (b) The systems meet applicable water quality
505 requirements of the federal Clean Water Act and also requirements
506 of the board and department.

507 **SECTION 8.** Section 41-67-9, Mississippi Code of 1972, is
508 reenacted as follows:

509 41-67-9. (1) Existing individual on-site wastewater
510 disposal systems shall be considered acceptable, provided the
511 following requirements are met:

512 (a) The lot is located in an area or subdivision where
513 individual on-site wastewater disposal systems are considered
514 acceptable under this chapter;

515 (b) The residence, building or facility has previously
516 been occupied for a period of time deemed by the department
517 necessary to determine the functioning capability of the
518 individual on-site wastewater disposal system;

519 (c) The system is functioning properly with no evidence
520 that any insufficiently treated effluent is or has been seeping to
521 the surface of the ground and any discharge of treated effluent is
522 confined within the boundaries of the property of the generator;
523 and

524 (d) If a private water supply well is present, the well
525 should be located at a higher elevation than the disposal system
526 and is protected from surface contamination by a concrete slab of
527 a thickness of at least four (4) inches extending at least two (2)
528 feet in all directions from the well casing.

529 (2) If an existing residential individual on-site wastewater
530 disposal system is malfunctioning, the system should be replaced,
531 where possible, with a system meeting all requirements of this
532 chapter and rules and regulations of the board. If replacement of
533 the existing system is not possible, the existing system shall be
534 repaired to reduce the volume of effluent, to adequately treat the
535 effluent and to the greatest extent possible, to confine the
536 discharge to the property of the generator. If repairs are made



537 to significantly upgrade the existing individual on-site
538 wastewater disposal system, the department shall approve the
539 system, if requested.

540 **SECTION 9.** Section 41-67-10, Mississippi Code of 1972, is
541 reenacted and amended as follows:

542 41-67-10. (1) Advanced aerobic treatment systems may be
543 installed only if they have been tested and are listed by a
544 third-party certifying program at the time of installation.
545 Advanced aerobic treatment systems shall be in compliance with
546 standards for a Class I system as defined by the most current
547 revision of American National Standards Institute/National
548 Sanitation Foundation (ANSI/NSF) International Standard Number 40,
549 which are incorporated by reference. An approved third-party
550 certifying program shall comply with the following provisions for
551 systems which it has certified to be installed in Mississippi:

552 (a) Be accredited by the American National Standards
553 Institute;

554 (b) Have established procedures which send
555 representatives to distributors in Mississippi on a recurring
556 basis to conduct evaluations to assure that distributors of
557 certified advanced treatment systems are providing proper
558 maintenance, have sufficient replacement parts available and are
559 maintaining service records;

560 (c) Notify the department of the results of monitoring
561 visits to manufacturers and distributors within sixty (60) days of
562 the conclusion of the monitoring; and

563 (d) Submit completion reports on testing and any other
564 information as the department may require for its review.

565 (2) * * * All manufacturers of advanced treatment systems
566 certified in Mississippi shall provide technical training staff to
567 the department as needed.

568 * * *



569 **SECTION 10.** Section 41-67-11, Mississippi Code of 1972, is
570 reenacted as follows:

571 41-67-11. (1) Temporary individual on-site wastewater
572 disposal systems may be approved in an area where individual
573 on-site wastewater disposal systems otherwise would not be
574 approved because of the availability or feasibility of connection
575 to a centralized sewerage system only after a contract has been
576 awarded or other definite commitments as are deemed sufficient to
577 the department are formalized for the construction of municipal or
578 community sewers that upon completion will adequately serve the
579 property. Temporary individual on-site wastewater disposal
580 systems shall only be approved when the municipal or community
581 sewers will be completed and available for use within thirty-six
582 (36) months. The department may approve the installation of a
583 temporary system under these circumstances only if the system will
584 comply with the requirements of Section 41-67-5(1) and comply with
585 all construction requirements of the board. The temporary system
586 may be installed only after the developer has signed a written
587 agreement with the centralized sewer provider stating that the
588 developer will connect to the centralized sewer system when it
589 becomes available, and the provider of the centralized sewer
590 system being constructed certifies that the centralized sewer
591 system will have adequate capacity to accept the sewage to be
592 produced by the temporary systems. The developer shall install an
593 internal sewage collection system from each lot to the connection
594 point to the central sewer system as he develops the streets of
595 the subdivision. Upon completion of the sewer construction, all
596 systems shall be abandoned and all residences, buildings or
597 facilities connected to the sewer.

