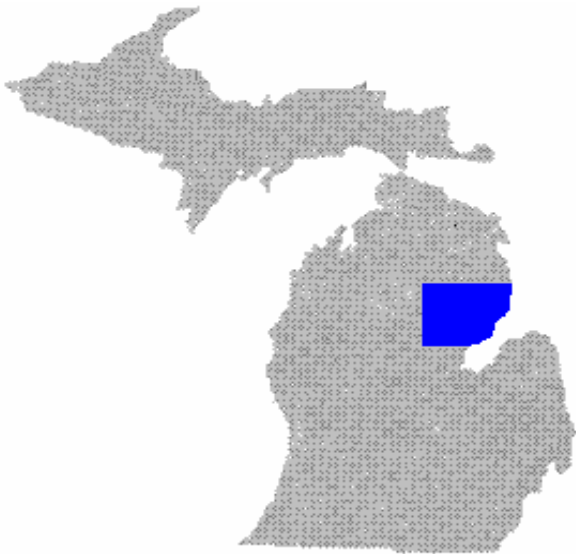


# Environmental Health Regulations



<b>OSCODA</b>	<b>ALCONA</b>
<b>OGEMAW</b>	<b>IOSCO</b>

## **DISTRICT HEALTH DEPARTMENT NO.2**

**EFFECTIVE JANUARY 12, 1991**

**AMENDED, EFFECTIVE DECEMBER 12, 1997**

**ENVIRONMENTAL HEALTH REGULATIONS  
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# **ENVIRONMENTAL HEALTH REGULATIONS FOR DISTRICT HEALTH DEPARTMENT NO. 2**

REGULATIONS to safeguard the public health, safety and welfare and to prevent the spread of diseases and sources of contamination; to provide for supervision and control sewage disposal systems; to prescribe powers and duties of the District Health Department; to prevent the occurrence of public health nuisances; to authorize the establishment of guidelines to allow for the uniform interpretation of these regulations; to provide penalties.

## **CHAPTER I - AUTHORITY, JURISDICTION AND ADMINISTRATION**

### **1.1 AUTHORITY**

By virtue of the power vested in the Board of Health for District Health Department No. 2 under the authority of Act 368, of the Public Acts of 1978, as amended, there are hereby provided regulations affecting the public health, safety and welfare in effect within the Counties of Alcona, Iosco, Ogemaw and Oscoda, State of Michigan.

### **1.2 JURISDICTION**

The Health Department shall have jurisdiction throughout the counties included in the agreement establishing District Health Department No. 2 in administration and enforcement of these regulations, including all amendments hereafter adopted unless otherwise specifically stated.

Nothing herein contained shall be construed to restrict or abrogate the authority of any township, village, or municipality within the jurisdiction of District Health Department No. 2 to adopt more restrictive ordinances, or to enforce existing ordinances.

### **1.3 VALIDITY**

If any section, subsection, clause or phrase of these regulations is for any reason adjudged unconstitutional or invalid, it is hereby provided that the remaining portions of these regulations shall not be affected thereby.

### **1.4 OTHER LAWS AND REGULATIONS**

These minimum standards are supplemental to the rules and regulations duly enacted by the Michigan Department of Public Health and to the laws of the State of Michigan relating to the public health, and shall supersede all local minimum standards heretofore enacted inconsistent therewith.

## **1.5 ABATEMENT OF NUISANCES**

Nothing stated in these regulations shall be constructed to limit the power of the Health Officer to order, UNDER THE GUIDELINES OF THESE REGULATIONS, the immediate and complete abatement of a public health nuisance or menace to the public health or of a condition which, (in the opinion of the Health Officer), COULD become a menace to the public health. The Health Officer may issue an order to void, correct, or remove at the owner's expense, a building or condition which (the Health Officer reasonably believes) COULD be a public health nuisance, unsanitary condition, or cause of illness in accordance with Section 2455 of Act 368 of 1978.

## **1.6 POWER TO ESTABLISH GUIDELINES**

The health department may establish guidelines concerning the interpretation of these regulations. Such guidelines shall be subject to review and approval by the Board of Health.

## **1.7 ENFORCEMENT**

All premises affected by these regulations shall be subject to inspection by the Health Officer, and the Health Officer may collect such samples for laboratory examination as he deems necessary for the enforcement of these regulations.

## **1.8 INTERFERENCE WITH NOTICES**

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

## **1.9 RIGHT OF ENTRY AND INSPECTION**

No person shall refuse to permit the Health Officer to inspect any premise at reasonable times, in accordance with Section 2446 of Act 368 of 1978, nor shall any person molest or resist the Health Officer in the discharge of his duty.

## **1.10 PENALTY**

Any person who shall comply with any provision herein, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding the sum of two hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or both such fine and imprisonment, at the discretion of the Court. Each day violation of this regulation exists shall constitute a separate offense.

## **1.11 INJUNCTIVE PROCEEDINGS**

Notwithstanding the existence or pursuit of any other remedy, the Health Officer may maintain an action, in the name of District Health Department No. 2 in a court of competent jurisdiction for an injunction or other process against any person to restrain or prevent violations of these regulations.

