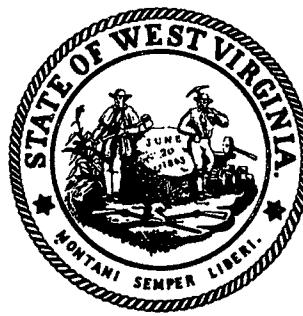


SS-178

**SMALL SEWAGE AND EXCRETA DISPOSAL  
SYSTEMS REGULATIONS**

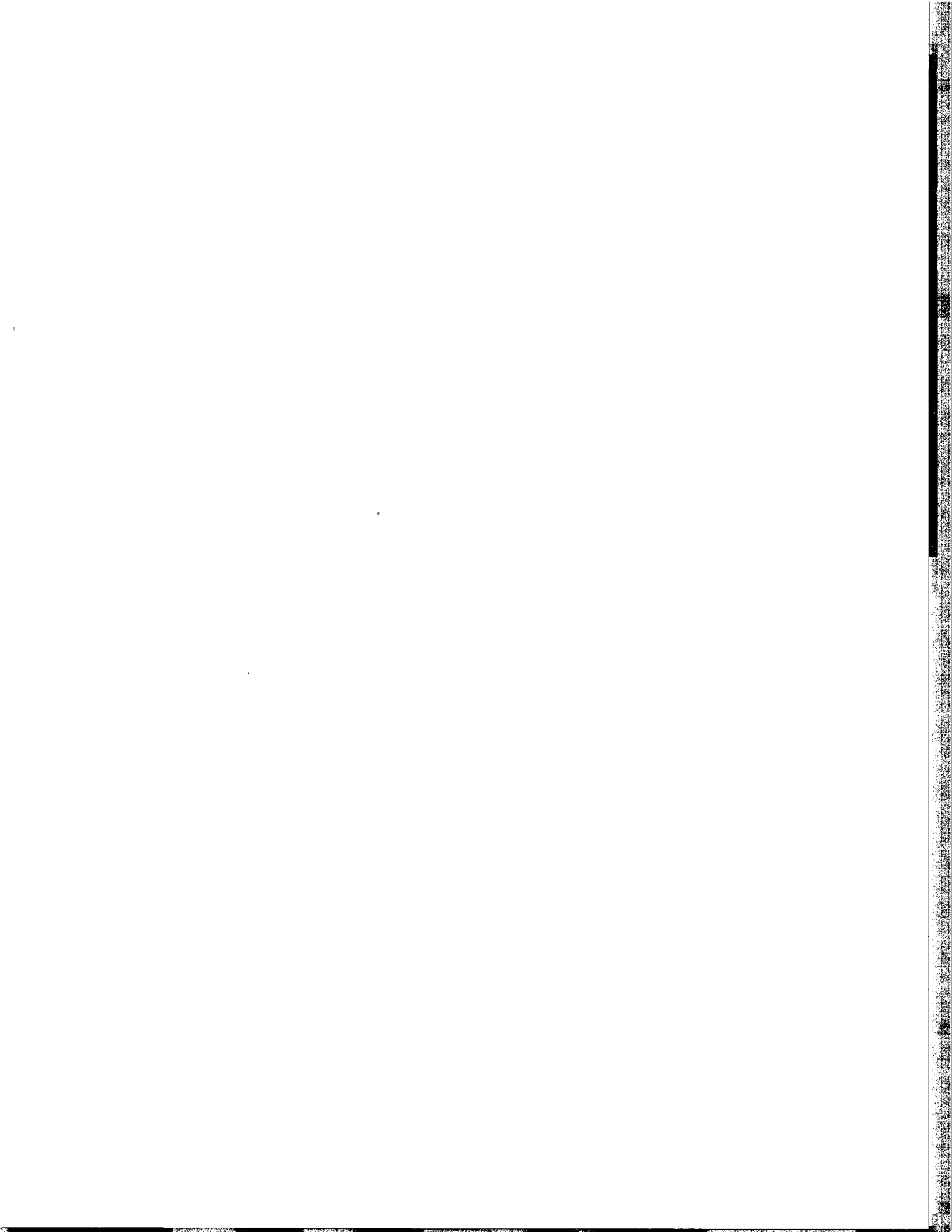
*Excreta*



**Adopted by the  
West Virginia  
State Board of Health**

**FILED IN THE OFFICE  
JOHN D. ROCKEFELLE, II  
SECRETARY OF STATE**

**THIS DATE** 5/28/70



WEST VIRGINIA BOARD OF HEALTH

CHAPTER 1, ARTICLE 10

SMALL SEWAGE AND EXCRETA DISPOSAL SYSTEMS REGULATIONS

SECTION 1.0 GENERAL

1.1 Scope:

These regulations establish the rules and regulations of the West Virginia Board of Health governing the construction, installation, and operation of small sewage and excreta disposal systems.

1.2 Authority:

Pursuant to the authority conferred upon the State Board of Health by Chapter 16, Article 1, Public Health Laws, Code of West Virginia, the State Board of Health hereby establishes these regulations as the minimum requirements for small sewage and excreta disposal systems.

1.3 Filing Date:

On May 28, 1970, as prescribed by State law, these regulations were filed with the Office of the Secretary of State, State of West Virginia.

1.4 Certification:

These regulations were certified as being received and on file in the office of the Secretary of State, State of West Virginia, on May 28, 1970.

1.5 Effective Date: These regulations become effective on July 1, 1970.

SECTION 2.0 DEFINITIONS

2.1 Aeration Type Sewage Treatment System - A system which utilizes the principle of

oxidation in the decomposition of sewage by introduction of air into the sewage or by surface absorption of air for a sufficient period of time to affect approved treatment.

2.2 Approved - A procedure of operation or construction which is in accordance with the design standards, specifications and instructions established by the State Department of Health.

2.3 Cesspool - A lined or unlined and covered excavation in the ground which receives the discharge of sewage from a drainage system and so designed to retain the organic matter and solids but permitting the liquids to seep through the bottom and sides into the surrounding soil.

2.4 Dwelling - A building, structure, or place used or intended to be used for human occupancy as a single family or multi-family residence. The term, dwelling, shall be construed to mean and include the term, house and housing.

2.5 Effluent - Liquid discharged from a sewage disposal system.

2.6 Establishment - Any building, structure, or place used or intended to be used for manufacturing, commercial, religious, institutional, educational or recreational purposes.

2.7 Percolation Test - The determination of the suitability of an area for subsurface sewage effluent disposal by testing the rate at which the undisturbed soil in an excavated pit or hole of standard size will absorb liquid per unit or surface area.



