

## District Sanitary Code Regulatory Changes – Quick Reference Guide

(This is a summary of noteworthy changes and not an all-inclusive list)

### General Items

- The District Sanitary Code goes into effect on **January 27, 2023**
- Pre-existing violations are still violations under the new Code (Section 1.8)
- A bedroom is defined as per the International Residential Code (Section 2.6)

### Septic System Specific

- **Sewage systems in use prior to January 27, 2023**, may continue to be used as long as they are in substantial conformance with the Code and are not a hazard to public health and safety or causing excessive degradation of the natural environment
  - Non-expired permitted septic systems issued prior to January 27, 2023, which have not yet been installed, may be installed as required by the original permit. They do not need to be modified to conform to the new District Sanitary Code.  
All expired permits must be modified (if necessary) to reflect the new District Sanitary Code requirements prior to their renewal.
- **Privies** must be set on a septic tank/vault (Sections 2.28 & 3.2)
- **Sewer lines** (Section 3.8.1)
  - Within 50' of a spring, well, or water suction line the sewer line shall be constructed of cast-iron, schedule 40 plastic, or similarly approved material.
  - Must be 10' from a well, spring, or well water service pipe
  - Must be located at least 5' from municipal water service pipe
  - Can sleeve the water service line and/or sewer line if the required isolation distances cannot be met
  - All sewer lines and sleeves must meet the requirements of the Michigan Plumbing Code or a nationally recognized uniform plumbing code.
  - Must be a minimum of 3" in diameter
- **Septic Tanks** (Section 3.8.2)
  - Must be a minimum of 10' from a wastewater easement boundary (excludes road, utility and other similar easements)
  - All tanks that are greater than 18" below grade must have access risers installed on each compartment of the tank.
  - Risers shall be a minimum of 18" in diameter and terminate no deeper than 6" below finished grade.
  - For any tank buried greater than 36" to the top, the tank manufacture must provide information to BLDHD certifying that their tank 's structural integrity allows for greater burial depths.
  - Dwellings with 2 bedrooms (+ garbage disposal) or more must have a multiple compartment tank installed
  - In compartmental tanks, the first compartment must equal 2/3 of the total tank capacity (excludes grease traps)
- **Dosing Tank/Pump Chamber** (Section 3.8.3)
  - Shall have an audio-visual high-water alarm installed
  - Must have an access riser extending to the ground surface for routine maintenance
- **Sub Surface Disposal System** (Section 3.8.5)
  - Minimum isolation distance additions
    - 25' from a footing drain without direct connection to surface water
    - 50' from any drain with a direct connection to surface water
    - 5' from any on grade slab
    - 10' from the top edge of steep slopes (>25% slope)
    - 10' from a wastewater easement boundary (excludes road, utility, and other similar easements)

