

# MIDLAND COUNTY

## ENVIRONMENTAL HEALTH CODE



**GOVERNING:**  
Water supplies  
Wastewater disposal

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**CHAPTER I  
GENERAL PROVISIONS**

**PREAMBLE**

**RECOGNIZING THAT THE SUPPLY OF SAFE POTABLE WATER AND THE SAFE DISPOSAL OF HUMAN SEWAGE IS FUNDAMENTAL TO INDIVIDUAL, PUBLIC AND COMMUNITY HEALTH; FURTHER RECOGNIZING THAT WATER SUPPLY AND WASTEWATER FACILITIES INSTALLED AND OPERATED IN A PROPER MANNER ARE NECESSARY FOR SAFEGUARDING THE HEALTH OF THE PUBLIC; FURTHER RECOGNIZING THAT WATER SUPPLIES FURNISHING WATER FOR HUMAN CONSUMPTION NEED TO BE ISOLATED AND PROTECTED FROM SOURCES OF CONTAMINATION INCLUDING SEWAGE DISCHARGES; STILL FURTHER RECOGNIZING THAT, INHERENT OPERATIONAL LIMITATIONS AND TEMPORARY NATURE OF INDIVIDUAL, PRIVATE, WASTEWATER DISPOSAL SYSTEMS DEMAND THEIR USE ONLY UNDER RURAL AND ISOLATED CONDITIONS, AND INSOFAR AS POSSIBLE, TO PREVENT THE CREATION OF NUISANCES, SOURCES OF FILTH, AND CONDITIONS MENACING THE PUBLIC HEALTH, AND THAT CONTAMINATION OF WATER RESOURCES AND SUPPLIES NEED TO BE PREVENTED, THE REGULATIONS GOVERNING WATER SUPPLIES AND WASTEWATER DISPOSAL ARE HEREBY ADOPTED.**

**SECTION 100 - JURISDICTION AND ADMINISTRATION**

**100.1 AUTHORITY**

By virtue of the power vested in the Midland County Department of Public Health under Act 368, P .A. 1978. as amended, there are hereby provided regulations affecting the public health, safety, welfare and environmental quality of Midland County, including the provisions for violations of said regulations and as approved by the governing entity.

**100.2 JURISDICTION**

The Midland County Department of Public Health shall have jurisdiction throughout the County of Midland, including all cities, villages and townships in the administration and enforcement of these regulations and relevant State Laws including all regulations or amendments hereafter adopted unless otherwise specifically stated.

**100.3 ENFORCEMENT**

All premises affected by this code shall be subject to inspection by the Health Officer, who may collect such samples for laboratory examination, make tests or take photographs as deemed necessary for the enforcement of the provisions hereof, and the Health Officer may maintain an action in the name of the Midland County Department of Public Health for injunctive relief to enforce the provisions of this code or to pursue the criminal sanctions imposed herein.

**100.4 RIGHT OF ENTRY**

No person shall refuse to permit the Health Officer to inspect any premise at reasonable times nor shall any person molest or resist the Health Officer in the discharge of his/her duty.

**100.5 ABATEMENT OF NUISANCES**

Nothing stated in these regulations shall be construed to limit the power of the Health Officer to effect the immediate abatement of a public nuisance or menace to the public health or of a condition which in the opinion of the Health Officer may become a menace to the health of the community.

**100.6 INTERFERENCE WITH NOTICES**

No person shall remove, mutilate, or conceal any notice or placard posted by the Health Officer, except by written permission of the Health Officer.

**100.7 VALIDITY**

If any section, sub-division, sentence, regulation, clause or phrase of this regulation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining sections, sub-divisions, sentences, regulations, clauses and phrases of this regulation or the regulation as an entirety.

All rules and regulations heretofore passed by the board of commissioners that are in conflict with the present rules and regulations are hereby rescinded.

**100.8 PENALTIES**

A person who violates any provision of these regulations shall be guilty of a misdemeanor [per Act 368 p .A. of 1978, Section 2441 (2)] and fined not more than \$200.00 or not more than six months in jail, or both. Each and every violation of the provisions of these regulations shall constitute a separate offense.

Under Michigan's Public Health Code (Act 368 of 1978, as amended), section 2461, Midland County may adopt a schedule of monetary civil penalties of not more than \$1,000.00 for each violation or day that a violation continues which may be assessed for a specified violation of this code, or order issued which the local health department has the authority and duty to enforce.

Institution of the above penalties is in addition to and not in lieu of such other powers as may be provided by law.