- 2.8 Permit - A written document issued by the State Director of Health giving the permit holder permission to construct, install, extend, alter or operate an approved small sewage or excreta disposal system on a particular tract or parcel of land.
- 2.9 Person - Individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, or any entity recognized by law.
- 2.10 Privy - A superstructure and a pit, vault, or other receptacle used for the disposal of human excrement.
- 2.11 Public Sewer System - A system of sewers and appurtenances for the collection, transportation, and treatment of sewage and operated as a community project by a governmental agency, community residents, or as a commercial enterprise.
- 2.12 Self-Contained Excreta Disposal System - A water-tight covered tank or receptacle, and appurtenances, that may or may not be operated independently of a direct connection to a sewer, water, and/or electrical system.
- 2.13 Septic Tank - A water-tight, covered receptacle designed and constructed to receive the discharge of sewage, separate the solids from the liquids, store solids through a period of detention, and allow the liquids to discharge for final disposal.
- 2.14 Sewage - Any liquid waste containing animal, vegetable and/or mineral matter in suspension or solution including, but not limited to, waste from water closets, urinals, lavatories, bathtubs, laundry tubs, washing machines, drinking fountains, sinks, kitchen equipment, and other sanitary fixtures or facilities.

- 2.15 Sewage Tank - A water-tight receptacle designed and constructed to receive and retain sewage solids. Sewage tanks shall include, but not be limited to, septic tanks, aeration type sewage treatment systems, privy pits and vaults, holding tanks or receptacles, and self-contained excreta disposal facilities.
- 2.16 Sewage Tank Cleaner - Any person engaged in the collection, removal, transportation or disposal of the contents of sewage tanks.
- 2.17 Small Sewage or Excreta Disposal System - A sewage or excreta disposal system, other than a public system, which receives either human excreta or liquid waste, or both, from one or more dwellings or establishments. Included within the scope of this definition are septic tanks, soil absorption systems, aeration type sewage treatment systems, sewage stabilization ponds, privies, self-contained sewage or excreta disposal systems, and such other types as may be prescribed or determined by the State Department of Health.
- 2.18 Soil Absorption System - Any system that utilizes the soil for subsequent subsurface absorption of sewage effluent.
- 2.19 Stabilization Pond - A basin constructed by excavation of the ground and diking for the purpose of treating raw, settled, intermediate, or secondary sewage or sewage effluent by storage under conditions that favor natural biological treatment and accompanying bacteriological reduction.
- 2.20 State Director of Health - The administrative head and chief executive officer of the State Department of Health or his duly authorized representative.



2.21 Subdivision or Housing Developments - Any tract or parcel of land divided into two or more lots for immediate or future use for housing or building development.

SECTION 3.0 SEWAGE AND EXCRETA DISPOSAL REQUIREMENTS

3.1 On and after July 1, 1970, the date these regulations become effective, every dwelling or establishment whether publicly or privately owned where persons reside, assemble, or are employed, shall be provided with toilet *facilities and a sanitary system of sewage or excreta disposal.*

3.2 It shall be the duty of the owner of such dwelling or establishment to provide toilet facilities of such form and number as prescribed by the State Department of Health and a sanitary system of sewage or excreta disposal that is in compliance with these regulations and with the design standards, specifications, and instructions pertaining to same as prescribed and approved by the State Department of Health.

3.3 A toilet facility or small sewage or excreta disposal system shall be considered to be sanitary when such facility or system has been constructed or installed and is being maintained or operated in accordance with the rules and regulations of the State Board of Health and the design standards, specifications, and instructions governing such facilities or systems as prescribed and approved by the State Department of Health.

3.4 Failure to provide approved toilet facilities or failure to provide and properly maintain or operate a small sewage or excreta disposal system, or to discharge all sewage or excreta from a dwelling or establishment into an

approved small sewage or excreta disposal system shall be prima facie evidence of an insanitary condition and a violation of these regulations.

3.5 When upon investigation made by the State Director of Health it is found that any person is constructing, installing, maintaining, or operating a toilet facility or a small sewage or excreta disposal system which does not comply with all applicable provisions of these regulations, it shall be the duty of the State Director of Health to notify said person of the fact in writing, and if said person shall fail to abate or correct the condition within a period of time not to exceed ten days after the receipt of the written notice, said person shall be guilty of a misdemeanor and upon conviction thereof shall be punished according to the penalty set forth under Section 12.0 of these regulations.

3.6 All small sewage and excreta disposal systems shall be designed, constructed, installed, maintained, and operated in such a manner that excreta, sewage, or effluent contained therein, or discharged from such facility:

3.6.1 Is not accessible to flies, mosquitoes, rats or other wild or domestic animals.

3.6.2 Does not endanger or contaminate any surface or subterranean body of water that is used as an individual or public water supply or for recreational purposes.

3.6.3 Does not give rise to a nuisance due to odor or unsightly appearance.



3.6.4 Will not violate any other laws or regulations governing water pollution, sewage, or excreta disposal.

3.7 No person shall discharge or permit or cause to be discharged treated or untreated sewage, effluent, excreta, or other putrescible or offensive wastes onto the surface of the ground or into any street, road, alley, open excavation, storm water sewer, land drain ditch, adjoining property, mineshaft, surface or subterranean body of water, or into an unused or abandoned well, spring, cistern, sink hole, crevice, or other opening extending into a water table, or into limestone, sandstone, or other rock or shale formation except under such circumstances as prescribed by and with the written approval of the State Department of Health.

3.8 No small sewage or excreta disposal system shall be constructed, installed, maintained, or operated on property accessible and capable of being served by an approved public sewer system.

3.9 Whenever an approved public sewer system is accessible to the property, all small sewage or excreta disposal systems shall be abandoned and the sewage disposed of through the public sewer system.

3.10 The owner or operator of a small sewage or excreta disposal system, or other device or equipment for the disposal of sewage, that is to be abandoned or has been abandoned shall have the sewage tank, device, or equipment cleaned out in an approved manner; or the sewage tank, device, or equipment shall be removed and the excavation, if any, properly filled in; or the sewage tank, device or equipment cleaned out and filled with stone, dirt, or similar material in a manner

acceptable to the State Director of Health.

3.11 Privies, self-contained excreta disposal facilities, and similar installations utilized for excreta disposal shall be permitted only in those areas not served by an approved public sewer, or in those areas in which the State Director of Health deems it impractical to require the installation of an approved water-carried small sewage disposal system.

