

WASHTENAW COUNTY



REGULATION FOR THE ONSITE MANAGEMENT, TREATMENT AND DISPOSAL OF WASTEWATER

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PREAMBLE

Recognizing that the safe and sanitary treatment, management and disposal of wastewater is fundamental to the individual, public and community health; further recognizing that inherent limitations of individual, private sewage disposal systems dictate their use occurs only under site and design conditions that allow for the proper operation and maintenance of these systems, this Regulation is established to prevent the creation of nuisances and conditions menacing the public health under the authority of Act No. 368 of the Public Acts of 1978 as amended.

ARTICLE I: DEFINITIONS

Section 1:1

Available Sanitary Sewer: A municipally owned and operated public sewerage system whose use is made available by the municipality which operates and maintains such sewerage system and is allowed by the local unit of government in which the property is located.

Section 1:2

Board (PHAC/EAB): Washtenaw County Public Health Advisory Committee/Environmental Appeals Board, established pursuant to Washtenaw County Board of Commissioners Resolution.

Section 1:3

Certified Individual: An individual who has met Washtenaw County certification requirements to install, repair or provide operation and maintenance of wastewater systems in Washtenaw County.

Section 1:4

Department: The Washtenaw County Department designated to administer Environmental Health programs.

Section 1:5

Health Officer: The Director of the Washtenaw County Public Health Department or his/her authorized representative.

Section 1:6

Minor Repair and Maintenance: Includes the pumping of a septic tank, cleaning of an effluent filter, clearing of obstructed sewer lines, replacing pump or electrical components, replacing damaged sewage conveyance lines outside of the soil absorption system, minor grading changes to divert surface runoff away from any system component or other similar minor maintenance or repairs.

Section 1:7

Municipality: Any city, village, township, county, authority or other unit of government.

Section 1:8

Owner: Any person, agency, firm or corporation having a legal or equitable interest in the property.

Section 1:9

Person: Any individual, firm, partnership, party, corporation, company, government entity or association.

Section 1:10

Premise: A parcel or tract of land with or without any building thereon.

Section 1:11

Pretreatment: A device or process to alter the composition of the wastewater prior to final disposal using filtration, aerobic or enhanced microbial processes to yield an effluent with substantially reduced pathogens, Biochemical Oxygen Demand and other parameters than that of typical septic tank effluent.

Section 1:12

Soil Absorption System (SAS): A means of distributing and treating wastewater effluent below the ground surface in a manner protective to public health and the environment.

Section 1.13

Surface Water: Any body of water flowing or contained in natural or artificial depressions for significant periods of the year; including natural and artificial lakes, ponds, rivers, streams, or drains.

Section 1:14

System Failure: The operation of a wastewater system in a manner that exposes wastewater to the ground surface; causes wastewater to discharge to any form of surface water; causes contamination to groundwater; causes an odor nuisance; or allows for access or unwanted exposure to wastewater by humans, pets, rodents, flies or other disease-carrying vectors.

Section 1:15

Wastewater: Liquid waste from flush toilets, urinals, lavatories, sinks, showers, bath tubs, floor drains, laundry trays or any similar fixture or device normally receiving and discharging liquid waste to a sanitary plumbing system. This definition specifically excludes: footing drain discharge, HVAC condensate, cation exchange water treatment regeneration discharge, reverse-osmosis water treatment regeneration discharge, roof drainage downspouts and open-loop geothermal discharge.

Section 1:16

Wastewater Disposal System (WDS): For the purpose of this Regulation, WDS shall include:

- **Conventional Wastewater Disposal System (CWDS):** A system for the collection, treatment and disposal of wastewater installed on a parcel that meets minimum conventional site criteria established by the Health Officer.
- **Alternative Wastewater Disposal System (AWDS):** A system that provides enhanced treatment of wastewater installed on a parcel that does not meet conventional system criterion but is designed under criteria established by the Health Officer.
- **Demonstration Wastewater Disposal System (DWDS):** A system for the collection, pretreatment and/or disposal of wastewater that is widely accepted in other areas of the country with no or a limited number of installations in Washtenaw County.

ARTICLE II: WASTEWATER DISPOSAL REQUIREMENTS

Section 2:1

No building, structure, area, or premise shall be constructed or maintained for human occupancy, use or assembly without adequate facilities for the sanitary and safe disposal of wastewater.