**100.9 INJUNCTION**

Notwithstanding the existence and pursuit of any other remedy, the Health Officer may maintain an action in the name of Midland County in a court of competent jurisdiction for injunction or other appropriate process against any person to restrain or prevent a violation of these regulations.

**SECTION 101 - GENERAL DEFINITIONS**

The following words and terms used in this code, unless otherwise expressly stated elsewhere in the Code shall have the following meaning:

**101.1 APPROVED**

The term "Approved" means acceptable for intended use as judged by the Health Officer by utilizing public health rules, regulations, and technical data.

**101.2 AUTHORIZED REPRESENTATIVE**

Shall mean an environmental health specialist (sanitarian) employed by the Midland County Department of Public Health.

**101.3 BOARD OF COMMISSIONERS**

The term Board of Commissioners means the Midland County Board of Commissioners.

**101.4 GOVERNING ENTITY**

The governing entity for the Midland County Environmental Health Code is the Midland County Board of Commissioners.

**101.5 HEALTH DEPARTMENT**

The term "Health Department" means the Midland County Department of Public Health, aka the Midland County Health Department.

**101.6 HEALTH HAZARD**

The term "Health Hazard" means an act or condition that has a documented and known potential for causing human disease, injury, or sickness.

**101.7 HEALTH OFFICER**

The term "Health Officer" means the Health Officer of the Midland County Department of Public Health and/or authorized representatives, or both.

**101.8 MUNICIPALITY**

The term "Municipality" means any incorporated city or village; or general law or charter township within Midland County.

**101.9 HABITABLE BUILDING**

The term "Habitable Building" means any house, building, structure, tent, shelter, trailer, or vehicle or portion thereof in which human beings reside, are employed, or congregate.

**101.10 IMMINENT DANGER**

The term "Imminent Danger" means a condition or practice which could reasonably be expected to cause death, disease, or serious physical harm immediately or before the danger can be eliminated through enforcement procedures established in this code.

**101.11 OWNER**

The term "Owner" means the owner of title or record, or the person legally occupying or in possession of any property or premises.

**101.12 PERMIT**

The term "Permit" means a written document issued by the Health Officer permitting the construction, alteration, or expansion of any well or absorption field under this regulation.

**101.13 PERSON**

The term "Person" means any individual, firm, partnership, party, corporation, company, association, or any public or private entity of any kind whatsoever.

**101.14 PREMISE**

The term "Premise" means the tract or parcel of land on which a habitable building is located and shall include the building.

**101.15 DIRECTOR OF ENVIRONMENTAL HEALTH**

The term "Director of Environmental Health" means the Midland County Director of Environmental Health.

## **CHAPTER II WATER SUPPLY**

### **SECTION 200 - SCOPE**

This regulation applies to all premises not connected to Type I public water supplies, as defined by Michigan's Safe Drinking Water Act, Act 399 of the Public Acts of 1976, and Administrative Rules, as amended.

### **SECTION 201 - WATER SUPPLY DEFINITIONS**

The following words and terms used in this Chapter, unless otherwise expressly stated, shall have the following meaning:

#### **201.1 ABANDONED WELL**

The term "Abandoned Well" means a well whose use has been permanently discontinued, is in such disrepair that its continued use for the purpose of obtaining water is impractical, has been left uncompleted, poses a contamination threat to other sources of groundwater, or which is or may otherwise be a health or safety hazard.

#### **201.2 AQUIFER**

The term "Aquifer" means underground water bearing earth or rock material through which groundwater moves in sufficient quantity to serve as a source of water supply.

#### **201.3 APPROVED**

The term "Approved" means acceptable for intended use as judged by the Health Officer, by utilizing public health rules, regulations and technical data.

#### **201.4 GROUNDWATER**

The term "Groundwater" means water which is presently flowing or located below the surface of the earth.

#### **201.5 PERMIT**

The term "Permit" shall mean a written document issued by the Health Officer permitting the installation, construction, extension or extensive alteration, of a water supply system under this regulation.

#### **201.6 WATER SUPPLY SYSTEM**

The term "Water Supply System" means a water well or other device such as a hauled water system, and all appurtenances thereto for the delivery of water for use from the source, including pumps and piping up to and including the pressure tank.

#### **201.7 WELL**

The term "Well" means an opening in the surface of the earth for the purpose of obtaining groundwater, or a test well used for monitoring the quality or quantity of groundwater, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations, a waste disposal well, or removing groundwater for any purpose.

#### **201.8 HAULED WATER SYSTEM**

The term "Hauled Water System" means an above ground water storage tank that is filled with a potable water source located off the premises, intended to serve as habitable buildings water supply system.