### **1.12 FEES**

Fees, paid to District Health Department No. 2, shall be credited to the District Health Department No. 2 account with the county treasurer approved by the Board of Health. A schedule of fees for licenses, permits, and other services authorized by these regulations shall be established by the Board of Health.

### **1.13 NOTIFICATION**

Notification of the adoption of all regulations promulgated by the Board of Health, under authority of act 368 of the Public Acts of 1978, as amended, and approved by the Board of Commissioners of Alcona, Iosco, Ogemaw or Oscoda County shall be on file at the County Clerks' Office.

### **1.14 EFFECTIVE DATE**

These regulations shall become effective on January 12, 1991. Any amendments to these regulations shall become effective on the 45<sup>th</sup> day following approval by the Board of Commissioners of each county within the jurisdiction of District Health Department No. 2.

### **1.15 REPEAL**

The Sanitary Code, of District Health Department No. 2, effective in 1972, 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 construction completed prior to (2 years from the date of adoption of these regulations). January 12, 1993.

### **1.16 AMENDMENT PROCEDURE**

These rules and regulations may be amended from time to time following the same procedures by which these rules and regulations are enacted.

## **CHAPTER II - GENERAL DEFINITIONS**

When not inconsistent with the context, words used in the present tense include the future, words in singular number include the plural number, words in the plural number include the singular number, and words in the masculine gender include the feminine gender. The word "shall" is always mandatory, and not merely directory. Words and terms not defined herein shall be interpreted in the manner of their common usage.

### **WORDS AND TERMS**

The following words and terms, used in these regulations, unless expressly stated, shall have the following meaning.

**2.1 BOARD OF HEALTH**

The term “Board of Health” shall mean the Board of Health of District Health Department No. 2.

**2.2 HEALTH DEPARTMENT**

The term “Health Department” shall mean the District Health Department No. 2.

**2.3 HEALTH OFFICER**

The term “Health Officer” shall mean the Health Officer of the District Health Department No. 2 and/or his authorized representative.

**2.4 MUNICIPALITY**

The term “Municipality” shall mean any incorporated city, village, or township within the counties of Alcona, Iosco, Ogemaw and Oscoda.

**2.5 PREMISE**

The term “Premise” shall mean any tract of land with, or without a habitable building.

**2.6 HABITABLE BUILDING**

The term “Habitable Building” shall mean any structure where persons reside, are employed, or congregate.

**2.7 DWELLING**

The term “Dwelling” shall mean any house, building, appurtenance, structure, tent, shelter, watercraft, trailer, or vehicle or portion thereof which is occupied in whole or in part as a home residence, living or sleeping place of one or more human beings either permanently or transiently.

**2.8 PERSON**

The term “Person” shall mean a person or persons, firm, partnership, corporation, association, or any public entity.

**CHAPTER III - SEWAGE DISPOSAL**

**DEFINITIONS**

**3.1 SEWAGE**

Any water transported waste material produced by any toilet, sink, bathtub, shower, drain, or laundry device; and human waste material in any form, originating within, or upon, any premise. Excluded from the definition are waters from roofs, foundation drains, and water softening devices,

### **3.2 AVAILABLE**

The term “Available”, when used in connection with a municipal sewer system shall mean abuts, is adjacent to, runs laterally, across, or is within 200 feet of, the municipal operated sewer.

### **3.3 SEWER DISPOSAL SYSTEM**

A sewage disposal system shall mean the method of disposing of sewage by means of a sewer line connected to a septic tank and one or more of the following: seepage bed, block trench, absorption field or bed, filter bed, or any other similar device or devices approved by the Health Officer. It shall also mean sewage lagoon or privy.

### **3.4 FLUSH TOILET**

The term “Flush Toilet” shall mean a type of toilet or plumbing receptacle containing a portion of water which receives human excreta and so designed, as by means of a flush of water, to discharge the contents of the receptacle to an outlet connection.

### **3.5 SEWER**

“Sewer” shall mean any pipe or conduit which carries sewage.

### **3.6 SEPTIC TANK**

A watertight receptacle having an outlet and inlet receiving sewage and so designed to permit the separation of solids, in suspension, from such wastes, and to permit such retained solids to undergo decomposition therein.

### **3.7 DOSING TANK**

A watertight receptacle used for the purpose of receiving and retaining the effluent or overflow of a septic tank until discharged by an automatic siphon or pump.

### **3.8 AUTOMATIC SIPHON**

The term “Automatic Siphon” shall mean a bell siphon arrangement which controls intermittent flow of sewage effluent from the dosing tank into the sub-surface disposal system.

### **3.9 ABSORPTION FIELD, TRENCH OR BED**

An absorption field, trench or bed, shall mean a system for distributing septic tank effluent below the ground surface by means of a series of lines of drain tile laid on a bed of stone with openings so as to allow the effluent to be absorbed by the surrounding soil.

### **3.10 BLOCK TRENCH**

A cavity, lined on all four sides by concrete blocks, loosely laid, with open joints and holes facing sideways, surrounded by approved stone for the purpose of receiving septic tank effluent or grey water waste to be absorbed into the soil.

### **3.11 SEASONAL HIGH WATER TABLE**

The highest elevation reached by the water table during the wet season of a normal year as determined by an evaluation by the Health Officer, using physical measurements, physical examination of the soils, historical records, or other verifiable evidence and information.