Section 2:2

Where a municipal wastewater system for collection and disposal of wastewater is available, the utilization of such municipal wastewater system shall be required except as otherwise provided for in Part 127 of the Michigan Public Health Code.

Section 2:3

Any municipal wastewater system connection required herein shall be completed within six (6) months after notice by the Health Officer to the owner of the premise having a municipal wastewater system available.

Section 2:4

When any existing WDS is abandoned or its use terminated, the existing septic tank(s), drywell(s), etc. shall be properly abandoned and crushed or filled.

Section 2:5

All facilities for the management, treatment and disposal of wastewater shall be so constructed, maintained and operated that there is no system failure as defined in Section 1:14 herein.

Section 2:6

All WDS shall be located wholly upon the property served except that under certain conditions and to correct an existing problem, the Health Officer may waive this provision when suitably executed recorded easements or rights-of-way agreements exist.

Section 2:7

Wastewater holding tanks on vehicles or boats must utilize facilities designed and approved to accept such wastewater and shall not be emptied or drained onto any public or private property.

Section 2:8

Nothing in this Regulation shall prevent the construction of wastewater treatment plants or Privately Owned Community Sewage Systems (POCSS) in accordance with plans approved by the appropriate regulatory agencies having jurisdiction.

Section 2:9

In the event of a WDS failure, the Health Officer shall require the owner or user of the failed WDS to immediately cease the discharge until an approved corrective action plan has been implemented in accordance with this Regulation.

The Health Officer shall approve a corrective action plan that includes, but is not limited to, the following:

1. Connect the property to an available municipal sewer; or
2. Repair or replace the failed WDS or any of its components after receiving approval and a permit from the Department; or
3. Obtain an easement adjacent to the property in question where a SAS can be approved and placed; or
4. Vacate/discontinue occupancy of the property.

Section 2:10

The Health Officer shall have the ability to approve and permit the use of onsite WDS for properties with existing habitable dwellings, as defined by the building code in the local unit of government having jurisdiction, provided that the permitted system as determined by the Health Officer will:

1. Mitigate an existing problem; and
2. Be in maximum feasible compliance with this Regulation; and
3. Meet required isolation distance to any neighboring property line(s), well(s) and surface water; and
4. Reduce risk to the environment and the public health.

ARTICLE III: PERMIT REQUIREMENTS FOR PRIVATE WASTEWATER DISPOSAL SYSTEMS

Section 3:1

No private wastewater disposal system shall be constructed, relocated, repaired, except for minor repairs as defined in Section 1:6, or expanded until a permit has been issued by the Health Officer.

Section 3:2

An application for a permit for the construction or repair of a WDS shall be made by the property owner or his/her authorized representative. The application shall include, but not be limited to, the correct address of the property, the name and address of the applicant, the description of the property, the intended use for which said construction is proposed, and an accurate, scaled plot plan showing the pertinent features of the wastewater system, any/all wells, the driveway, surface water, property lines and all proposed building locations.

Section 3:3

An application for a site analysis to conduct soil evaluations and gather groundwater information shall be required by the Health Officer prior to issuing a permit to construct a WDS.

The application shall be made by the property owner or his/her authorized representative to the Department. The application shall include, but not be limited to, the correct address of the property, the name and address of the applicant, the description of the property, and the intended use for which said construction is proposed.

A soil evaluation shall be conducted in a manner approved by the Health Officer to determine the suitability of soil to treat and dispose of wastewater. Suitability of soil shall be determined by an adequate number of test holes in the location of a proposed WDS. If the soil evaluation indicates that a high groundwater condition may exist, additional observations shall be required by the Health Officer.

Any application for a soil evaluation shall be valid for a period not to exceed two (2) years after date of application unless an extension is approved by the Health Officer.

Section 3:4

No permit shall be issued by the Department unless an accurate determination has been made regarding the suitability of the site and all required information has been submitted to and reviewed and approved by the Health Officer.

Section 3:5

The permit or approval to construct a WDS may be declared void or additional conditions imposed by the Health Officer if, prior to final inspection, the Health Officer determines that the area designated for the SAS has been disturbed by major filling, eroding, excavating, paving or flooding, or 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 or additional conditions imposed by the Health Officer if there is any increase in the scope of the project prior to final inspection and approval of the WDS.

A permit shall be valid for a period not to exceed two (2) years. After a permit has expired, a renewal fee of 50% of the original permit cost will be assessed.