598 (2) The board may approve the installation of sewage holding
599 tanks in districts created under Sections 19-5-151 through
600 19-5-207 for the purpose of providing sewage services. The
601 district shall be required to maintain or provide for the



602 maintenance of those holding tanks. The board shall require that
603 residences be connected to a municipal or community sewage system
604 when that system is available.

605 **SECTION 11.** Section 41-67-12, Mississippi Code of 1972, is
606 reenacted as follows:

607 41-67-12. (1) The department shall assess fees in the
608 following amounts for the following purposes:

609 (a) A fee of Fifty Dollars (\$50.00) shall be levied for
610 soil and site evaluation and recommendation of individual on-site
611 wastewater disposal systems.

612 (b) A fee of Fifty Dollars (\$50.00) shall be levied
613 annually for the certification of installers and persons engaging
614 in the removal and disposal of the sludge and liquid wastes from
615 individual on-site wastewater disposal systems.

616 (c) A fee of One Hundred Dollars (\$100.00) shall be
617 levied annually for the registration of manufacturers.

618 (2) In the discretion of the board, a person shall be liable
619 for a penalty equal to one and one-half (1-1/2) times the amount
620 of the fee due and payable for failure to pay the fee on or before
621 the date due, plus any amount necessary to reimburse the cost of
622 collection.

623 (3) The fee authorized under this section shall not be
624 assessed for any system operated by state agencies or
625 institutions, including, without limitation, foster homes licensed
626 by the State Department of Human Services. The fee authorized
627 under this section shall not be charged again after payment of the
628 initial fee for any system that has been installed in accordance
629 with this chapter, within a period of twenty-four (24) months
630 following the date that the system was originally installed.

631 **SECTION 12.** Section 41-67-15, Mississippi Code of 1972, is
632 reenacted as follows:

633 41-67-15. Nothing in this chapter shall limit the authority
634 of a municipality or board of supervisors to adopt similar



635 ordinances which may be, in whole or in part, more restrictive
636 than this chapter, and in those cases the more restrictive
637 ordinances will govern. The department shall not approve any
638 system that does not comply with an ordinance adopted by a
639 municipality or board of supervisors under the authority of this
640 section.

641 **SECTION 13.** Section 41-67-19, Mississippi Code of 1972, is
642 reenacted as follows:

643 41-67-19. Each authorized agent of the department
644 implementing this chapter shall demonstrate to the department's
645 satisfaction that the person:

646 (a) Is competent to review and provide any requested
647 approval of design, construction and installation of individual
648 on-site wastewater disposal systems, as well as the operation,
649 repair or maintenance of those systems, to make soil permeability
650 tests or soil and site evaluations, and to conduct inspections of
651 individual on-site wastewater disposal systems in accordance with
652 this chapter and rules and regulations adopted under this chapter;
653 and

654 (b) Has successfully completed the installer
655 certification training program provided by the department.

656 **SECTION 14.** Section 41-67-21, Mississippi Code of 1972, is
657 reenacted as follows:

658 41-67-21. (1) The board or the department may require a
659 property owner or lessee to repair a malfunctioning individual
660 on-site wastewater disposal system on the owner's or lessee's
661 property before the thirtieth day after the date on which the
662 owner or lessee is notified by the department of the
663 malfunctioning system.

664 (2) The property owner or lessee shall take adequate
665 measures as soon as practicable to abate an immediate health
666 hazard.



667 (3) The property owner or lessee may be assessed a civil
668 penalty not to exceed Five Dollars (\$5.00) for each day the
669 individual on-site wastewater disposal system remains unrepaired
670 after the thirty-day period specified in subsection (1) of this
671 section.

672 (4) The board may assess the property owner or lessee of an
673 individual on-site wastewater disposal system authorized pursuant
674 to Section 41-67-3(4) a civil penalty not to exceed Fifty Dollars
675 (\$50.00) for each day the system fails to meet the performance
676 standards of that system after the thirty-day period specified in
677 subsection (1) of this section.

678 (5) All penalties collected by the board under this section
679 shall be deposited in the State General Fund.

680 (6) Appeals from the imposition of civil penalty under this
681 section may be taken as provided in Section 41-67-29.

