

By: Senator(s) Ross

To: Environment Prot, Cons  
and Water Res

SENATE BILL NO. 2520  
(As Passed the Senate)

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.



97           **SECTION 4.** (1) There is established a task force to study  
98 and review the statutory provisions governing individual on site  
99 waste water disposal systems and to make recommendations for  
100 revisions that will ensure that the state has coherent and  
101 comprehensive law regulating individual on-site wastewater  
102 disposal systems. The task force shall examine all aspects of the  
103 law and health and environmental concerns and make recommendations  
104 to the Legislature on or before September 1, 2004.

105           (2) The task force shall be composed of two (2) members  
106 appointed by the Lieutenant Governor, two (2) members appointed by  
107 the Speaker of the House of Representatives and the heads of the  
108 following agencies and associations or their designees: State  
109 Health Department; Department of Environmental Quality;  
110 Mississippi Development Authority; Department of Marine Resources,  
111 Mississippi Association of Supervisors; Mississippi Municipal  
112 League; Mississippi Farm Bureau Federation; Sierra Club, State  
113 Medical Association; Consulting Engineers Council of Mississippi;  
114 Gulf of Mexico Program; Home Builders Association of Mississippi,  
115 one (1) builder representative and one (1) developer  
116 representative; Mississippi Engineering Society; Mississippi  
117 Manufacture Housing Association; Mississippi On-Site Water  
118 Association, one (1) septic tank manufactures, one (1) installer,  
119 and one (1) ATU manufacturer; Mississippi State University  
120 Agriculture and Biological Engineering; Mississippi Rural Water  
121 Association, Mississippi Water and Pollution Control Operator  
122 Association, the Executive Director of the Public Utilities Staff,  
123 or his designee, and the National Recourses Conservation Service.

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



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

136 (4) Subject to the availability of funds, for attending  
137 meetings of the task force, members who are not legislators may be  
138 reimbursed in accordance with Section 25-3-41, Mississippi Code of  
139 1972, for mileage and actual expenses incurred in attending  
140 meetings of the committee. If members of the Legislature are  
141 appointed to serve as members of the task force, such legislative  
142 members shall be paid from the contingent expense fund of their  
143 respective house per diem in the same manner as provided for  
144 committee meetings when the Legislature is not in session.  
145 However, no per diem, mileage allowance or expense allowance may  
146 be paid for attending meetings of the committee while the  
147 Legislature is in session, and no per diem, mileage allowance or  
148 expense allowance may be paid without prior approval of the proper  
149 committee in the member's respective house. No task force member  
150 may incur travel or other expenses unless previously authorized by  
151 vote at a meeting of the task force, which action must be recorded  
152 in the official minutes of the meeting. Nonlegislative members  
153 may be paid from any funds made available to the task force for  
154 that purpose.

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

161 (6) Funding for the task force may be provided from any  
162 funds that may be appropriated by the Legislature for the expenses



163 of the task force. The task force may accept money from any  
164 source, public or private, to be expended in implementing its  
165 duties under this act.

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

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