If substantial changes in the scope of work are proposed, a new permit shall be required.

Section 3:6

Before construction, modification or change in use of any building or structure, the WDS shall be reviewed by the Health Officer to determine its adequacy for the intended use. The modification or change of use shall not interfere with or damage any portion of the WDS. If the Health Officer determines that such system is not adequate for the intended use, a permit to expand or replace the existing WDS shall be required.

Section 3:7

Permits shall be issued only to the property owner of record and may only be transferred to a new owner upon authorization of the Health Officer. The property owner shall be responsible for compliance with all permit conditions.

Section 3:8

A permit shall be denied for one or more of the following reasons:

1. Where a municipal wastewater system is available;
2. Where any portion of the WDS would be inaccessible for cleaning or inspection purposes;
3. Where the property dimensions are too small for the required isolation distances specified in Section 4:3, herein;
4. Where the maximum groundwater level is less than one (1) foot below the natural grade;
5. Where the soil conditions are deemed by the Health Officer to be unsuitable. Unsuitability shall be determined by analysis of soil characteristics such as soil texture, drainage, color, structure, particle size, porosity, ground slope and permeability;
6. Where the WDS would be below a 100-year flood elevation of a lake, river or stream;
7. Where conditions exist or may be created which may endanger the public health or the environment.

Section 3:9

Any lawfully installed WDS in existence at the time of adoption of this Regulation may continue in use as long as:

1. The operation does not constitute a failure as defined in Section 1:14; and
2. A publicly operated wastewater system is not available; and
3. The system is in compliance with the Washtenaw County Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at the Time of Property Transfer.

Section 3:10

All work performed on a WDS requiring a permit must be performed by a Washtenaw County Certified Individual who is currently registered with the Department and who has demonstrated the capability to perform the work in a timely and proficient manner.

Section 3:11

Any permit to install or repair a WDS, including the approved plot plan, must be conspicuously posted on site.

ARTICLE IV: WASTEWATER DISPOSAL SYSTEM LOCATION AND ISOLATION

Section 4:1

Private wastewater disposal systems shall be permitted only where the Health Officer has made the determination that suitable soil, drainage conditions and land area will accommodate the sustained use of such systems in a manner that assures that wastewater will be transmitted into the soil under all anticipated weather conditions and not contaminate the surface of the ground, groundwater or surface waters, and where repair and replacement of such systems can be made.

Section 4:2

All septic tanks, pump chambers and tanks used to house pre-treatment devices installed after the effective date of this Regulation shall be installed in such a location and manner as to be readily accessible for maintenance purposes and shall be equipped with risers to grade. No wastewater disposal system shall be installed under any building and no SAS shall be permitted under any driveway, parking lot or paved area.

Section 4:3

The following minimum isolation distances shall be maintained as follows.

Isolation Distance From	To Septic Tank	To SAS
Property Line	10 ft.	10 ft.
Water Supply Well	50 ft.	100 ft.*
Surface water	25 ft.	50 ft.

*Isolation distances may be increased from wells serving other than individual dwellings and wells subject to groundwater contamination as determined by the Health Officer.

Section 4:4

Horizontal isolation distances from a SAS to a residential well may be reduced to no less than fifty (50) feet if the well is determined to have a protective clay layer that is not less than ten (10) feet in thickness and the well and the WDS are both located on the same property.

Section 4:5

When installing a WDS for a new dwelling or expanded use of an existing dwelling, an open available location for the SAS shall contain a gross area at least two and one-half (2 ½) times that required for the primary SAS to allow for adequate replacement and expansion. Size and design of the SAS shall be in accordance with soil conditions as determined by required soil evaluations specified in Section 3:3, as well as anticipated probable use.

Section 4:6

Nothing contained herein shall prevent the use of special construction methods to develop sub-surface, permeable soil formations or to use other techniques/technologies, provided the engineering design of such methods/techniques is first approved by the Health Officer and their operation is in accord with the standards of Article VI: Operation/Maintenance Requirements, contained herein.

Section 4:7

Unless specifically approved by the Health Officer, each WDS shall serve only one (1) family or one (1) business establishment under the same ownership. This Section does not preclude multiple tenants as long as the business remains under one common ownership.

Section 4:8

All WDS shall be located in such a manner and location that surface water drainage is diverted away from the installation. Furthermore, such drainage should generally not be toward any water supply well in the immediate vicinity.