682 **SECTION 15.** Section 41-67-23, Mississippi Code of 1972, is
683 reenacted as follows:

684 41-67-23. The department or its authorized representative
685 may enter onto property and make inspections of any individual
686 on-site wastewater disposal system as necessary to ensure that the
687 system is in compliance with this chapter and the rules adopted
688 under this chapter. The department shall give reasonable notice
689 to any property owner, lessee or occupant prior to entry onto the
690 property. The owner, lessee, owner's representative, or occupant
691 of the property on which the system is located shall give the
692 department or its authorized representative reasonable access to
693 the property at reasonable times to make necessary inspections.

694 **SECTION 16.** Section 41-67-25, Mississippi Code of 1972, is
695 reenacted and amended as follows:

696 41-67-25. (1) A person may not operate as an installer of
697 individual on-site wastewater disposal systems unless that person
698 is currently certified by the department. A person who installs
699 an individual on-site wastewater disposal system on his own



700 property for his primary residence is not considered an installer
701 for purposes of this subsection.

702 (2) An installer of alternative systems or products must be
703 a factory-trained and authorized representative. The manufacturer
704 must furnish documentation to the department certifying the
705 satisfactory completion of factory training and the establishment
706 of the installer as an authorized manufacturer's representative.

707 (3) The board shall issue a certification to an installer if
708 the installer:

709 (a) Completes an application form that complies with
710 this chapter and rules adopted under this chapter;

711 (b) Satisfactorily completes the training program for
712 installation and maintenance provided by the department;

713 (c) Pays the annual certification fee which shall be an
714 amount not greater than Fifty Dollars (\$50.00); and

715 (d) Provides proof of having a valid general business
716 liability insurance policy in effect with liability limits of at
717 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
718 least One Hundred Thousand Dollars (\$100,000.00) in total
719 aggregate amount.

720 (4) Each installer shall furnish proof of certification to a
721 property owner, lessee, the owner's representative or occupant of
722 the property on which an individual on-site wastewater disposal
723 system is to be designed, constructed, repaired or installed by
724 that installer and to the department or its authorized
725 representative, if requested.

726 (5) The department shall provide for annual renewal of
727 certifications.

728 (6) (a) An installer's certification may be suspended or
729 revoked by the board after notice and hearing if the installer
730 violates this chapter or any rule or regulation adopted under this
731 chapter.



732 (b) The installer may appeal a suspension or revocation
733 under this section as provided by law.

734 (7) The department semiannually shall disseminate to the
735 public an official list of certified installers and provide to
736 county health departments a monthly update of the list.

737 (8) If any person is operating in the state as an installer
738 without certification by the board, the board, after due notice
739 and opportunity for a hearing, may impose a monetary penalty not
740 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.

741 (9) The department must provide for renewal installer
742 certifications to be applied for at the local department offices.

743 **SECTION 17.** Section 41-67-27, Mississippi Code of 1972, is
744 reenacted as follows:

745 41-67-27. It is unlawful for a manufacturer of an individual
746 on-site wastewater disposal system or alternative treatment or
747 disposal components to operate a business in or to do business in
748 the State of Mississippi without holding a valid manufacturer's
749 registration issued by the department.

750 **SECTION 18.** Section 41-67-28, Mississippi Code of 1972, is
751 reenacted as follows:

752 41-67-28. (1) Except as otherwise provided in this chapter,
753 any person who shall knowingly violate this chapter or any rule or
754 regulation or written order of the board in pursuance thereof is,
755 upon conviction, guilty of a misdemeanor and shall be punished as
756 provided in Section 41-3-59.

757 (2) Each day of a continuing violation is a separate
758 violation.

759 (3) (a) In addition to all other statutory and common law
760 rights, remedies and defenses, any person who purchases an
761 individual on-site wastewater disposal system and suffers any
762 ascertainable loss of money or property, real or personal, may
763 bring an action at law in the court having jurisdiction in the
764 county in which the installer or manufacturer has the principal



765 place of business, where the act allegedly occurred, to recover
766 any loss of money or damages for the loss of any property
767 resulting from any of the following:

768 (i) Improper installation of an individual on-site
769 wastewater disposal system due to faulty workmanship;

770 (ii) Failure of an individual on-site wastewater
771 disposal system to operate properly due to failure to install the
772 system in accordance with any requirements of the manufacturer or
773 in compliance with any rules and regulations of the board; or

774 (iii) Failure of an individual on-site wastewater
775 disposal system to operate properly due to defective design or
776 construction.