### **Section 202 - ADMINISTRATION**

#### **202.1 PERMITS**

No person shall install, construct, extend or extensively alter a water supply system unless a valid permit has been issued by the Health Officer for such installation, construction, alteration or extension.



(1) Permits are not transferable to place. Should there be a change in ownership of the property for which a permit has been issued, the permit may be transferred to the new owner. Such transfer must be requested in writing on forms to be provided by the Health Officer and signed by the person to whom the permit was originally issued.

(2) Application for permit shall be made upon such forms and shall contain such reasonable information as required by the Health Officer.

(3) A permit for installation, construction, alteration or extension shall become void twelve (12) months from the date of issuance.

#### **202.2 OBTAIN PERMIT**

No person shall construct a habitable building, or premise without first obtaining a water supply system permit unless said habitable building, or premise is connected to a municipal water supply system.

#### **202.3 APPLICATION DENIAL**

The Health Officer may deny an application for a water supply construction permit when incomplete, inaccurate, or false information has been supplied by the applicant, or when the Health Officer determines that the requirements of this code, applicable state statutes, or both, have not or cannot be met. A denial shall be furnished to the applicant in writing.

#### **202.4 FEES**

The Midland County Board of Commissioners may, from time to time, recommend fees for services, and institute said fees upon approval as authorized by Section 2444, Act 368, P.A. 1978. Each application for a permit shall be accompanied by said fee.

### **SECTION 203 - WATER SUPPLY REQUIRED**

#### **203.1 PROVIDE SAFE SUPPLY-VACATE ORDER**

No person shall permit a habitable building, or premise to be constructed or maintained for human occupancy or use of assembly, without first providing an adequate safe water supply. Any premise constructed or maintained which is not in accordance with these regulations may be declared unfit for human habitation and may be ordered vacated by the Health Officer. Any said order shall be posted on the premises.

#### **203.2 MUNICIPAL WATER CONNECTION**

All water supply systems replaced by connections to a municipal water supply system shall be abandoned in such a manner as to prevent any nuisance or menace to the public health or cross connection to said municipal water supply system; provided, however, that all connections to a municipal water supply system shall be in accordance with the regulations of the municipality operating and maintaining such water supply system.

#### **203.3 CONDEMN EXISTING SYSTEM**

The Health Officer may condemn any existing water supply system that is violating the criteria of Section 204.1, 1 through 3, of these regulations. A water system so condemned shall be repaired, rebuilt or abandoned or replaced by a system constructed according to the provisions of these regulations within a period of time specified by the Health Officer.

### **SECTION 204 - WATER SUPPLY SYSTEM CONSTRUCTION REQUIREMENTS**

#### **204.1 CONSTRUCTION REQUIREMENTS**

Where a municipal water supply system is not available, then all water supply facilities must be constructed, installed and maintained in accordance with the following provisions:

**(1) Private Water Supplies.** Installations for new and altered water supply systems within Midland County shall be those requirements set forth in the applicable parts of Part 127 of Act 368, P.A. 1978 as amended.

**(2) Semi-Public Water Supplies.** Requirements with respect to water well construction and water pump installation for new or altered water wells in Midland County shall be those

requirements as set forth by the "Safe Drinking Water Act", Act 399, P .A. 1976, being sections 325.1001 through 325.1023 of the Michigan Compiled Laws, and the following sections of Administrative Rules promulgated pursuant to that Act: Part I, being R.325.10101 to R.325.10115; Part 4, being R.325.10401 to R.325.10409; Parts 7 & 8, being R.325.10701 to R.325.10833; Parts 10 through 14, being R.325.11001 to R.325.11407 of the Michigan Administrative Code, and any subsequent revisions thereto.

(3) The water shall be of suitable bacteriological and chemical quality. The Drinking Water Standards of the Environmental Protection Agency shall be the guidelines for determining suitable bacteriological and chemical quality.

#### **SECTION 205 - FINAL APPROVAL**

No water supply system shall be placed into operation or otherwise used for its intended purposes without an approval of the construction and installation of such system by the Health Officer.

(1) The Health Officer shall be notified at least one work day in advance for a final inspection. The final inspection must indicate an approval by the health department before any water supply system is placed into operation or use.

(2) When, upon inspection, the water supply system is found to be in general conformance with approved plans and these regulations, the facilities shall be approved for use. Notification of such approval shall be given to the applicant within ten (10) days.

(3) If, upon inspection, the water supply system is found to be in noncompliance with these regulations, the Health Officer shall give written notice to the applicant specifying the non-complying items.

(4) The final inspection process will include a partial chemical water sample collected by the local health department representative. A charge shall be included in the application fee for this service.