Section 4:9

All SAS shall be installed at an elevation of not less than thirty-six (36) inches above the seasonal high water table as indicated by soil mottling or physical observations except as provided below. If soil evaluations indicate that the soil formation holds water in a confined water bearing formation, it shall not be approved for wastewater disposal.

Vertical separation of not less than twenty-four (24) inches may be granted for properties that employ an approved pre-treatment device prior to the SAS. Additionally, SAS serving homes built prior to the effective date of this Regulation shall not be subject to this provision unless there is a sewage failure attributable to the seasonal high water table or when a determination is made to ensure that such reduction is not likely to impact drinking water quality.

Section 4:10

When a site drainage improvement system is installed in an attempt to lower and control the groundwater elevation, it shall be evaluated, prior to issuance of a permit, during periods of high groundwater to determine how effectively it has controlled the water table. If the water table has not been lowered to a minimum of twelve (12) inches below natural grade a WDS permit shall be denied.

ARTICLE V: CONSTRUCTION REQUIREMENTS

Section 5:1

All construction and design of WDS shall fully comply with guidelines and standards published by the Health Officer. All WDS shall be constructed in accordance with accepted engineering practices, be of durable, serviceable materials and be installed in a professional, timely manner. In addition:

1. All materials shall be tested as required by the Health Officer to verify compliance with current specifications.
2. The septic tank shall have sufficient capacity for the anticipated loading.
3. The excavation of the SAS shall be inspected as required by the Health Officer.

Section 5:2

The Health Officer shall allow a limited number of installations of sewage systems that are widely used in other jurisdictions to evaluate the applicability of their common use in Washtenaw County. These systems shall be considered Demonstration Wastewater Disposal Systems (DWDS) for the duration of their evaluation period. At the conclusion of the evaluation period they will be considered an Alternative Wastewater Disposal System (AWDS) and permitted accordingly or their use will not be permitted in the future.

A DWDS will only be considered when the applicant has provided the following:

1. Documentation that the proposed site has an approved area available for a conventional or alternative WDS to be located wholly on the property.
2. Documentation of at least five (5) installations with site conditions similar to those being proposed.
3. Documentation of review by the permitting agency where these installations exist that they perform as proposed.

Section 5:3

The Health Officer shall:

1. Establish procedures for the review, approval and denial of the proposed DWDS.
2. Determine the minimum and a maximum number of installations for each proposed DWDS in Washtenaw County at any given time.
3. Establish the length of the testing and monitoring period for each proposed DWDS in Washtenaw County.
4. Establish testing parameters and monitoring frequency for each proposed DWDS.
5. Have the authority to revoke a DWDS permit when any of the following occurs:
 - a. The use of the DWDS presents substantial risk to the public health.
 - b. The system discharges sewage to the ground and is not operating as intended.
 - c. The Manufacturer or the owner of the system is violating conditions set forth in the Operating Permit.
 - d. A fraudulent practice has occurred.
6. Require the installation of a conventional system in the event the DWDS is found insufficient during the evaluation period.

Section 5:4

Other devices and systems, including pretreatment devices, that demonstrate the ability to overcome site limitations may be approved for use in Washtenaw County, provided that before any such approval is granted, the proposed device or system shall undergo a thorough review by the Health Officer and must meet minimum established performance standards and specifications.

ARTICLE VI: OPERATION/MAINTENANCE (O/M) REQUIREMENTS

Section 6:1

Within six (6) months from the effective date of this Regulation, a valid Operating Permit is required:

1. Where an AWDS or a DWDS as defined under Section 1:16 are permitted and constructed after the effective date of this Regulation.
2. Where an existing alternative or experimental system was permitted in conjunction with a recorded property use agreement requiring perpetual operation and maintenance.
3. Where commercial or any other non-residential facilities generate 2000 gallons per day or more, unless a valid Operating Permit has been issued by other State or Local agencies.
4. When any non-residential facility generates fats, oil or grease (FOG), regardless of flow volume.
5. When the Health Officer has made the determination that an Operating Permit is needed due to site-specific concerns, and/or to mitigate an existing problem.

For all existing alternative systems installed before the adoption date of this Regulation, and where there is not a property use agreement requiring perpetual operation and maintenance, an Operating Permit shall be required at the time the property transfers.

Modified Fill Type Drainfields serving residential properties are not required to obtain an Operating Permit.