3.12 The use of a cesspool as a means of sewage disposal is prohibited.

3.13 Building contractors, sewage system contractors, plumbers, or any other person constructing, installing, extending or altering a small sewage or excreta disposal system for another person shall be jointly and severally responsible for compliance with all applicable provisions of these regulations as well as any person for whom such construction, installation, extension, or alteration is being made.

#### SECTION 4.0 PERMITS

##### 4.1 Construction and Installation Permits

4.1.1 On and after July 1, 1970, the date these regulations become effective, except for minor repairs, no person shall construct or install a small sewage or excreta disposal system in the State of West Virginia unless he possesses a permit from the State Director of Health in the name of such person for such specific construction or installation. The terms construct and install shall be construed to mean and include the terms extend and alter.



4.1.2 An application for a permit shall be made in writing to the State Director of Health on a form prescribed by the State Department of Health and shall contain all pertinent information relative to location, construction and installation of the small sewage or excreta disposal system and such other information as may be deemed necessary by the State Director of Health.

4.1.3 Perculation test results, detailed plans and specifications and such other substantiating data as may be deemed necessary by the State Director of Health attesting that the proposed small sewage or excreta disposal system will be in compliance with all applicable parts of these regulations shall be made a part of the application for a permit.

4.1.4 When upon review of the application, the State Director of Health is satisfied that the proposed design of the small sewage or excreta disposal system is satisfactory, a written permit to proceed with the construction or installation of the system shall be issued.

4.1.5 When upon review of the application, the State Director of Health is convinced that the proposed small sewage or excreta disposal system is unsatisfactory or that soil and geological conditions are such as to preclude the proper construction, installation or operation of the system, a permit shall be denied.

4.1.6 When an applicant's permit has been denied, no small sewage or excreta disposal system shall be constructed or installed on the site.

4.1.7 The State Director of Health shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.

4.1.8 When a permit has been suspended or revoked, any construction or installation of the affected small sewage or excreta disposal system shall immediately cease.

4.1.9 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

4.1.10 Only a person who complies with all the applicable provisions of these regulations shall be entitled to receive and retain a permit.

4.1.11 If the small sewage or excreta disposal system has not been constructed or installed within six months from the date of issuance of the permit, said permit shall automatically expire.

4.1.12 Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request and shall be granted a hearing on the matter within 10 days after the State Director of Health has received a written request for such hearing.



4.2 Operational Permit

4.2.1 On and after July 1, 1970, the date these regulations become effective, no person shall in any manner discharge or cause to be discharged any sewage or effluent from a small sewage or excreta disposal system serving his property, or discharge any other putrescible or offensive waste, onto another property unless said person has in his possession a valid operational permit issued by the State Department of Health, Division of Sanitary Engineering.

4.2.2 If deemed necessary by the State Department of Health, Division of Sanitary Engineering, that on-site disposal of sewage or sewage effluent from a water-carried small sewage disposal system is impractical, that agency may permit the sewage or effluent to be discharged off the property if the final disposal site and facilities are satisfactory to the agency and are in compliance with all applicable provisions of these regulations. Should such system be located on property owned or controlled by a different party, a copy of the legal instruments relating to the disposal facilities and their maintenance and operation shall be made a part of the application for a permit and filed with the State Department of Health.

4.2.3 An application for an operational permit shall be made in writing to the State Department of Health on a form prescribed by that agency.

4.2.4 The State Department of Health shall deny an operational permit if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.

4.2.5 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

4.2.6 Only a person who complies with all the applicable provisions of these regulations shall be entitled to receive and retain a permit.

4.2.7 When deemed necessary the State Department of Health may require the operational permit holder to be certified or registered as a sewage treatment plant operator.

4.2.8 Any person whose application for a permit has been denied, or whose permit has been suspended or revoked may request and shall be granted a hearing on the matter within 10 days after the State Department of Health has received a written request for such hearing.

4.3 Sewage Tank Cleaning Permit

4.3.1 On and after July 1, 1970, the date these regulations become effective, no person shall engage in the collection, removal, transportation, or disposal of the contents of a sewage tank without first obtaining a permit for such



activity from the State Director of Health. Provided, that the permit requirements shall not apply to an individual who cleans his own sewage tank and collects, removes, and transports the sewage tank contents in a sanitary manner and disposes of the tank content in compliance with the applicable provisions of Section 9.0 of these regulations, or as otherwise prescribed by the State Director of Health.

4.3.2 An application for a permit shall be made in writing to the State Director of Health on a form prescribed by the State Department of Health.

4.3.3 The State Director of Health shall deny a permit if the information on the application form is incomplete, inaccurate, false or misleading, or indicates that the applicable provisions of these regulations cannot be met.

4.3.4 Permits shall not be transferable or assignable and shall automatically become invalid upon a change of ownership or upon suspension or revocation.

4.3.5 Permits shall expire on the 31st day of December following the date of issue.

4.3.6 Only a person who complies with all the applicable provisions of these regulations shall be entitled to receive and retain a permit.

4.3.7 When a permit has been denied, suspended, or revoked the person thereby affected shall immediately discontinue engaging in the business of collecting, removing, transporting or disposing of the contents of sewage tanks.

4.4 Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request and shall be granted a hearing on the matter within ten days after the State Director of Health has received a written request for such hearing.