(5) Notification of approval or non-approval of a water supply system shall be by such means, including, but not limited to, a project approval or non-approval tag, placard or other similar device and written notification to the applicant, as will provide applicant actual notice of the determination of the Health Officer.

#### **SECTION 206 - WELL ABANDONMENT**

When any existing well is abandoned or its use terminated, the entire existing well casing shall be ordered to be removed and/or sealed by methods and materials that is approved by the Health Officer and the Michigan Department of Environmental Quality.

#### **SECTION 207- REPEAL**

The "Rules and Regulations for Water Supplies in Midland County", effective March 11, 1970, as amended, are hereby repealed. Site evaluations based upon the standard of and permits issued under the authority of the repealed code shall be valid for any construction completed prior to the effective date of the new code.

**CHAPTER III**  
**RULES AND REGULATIONS GOVERNING THE INSTALLATION OF WASTE WATER DISPOSAL**  
**SYSTEMS IN MIDLAND COUNTY**

**SECTION 300 - SCOPE**

This regulation shall apply to the installation, construction and/or alteration of private (single and two family) or semi-public wastewater disposal systems of flows of 10,000 gallons per day or less to those premises, dwellings and habitable buildings where a public wastewater disposal system is not available.

**SECTION 301 - SEWAGE/WASTE WATER DISPOSAL DEFINITIONS**

**301.1 ABSORPTION FIELD**

The term "Absorption Field" means a drainfield or drainbed system for distributing septic tank overflow or effluent below the ground surface by means of a series of lines or drain tile so as to allow the overflow or effluent to be absorbed and treated by the surrounding soil.

**301.2 ABSORPTION FIELD FAILURE**

The term "Absorption Field Failure" means an absorption field for which one or more of the following conditions exist:

- (a) Effluent does not flow from the septic tank.
- (b) Effluent seeps from or ponds on or around the system, or contaminates the surface waters or groundwaters of the State of Michigan.
- (c) Areas over the absorption field that becomes damp and spongy.
- (d) The septic tank or other chambers receive backflow from the absorption field.

**301.3 ALTERNATIVE WASTE TREATMENT SYSTEM**

The term "Alternative Waste Treatment System" means an individual on-site waste system which has been approved for use by the local health department and which is properly operated and maintained so as not to cause a health hazard or nuisance.

**301.4 AVAILABLE**

The term "Available" means to abut, be adjacent to, run laterally across, or is within 200 feet of the premise, and shall meet the definition of the municipality having jurisdiction if applicable.

**301.5 COUNTY DRAIN**

The term "County Drain" means a "man-made" ditch used to drain surface waters in Midland County, and established by the Midland County Drain Commissioner. Such term shall include an inter-county drain system.

**301.6 DISTRIBUTION SYSTEM**

The term "Distribution System" means either a drainfield or drainbed.

**301.7 DOSING TANK**

The term "Dosing Tank" means a watertight receptacle used for the purpose of retaining the overflow of effluent from the septic tank or premise, pending its automatic discharge to a selected point by means of a pump, siphon, or other acceptable means.

**301.8 NUISANCE**

The term "Nuisance" includes, but is not be limited to, any condition where effluent from any sewage disposal facility is exposed to the surface of the ground or is permitted to drain on or to the surface of the ground, into any ditch, storm sewer, lake, river or stream, or when the odor, appearance or presence of this material has an obnoxious or detrimental effect on or to the senses or health of persons, or when it shall obstruct the comfortable use or sale of adjacent property.

**301.9 PERFORATED PLASTIC TUBING**

The term "Perforated Plastic Tubing" means the pipe used for the distribution of sewage effluent in the drainfield or drained as recommended by the Michigan Department of Environmental Quality.

**301.10 PRIVATE WELL**

The term "Private Well" means a well that serves a single family as defined by the State of Michigan, " Groundwater Rules and Regulations" as authorized by Act 306, P .A. 1969 as amended, Part 127 of Act 368, P .A. 1978, as amended.

**301.11 PRIVIES OR outhouses**

The term "Privies or Outhouses" means a building or other structure not connected with a sewer system or with a properly installed and operated sewage disposal system, and which is used for the reception, disposition, or storage, either temporarily or permanently, of feces or other excreta from the human body.

**301.12 SEASONAL HIGH WATER TABLE**

The term "Seasonal High Water Table" means the highest level or elevation to which the soil is saturated as may occur during the normally wet periods of the year. This may commonly be interpreted by the physical presence of water and/or as interpreted by the presence of mottling.