Section 6:2

The Health Officer shall establish conditions of Operating Permits deemed necessary to assure the safe and effective operation and maintenance of wastewater systems described in Section 6:1 and shall issue an Operating Permit reflecting those conditions and requirements. Operating Permits shall be valid for five (5) years and must be renewed after each five (5) year period.

Section 6:3

Prior to issuance of an Operating Permit the following shall be provided, in a manner acceptable to the Health Officer:

1. Identification of the owner of the system.
2. A recorded deed document or a recorded affidavit that clearly establishes the responsibilities of the owner of the system, including the requirement to pay all costs needed to manage, operate and maintain the system.
3. An operational plan that identifies the certified operator, the required routine maintenance to be performed, and emergency procedures, if any.
4. Evidence of system inspection and maintenance as required on the Operating Permit.
5. Payment of the appropriate fees.

Section 6:4

All WDS listed under Section 6:1 shall be required to submit a completed annual operation and maintenance report on forms supplied by or approved by the Health Officer. The report shall be prepared and signed by a person certified by the Department.

Section 6:5

The Department may require inspection(s) of the facility as part of an Operating Permit renewal.

Section 6:6

All Operating Permits shall be renewed by the property owner of record prior to the expiration date of the Operating Permit.

Section 6:7

If the annual report indicates that the system is deficient and not in substantial compliance with this Regulation, the Health Officer shall, within ten (10) business days from the date a report is received, notify the owner in writing of all the deficiencies included in the report.

The owner or his/her designated representative shall, within thirty (30) days from the date of the notification, bring the system into compliance with this Regulation or submit a corrective action plan.

The Department shall, within ten (10) business days from receipt of the corrective action plan, review the corrective action plan and provide written comments, grant approval or issue a permit, if necessary, to ensure that the system is in compliance with this Regulation.

It is the responsibility of the property owner to complete all approved corrective actions within a time period specified by the Health Officer.

Under no condition shall a sewage failure remain unabated.

Section 6:8

If an owner does not submit an annual operating report as stipulated in this Regulation, the Department shall have the authority to cause an inspection to be performed and may charge all costs and fees for the evaluation to the owner of the premises.

Section 6:9

If the owner or party violating this Regulation refuses on demand to pay such expenses incurred by the Department for monitoring purposes, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.

Section 6:10

A system that has an Operating Permit in compliance with this Regulation shall be considered exempt from the Regulation for the Inspection of Residential Onsite Water and Sewage Disposal Systems at Time of Property Transfer. This exemption only applies to the wastewater disposal system serving the property.

Section 6:11

Operation and maintenance shall be performed by individuals certified under this Regulation. The Certified Individual shall be trained and knowledgeable in the technology and operations utilized. The Certified Individual shall possess all mandated licenses, certificates or other credentials required by Washtenaw County and/or the manufacturer of WDS components.

Section 6:12

All operation and maintenance service providers within Washtenaw County shall be certified by Washtenaw County and are required to register with the Health Officer on a form provided by the Health Officer. Such registration shall include copies of all certifications, identification of responsible individuals and any other information deemed appropriate by the Health Officer. Any changes to the information contained in the registration shall be reported to the Health Officer.

ARTICE VII: CERTIFICATION REQUIREMENTS

Section 7:1

Within six (6) months from the effective date of this Regulation, in order to install, repair or provide operation and maintenance on any WDS in Washtenaw County, an individual shall be certified by the Health Officer or shall perform such work under the direct supervision of a Certified Individual. This Section does not apply to minor repairs and maintenance as defined under Section 1:6 of this Regulation.

Nothing in this Regulation shall prevent a homeowner from installing his/her WDS provided that he/she shall obtain all necessary permits required by this Regulation. It shall be a violation of this Regulation to employ an uncertified individual.

Section 7:2

Each Certified Individual shall register with the Health Officer every two years.

Section 7:3

As part of the certification and registration program, the Health Officer shall:

1. Establish criteria and guidelines for certifications.
2. Administer and enforce this certification requirement.
3. Develop application forms and applicant testing instruments.
4. Collect required fees and issue certifications to contractors who meet minimum requirements for certification.
5. Maintain a list of Certified Individuals.
6. Require remediation where there is evidence a Certified Individual has conducted work in nonconformance with permit requirements or which exhibits a lack of competency or proficiency.
7. Establish training and minimum requirements for certification.
8. Monitor onsite wastewater installations and repairs to ensure that all contracted work is performed by Certified Individuals.
9. Notify all Certified Individuals of any changes to the Washtenaw County Onsite Wastewater Construction Guidelines at least ninety (90) days prior to implementation.