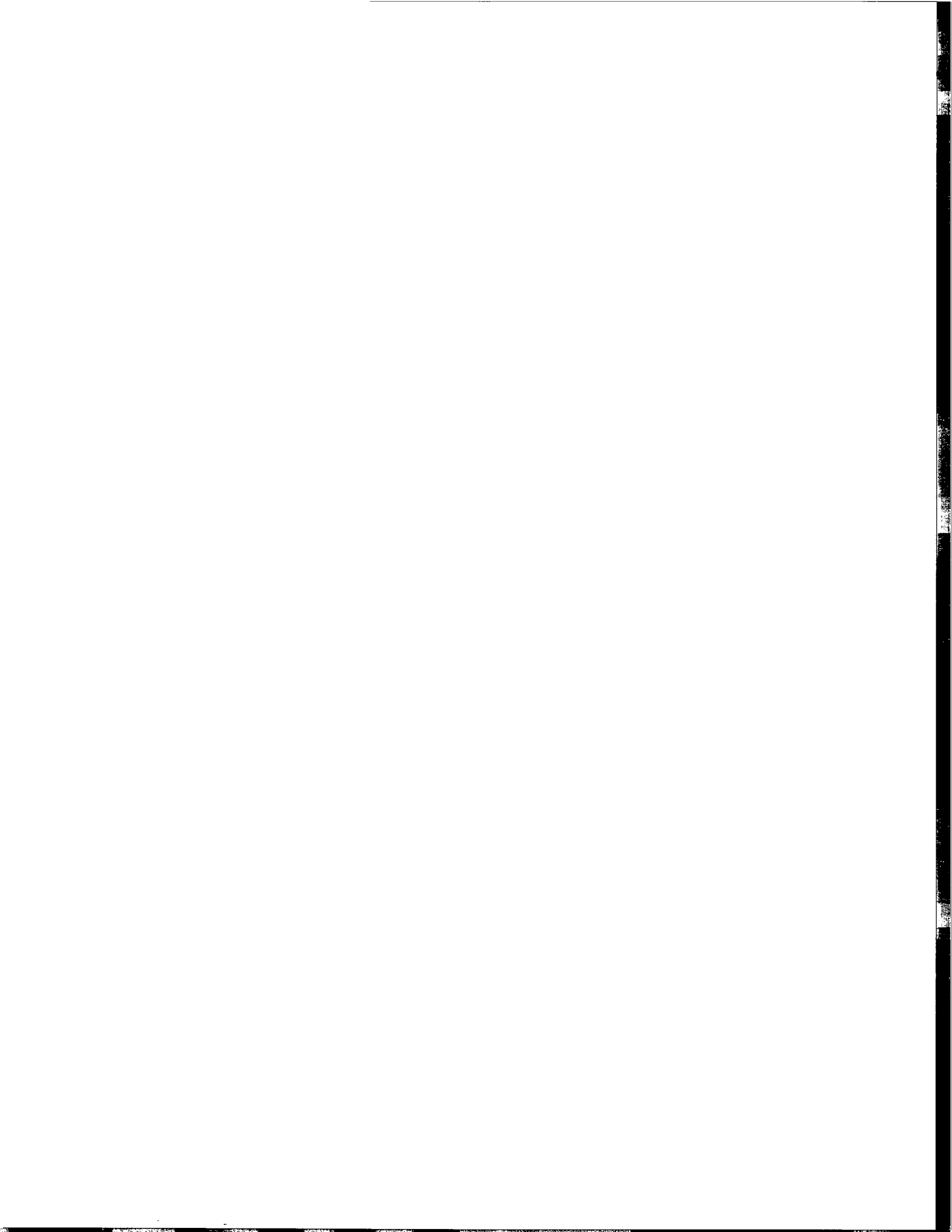
#### SECTION 5.0 INSPECTIONS

5.1 The State Director of Health shall make or cause to be made as many inspections as he deems necessary during the construction, installation, or operation of a small sewage or excreta disposal system to determine compliance with the applicable provisions of these regulations.

5.2 It shall be the duty of the owner or occupant of a dwelling or establishment to provide the State Director of Health free access to all parts of the property for the purpose of making such inspections.

5.3 No small sewage or excreta disposal system shall be used or placed into operation until the system has been inspected and approved in writing by the State Director of Health.

5.4 No part of any water-carried small sewage disposal system utilizing a septic tank or a soil-absorption system shall be covered until said system has been inspected and approved in writing by the State Director of Health.



5.5 Any part of such system that is covered prior to written approval shall be uncovered upon oral or written order by the State Director of Health.

5.6 Final written approval shall not be given for any small sewage or excreta disposal system until the State Director of Health is satisfied that all pertinent data on such system has been submitted and reviewed, the system inspected, and said system is in compliance with the applicable provisions of these regulations.

5.7 In addition to making inspections or causing inspections to be made of a small sewage or excreta disposal system, the State Director of Health may collect or cause to be collected, samples of sewage and effluent from the system, or conduct or cause to be conducted, such other tests as he deems necessary and proper to insure that the system is in compliance with all applicable provisions of these regulations.

SECTION 6.0 CONSTRUCTION AND INSTALLATION REQUIREMENTS

6.1 General Requirements

6.1.1 All small sewage or excreta disposal systems shall be located at that point on the premises consistent with the general layout, topography, and surroundings, including adjacent lots.

6.1.2 No part of a small sewage or excreta disposal system shall be located in swampy or filled areas, or in any area where ponding or flooding is likely to occur, without the prior written approval of the State Director of Health.

6.1.3 Sewage tanks shall be water-tight and constructed of materials not subject to excessive corrosion or deterioration.

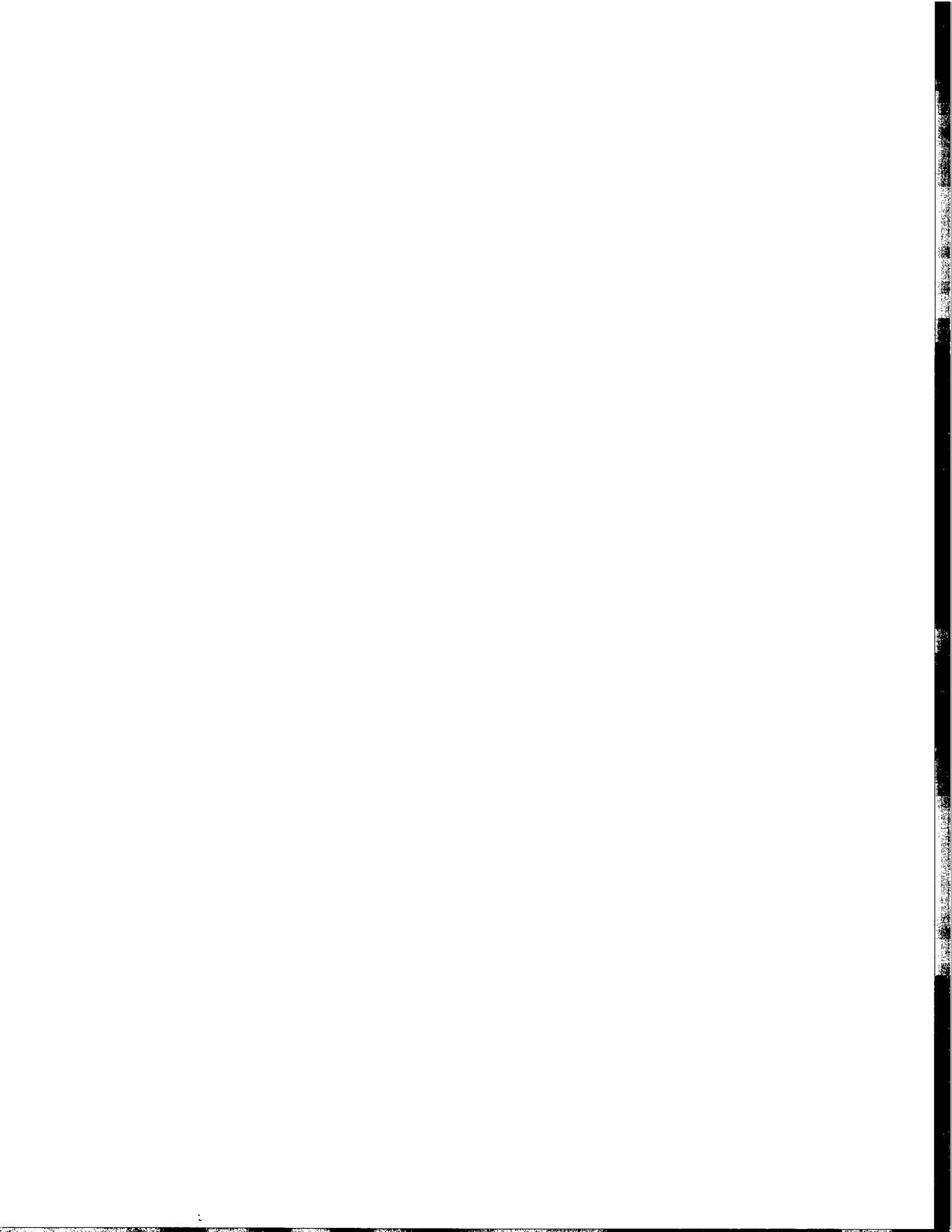
6.1.4 No septic tank or a soil-absorption system shall be located within ten feet of a building foundation or property line.