**301.13 SEPTIC TANK**

The term "Septic Tank" means a water tight receptacle of sufficient size used for the purpose of receiving all sewage designed to permit the separation of solids in suspension from the sewage and to permit such retained solids to undergo decomposition therein releasing the liquid effluent or overflow to be disbursed beneath the surface of the ground.

**301.14 SEWAGE/WASTE WATER**

The term "Sewage/Waste Water" may be used interchangeably and means the used water from a habitable building and includes toilet, bath, showers, laundry, lavatory, dishwasher, kitchen sink wastes and any other water carrying waste of organic or inorganic nature, excluding roof runoff water, water softener discharge, footing water and storm or surface water.

**301.15 SEWER LINE**

The term "sewer line" means a watertight conduit pipe for conveying sewage to the septic tank, drainfield or drained.

**301.16 SUBSURFACE SEWAGE DISPOSAL SYSTEM**

The term "Subsurface Sewage Disposal System" means a septic tank connected to a drainfield or drained, the purpose of which is to collect and decompose normal household sewage and effectively distribute the effluent into the surrounding soil.

**301.17 OTHER TECHNICAL WORDS OR PHASES**

Other technical words or phases not defined in this section, but which may be used herein, shall mean the most commonly recognized interpretation or description of the technical term used in the environmental health profession.

**SECTION 302 - ADMINISTRATION**

**302.1 REGISTRATION**

Any person, firm, company, or corporation who shall engage in the business of installation of a sewage disposal system or any part thereof under these provisions, must be registered with the Midland County Health Department. This provision shall not be construed to prohibit an individual from installing his/her own sewage disposal system, provided a valid permit for such installation be obtained from the Midland County Health Department. A fee may be charged for registration with the Midland County Health Department.

The health officer may revoke or suspend the registration of any person, firm, company, or corporation identified in this section who violates the provisions of these regulations.

### **302.2 PERMITS**

On and after the effective date of these provisions, no person shall begin construction, extension, or alteration of a sewage disposal system unless a valid permit has been issued by the Health Officer for such installation, construction, alteration or extension.

**(A) Permit Application:** Application for permits shall be made upon such forms and shall contain such reasonable information as required by the Health Officer.

**(B) Permits Issued:** Permits shall be issued only when plans and specifications for the installations can meet the requirements hereto stated and are approved by the Health Officer or his/her duly authorized representative who has made an onsite evaluation.

**(C) Permit Expiration:** A permit for installation, construction, alteration or extension shall expire twelve (12) months after the date of issuance.

**(D) Permit Transfer:** Permits are not transferable to place. Should the ownership of the property for which a permit has been issued change; the permit may be transferred to the new owner. Such transfer must be requested in writing on forms to be provided by the Health Officer and signed by the original permit holder.

**(E) Void Permit:** The permit for a private sewage disposal system may be declared void by the Health Officer if the area designated for the soil absorption field is disturbed by major filling, excavating, paving, flooding, change in system location, by location of a water supply well or other feature so as to encroach on any required isolation distance. The permit may also be declared void if there is any increase in the scope of the project prior to, during, or following construction of said system.

**(F) Building Permit:** No municipality or township or other agency shall issue a building permit or otherwise allow commencement of construction on any land where public sewers are not available until a permit has first been obtained from the Health Officer for a private disposal system.

### **302.3 APPLICATION DENIAL**

The Health Officer shall be authorized to reject an application to construct a sewage disposal system which cannot meet the requirements of these regulations. The reasons for said rejection shall be furnished to the owner in writing.

### **302.4 FEES**

A fee shall be charged per Act 368, P .A. of 1978, section 2444(1) for each permit issued for the installation of sub-surface sewage disposal system, or any part thereof. Said fee shall be paid by the owner or his agent to the Midland County Health Department for deposit in the Health Fund.

### **302.5 APPEAL ALLOWED**

If any person is aggrieved by a ruling of the Health Officer and wishes to appeal such a ruling, he/she may do so as outlined in Section 309 of this code.

## **SECTION 303 - SEWAGE DISPOSAL SYSTEM REQUIREMENTS**

### **303.1 PREMISE CONSTRUCTION**

It shall be unlawful for any person to construct or maintain any premise which is not equipped with adequate facilities for the disposal of sewage in an approved and sanitary manner. Such facilities shall be constructed in accordance with the provisions of these regulations.

### **303.2 ALTERNATIVE SYSTEMS/PRIVIES**

Alternative waste treatment systems shall be constructed only with written permission of the Health Officer. Privies shall be constructed so as not to create a health hazard or nuisance and maintained in accordance with Section 12771 of Act 368, P.A. of 1978 and administrative rules promulgated therefrom.

