

By: Senator(s) Ross

To: Environment Prot, Cons
and Water ResCOMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2520

1 AN ACT TO AMEND SECTION 41-67-7, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE CRITERIA FOR DETERMINING THE USE OF INDIVIDUAL ON-SITE
3 WASTEWATER DISPOSAL SYSTEMS OR SEWERS; TO AUTHORIZE THE DEPARTMENT
4 OF HEALTH TO MAKE SUCH DETERMINATION; TO AMEND SECTION 41-67-31,
5 MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE INDIVIDUAL
6 ON-SITE WASTEWATER DISPOSAL SYSTEM LAW; TO CREATE A TASK FORCE TO
7 STUDY AND RECOMMEND REVISIONS OF THE INDIVIDUAL-ON-SITE WASTEWATER
8 DISPOSAL SYSTEM LAW; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 41-67-7, Mississippi Code of 1972, is
11 amended as follows:

12 41-67-7. Individual on-site wastewater disposal systems
13 shall be considered acceptable on lots in areas or subdivisions
14 where prior to the sale of the lots, the following requirements
15 are met:

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

19 (a) Sewers are not available or feasible;

20 (b) The existing disposal systems in the area are
21 functioning satisfactorily;

22 (c) Soil types, soil texture, seasonal water tables and
23 other limiting factors are satisfactory for underground
24 absorption; and

25 (d) Any private water supply is located at a higher
26 elevation and at least fifty (50) feet from the individual on-site
27 wastewater disposal system and at least one hundred (100) feet
28 from the disposal field of the system.

29 (2) Except for systems utilizing underground absorption,
30 alternative individual on-site wastewater disposal systems shall



31 be considered acceptable, provided the following requirements are
32 met:

33 (a) Sewers are not available or feasible;

34 (b) The systems meet applicable water quality
35 requirements of the federal Clean Water Act and also requirements
36 of the board and department; and

37 (c) Any discharge is confined within the boundaries of
38 the property of the generator except as authorized under Section
39 41-67-8.

40 (3) In determining availability or feasibility of
41 sewers under this section, the department shall consider whether
42 the sewer has the capacity to accept and treat the waste that
43 would be generated by the individual on-site wastewater disposal
44 systems and whether the sewer system will agree to accept that
45 waste at a cost similar to the cost charged to users of the same
46 sewer system.

47 (4) In determining the availability or feasibility of a
48 sewer under this section, the sewers shall not be deemed available
49 or feasible unless the cost of connecting to a sewer is no more
50 than the cost of installing individual on-site wastewater disposal
51 systems.

52 (5) Whenever a person requests approval of an
53 individual on-site wastewater disposal system, the department must
54 approve or disapprove the request within thirty (30) days. If the
55 department disapproves the request, the department shall state in
56 writing the reasons for the disapproval. If the department does
57 not respond within thirty (30) days, the request for approval of
58 the individual on-site wastewater disposal system shall be deemed
59 approved.

60 **SECTION 2.** Section 41-67-4, Mississippi Code of 1972, is
61 amended as follows:

62 41-67-4. (1) The Commission on Environmental Quality shall
63 determine the feasibility of establishing community sewerage



64 systems upon the submission by the developer of a preliminary
65 design and feasibility study prepared by a professional engineer.
66 The developer may request and obtain a hearing before the
67 commission if the developer is dissatisfied with the commission's
68 determination of feasibility. The determination that a sewerage
69 system must be established shall be made without regard to whether
70 the establishment of a sewerage system is authorized by law or is
71 subject to approval by one or more state or local government or
72 public bodies. Whenever a developer requests a determination of
73 feasibility, the commission must make such determination within
74 forty-five (45) days. The department shall state in writing the
75 reasons for its determination. If the department does not make a
76 determination within forty-five (45) days, all sites within the
77 subdivision shall be approved, if a certified installer attests
78 that each site can be adequately served by an individual on-site
79 wastewater disposal system.

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

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

93 **SECTION 3.** Section 41-67-31, Mississippi Code of 1972, is
94 amended as follows:

95 41-67-31. Sections 41-67-1 through 41-67-29 shall stand
96 repealed on July 1, 2005.



SECTION 4.

(1) There is established a task force to study and review the statutory provisions governing individual on site waste water disposal systems and to make recommendations for revisions that will ensure that the state has coherent and comprehensive law regulating individual on-site wastewater disposal systems. The task force shall examine all aspects of the law and health and environmental concerns and make recommendations to the Legislature on or before September 1, 2004.

(2) The task force shall be composed of two (2) members appointed by the Lieutenant Governor, two (2) members appointed by the Speaker of the House of Representatives and the heads of the following agencies and associations or their designees: State Health Department; Department of Environmental Quality; Mississippi Development Authority; Department of Marine Resources, Mississippi Association of Supervisors; Mississippi Municipal League; Mississippi Farm Bureau Federation; Sierra Club, State Medical Association; Consulting Engineers Council of Mississippi; Gulf of Mexico Program; Home Builders Association of Mississippi, one (1) builder representative and one (1) developer representative; Mississippi Engineering Society; Mississippi Manufacture Housing Association; Mississippi On-Site Water Association, one (1) septic tank manufactures, one (1) installer, and one (1) ATU manufacturer; Mississippi State University Agriculture and Biological Engineering; Mississippi Rural Water Association, Mississippi Water and Pollution Control Operator Association, and the National Recourses Conservation Service.

(3) Appointments shall be made before June 1, 2003. The head of the State Department of Health shall convene the task force before July 1, 2003. The task force shall meet and organize by selecting from its membership a chairman and vice chairman. The vice chairman shall serve as secretary and shall be responsible for keeping all records of the task force. A majority of the members of the task force shall constitute a quorum. In



the selection of its officers and the adoption of rules,
resolution and reports, and affirmative vote of a majority of the
task force is required. All members shall be notified in writing
of all meetings, and such notices must be mailed at least five (5)
days before the date on which a meeting is to be held.

(4) Subject to the availability of funds, for attending
meetings of the task force, members who are not legislators may be
reimbursed in accordance with Section 25-3-41, Mississippi Code of
1972, for mileage and actual expenses incurred in attending
meetings of the committee. If members of the Legislature are
appointed to serve as members of the task force, such legislative
members shall be paid from the contingent expense fund of their
respective house per diem in the same manner as provided for
committee meetings when the Legislature is not in session.
However, no per diem, mileage allowance or expense allowance may
be paid for attending meetings of the committee while the
Legislature is in session, and no per diem, mileage allowance or
expense allowance may be paid without prior approval of the proper
committee in the member's respective house. No task force member
may incur travel or other expenses unless previously authorized by
vote at a meeting of the task force, which action must be recorded
in the official minutes of the meeting. Nonlegislative members
may be paid from any funds made available to the task force for
that purpose.

(5) To effectuate the purpose of this section, any
department, division, board, bureau, commission or agency of the
state or of any political subdivision thereof shall, at the
request of the chairman of the task force, provide to the task
force such facilities, assistance and data as will enable the
special committee to carry out its duties.

(6) Funding for the task force may be provided from any
funds that may be appropriated by the Legislature for the expenses
of the task force. The task force may accept money from any



163 source, public or private, to be expended in implementing its
164 duties under this act.

165 (7) Upon presentation of its report to the Legislature, the
166 task force shall be dissolved.

167 **SECTION 5.** This act shall take effect and be in force from
168 and after its passage.