777 (b) Nothing in this chapter shall be construed to
778 permit any class action or suit, but every private action must be
779 maintained in the name of and for the sole use and benefit of the
780 individual person.

781 (4) A person who violates this chapter thereby causing a
782 discharge off the property of the generator shall be liable to the
783 party aggrieved or damaged by that violation for the actual
784 damages and additional punitive damages equal to a maximum of
785 twenty-five percent (25%) of the actual damages proven by the
786 aggrieved party, to be taxed by the court where the suit is heard
787 on an original action, by appeal or otherwise and recovered by a
788 suit at law in any court of competent jurisdiction. In addition,
789 the court may award the prevailing party reasonable attorney's
790 fees and court costs. Before filing suit, the party aggrieved or
791 damaged must give thirty (30) days' written notice of its intent
792 to file suit to the alleged violator.

793 (5) (a) Any person who violates Section 41-67-6(8) may be
794 assessed an administrative fine in the amount of Five Hundred
795 Dollars (\$500.00) and the public water system may discontinue
796 service to that property owner until the failure to comply with
797 Section 41-67-6(8) has been corrected.



798 (b) All violators shall be given thirty (30) days'
799 notice before any adverse action.

800 (c) Any violator shall have the right to appeal an
801 adverse determination through the procedures set out in Section
802 41-67-29.

803 **SECTION 19.** Section 41-67-29, Mississippi Code of 1972, is
804 reenacted as follows:

805 41-67-29. Any person who is aggrieved by any final decision
806 of the board may appeal that final decision to the chancery court
807 of the county of the situs in whole or in part of the subject
808 matter. The appellant shall give a cost bond with sufficient
809 sureties, payable to the state in a sum to be fixed by the board
810 or the court and to be filed with and approved by the clerk of the
811 court. The aggrieved party may, within thirty (30) days following
812 a final decision of the board, petition the chancery court for an
813 appeal with supersedeas and the chancellor shall grant a hearing
814 on the petition. Upon good cause shown the chancellor may grant
815 the appeal with supersedeas. The appellant shall be required to
816 post a bond with sufficient sureties according to law in an amount
817 to be determined by the chancellor. The chancery court shall
818 always be deemed open for hearing of appeals and the chancellor
819 may hear the appeal in termtime or in vacation at any place in his
820 district. The appeal shall have precedence over all civil cases,
821 except election contests. The chancery court shall review all
822 questions of law and of fact and may enter a final order or remand
823 the matter to the board for appropriate action as may be indicated
824 or necessary under the circumstances. Appeals may be taken from
825 the chancery court to the Supreme Court in the manner as now
826 required by law, but if a supersedeas is desired by the party
827 appealing to the chancery court, that party may apply therefor to
828 the chancellor, who shall award a writ of supersedeas, without
829 additional bond, if in the chancellor's judgment material damage
830 is not likely to result. If material damage is likely to result,



831 the chancellor shall require a supersedeas bond as deemed proper,
832 which shall be liable to the state for any damage.

833 **SECTION 20.** Section 41-67-33, Mississippi Code of 1972, is
834 reenacted as follows:

835 41-67-33. (1) The department shall adopt and use procedures
836 for conducting reviews requested by any person aggrieved by the
837 disapproval or requirements for an on-site wastewater disposal
838 system as provided by the department in written form under Section
839 41-67-6. The procedures shall include that the person may request
840 review by submitting a written request of review to the Director
841 of the Office of Environmental Health. The request for review
842 shall identify the matter contested and state the person's name,
843 mailing address and home and daytime phone numbers. Within ten
844 (10) business days of the receipt of the request for review, the
845 department shall issue in writing a ruling and determination to
846 the person and if any corrections are necessary to any form
847 previously issued by the department, then new forms shall be
848 submitted to the person.