6.1.5 No water-carried small sewage disposal system shall be located within 50 feet, and no excreta disposal system shall be located within 100 feet, of any well, cistern, spring, or other source of water supply without the written approval of the State Director of Health.

6.1.6 No water-carried small sewage disposal systems utilizing a soil-absorption system shall have the soil-absorption system located within 100 feet of any well, spring, cistern or other source of water supply without the written approval of the State Director of Health.

6.1.7 No part of a small sewage or excreta disposal system shall be located within ten feet of a water service line without the written approval of the State Director of Health.

6.1.8 Where a water service line must cross a sewer line, the bottom of the water service line within ten feet of the point of crossing, shall be at least 18 inches above the top of the sewer line.



6.1.9 The sewer line shall be cast iron with mechanical joints for a distance of ten feet on either side of the area in which the water service line crosses said sewer line. Equivalent piping and joints may be used upon written approval by the State Director of Health.

6.1.10 A sewer line shall not be installed in the same trench with a water service line.

6.1.11 Roof drains, foundation drains, and surface or similar drainage shall not be discharged into a small sewage or excreta disposal system.

6.1.12 The State Director of Health may require that a grease interceptor or grease trap be installed on a water-carried small sewage disposal system serving dwellings or establishments discharging a large quantity of grease.

6.1.13 Sewage tanks shall have the contents removed in an approved manner as often as necessary to prevent creating a nuisance or insanitary condition. The removal and disposal of sewage tank contents shall be conducted in accordance with all applicable provisions contained in Section 9.0 of these regulations.

6.2 Septic Tanks and Soil-Absorption Systems

6.2.1 In addition to meeting all applicable provisions of these regulations, all septic tanks and soil-absorption systems shall be in strict compliance with the latest design standards, specifications, and instructions issued by the State Department of Health.

6.2.2 The design size of the septic tank and the type and amount of soil-absorption system area needed shall be determined by the State Director of Health using the applicable design standards, information and specifications issued by the State Department of Health.

6.2.3 Percolation tests or such other tests as deemed necessary by the State Director of Health shall be conducted at the site on which the soil-absorption system is to be located to determine the acceptability of the site and to establish the design size of the soil-absorption system.

6.2.4 The State Director of Health may require as many percolation tests, or other tests, as he deems necessary to determine the suitability of the site, but in no case shall there be less than four separate percolation tests conducted for each site on which a soil-absorption system is to be installed.

6.2.5 Percolation and other tests shall be performed by persons whose qualifications are acceptable to the State Director of Health and such tests shall be conducted in accordance with the latest design standards, information and specifications issued by the State Department of Health. The person conducting the tests shall certify the results of such tests and such information shall be immediately submitted to the State Director of Health.



6.2.6 Other types of soil-absorption tests or the use of soil maps and related information shall be used only with the written approval of the State Director of Health.

6.2.7 No septic tank or soil-absorption system shall be permitted where, upon review by the State Director of Health, the percolation tests or other test results indicate that the soil condition, geological formation, or the topography is unsuitable for such systems.

6.2.8 No septic tank or soil-absorption system shall serve more than one dwelling or establishment unless prior written approval is received from the State Director of Health.

6.2.9 No soil-absorption system shall be permitted where the depth to normal ground water or rock strata is within four feet of the bottom of the proposed absorption system.

6.2.10 Lots, sites, or other areas on which a septic tank or soil-absorption system is to be constructed or installed shall be of sufficient area, and of suitable soil condition, topography, and geological formation to permit full compliance with all applicable provisions of these regulations.

6.2.10.1 Where an approved public water supply system is available, but an approved public sewerage system is not available, no septic tank or soil-absorption system shall be permitted on any lot, site, or area containing less than 10,000 square feet.