### **3.12 APPLICABILITY**

These regulations, relating to sewage disposal systems, shall apply to all premises, and residential lots, where single, or two family dwellings, are proposed or located, unless otherwise specified.

### **3.13 DISPOSAL FACILITIES REQUIRED PRIOR TO OCCUPANCY**

It shall be unlawful for any person to occupy, or permit to be occupied, any premise which is not equipped with adequate facilities for the disposal of sewage, in a sanitary manner.

### **3.14 NO SEWAGE OVERFLOW**

Under no conditions, may the overflow of septic tanks, or any other sewage, or other liquid wastes from an existing, or hereafter constructed premise, be discharged upon the surface of the ground. No sewage shall be discharged into any roadside ditch, or into any body of water, or into the ground within 50 feet of a body of water, or into any surface drain

### **3.15 CORRECTION OF EXISTING INSTALLATIONS**

The health Officer may require correction of any existing sewage disposal system, where the liquid wastes therefrom are exposed to the surface of the ground or permitted to drain into any stream, river, lake, or storm sewer, or where the seepage of effluent therefrom may endanger a public or private water supply or where a public nuisance is created by any such system improperly constructed or maintained. Any individual sewage disposal system shall be repaired, rebuilt or replaced by a system constructed according to the provisions of these regulations in a period of time not to exceed 30 days.

### **3.16 CONNECTIONS REQUIRED TO A MUNICIPAL SEWAGE SYSTEM**

All flush toilets, lavatories, sinks, bathtubs, showers and laundry drains, hereafter constructed on a premise, shall be connected with a publicly operated sewerage system when such system is available. In the absence of such publicly operated sewerage system, connection shall be made to a sewage disposal system constructed in accordance with the provisions of these regulations.

When any existing sewage disposal facility, serving any premise where a publicly operated sewerage system is available, becomes a nuisance, is in need of major repair, or is violation of these regulations, the owner shall be required to correct the fault by making proper connection to the publicly operated sewerage system. In case such connection is stipulated by the enforcing agency, said connection shall be made within a time limitation, as set forth by the Health Officer in a written notice to the property owner.

Any sewage disposal facility, replaced by connection to a public operated sewerage system, shall be abandoned in such a manner as to prevent any nuisance or menace to the public health.

### **3.17 APPLICATION REQUIRED**

An application for a permit to construct a sewage disposal system shall be submitted on a form provided by the Health Officer and signed by the applicant. A complete plan of the proposed disposal system with such substantiating data as required shall accompany the application.

### **3.18 FEE TO ACCOMPANY APPLICATION**

The fee charged for each permit/application issued for the installation of a sewage disposal system, as defined herein, shall accompany the application. This fee shall be payable to District Health Department No. 2 for deposit in the District Health Fund.

### **3.19 PERMIT FOR SEWAGE DISPOSAL SYSTEM**

On and after the effective date of these regulations, no person shall be begin construction, alteration, or repair, of any sewage system until the owner or the owner's representative has made application to the Health Officer and has received a construction permit. Such permit shall be valid until December 31 of the year following date of issuance

### **3.20 PERMIT DENIAL**

The Health Officer shall have the right to reject the application for a sewage disposal permit under the following conditions;

- A. Incomplete, inaccurate, or false information supplied by the applicant.
- B. Where a publicly operated sewage treatment system is available.
- C. Where the facility would be inaccessible for maintenance or inspection purposes.
- D. Where the property is too small for isolation from water wells, surface waters, lot lines, habitable buildings and dwellings.
- E. Where the property does not contain sufficient drainage area.
- F. Where seasonal high ground water, surface flooding, or poorly drained soils would prevent the efficient operation of the system or create potential pollution problems.
- G. Where conditions exist, or may be created, which may endanger the public health or the natural environment.
- H. Where the percolation tests indicate the stabilized percolation rate exceeds 60 minutes per inch.

### **3.21 VOIDANCE OF PERMITS**

The Health officer may declare a previously issued permit, for construction of a sewage disposal system, to be null and void, for any of the following reasons or causes.

- A. A change in the plans of the permit holder affecting circumstances relative to the sewage disposal system design, location, or use.
- B. Acquisition of new knowledge or information that has an impact upon the system.
- C. If the site has been altered or changed from specifications on the permit.
- D. Any false, inaccurate or incomplete information supplied by the permit holder.

### **3.22 INSPECTIONS AND INSTALLATION RECORDS**

The Health Officer shall make such inspections, at the site, as deemed necessary. Failure to construct, according to the plans and specifications or instructions, as indicated on the sewage disposal permit, shall be deemed a violation for which the applicant, and/or the installer, may be liable.

All systems, including newly installed, revised, or repaired must be inspected by the Health Officer prior to covering any part of, or all of, the system. Final inspections shall be scheduled by mutual agreement between the installer and the Health Officer.

The person performing the work authorized by a sewage disposal system permit shall notify the Health Officer of the date a final inspection is requested. If the health department cannot comply with a request for an inspection within 24 hours, at the discretion of the health department, consideration may be given to allowing the installer to cover the system and to submit a signed record showing certified details of the final inspection. Forms, for this purpose, shall be provided by the health department. The record of installation shall be postmarked or brought into the health department office, within fourteen (14) days of completion of the system.