849 (2) Any person aggrieved by the ruling issued by the
850 Director of the Office of Environmental Health may apply for a
851 hearing. Any hearing shall be conducted by a hearing officer
852 designated by the department. At the hearing, the hearing officer
853 may conduct reasonable questioning of persons who make relevant
854 factual allegations concerning the proposal. The hearing officer
855 shall require that all persons be sworn before they may offer any
856 testimony at the hearing, and the hearing officer is authorized to
857 administer oaths. Any person so choosing may be represented by
858 counsel at the hearing. A record of the hearing shall be made,
859 which shall consist of a transcript of all testimony received, all
860 documents and other material introduced, the staff report and
861 recommendation, and any other material as the hearing officer
862 considers relevant. He shall make a recommendation within a
863 reasonable period of time after the hearing is closed and after he



864 has had an opportunity to review, study and analyze the evidence
865 presented during the hearing. The completed record shall be
866 certified to the State Health Officer, who shall consider only the
867 record in making his decision, and shall not consider any evidence
868 or material that is not included. All final decisions regarding
869 the disapproval or requirements for an on-site wastewater disposal
870 system shall be made by the State Health Officer. The State
871 Health Officer shall make his written findings and issue his order
872 after reviewing the record, not to exceed thirty (30) days
873 following his receipt of the record.

874 **SECTION 21.** Section 41-67-35, Mississippi Code of 1972, is
875 reenacted and amended as follows:

876 41-67-35. * * * A person may not operate as a * * *
877 maintenance provider in this state unless that person is a
878 maintenance provider certified by the department on the effective
879 date of this act or is a certified installer.

880 * * *

881 **SECTION 22.** Section 41-67-37, Mississippi Code of 1972, is
882 reenacted and amended as follows:

883 41-67-37. (1) A person may not operate as a certified
884 professional evaluator in this state unless that person is
885 currently certified by the department or is a registered
886 professional engineer.

887 (2) A person must meet one (1) of the following
888 requirements, in addition to the additional requirements set forth
889 in other sections of this chapter and rules and regulations of the
890 board, in order to be eligible to become a certified professional
891 evaluator:

892 * * *

893 (a) Be a professional geologist registered in the State
894 of Mississippi;

895 (b) Be a professional soil classifier licensed in the
896 State of Mississippi; or



897 (c) Be a person who possesses a demonstrable, adequate
898 and appropriate record of professional experience and/or training
899 as determined by the department.

900 (3) The department shall issue a certification to a
901 certified professional evaluator if the certified professional
902 evaluator:

903 (a) Completes an application form that complies with
904 this chapter and rules adopted under this chapter;

905 (b) Satisfactorily completes the certified professional
906 evaluator training program provided by the department;

907 (c) Pays the annual certification fee; and

908 (d) Provides proof of having an errors and omissions
909 policy or surety in effect with liability limits of at least Fifty
910 Thousand Dollars (\$50,000.00) per occurrence and at least One
911 Hundred Thousand Dollars (\$100,000.00) in total aggregate amount.

912 (4) Each certified professional evaluator shall furnish
913 proof of certification to a property owner or the owner's
914 representative of the property before performing a site evaluation
915 of the property on which an individual on-site wastewater disposal
916 system is to be designed, constructed, repaired or installed by
917 the certified professional evaluator and to the department or its
918 authorized representative, if requested.

919 (5) The department shall provide for annual renewal of
920 certifications.

921 (6) The department semiannually shall disseminate to the
922 public an official list of certified professional evaluators and
923 provide to county health departments a monthly update of the list.

924 (7) If any person who is not a registered professional
925 engineer operates in the state as a certified professional
926 evaluator without certification by the board, the board, after due
927 notice and opportunity for a hearing, may impose a monetary
928 penalty not to exceed Ten Thousand Dollars (\$10,000.00) for each
929 violation.



930 **SECTION 23.** Section 41-67-39, Mississippi Code of 1972, is
931 reenacted and amended as follows:

932 41-67-39. (1) A person may not be engaged in the business
933 of removing and disposing of the sludge and liquid waste (septage)
934 from individual on-site wastewater disposal systems in this state
935 unless that person has a valid license issued by the department.

936 (2) The department shall issue a license to a pumper if the
937 pumper:

938 (a) Completes an application form that complies with
939 this chapter and rules adopted under this chapter;

940 (b) Satisfactorily complies with the requirements of
941 his/her pumping and hauling equipment;

942 (c) Provides documentation of a disposal site approved
943 by the Department of Environmental Quality, Office of Pollution
944 Control;

945 (d) Pays the annual license fee; and

946 (e) Provides proof of having a valid general business
947 liability insurance policy in effect with liability limits of at
948 least Fifty Thousand Dollars (\$50,000.00) per occurrence and at
949 least One Hundred Thousand Dollars (\$100,000.00) in total
950 aggregate amount.

