

Date: June 28, 2017

Issue: More clearly define what constitutes onsite wastewater system repair and replace and which of these activities require MSDH approval.

Participants: Mike Freiman, Chair, Subcommittee for Repair Clarification  
Duncan Welch, MSDH  
Grady Tucker  
Steve Melton  
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At the regularly scheduled May 17, 2017 Wastewater Advisory Council (WAC) meeting, the topic of more clearly defining what activities constitute onsite wastewater system repair or replacement was brought up under new business. After discussion amongst WAC members, it was decided to form a subcommittee to further discuss this topic and bring recommendations to the WAC at the next regularly scheduled meeting. On June 21, 2017, the subcommittee met and discussed this matter.

Background: Duncan Welch provided the subcommittee with MSDH guidance documents that pertain to onsite wastewater treatment repair and replacement. The guidance material is from State Law 47-67-21(3) and from MSDH regulations Subchapter 6 of Chapter 1. These citations have been included as reference.

## State Law

41-67-21. (1) The \* \* \* department \* \* \* shall require a property owner and/or lessee to repair a malfunctioning individual on-site wastewater disposal system on the owner's or lessee's property before the thirtieth day after the date on which the owner or lessee is notified by the department of the malfunctioning system. (2) The property owner and/or lessee shall take adequate measures as soon as practicable to abate an immediate health hazard. (3) If an existing residential individual on-site wastewater disposal system is malfunctioning, the system shall be repaired to reduce the volume of effluent, to adequately treat the effluent and to the greatest extent possible, to confine the discharge to the property of the generator. If repairs are made to significantly upgrade the existing individual on-site wastewater disposal system, the department shall approve the system, if requested.

## MSDH Regulations

22. Individual On-site Wastewater Disposal System – a sewage treatment and effluent disposal system that does not discharge into waters of the state, that serves only one (1) legal tract, that accepts only residential waste and similar waste streams maintained on the property of the generator, and this is designed and installed in accordance with the law and regulations of the Board

- a. New – a Design-based IOWDS installed, inspected and documented by Final Approval
- b. Operational – an IOWDS that is being utilized on a daily basis, including the day of inspection, with no evidence of treated effluent leaving the property nor partially treated effluent seeping to the surface
- c. Non-operational – an IOWDS that is not in daily use, including the day of inspection
- d. Repaired – an existing malfunctioning IOWDS that is operational but requires the restoration or installation of either a treatment or disposal portion

## And Also, MSDH Regulation

Rule 1.6.5 **Replacement.** Any malfunctioning IOWDS that will require the installation of both treatment and disposal will require the Applicant to comply with *Subchapter 5. New System*

The subcommittee's discussion involved specific scenarios of replacing only the disposal system or the treatment unit not the complete treatment and disposal system and whether this activity is considered repair or replacement. The determination of repair or replace is important because replacement requires MSDH approval. The subcommittee suggests the following clarifying language.

*If treatment or disposal is replaced within 45 days of installation of the corresponding treatment or disposal, then the activity is considered a replacement.*

The subcommittee also discussed similar scenarios regarding treatment units and treatment unit disposal systems. After subcommittee discussed this scenario, it was decided that treatment units and treatment unit disposal systems are covered by the manufacturer certified installers and therefore are covered by existing regulations with respect to replace or repair. Certain scenarios and activities involving treatment units do require MSDH approval such as upgrades due to home expansions.