### **3.23 STOP WORK ORDER**

If the Health Officer determines that a sewage disposal system, under construction, does not comply with the requirements of these regulations, the Health Officer may issue a stop work order. Installation shall not resume until the owner, and/or installer, has agreed to make corrections to comply with these regulations.

### **3.24 NEW AND EXISTING SYSTEMS**

- A. Sewage disposal systems, in use prior to the effective date of these regulations, may continue in use so long as such usage does not create a hazard to public health and safety, a public health nuisance, or excessive degradation of the natural environment.
- B. Sewage disposal systems, which have not been in seasonal or continuous use for more than 3 years, shall be considered abandoned. An abandoned sewage disposal system shall not be put back into operation unless it can be shown to be in substantial compliance with these regulations.
- C. A change in use of a premise, which may result in a significant increase in the generation of wastewater, shall not be allowed unless it can be shown that the sewage disposal system is in substantial compliance with the applicable regulations for the anticipated new use.
- D. The owner of a premise, or the owner's authorized representative, may, at any time, request an evaluation of an existing or proposed sewage disposal system to determine conformity with these regulations.
- E. Every private sewage disposal system shall be maintained in a satisfactory operating condition at all times. Every septic tank should be serviced by having sludge pumped out at such intervals that will prevent carry over of solids into the absorption field.

### **3.25 CONSTRUCTION AND MAINTENANCE OF PRIVIES AND SIMILAR TOILET DEVICES**

- A. A person shall not maintain, or permit to be maintained, a privy, or similar toilet device, unless it is kept in a sanitary condition, constructed and maintained in a manner which will not injure or endanger the public health and is maintained in accordance with Act 368 of the Public Acts of 1978. In places where the isolation distances are less than these regulations, then the greater distance of these regulations shall prevail..
- B. No privy shall hereafter be constructed, or moved, to any residential premise where the service of a sewer is available to public use, or where the premise is not suitable for the installation of an on-site water carried sewage disposal system, constructed in accordance with these regulations or where water, under pressure, can be provided.
- C. The temporary use of a privy or similar toilet device shall be allowed at public gatherings and construction sites. The privy, or toilet, shall be removed within five days of the public gathering or completion of construction.
- D. Privies shall be located at least 100 feet from all dwellings other than that which they serve. No privy shall serve more than one dwelling.
- E. All privies, on premises connected to a publicly operated sewerage system, shall be removed from over the vault when such connection is completed. The privy vault shall then be filled with compact earth and covered by a t least 12 inches of compact earth.

### **3.26 RESPONSIBILITY FOR CONSTRUCTION**

Any person, engaged in the business of installing and/or repairing sewage disposal systems, may be held severally or jointly responsible with the owner for the construction, in accordance with these regulations.

## **CHAPTER IX - SPECIFIC REQUIREMENTS FOR SEWAGE DISPOSAL SYSTEMS**

### **4.1 TYPE AND LOCATION OF SEWER LINES**

- A. No buried sewer or pipe, used to conduct sewage from a dwelling or habitable building, shall be located less than ten feet from an unprotected water suction line, well casing, spring structure, or other drinking water source. When such buried pipe or sewer is closer than 50 feet to any unprotected water suction line, well casing, spring structure, or drinking water source, it shall be constructed of schedule 40 PVC (polyvinyl chloride) with sealed joints, or other type of pipe approved by the Health Officer. Where such pipes or sewers are located inside, or beneath, a habitable building, they shall be constructed of materials such as specified above.

- B. Size. The size of the sewer line to the tank shall not be smaller than the sewer line coming out of the house.
- C. Grade. Sewer lines, installed between the building and the septic tank, shall be laid at a grade of not less than one-eighth (1/8) inch per foot, or not more than one-half (1/2) inch per foot, unless otherwise approved by the Health Officer.

**4.2 SEPTIC TANK CAPACITY**

Every septic tank, hereafter installed, after the effective date of these regulations, shall comply with the following schedule:

<b>Number of Bedrooms</b>	<b>Minimum Tank Capacity</b>
2 or less	750 gallon
3	1000 gallon
4	1250 gallon

When there are more than four (4) bedrooms, add 250 gallons per bedroom. Where a garbage disposal unit is installed, an additional 250 gallon shall be added to the required tank capacity. For other installations, the septic tank capacity shall be determined by the Health Officer based upon the anticipated use in each specific case.

**4.3 SEPTIC TANK CONSTRUCTION**

- A. Septic tanks shall be of watertight construction and of materials not subject to corrosion or decay and structurally sound. Steel tanks, used as sewage treatment devices, shall not be permitted. All septic tanks shall have a water depth of not less than four (4) feet, and the length from inlet to outlet shall be not less than five (5) feet. All septic tanks shall be provided with suitable openings, with covers, to permit inspection and cleaning. There shall be at least eight (8) inches of air space between the liquid level and the cover. The outlet must have a “T” or “L” tile to withdraw liquid from the middle third of the tank and have an air opening in the top of the “T” or “L” to prevent siphoning. The inlet shall be at least 2 inches above the outlet.
- B. Where, in the opinion of the Health Officer, a watertight riser is deemed necessary, it shall be added with concrete, or other approved lid, so that the tank opening is within 12” of the surface.
- C. Nothing shall preclude the use of a tank with water depth of 36”, where approved by the Health Officer, as in high water table location.