**303.3 SEWER CONNECTIONS**

All habitable buildings shall be connected to a public sewer if available. If sewers are not available they shall be connected to an approved onsite sewage disposal system.

**303.4 FAILING SYSTEM**

In the event of a failure of an existing sewage disposal system, the Health Officer may require repair specifications as necessary, and said specifications may differ from those enumerated in sections 304, 305.3, 305.5(a-b-c) of these regulations.

**SECTION 304 - LOCATION**

All septic tanks shall be installed in such a location and manner as to be readily accessible for maintenance purposes and all absorption fields shall be installed only under such circumstances where sufficient land area is readily available for necessary expansion and relocation of the absorption field. An available location for the absorption field shall contain the necessary area for the initial installation with additional area for a replacement absorption field at least the size utilized by the initial absorption field installation. No permanent structure shall be placed on the area reserved for the replacement absorption field. In addition, minimum isolation distances shall be maintained as follows

Minimum Isolation From*	Septic Tank	Septic Field
Property Lines	10 ft.	10 ft.
Building Foundation and Basement Wall	10 ft.	20 ft.
Slab Construction (eg. Patio, Garage)	5 ft.	5 ft.
Mobile Home Pad	5 ft.	10 ft.
Swimming Pool (In Ground)	10 ft.	20 ft.
Above Ground Pool	10 ft.	10 ft.
Water Supply Well (Deep Well)	50 ft.	50 ft.
Lake, River, Stream, Pond	50 ft.	50 ft.
Road Ditch, County Drain, Drainage Tile	20 ft.	20 ft.
Pressurized Water Line	10 ft.	10 ft.

\*Isolation Distances May be Increased or Decreased as Required.

**SECTION 305 - CONSTRUCTION REQUIREMENTS**

**305.1 SEPTIC TANKS**

Septic tanks shall be watertight and constructed of non-corrosive and durable materials. The design of septic tanks shall be approved by the Health Department. Septic tanks shall be structurally capable of withstanding normal loads and pressures to which they are subjected. All seams, joints and pipe connections shall be properly sealed and watertight. An outlet device shall be securely mounted to the tank outlet in such a manner to prevent leakage or dislodgement.

**305.2 COMMERCIAL BUILDINGS**

Commercial establishments, apartments, and other public buildings with sewage flows greater than 1000 gallons per day will be required to follow the Michigan Criteria for Subsurface Sewage Disposal-effective June, 1989 (as amended), a copy of which is available at the Midland County Health Department Offices or the Michigan Department of Environmental Quality in Lansing, MI.

**305.3 SYSTEM SIZE**

The minimum size required for a subsurface soil absorption field shall be determined from the following table. The specific system for a particular situation shall be based on the judgment and experience of the Health Officer Representative.

**Absorption field, Minimum number of square feet**

Bedrooms*** Tank Size*	2 1000 Gal	3 1000 Gal	4 1250 Gal	5 1500 Gal
Coarse/Medium Sands	400 sq ft 150 lin ft**	600 sq ft 200 lin ft	800 sq ft 275 lin ft	1000 sq ft 350 lin ft
Fine/Loamy Sands	525 sq ft 175 lin ft	800 sq ft 275 lin ft	1050 sq ft 375 lin ft	1400 sq ft 475 lin ft
Sandy Loam	800 sq ft 275 lin ft	1200 sq ft 400 lin ft	1600 sq ft 525 lin ft	2000 sq ft 650 lin ft
Loam/ Sandy-Clay Loam	1500 sq ft 500 lin ft	2100 sq ft 700 lin ft	2700 sq ft 900 lin ft	3300 sq ft 1100 lin ft
Clay-Loam or Less Porous Soil (Requires Special Consideration)				
* Add 250 Gallons to Tank Size & 20% to Absorption Field size for Garbage Disposal Installation.				
** Lineal Feet Based On Two-Foot Wide Trench				
*** Structures less than two bedrooms may require systems less than those listed above.				

**305.4 CALCULATED WATER USAGE (COMMERCIAL/MULTIPLE DWELLINGS):**

Minimum size and design requirements for septic tanks and absorption fields for multiple dwellings, commercial, industrial, or places of assembly shall be in accordance with calculated water usage.

**305.5 SITE DENIAL**

No new sewage disposal system shall be installed or permit issued:

(a) Where subsoil structure is of a character, which is classified or judged by the Health Officer as unsuitable for domestic sewage disposal by field investigation and/or the engineering interpretations for soils established by the U.S. Department of Agriculture, Soil Conservation Service.

(b) Where conditions of ponding, flooding or high ground water elevations are known to occur and such conditions will be in conflict with the development of safe and adequate systems for water supply and sewage disposal.