951 (3) Each pumper shall furnish proof of licensure to an
952 individual before entering a contract with that individual for the
953 removing and disposing of the sludge and liquid waste (septage)
954 from an individual on-site wastewater disposal system.

955 (4) The department semiannually shall disseminate to the
956 public an official list of certified pumpers and provide to county
957 health departments a monthly update of the list.

958 (5) If any person operates in the state as a certified
959 pumper without a license by the board, the board, after due notice
960 and opportunity for a hearing, may impose a monetary penalty not
961 to exceed Ten Thousand Dollars (\$10,000.00) for each violation.



962 (6) The department may suspend or revoke a pumper
963 certification if the pumper dumps or disposes of septage or other
964 liquid waste in an unpermitted or unapproved site.

965 (7) A municipal wastewater treatment facility may make a
966 site available for certified pumpers to dispose of septic or other
967 liquid waste.

968 (8) The department must provide for renewal pumper
969 certifications to be applied for at the local department offices.

970 **SECTION 24.** (1) There is created the Wastewater Advisory
971 Board for the purpose of advising the Department of Health
972 regarding individual on-site wastewater disposal systems. The
973 advisory board shall be composed of the following:

974 (a) One (1) appointee of the Executive Director of the
975 American Council of Engineering;

976 (b) One (1) appointee of the Executive Director of the
977 Office of Pollution Control;

978 (c) One (1) appointee of the State Health Officer;

979 (d) One (1) appointee of the Executive Director of the
980 Home Builders Association of Mississippi;

981 (e) One (1) appointee of the Chairman of the
982 Mississippi State Board of Health that represents a Mississippi
983 ATU manufacturer;

984 (f) One (1) appointee of the Executive Director of the
985 Mississippi Engineering Society;

986 (g) One (1) appointee of the Executive Director of the
987 Mississippi Manufactured Housing Association;

988 (h) One (1) appointee of the Chairman of the
989 Mississippi State Board of Health that represents a certified
990 installer;

991 (i) One (1) appointee of the Chairman of the
992 Mississippi State Board of Health that represents a septic tank or
993 aggregate disposal manufacturer;



994 (j) One (1) appointee of the Executive Director of the
995 Mississippi Rural Water Association;

996 (k) One (1) appointee of the Executive Director of the
997 Mississippi Association of Supervisors;

998 (l) One (1) appointee of the President of the
999 Mississippi Pumpers Association;

1000 (m) One (1) appointee of the Executive Director of the
1001 Mississippi Soil and Water Conservation Commission;

1002 (n) One (1) appointee of the President of the
1003 Mississippi Water and Pollution Control Operators Association,
1004 Inc.;

1005 (o) The federally appointed Mississippi State Soil
1006 Scientist, or his designee;

1007 (p) One (1) appointee of the Director of the
1008 Mississippi State Board of Registered Professional Geologists;

1009 (q) One (1) appointee of the Executive Director of the
1010 Mississippi Department of Environmental Quality;

1011 (r) One (1) appointee of the Chairman of the
1012 Mississippi State Board of Health; * * *

1013 (s) One (1) appointee of the Executive Director of the
1014 Mississippi Association of Realtors;

1015 (t) One (1) appointee of the Executive Director of the
1016 Mississippi Municipal League; and

1017 (u) One (1) appointee of the Chairman of the Department
1018 of the Mississippi State University School of Civil and
1019 Environmental Engineering.

1020 (2) The members of the advisory committee shall elect a
1021 chairman and vice chairman from its membership.

1022 (3) The terms of appointments for each member shall be for a
1023 period of two (2) years.

1024 (4) The advisory committee shall have quarterly meetings,
1025 with at least one (1) of those meetings taking place between



1026 forty-five (45) and sixty (60) days before the meeting of the
1027 Mississippi State Board of Health.

1028 (5) The Mississippi Department of Health shall staff all
1029 advisory committee meetings and record minutes of those meetings.

1030 **SECTION 25.** Section 41-67-31, Mississippi Code of 1972, is
1031 amended as follows:

1032 41-67-31. Sections 41-67-1 through 41-67-29 and Sections
1033 41-67-33 through 41-67-39 shall stand repealed on July 1, 2013.

1034 **SECTION 26.** This act shall take effect and be in force from
1035 and after its passage.

