

By: Senator(s) Ross

To: Environment Prot, Cons
and Water Res

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 REPEAL SECTION 41-67-4,
7 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZES THE COMMISSION ON
8 ENVIRONMENTAL QUALITY TO CONDUCT FEASIBILITY STUDIES FOR CERTAIN
9 SUBDIVISIONS AND SEWER SYSTEMS; AND FOR RELATED PURPOSES.

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

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

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

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

20 (a) Sewers are not available or feasible;

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

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

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



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

(a) Sewers are not available or feasible;

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

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

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

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

SECTION 2. Section 41-67-31, Mississippi Code of 1972, is amended as follows:

41-67-31. Sections 41-67-1 through 41-67-29 shall stand repealed on July 1, 2004.

SECTION 3. Section 41-67-4, Mississippi Code of 1972, which authorizes the Commission on Environmental Quality to conduct feasibility studies for certain subdivisions and sewer systems, is repealed.

SECTION 4. This act shall take effect and be in force from and after its passage.