(c) Where approved drainfield material will not be at least 18 inches above high groundwater elevations, provided, however, this does not apply to repair of existing systems.

(d) Where the proposed location of the sewage disposal system is within a flood plain inundated by regular seasonal flooding.

(e) Where a septic tank or disposal field is installed under any driveway, parking lot or paved area.

**305.6 SPECIAL DESIGN METHODS**

Nothing contained herein shall prevent the use of special construction methods to develop subsurface permeable soil formations or use other techniques; provided the engineering design of such systems is first approved and their operation is in accordance with the standards of the applicable sections of this code.

**305.7 CONSTRUCTION REQUIREMENTS ON INDIVIDUAL SEWAGE DISPOSAL SYSTEMS:**

(a) All septic tanks and absorption fields and accompanying materials shall be constructed in accordance with the provisions of these regulations and be of durable, serviceable materials and installed in a fashion consistent with the standard for like installation in the community.

(b) The absorption field for final disposal of septic tank effluent shall be constructed in such a fashion that uniform distribution of effluent over the entire soil area is effectively accomplished in a manner approved by the Health Officer. Dosing chambers or other special facilities to help insure uniform distribution in an approved disposal field operation shall be provided if deemed necessary by the Health Officer.

(c) The bottom of absorption fields shall be a minimum of 18" above the seasonal high water table. This may require using a suitable sand fill around the proposed absorption field. All absorption fields shall be covered with sandy to loamy type soils.

(d) Absorption fields shall be installed in such a manner and location that surface water drainage is diverted away from the installation.

### **305.8 ABANDONMENT OF A SEPTIC TANK**

Any septic tank removed from service shall be either pumped out and filled with sand or other inert material, or pumped out and caved in and the hole filled in with inert materials.

## **SECTION 306 - INSPECTIONS**

### **306.1 INSPECTION REQUIREMENTS**

The Health Officer has the right to make any necessary inspections either during or after construction, or both. The Health Officer may, at his/her discretion, require other reasonably equivalent methods of verifying that final construction meets the criteria of these regulations. Failure to construct according to the permit specifications and in an acceptable manner shall be deemed a violation of these regulations for which the owner or contractor may be required to reconstruct the system in a manner acceptable to the Health Officer. Receiving the permit shall constitute the owners permission for health department personnel to make inspections of the location and construction progress. Any change in the permit specifications must receive prior written approval of the Midland County Health Department.

A final wastewater system inspection, as outlined by the Health Department, shall allow for reasonable location of tank, drainfield, drainbed, and all connecting drain lines via a suitable sketch on the appropriate final inspection form. Drain field/ bed outside dimensions, length of trenches, header and footer, if applicable, tank location as measured from the home or other permanent structure, length of any connecting lines, and location, if applicable, shall be included on the final inspection form.

### **306.2 APPROVAL/NON-APPROVAL NOTIFICATION**

(a) When, upon inspection, the sewage disposal system is found to be in general conformance with approved plans and these regulations, the system shall be approved for use and notification of such approval given to the applicant within five days.

(b) If, upon inspection, the sewage disposal system is found to be in noncompliance with these regulations, the Health Officer shall give written notice to the applicant, specifying those non-complying items and why the sewage disposal system cannot be approved for use.

(c) Notification of approval or non-approval of a sewage disposal system shall be by such means as will give the applicant or owner actual notice. Said notice may be in a fashion including, but not limited to, a project approval or non-approval tag, placard, or other similar device, and written notification to the applicant.

## **SECTION 307 - SEWAGE OF UNKNOWN ORIGIN**

Whenever it has been determined that improperly treated sewage is flowing from the outlet of any public or private drain, the Health Officer may issue public notices requiring persons owning premises from which such sewage originates, to cease and desist from the further discharge of improperly treated sewage into said drain. Notice shall further require property owners to connect such sewage into said public sewer if available; in the absence thereof must comply with provisions of this Code. Public notice shall consist of the posting of at least five notices in the probable area served by said drain. If the source of the improperly treated sewage flow has been



determined to be from an unknown source or origin, after no less than thirty (30) days following posting of the notices, the Health Officer may plug or cause to be plugged the outlet of said drain until such time as the sources of the sewage have been located. An owner of property known to be discharging improperly treated sewage into such drain posted by the Health Officer, shall be given written notice of corrections required within the time allowed by the posted notices. Failure to comply with said notice shall be a violation of this Code. The Health Officer shall not be liable for any damage which results or might result from action authorized by this section.