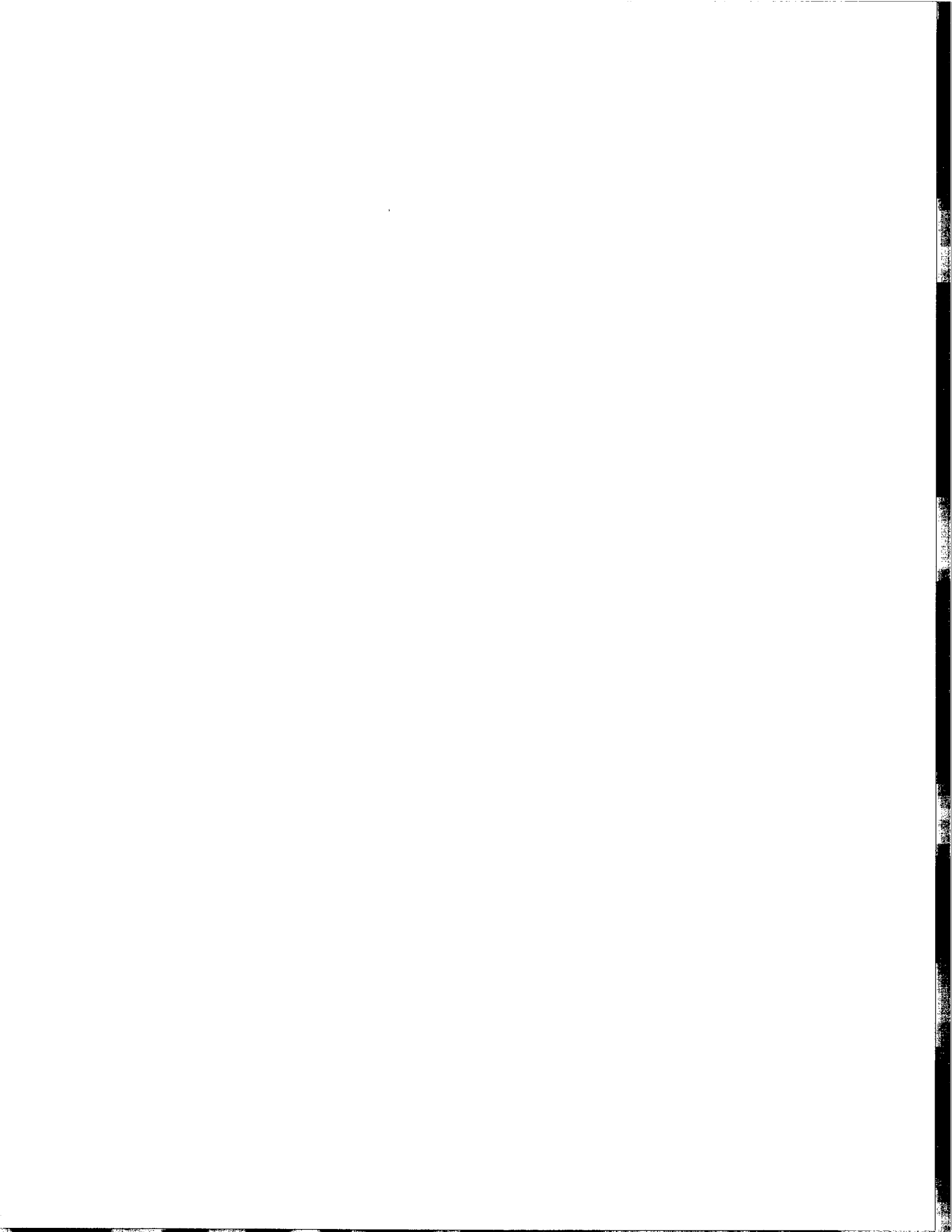
6.2.10.2 Where neither an approved public sewer system nor an approved public water supply system is available, no septic tank or soil-absorption system shall be permitted on any lot, site, or area containing less than 20,000 square feet.

6.2.10.3 Regarding subsection, 6.2.10.1 and 6.2.10.2, the State Director of Health may require larger lots, sites, or areas where the topography, drainage, soil condition, geological formations, or other conditions indicate that an approved septic tank or soil-absorption system cannot be constructed or installed on a lot, site, or area containing the minimum square footage stated under said subsections.

### 6.3

#### Aeration Type Sewage Treatment Systems and/or Sewage Stabilization Ponds

6.3.1 In addition to meeting all applicable provisions of these regulations, all water-carried small sewage disposal systems utilizing an aeration type sewage treatment system or sewage stabilization pond shall be in strict compliance with the latest design standards, specifications and instructions issued by the State Department of Health.



6.3.2 Water-carried small sewage disposal systems utilizing aeration type sewage treatment systems or sewage stabilization ponds shall only be permitted after complete and detailed plans of the proposed systems have been reviewed, approved, and a permit issued by the State Department of Health.

6.3.3 All aeration type sewage disposal systems and sewage stabilization ponds shall be fenced or otherwise protected to prevent the general public from having access to the immediate site on which such systems are located.

#### 6.4 Excreta Disposal Systems Utilizing Privies

6.4.1 Where permitted by the State Director of Health, and in addition to meeting all applicable provisions of these regulations, privies shall be in compliance with the latest design standards, specifications and instructions issued by the State Department of Health.

6.4.2 All privies shall be provided with pits, water-tight vaults, or other water-tight receptacles. Provided, that a privy vault or pit may be constructed with an open or porous bottom if said vault or pit is located not less than 100 feet from any water supply used for drinking or domestic purposes, and is so located that any leaching therefrom is disposed of in a manner that does not create a nuisance or insanitary condition.

6.4.3 No privy shall be located within 20 feet of any dwelling or establishment or within 10 feet of any property line.

6.4.4 The construction and design of the privy superstructure, vault, pit, or other type receptacle shall be such as to prevent access to the vault, pit, or receptacle and the contents thereof by flies, rats, and wild or domestic animals.

6.4.5 Privy vaults or pits shall not be permitted to be filled to within 12 inches of the top of said vault or pit.

6.4.6 Privy vaults, pits, or receptacles shall have the contents removed as often as necessary to prevent creating a nuisance or an insanitary condition.

6.4.7 The cleaning of a privy vault, pit, or receptacle and the removal and disposal of the contents thereof shall be in compliance with all applicable provisions of Section 9.0 of these regulations.

#### 6.5 Self-Contained Excreta Disposal Systems

6.5.1 Where permitted by the State Director of Health, in addition to meeting all applicable provisions of these regulations, all self-contained excreta disposal systems shall be in compliance with the latest design standards, specifications and instructions issued by the State Department of Health.



SECTION 7.0 SUBDIVISIONS AND HOUSING DEVELOPMENTS

6.5.2 Self-contained excreta disposal systems shall be designed so as to prevent flies, rats and wild or domestic animals from having access to the contents thereof.

6.5.3 All fixtures, tanks, or receptacles shall be constructed of impervious, easily cleanable material.

6.5.4 Tanks and receptacles shall be watertight and shall be vented to the outside air above the roof line of the structure housing them.

6.5.5 Tanks and receptacles shall be constantly supplied with a sufficient amount of an approved chemical agent to process and deodorize the contents thereof.

6.5.6 Tanks and receptacles shall have the contents removed and the tank or receptacle thoroughly cleaned as often as necessary to prevent creating a nuisance or an insanitary condition.