Section 7:4

The Health Officer may de-certify any Certified Individual under one or more of the following circumstances:

1. Installing, constructing, operating and/or maintaining any WDS or any of its components without appropriate permits from the Department;
2. Failure to maintain current certification with the Department;
3. Failure to request required inspections by the Department;
4. Failure to construct a WDS or any of its components in accordance with the terms and conditions of the sewage permit issued by the Department;
5. Negligence in the discharge of his/her duties as outlined in the certification requirements;
6. Submittal of false or misleading information to the Department;
7. Engaging in fraudulent or unethical business practice;
8. Failure to demonstrate competence in performing work performed under certification;
9. Promoting or advertising products and services as being certified or approved for use by the Health Officer.

Section 7:5

The Health Officer may establish conditions by which an individual who violated any or all items listed under Section 7:4 may remain certified or be re-certified. These conditions may include, but not be limited to:

1. Signing a consent agreement as to the terms of the continued certification or re-certification.
2. Submitting a Michigan company surety bond or with such sureties, form and sufficiency as shall be approved by the Health Officer, covering the period for which the certification shall be issued to indemnify persons for whom services and maintenance work are performed.

Section 7:6

Any person aggrieved by the decision of the Department to suspend or revoke his/her certification shall have the right to an administrative hearing or to an appeal as per Article X of this Regulation.

ARTICLE VIII: ADMINISTRATION

Section 8:1

The Health Officer shall have the authority under this Regulation to establish procedures and guidelines, including design and construction requirements; Operating Permit conditions; compliance schedules; financial assurance requirements; certification requirements; notification requirements; and other mechanisms deemed necessary to assure compliance with this Regulation.

Section 8:2

No private WDS shall be constructed, placed in operation, or otherwise used for its intended purpose, without an approval of the construction and installation of such system by the Health Officer.

1. The Health Officer shall be notified before any sewer line, septic tanks, disposal or treatment structures are covered with earth or as required under the permit issued by the Health Officer. Expedited inspections could be performed within twenty-four (24) hours, provided that applicable fees are paid.
2. When, upon inspection, the facilities are found to be in general conformance with the approved plans and this Regulation, the facilities shall be approved for use and notification of such approval shall be given. Notice to the Building Department having jurisdiction of such final approval shall constitute ample notification.

3. When, upon inspection, deficiencies are found that are in conflict with this Regulation or accepted practice, the Health Officer shall give notice to the owner, contractor or Building Department of the deficiencies, which must be corrected before final approval can be granted.

Section 8:3

The Health Officer of Washtenaw County shall have jurisdiction throughout Washtenaw County, including all cities, villages, townships, and charter townships, in the administration and enforcement of this Regulation and any amendments hereafter adopted, unless otherwise specifically stated.

Section 8:4

No person shall refuse to permit the Health Officer or his/her designated representative to inspect any premises at reasonable times, nor shall any person interfere with or resist the Health Officer in the discharge of his/her duty.

Section 8:5

The Health Officer shall have the right to obtain samples from any premise where the Health Officer has reason to believe that there is a likelihood of contamination of surface water, groundwater or water supply, or that other unsanitary conditions exist. Upon written notice, an owner or occupant of the premises from which such inspection is sought shall cooperate with the Health Officer or his/her designated representative.

Section 8:6

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

Section 8:7

Nothing in this Regulation shall prevent the Health Officer from requiring the transmittal of reports or any other necessary information by electronic means made available by the Health Officer to the public.

Section 8:8

This Regulation shall become effective April 1, 2009.

This regulation supersedes the Washtenaw County Rules and Regulations For the Disposal of Sewage and Human Excreta approved by the Washtenaw County Board of Supervisors February 29, 1961 and amendments approved by the Washtenaw County Board of Commissioners February 16, 1977 and April 18, 1979.

Section 8:9

Should any section, paragraph, sentence, clause, or phrase of this Regulation be declared unconstitutional or invalid for any reason, the remainder of said Regulation shall not be affected thereby.

ARTICLE IX: ENFORCEMENT AND PENALTIES

Section 9:1

This Regulation shall be enforced by the Health Officer or his/her designated representative in accordance with established procedures and guidelines.