## **SECTION 308 - ENFORCEMENT**

The Midland County Health Officer, and authorized representatives thereof, shall be the enforcing officer and shall be charged with the enforcement of this regulation. Any deviation from these regulations are to be permitted only by written approval of the Director of the Midland County Health Department affirming such action is not contrary to good sanitation standards and does not endanger public or private health.

## **SECTION 309 - APPEALS**

### **309.1 BOARD APPOINTED**

In order to provide for reasonable and equitable interpretations of the provisions of these rules, there is hereby created a Board of Appeals. The board shall consist of five (5) members, appointed by the Board of Commissioners, and who shall be representative of varied interests; including one representative from each of the following Midland County groups: Human Services, Township Official, a Registered Septic System Installer, and two Citizens at Large. Initially, the four non-board of health members shall be appointed for one, two, three, and four year terms with eligibility for reappointment. Thereafter the terms shall be for four years. Vacancies shall be filled by appointment for the balance of the unexpired terms. The membership of the Board of Appeals shall elect their chairperson from among its membership. The Health Department shall provide administrative support to the Board of Appeals. An alternate member may be appointed to serve as needed to fill in for vacant members.

### **309.2 APPEAL FEE**

A fee may be charged for filing a hearing request. The fee amount shall be stated in the Health Department fee schedule and may be waived by the Health Officer if the applicant can adequately demonstrate financial hardship.

### **309.3 VARIANCE REQUIREMENTS**

The Appeals Board may grant individual variances from the requirements of these regulations when said board has determined that all of the following conditions exist: (1) that no substantial health hazard or nuisance is likely to occur therefrom; (2) that strict compliance with the code requirements would result in unnecessary or unreasonable hardship; (3) that no state statute or other applicable laws would be violated by such variance, including any property developed under Act 288, p .A. 1967 as amended (plat act), and (4) that the proposed variance would provide essentially equivalent protection in the public interest.

### **309.4 HEARING CRITERIA**

**(a)** Any person affected by an order, decision, or notice issued by an employee of the Health Department in connection with the enforcement of this code, is encouraged to meet and resolve any concerns with the Director of Environmental Health and/or Health Officer. At any time a person may cease efforts to reach an administrative resolution and request a hearing before the Board of Appeals.

**(b)** A person requesting a hearing before the Board of Appeals shall make written notice, upon such form(s) as provided by the Health Department to the Health Officer within 30 days after the ruling of the Health Officer setting forth the grounds upon which the appeal is made. The Health Officer shall forward such request to the Board of Appeals within five working days. The Board of Appeals shall establish a time, date and place within 35 days of receipt of an appeal for hearing of the appeal. The appellant shall be notified in writing by certified mail at least 5 days before the hearing of the time, date and place. The final disposition of said appeal shall be by resolution of the majority of the Board which shall either affirm, modify or reverse in whole or in part the action of the Health Officer. The Board of Appeals shall furnish the appellant with a written report of its

findings and decision within 15 days following the hearing of any appeal. Any variance granted by the Board of Appeals is valid for a period of not more than one year from the date issued unless otherwise specified in the variance.

(c) The decision of the Board of Appeals in all cases is final and shall be subject to judicial review as may be provided by law.

**309.5 TECHNICAL ASSISTANCE**

The Board of Appeals may request the technical, legal or administrative assistance of governmental agencies and/or other experts in the appeals hearing.

**309.6 CONSTRUCTION LIMITATIONS**

Any sewage construction permit issued as a variance by the Appeals Board shall in addition to the proposed construction be subject to the following limitations:

**(A)** The permit may be declared void by the Health Officer if the area designated for the soil absorption system is disturbed by major filling, excavating, paving, or flooding, or change in system location, or by location of a water supply system or other feature so as to encroach on any required isolation distance, or is any way modified so as to be inconsistent with the approved construction plans.

**309.7 CONSTRUCTION NOTICE-APPEALS**

The Midland County Health Department is to be given, at minimum, 24-hour notice prior to construction of permitted sewage system. The Appeals Board shall require construction verification, and may designate a representative of the appellant to verify construction of the sewage disposal system.

**SECTION 310 - REPEAL OF PREVIOUSLY ADOPTED CODES**

The Midland County "Installation of Sewage Disposal Systems" of the Midland County Department of Public Health effective May 18, 1982, as amended, is hereby repealed. Site evaluations based upon the standards of and permits issued under the authority of the repealed code shall be valid for any condition completed prior to the expiration date of said permit.

Board of Commissioners approval September 20, 1994

Effective Date of Code November 7, 1994

Amended October 10, 1995

Amended October 7, 1998

Amended June 2, 2008