#### **4.4 DOSING TANK**

The Health officer may require that dosing tanks provided with automatic siphons or pumps, of a type approved by the Michigan Department of Public Health, be used on installations where the liquid capacity of the septic tank is 2,000 gallons or more. Dosing tanks must be impervious, having an access port within 12" of the surface, and not to be subject to flooding.

#### **4.5 LOCATION**

Sewage disposal systems shall be located at least 50 feet from any potable water supply, well casing, spring structure, or unprotected water suction lines, except where the Michigan Department of Public Health requires a greater distance. Such systems shall be located at least 5 feet from a lot line, and 50 feet from any lake, pond, creek or other surface water flooding, or its highest known level, and at least 10 feet from any habitable building or dwelling, except septic tanks which shall be at least 5 feet from a dwelling.

#### **4.6 ABSORPTION FIELD CONSTRUCTION**

The distribution lines shall have an inside diameter of at least (4) four inches and composed of materials approved by the Health Officer. Agricultural drainage tile is not acceptable. Said lines shall be laid on a grade of not more than 2 inches per one hundred feet. The bottom of the excavation shall be level. The bottom of the trench, or filter bed, shall not be over 36 inches below the finished grade and not less than 36 inches above the seasonal high groundwater table. Distribution lines shall be laid on at least 6 inches of ½ inch to 2 inch clean stone and be covered by at least 2 inches of the same stone, or other aggregate, approved by the Health Officer. Soft lime stone is not acceptable stone. A watertight header, or distribution box, shall be set true so as to afford an even distribution of all septic tank effluent throughout the subsurface disposal area. A footer shall be installed on each field. The stone shall be covered with a bed of straw or untreated building paper sufficient to keep backfill material out of the stone. No lateral line shall exceed 100 feet.

#### **4.7 TRENCH AND BED SPACING**

- A. Trench width shall be a minimum of 18 inches and a maximum of 36 inches. There shall be minimum of 36 inches of undisturbed earth between each trench. Any excavation, wider than 36 inches shall be considered a filter bed. There must be at least two lateral lines and each line shall be centered in the trench.
- B. Filter beds must have at least two lateral lines that are not less than 3 feet nor more than 5 feet apart.
- C. Lateral lines shall not be farther than 2 feet from the edge of the stone in filter beds.

#### 4.8 SIZE: TRENCH AND BED SIZES

The following table shall determine the size of the absorption field or filter bed, on a per bedroom basis:

Soil Types	Required Area Per Bedroom in Square Feet		
	1 & 2 Bedroom	3 Bedroom	4 Bedroom
Coarse Sand-Gravel	300	450	600
Fine Sand Loamy Soil	450	675	900
Loam	600	900	1200
Sandy Clay	800	1200	1600
Clay	1000	1500	2000

In every case, sufficient area shall be provided for at least two bedrooms.

Homes with more than four bedrooms shall be sized by the Health Officer in a manner consistent with the sizing in these regulations.

The minimum size required for the absorption field shall be determined by the Health Officer based on soil properties, topography, location of ground and surface waters, development trends, projected use and occupancy, and proximity to community sewers. The above are minimum sizes and sizes may be increased as determined by the Health Officer.

#### 4.9 BLOCK TRENCHES

A block trench shall be surrounded by at least 8 inches of approved stone and shall have a cover that is sturdy and non-corrosive. The equivalent square footage of the block trench shall be determined by the sum of the 4 side walls and the bottom area. The use of pre-cast concrete block trenches is prohibited.

#### 4.10 DRY WELLS

The use of dry wells, open sand filters, under drains or any other method of disposal of septic tank effluent shall not be permitted without written permission of the Health Officer.

#### 4.11 OTHER SYSTEMS

Any system not specifically covered in these regulations shall be subject to the approval of the Health Officer.

### CHAPTER V - WATER SUPPLY

It is hereby recognized that a supply of safe potable water is fundamental to individual, public, and community health; that water supply facilities installed and operated in a proper manner are necessary for safeguarding public health, and that contamination of water resources and supplies, or the creation of conditions menacing the public health, should be prevented.

## **5.1 SCOPE**

This chapter shall apply to all premises in Alcona, Iosco, Ogemaw and Oscoda Counties but does not apply to the installation of wells, water mains, service lines, etc. which are part of Type I or Type II 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.

## **DEFINITIONS**

### **5.2 APPROVED**

"Approved" means acceptable for intended use as judged by the Health Officer by utilizing public health laws and regulations.

### **5.3 NOTIFICATION**

"Notification" means completion of a notification form supplied by the Health Officer.

### **5.4 PUBLIC WATER SUPPLY**

"Public water Supply" means a water supply which provides water for drinking or household purposes to persons other than the supplier of water, except those water supplies which supply water to only one living unit.

### **5.5 WATER SUPPLY**

"Water Supply" means a system of pipes and structures through which water is obtained, including but not limited to, the source of the water such as wells, surface water tanks, or hauled water storage tanks; and pumping and treatment equipment, storage tanks, pipes and appurtenances, or a combination thereof, used or intended to furnish water for domestic or commercial use.