Section 9:2

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

Section 9:3

If the Health Officer believes that a person is violating a provision of this Regulation or an order issued pursuant to this Regulation, the Health Officer may issue a citation within ninety (90) days after the alleged violation is discovered. The citation shall state with particularity the nature of the violation, including reference to the Section of the Regulation alleged to have been violated, the civil penalty established for such violation, if any, and a right to appeal the citation pursuant to MCLA 333.2461 and Article X of this Regulation. The citation shall be delivered or sent by registered mail to the alleged violator.

1. Any party issued a citation may, within ten (10) days from the date the citation is issued, request an informal conference, at which time the person may indicate why s/he believes that s/he has not violated this Regulation.
2. Any party issued a citation may appeal the citation to the PHAC/EAB or its designated committee within thirty (30) days after the citation is issued. The appeal shall be conducted in accordance with Article X of this Regulation.
3. A person aggrieved by a final decision of the Health Officer or the PHAC/EAB or its designated committee may petition the Circuit Court of the County where the premises is located for review. The time period for appeal shall begin to run the day after the date of such final decision.

Section 9:4

After learning that this Regulation has been violated, the Health Officer or his/her designated representative may:

1. Issue a Cease and Desist Order and/or suspend any permit, certificate or other approval issued pursuant to this Regulation to the owner or other party violating this Regulation, and afford the owner or other interested party Notice and Opportunity for Hearing.
2. Request that Washtenaw County Corporation Counsel file a legal action to enjoin the violation. In addition, the Health Officer may seek to recover any and all costs related to correcting, removing or abating the violation.

Section 9:5

Monetary civil penalties may be imposed according to the following schedule:

1. First violation: Up to \$200.00
2. Second violation: \$500.00
3. Third and subsequent violations, each: \$1000.00

Section 9:6

A civil penalty levied under this Regulation may be assessed for each violation or day that the violation continues. The civil penalty may be for a specified violation of this Regulation or promulgated Rule, which the Health Officer has the authority and duty to enforce.

Section 9:7

A decision by the Health Officer not to issue a citation shall not be construed as a waiver of any other rights or remedies authorized by law or this Regulation.

Section 9:8

Any person who violates this Regulation is guilty of a misdemeanor, punishable by imprisonment for not more than ninety (90) days, or a fine of not more than \$200.00, or both. Conviction by jury, court or voluntary plea and acceptance by court under this provision shall not waive any other claim for fines, costs, injunction or other relief authorized by this Regulation. Each day that a violation of this Regulation exists shall constitute a separate offense.

Section 9:9

If the owner or party violating this Regulation refuses on demand to pay such expenses incurred by the Department to abate, correct or remove a violation, unsanitary condition or nuisance, the sum shall be assessed against the property and shall be collected and treated in the same manner as taxes assessed under the general tax laws of this State.

ARTICLE X: APPEALS AND FEES

Section 10:1

The Washtenaw County Public Health Advisory Committee/Environmental Appeals Board shall hear requests for appeals to decisions of the Health Officer and may grant individual variances from this Regulation by a concurring vote of the majority of its members.

An application for an appeal or a variance, together with applicable fees, shall be filed with the Health Officer within ninety (90) calendar days after the written decision to deny an application for a permit; provided, however, that said ninety (90) day period may be extended by the Health Officer.

The application for appeal shall specify the particular grounds on which it is based. A request for a variance shall contain a detailed description of the variance sought.

Opportunity for a hearing shall be given at the next regularly scheduled Washtenaw County Public Health Advisory Committee/Environmental Appeals Board meeting following receipt of the notice of appeal unless such notice is received within less than fourteen (14) calendar days of the time for such hearing, in which event a hearing shall be provided at a subsequent regular or special board meeting.

Due notice of such hearing shall be given to all persons listed on the last assessment roll for the township as the owner(s) of any real property contiguous to the appellant's property. In addition, notice of such hearing shall be published at least five (5) calendar days prior to the date of the hearing in a newspaper of general circulation published in Washtenaw County. Neither failure of the Board to give notice to all contiguous owners nor failure to publish such notice shall invalidate such notice or any finding and decision by the Board.

The appellant shall be notified of the decision within thirty (30) calendar days of the date of such hearing.

Section 10:2

A schedule of fees for permits, inspections, certifications and other services as authorized or required by this Regulation shall be established by the Washtenaw County Board of Commissioners pursuant to Act 368, Public Acts of 1978, as amended.