- **Alternative Treatment Systems (ATS)** (Section 3.9)
  - Not permitted to be used for commercial septic systems, subdivisions, site condominiums, condominiums, or parcels less than an acre that are regulated under the Land Division Act (March 31, 1997).
  - ATS must meet the following minimum criteria
    - Biological Oxygen Demand (BOD)  $\leq$  30 mg/L
    - Total Suspended Solids (TSS)  $\leq$  30 mg/
    - Total Inorganic Nitrogen (TIN)  $\leq$  30 mg/L
    - Total Phosphorous  $\leq$  4 mg/L, for discharges within 200' of surface water.
  - NSF/ANSI 40 and 245 certified ATS do NOT need to report annual sampling results for BOD, TSS, TIN
    - The ATS must have both NSF/ANSI 40 & 245 certification to waive annual sampling requirements.
    - Required total Phosphorous level testing results must still be reported to BLDHD
    - All required start up and semi-annual sampling must still be conducted
  - A minimum of 12" of suitable naturally occurring soil in the final disposal area is required for an ATS
    - Must include a minimum of 6" of soils free of mottling (evidence of seasonal high groundwater) or actual water below the topsoil
  - Disinfection is no longer required
  - All ATS final disposal systems must be a minimum of 24" above seasonal high-water table or restrictive soil layer (can use up to a maximum of 12" of approved fill soil).
  - Owner shall obtain a maintenance agreement for the life of the system with a competent professional
  - A professional engineer or other qualified individual must certify the construction of the ATS
  - The owner must pay an annual fee by February 1<sup>st</sup> of each year
- **Holding Tank Systems** (Section 3.11)
  - May be permitted for use on existing dwellings and parcels of land recorded before January 27, 2023
  - May NOT be permitted for parcels of land recorded on or after January 27, 2023 (aka newly created parcels)
  - Must be pumped by a State of Michigan licensed septage hauling vehicle and disposed of as described by law.
- **Change of Use** (Section 3.12)
  - A change in use of a premises (both residential and commercial) which may result in an increase in the generation of wastewater is not allowed unless the existing septic system is determined by BLDHD to be in substantial compliance with the Code
  - A remodel review must be completed by BLDHD to determine if the existing sewage disposal system is sufficient and adequate for the proposed change of use and/or increase in living or working area of the building
  - Examples of a change of use would include, but not be limited to, adding bedrooms, adding seating in a food establishment, building additions, construction of garages, and/or outbuildings.

### **Water Well Specific**

- "Well" is defined and specifies particular water wells that need a permit (Section 2.45)
  - Adds geothermal wells to those that need a permit.
- For a drinking water well to receive final approval (Section 4.8) the following conditions must be met:
  - A water well and pump record must be submitted
  - An on-site water well component construction inspection must be completed by BLDHD
  - Acceptable bacteria and nitrate (and any other parameter deemed necessary by BLDHD) results are obtained and submitted to BLDHD.
- Well first requirements may be a condition of a well permit in areas where obtaining satisfactory yields of quality and quantity of ground water may be a problem (Section 4.13)
- Any construction, installation, alteration, or extensive changes of a water supply well must have a permit (Section 4.14)
  - Extensive changes include, but are not limited to, replacing the casing, removing a casing from the ground for any reason, installing a liner, or increasing the depth of the well casing.
  - Normal routine maintenance, minor repairs or changes (ex. replacing pump, well cap, screen, pressure tank, piping, wiring, treatment devices, or installation of a pitless adaptor) do not need a permit.

### **Well/Septic System Evaluation Specific (Chapter VI)**

- Requirement applies to all Benzie and Leelanau County transfers (include sales)
- “Substantial Conformance” was defined (Section 2.40)
- “Transfer” is defined to provide better clarification (Section 2.43)
- The following transfers are exempt from the requirement:
  - A permitted water well and/or septic system that was installed and approved by our department within 36 months prior to the proposed transfer, is not required to be evaluated. (Section 6.2(b)(1))
  - A water well and/or septic system that was evaluated by our department within 36 months prior to the proposed transfer, is not required to be evaluated (Section 6.2(b)(2))
  - Water quality samples (bacteria and nitrate) do not need to be collected from a water well where our department has obtained acceptable results within 6 months prior to the proposed transfer (Section 6.2(b))

### **Code Enforcement Specific**

- The fine per day for a continuing violation is \$200/day (Section 8.4)
- It is unlawful for any person to refuse to permit an authorized inspection or investigation and to molest or resist a sanitarian who is attempting to discharge their duties. (Section 8.11)

### **Hearings and Appeals Specific**

- Explains the appointment of board members and their associated duties (Sections 9.1 – 9.6)
- Staff may issue a variance if certain conditions exist (Section 9.7)
  - A variance shall not be granted due to a self-created condition or the result of actions of the property owner or previous property owner(s) which occurred after the enactment of the Sanitary Code provisions for which the variance is sought
  - The decision to grant a variance(s) shall be made in writing and shall include the facts and the basis for granting the variance