### **5.6 WELL**

"Well" means an opening in the surface of the earth for the purpose of obtaining ground water, monitoring the quality or quantity of ground water, obtaining geologic information on aquifers, recharging aquifers, purging aquifers, utilizing the geothermal properties of earth formations, or removing ground water for any purpose. Wells as defined in this section include:

- A. A water supply well used to obtain water for drinking or domestic purposes.
- B. A test well used to obtain information on ground water quantity, quality, or aquifer characteristics, for the purpose of designing or operating a water supply well.
- C. A recharge well used to discharge water into an aquifer.
- D. A dewatering well used to lower the ground water level temporarily at a construction site.

- E. A heat exchange well used for the purpose of utilizing the geothermal properties of earth formations for heating or air conditioning.
- F. An industrial well used to supply water for industrial processes, fire protection, or similar nonpotable uses.
- G. A fresh water well at an oil or gas well drilling site, when the fresh water well is to be retained after completion of the oil or gas drilling operation.

## **GENERAL PROVISIONS**

### **5.7 POWERS AND DUTIES OF THE HEALTH OFFICER**

The Health Officer shall have the authority to regulate the design, installation, **operation**, and maintenance of all water supplies under the jurisdiction of District Health Department no. 2.

The Health Officer may establish guidelines concerning the interpretation of These regulations. Such guidelines shall be subject to review and approval by the Board of Health.

### **5.8 COMPLIANCE WITH STATE REGULATIONS**

Any person installing a well shall comply with all applicable laws, codes, rules and regulations enacted by the State of Michigan.

### **5.9 DISCONTINUANCE OF WATER SUPPLY**

No person shall purposely discontinue the water supply to an occupied dwelling.

### **5.10 WATER SUPPLY CONSTRUCTION NOTIFICATION REQUIRED**

No person shall begin construction of a new water well supply, or make extensive changes to existing water supplies, without first providing District Health Department No. 2 with notification of intent to drill a new well or make extensive changes to an existing well. Extensive changes include changing aquifers or sources of water, or deepening a bed rock well.

### **5.11 EDUCATIONAL PACKET**

Upon completion of the notification form each applicant shall receive an Educational Packet. The Educational Packet shall include:

The location of known ground water contamination areas in each county of the district, general information on water quality, general information on well drilling, well abandonment information, well maintenance information, and a list of pertinent telephone numbers to assist citizens requiring a new well or extensive repairs.

The Educational Packet shall be reviewed annually by the Board of Health.

## **5.12 NOTIFICATION PROCEDURE**

**Notification Form.** The Water Supply notification shall be submitted to District Health Department No. 2 on forms provided by the Health Officer at least two (2) working days (48 hours) prior to extensive changes or construction of the well. A working day shall be defined as any day that the health department is open for business. The Health Officer shall conduct a site review in the office or at the site based on the information contained on the notification form submitted. A completed notification form shall include:

- A. The signature of the property owner(s) or their authorized representative.
- B. The appropriate notification fee.
- C. A site plan of the proposed or existing water supply showing the location of the proposed source of water (well, hauled water storage tank, etc.) in relation to the buildings, property lines, all known, suspected, or potential contamination sources, and all wells whether usable or abandoned, and data which may be required by the Health Officer. For water supplies utilizing other than a well as the source of water, a scaled engineered drawing may be required.
- D. Proposed date of well drilling or extensive changes to the well.

## **5.13 NULL AND VOID PROVISION**

The Health Officer may declare a completed notification form null and void for any of the following reasons:

- A. False, inaccurate, or incomplete information supplied on the notification form.
- B. A change in the plans on the notification form affecting circumstances relative to the water supply design, location, or use.
- C. Acquisition of new knowledge or information about the aquifer in the area that may result in a health hazard.
- D. This Item shall not require information beyond that required in item 5.12.

## **5.14 EXPIRATION**

The notification form shall be valid until December 31 of the year after it is submitted.

## **5.15 ADDITIONAL WELL CONSTRUCTION REQUIREMENTS**

The Health Officer may impose conditions that he or she has proven necessary to protect the public health or ground water quality.

## **5.16 ENVIRONMENTAL CONTAMINATION SITES**

Recognizing that District Health Department No. 2 has locations where groundwater is known to be contaminated, the Health Officer may deny a drilling site for a well, or require that a well meet specific construction requirements, depths and isolation distances as a condition of drilling if, the proposed well would be either:

- A. At risk of becoming contaminated from a known source or;
- B. A pathway for contaminants to enter a deeper aquifer.

Information used in making decisions may include, but is not limited to: well logs, water sample results, groundwater flow directions, hydrogeological studies and contamination site studies. When inadequate information exists to make a decision, the owner may be required to provide sample results from certain wells, drill test wells, conduct hydrogeological studies or provide other data that the Health Officer deems necessary.