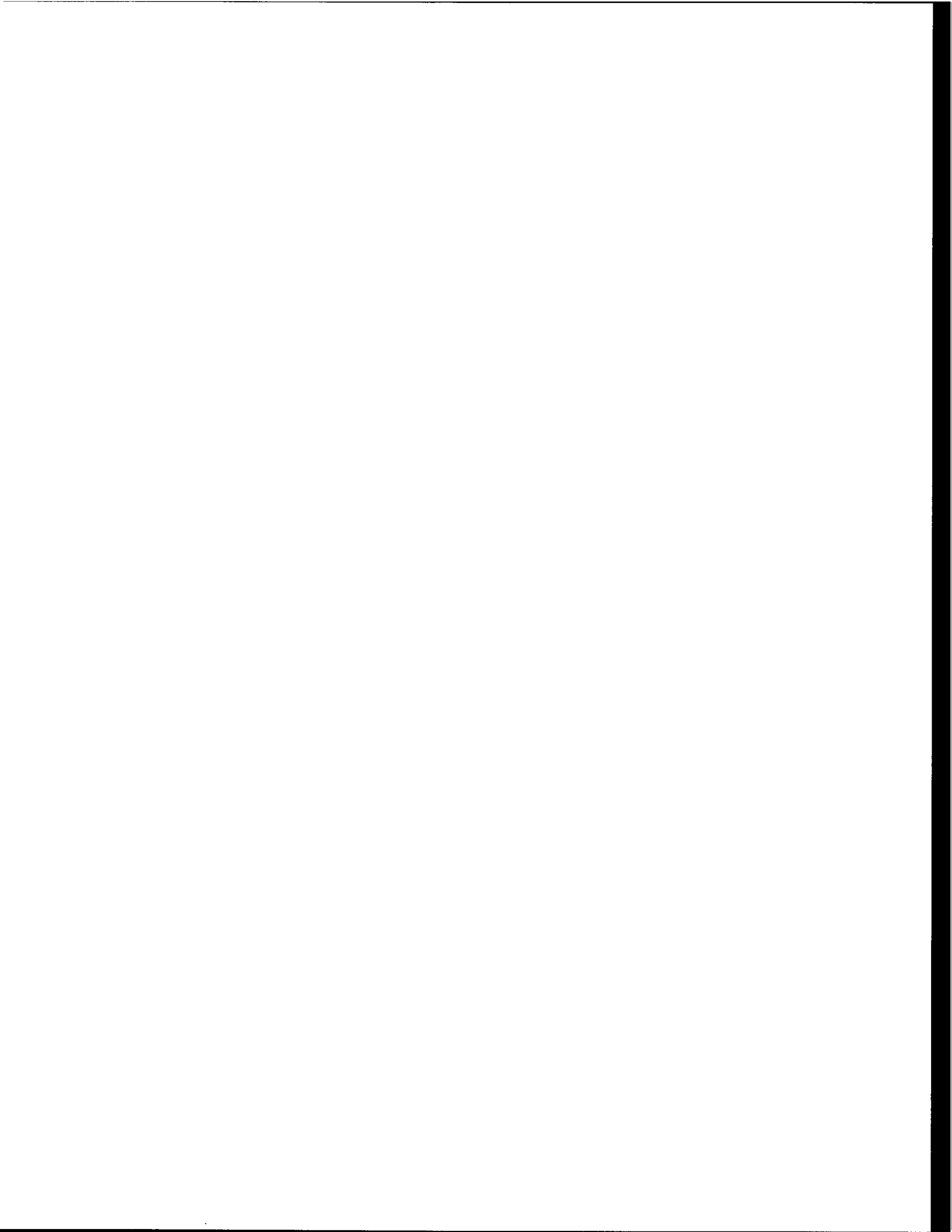
6.5.7 The removal and disposal of the contents of self-contained excreta disposal systems, chemical commodes, portable toilets, and similar devices used as excreta disposal systems at construction jobs, circuses, fairs, carnivals, public gatherings or similar events, or for use in or on motor boats, house boats, trains, buses, airlines, mobile homes, tent and travel trailers, and similar vehicles, crafts or devices shall be in compliance with the applicable provisions of Section 9.0 of these regulations or as otherwise directed and approved by the State Director of Health.

7.1 All subdivision or housing developments originating after July 1, 1970, the effective date of these regulations, shall be served by an approved public sewage system or by an approved water-carried sewage disposal system specifically designed to serve the entire subdivision or housing development.

7.2 Water-carried sewage disposal systems utilizing septic tanks or soil-absorption systems shall only be constructed or installed in a subdivision or housing development when the State Department of Health declares it impractical due to distance, population, topography, geological formation, or other pertinent factors for the subdivision or housing development to be served by an approved public sewer system or by an approved water-carried sewage disposal system designed specifically to serve the entire subdivision or housing development.

7.3 Water-carried sewage disposal systems utilizing aeration type sewage treatment systems, sewage stabilization ponds, or any other type of sewage treatment system shall only be constructed or installed in a subdivision or housing development with the written approval of the State Department of Health.

7.4 An application for a permit to construct or install a water-carried sewage disposal facility for a subdivision or housing development shall be made to the State Department of Health at least 45 days prior to the installation or construction of any part of such facility or before any of the lots, sites, tracts, or parcels of land are sold or offered for sale whether or not such sale entails transfer of title or deed.



7.5 The application for a permit shall be accompanied by a plot map drawn to scale of the subdivision or housing development.

7.6 When a public sewage disposal system is proposed for a subdivision or housing development and is to be operated by an entity, such as an individual, partnership, or a utility corporation, the operating entity shall comply with all applicable state laws, rules and regulations of the State Board of Health, and the rules, ordinances and regulations of any other applicable agency, board or commission, and such entity shall be held completely responsible for the operation and maintenance of the system. If the system is to be operated by a cooperative group, the operating entity shall first receive written approval from the State Department of Health before the start of any such operation.

7.7 In addition to all of the provisions contained in Section 7.0 of these regulations, subdivision and housing developments shall comply in full with all other applicable provisions of these regulations.

SECTION 8.0 DESIGN, CONSTRUCTION, INSTALLATION, AND OPERATION OF SMALL SEWAGE AND EXCRETA DISPOSAL SYSTEMS

8.1 The design, construction, installation, extension, alteration, location, maintenance, and operation of such systems, including toilet facilities, sewage tanks, septic tanks, aeration type treatment systems, stabilization ponds, other recognized types of sewage treatment systems, absorption trenches, sand filter trenches, seepage beds, seepage pits, soil-absorption systems, subsurface-absorption systems, subsurface sand filters, sewer lines, privies, self-contained excreta disposal systems, and any other excreta or sewage

collection or treatment system or part thereof shall comply with the provisions of these regulations and the minimum standards and engineering practices which are approved and acceptable to the State Department of Health.