## **5.17 INSPECTIONS**

- A. The Health Officer may make any site inspections deemed necessary before, during or after construction of the water supply. Conditions that may necessitate an inspection of a completed well include: an issued deviation, suspected violation(s), special conditions imposed by the Health Officer, a contamination site, a complaint on the installation or a request by the well driller.
- B. The Health Officer is authorized to make random inspections of completed wells as deemed necessary and appropriate.
- C. Inspections may include verification of proper grouting and/or requiring the well drilling contractor to excavate any necessary portion of the water system. Failure to provide notification may necessitate site inspection and excavation of a portion of the water system to verify code compliance. If the health department requires a well driller to excavate a portion of a water supply system and no violation exists, then the health department shall pay the excavation costs; however, this provision shall not apply where the well driller fails to provide notification as required in these regulations. Costs shall be borne by the well driller if violations exist at the site or are uncovered as a result of the excavations.
- D. Wells drilled without benefit of notification and the two (2) working days review period may be subject to a site inspection by the health department at the discretion of the Health Officer, and the well driller may be required to make any corrections to the well deemed necessary by the Health Officer in order to comply with the provisions of these regulations. A working day shall be defined as any day that the health department is open for business.

## **5.18 COMPLETED WATER SUPPLIES**

- A. Upon completion of a new well or extensive repair there shall be a completed "Water Well and Pump Record" prepared by the well driller and/or pump installer, as applicable, and submitted to the Health Officer within 60 days of the date of completion.
- B. A well that has been abandoned shall be properly plugged and a report submitted to the Health Officer.
- C. Upon completion of a new well or an extensively repaired well a water sample shall be collected indicating raw water quality meets minimum public health standards. Water samples shall include sample analysis for coliform bacteria and any other parameter deemed necessary by the Health Officer. Analysis of water samples shall be performed by laboratories certified by The Michigan Department of Environmental Quality.
- D. Property owners may request an inspection of any newly installed or extensively repaired well, if not already inspected under Item 5.17 of these regulations. Such an inspection shall be subject to any fee(s) required by the Board of Health for District Health department No. 2.

## **5.19 CORRECTION OF VIOLATIONS**

The Health Officer may require the plugging, removal, or abandonment of a well that is constructed without a notification or is in violation of these regulations. The Health Officer may require correction of a violation of these regulations within a reasonable time period

## **5.20 STOP WORK ORDER**

If the Health Officer determines that a water supply under construction does not comply with the requirements of these regulations, the Health Officer may issue a written stop work order. Work shall not resume until the owner and/or contractor have agreed to make corrections to comply with these regulations, and the Health Officer rescinds the stop work order.

## **5.21 ADVISORY COMMITTEE**

An Advisory Committee shall be created and composed of the following:

- 1.) Two (2) County Commissioners serving on the Board of Health.
- 2.) Two (2) citizens residing in the district.
- 3.) One (1) well driller registered in the State of Michigan, who shall be nominated from a list provided by the local Well Drillers Association.
- 4.) One (1) builder, licensed by the State of Michigan.
- 5.) One employee of the District Health Department No. 2, appointed by the Health Officer.

- 6.) One (1) sewage system installer from one of the counties in the district.

Each member of the Committee shall be appointed by the Board of Health, except that member appointed by the Health Officer. There shall be a three (3) year staggered term. The first committee shall be appointed as follows:

- Two (2) for a one (1) year term,
- Three (3) for two(2) year term,
- Three (3) for a three (3) year term.

The first term of office shall be begin on the effective date of these regulations.

**Duties**

The members of the Advisory committee shall at their first meeting and thereafter once a year, select a chairperson and a vice chairperson from among the members. A recording secretary shall be appointed by the Health officer from among staff of District Health Department No. 2. The Advisory Committee shall meet a minimum of once a year to conduct necessary business. Additional meetings may be called by the chairperson or any other three members of the Advisory Committee.

The first meeting shall take place not more than forty (40) days after the effective date of these regulations, to assist in consultation for implementing the Water Supply regulations.

Five (5) members shall constitute a quorum to conduct business.

All meetings of the Advisory Committee shall be in compliance with the Open Meetings Act, Act 267, P.A. 1976, as amended.

District Health Department No. 2, with the advice of the Advisory Committee, shall promulgate rules, prepare materials, develop procedures and annually update the educational Packet.

**5.22 EMERGENCY CONDITIONS**

In the event an emergency arises where the lack of water will result in undue hardship and the offices of the District Health Department No. 2 are closed, or when the driller is involved with repair work and it is deemed necessary to begin construction immediately on a new well, a registered well driller may begin extensive changes to or construction of a new water supply without notification. The well driller shall contact the Health Officer on or before the second working day after the well was installed and complete the required notification form.

**5.23 CONTAMINATED PUBLIC WATER SUPPLY**

When a public water supply is determined to be contaminated or fails to meet Michigan's appropriate maximum contaminate levels, as established through the Michigan Department of Environmental Quality, the Health Officer shall issue an order for correction. Correction shall be achieved within a time specified after receiving written notice from the health officer. Any contaminated public water supply, which in the judgement of the Health Officer represents a immediate health hazard, shall be posted with suitable signs at each outlet, or the outlets shall be made inoperable. Approved drinking water shall be provided where deemed necessary.

#### **5.24 APPEALS - WATER SUPPLY**

Appeals of these regulations shall be governed by the Chapter VIII, "Appeals", in these regulations. Such appeals shall not consider matters related to interpretation of the state of Michigan's well and pump statutes, rules and codes in Act 368, P.A. 1978, Part 127, as amended or Act 399, P.A. 1976 as amended.

#### **5.25 EFFECTIVE DATE**

This chapter shall take effect on December 12, 1997.

### **CHAPTER VI - GARBAGE AND RUBBISH DISPOSAL**

#### **6.1 DEFINITIONS**

- A. Garbage - "Garbage" shall include all putrescible wastes including vegetable and animal offal.
- B. Rubbish - "Rubbish" shall include all burnable and non-burnable waste material.

#### **6.2 ACCUMULATION OF GARBAGE OR RUBBISH**

No owner or occupant of any single, or two family dwelling, or owner of any other occupied premise, in any urban or rural area, shall permit garbage or rubbish to accumulate, except in containers. Containers shall be rodent-proof, fly-proof, and of watertight construction.

#### **6.3 DISPOSAL OF GARBAGE OR RUBBISH**

Garbage or rubbish shall be disposed of in a manner which creates neither nuisance, or a menace, to the public health. Allowing the accumulation of garbage or rubbish on the ground of public or private property, or in any lake, stream, or other body of water, is prohibited.

#### **6.4 REMOVAL FROM PROPERTY**

- A. All garbage and rubbish shall be removed, as necessary, in a timely manner, to prevent a nuisance or hazard.
- B. Disposal must be made at licensed disposal sites, in accordance with regulations at the site.

## **CHAPTER VIII - VARIANCES**

### **7.1 VARIANCES**

In cases where compliance with these regulations cannot be met, the applicant may apply for a variance. The application for a variance shall be in writing on forms provided by the health department.

An applicant for a variance must prove that an unnecessary hardship would result from the strict interpretation of these regulations. All of the following standards must be met:

- A. It is not reasonably possible to conform with these regulations.
- B. The plight is due to unique circumstances peculiar to the property.
- C. The intent of these regulations is not compromised.
- D. The problem is not self created.

### **7.2 VARIANCES NOT USED AS PRECEDENTS**

The approval of a variance must be determined for each unique circumstance and does not constitute a precedent for consideration of future requests.

### **7.3 TECHNOLOGICAL ADVANCE**

In granting variances and modifications, the Health officer shall recognize, and provide for, new technical knowledge and advances in sanitation practices when such can be accomplished within the purpose of these regulations. The Health Officer may impose limitations or conditions on its use or maintenance.

### **7.4 VARIANCES IN WRITING**

Any variance, allowed by the Health officer, under the provisions of these regulations, shall be made in writing, including the conditions upon which his judgement and action is based.

## **CHAPTER VIII - APPEALS**

## **8.1 APPEALS BOARD**

In order to provide for the reasonable and equitable interpretation of the provisions of these regulations, there is hereby created an “Appeals Board”. The Chairman of the Board of Commissioners, of the County involved, shall be a member, and serve as Chairman of the Appeals Board. The other members of the Appeals Board shall be members of the Board of Health representing the involved County and the Supervisor representing the Township, in which the appeals situation is located. In cases where a municipality is involved, the presiding official of the municipality shall replace the township supervisor.

The applicant should exhaust the remedies provided by these regulations before pursuing a remedy with court action.

## **8.2 HEARING**

The Appeals Board shall affix a reasonable time for hearing of the appeal and decide the same within a reasonable time. Within the limits of its jurisdiction, said Board shall have the powers of the official from whom said appeal is taken.

## **8.3 DUTIES OF APPEALS BOARD**

The Appeals Board shall have the following duties:

- A. To resolve disputes in interpretation of these regulations.
- B. To handle appeals from administrative decisions.
- C. To consider variance requests.
- D. To suggest possible changes to these regulations as may be brought to light by the Appeals Board activities.

## **8.4 PROCEDURES OF APPEALS BOARD**

The Appeals Board shall hear any case presented to it, in accordance with the following procedures:

- A. An appeal, or request for variance, may be made by any person aggrieved by a decision of the Health Officer. An appeal, or a request for a variance, must be submitted, in writing, with the official from whose decision said appeal is taken within thirty days of the occurrence of the action or decision being appealed.
- B. A request, for an interpretation of these regulations, may be made by any person, including the Health Officer.
- C. The concurring vote, of a majority of the members of the Appeals Board, shall be necessary to reverse an order, requirement, decision, or determina-

tion, of the Health Officer or to decide, in favor of the appellant, any matter upon which they are required to pass under or to affect any variation in these regulations.

- D. The Appeals Board may impose conditions on any affirmative decision.
- E. In considering a decision, the Appeals Board shall:
  - 1. Consider a questioned provision in light of other provisions of these regulations.
  - 2. Consider the interpretation in light of the intent of these regulations.
- F. The Appeals Board may:
  - 1. Seek advice of legal counsel if needed.
  - 2. Limit the scope of an interpretation.
  - 3. State the grounds of each interpretation.
- G. If the Appeals board delivers an adverse decision or refuses or denies the applicant, then the appellant has recourse to the local court of jurisdiction.

These Environment Health regulations were adopted by the Board of Health of District Health Department No. 2 on October 22, 1990 and became effective on January 12, 1991 as provided by section 2441 of Act 368 of the Public Acts of 1978, as amended.

Amendments in Chapter V, Water Supply, were adopted by the Board of Health on August 25, 1997 and became effective on December 12, 1997.