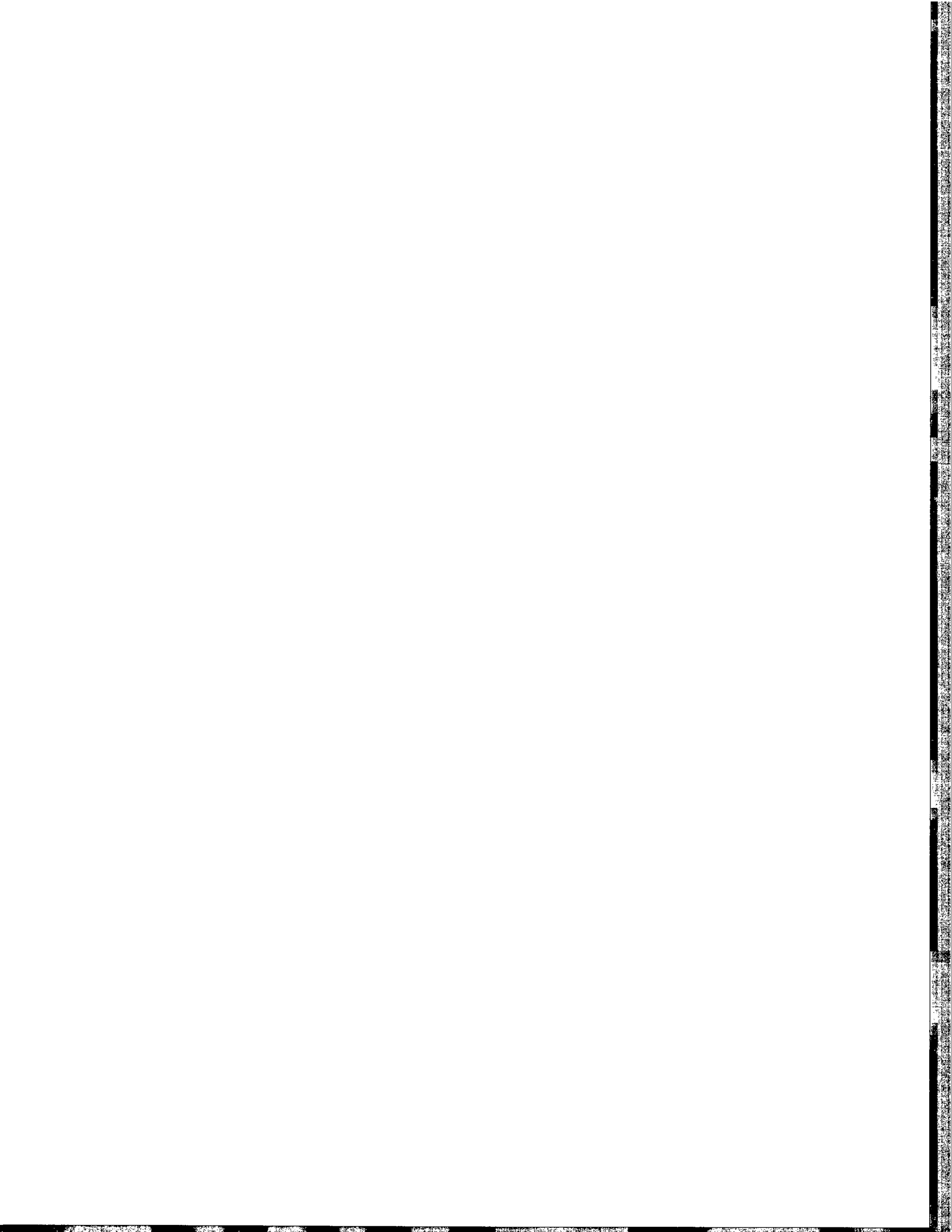
SECTION 9.0 SEWAGE TANK CLEANERS

9.1 Equipment, implements, containers or other devices used in the collection, removal, transportation or disposal of the contents of sewage tanks shall be in compliance with the latest design standards, information, and specifications issued by the State Department of Health.

9.2 Prior to the issuance of a permit, and as often as he deems necessary thereafter, the State Director of Health shall inspect, or cause to be inspected, all sewage tank cleaning equipment, implements, containers, or other devices used in the collection, removal, transportation or disposal of sewage tank contents to ascertain that said items are used, maintained and operated in compliance with all applicable provisions of these regulations.

9.3 Equipment, implements, containers, or other devices utilized for the collection, removal, transporting or disposal of sewage tank contents shall be of approved construction and design and shall be maintained and operated at all times so as to prevent creating insanitary or obnoxious conditions.

9.4 Sewage tank contents are prima facie considered to be dangerous to public health and such contents shall be collected, removed, transported and disposed of in a manner so as to prevent the spread of disease and avoid nuisance conditions.



9.5 All vehicles used in the collection, removal, transportation or disposal of sewage tank contents shall carry in a conspicuous place the name and address of the firm under which the business is conducted.

9.6 Carrier tanks used for the collection, removal, transportation or disposal of sewage tank contents shall be fully enclosed, leak-proof, fly-proof, and so operated as to prevent spillage or leakage during collection, removal, transportation and disposal.

9.7 The carrier tank aboard the vehicle, and used for collecting, removing, and transporting the contents of sewage tanks, shall be conspicuously and permanently labeled "FOR SEWAGE ONLY" in letters at least two inches high at or near the outlet valve of said carrier tank. The use of this carrier tank for any other purpose is prohibited.

9.8 Facilities shall be available for the flushing, cleaning, and deodorizing of sewage tanks, carrier tanks and sewage tank cleaning implements or equipment.

9.8.1 A direct connection to a water distribution system for such flushing and/or cleaning action shall only be used when the water distribution system is protected by one or more approved and properly located back-siphonage prevention devices.

9.8.2 Wastes resulting from the flushing and/or cleaning operation shall be disposed of in accordance with applicable provisions of subsections 9.9 or 9.10 of these regulations.

9.8.3 Odor controlling substances may be left in the sewage tank, carrier tank or other sewage tank cleaning implement or equipment, but in no case shall such substances be used in lieu of proper cleaning.

9.9 The contents of sewage tanks shall be disposed of in a manner that will prevent the spread of disease and avoid nuisance conditions, and said contents shall be disposed of by one or a combination of the following methods:

9.9.1 By incinerating in an approved high temperature incinerator.

9.9.2 By burial, provided prior written approval is received from the State Director of Health regarding the manner and the conditions under which said burial of sewage tank contents can take place. Sewage tank contents shall not be buried on public or private property without the written permission of the property owner or his authorized agent.

9.9.3 By discharging the contents into a public sewer manhole or at an acceptable point in a sewage treatment plant, provided, the written approval of a responsible official of the governmental entity or other entity owning or operating the public sewer system or sewage treatment plant is received prior to the use of such disposal facilities.

9.10 Special written permission from the State Director of Health must be obtained for any method of disposal not specifically mentioned in these regulations.



9.11 Sewage tanks after being cleaned shall be restored to condition acceptable for use.

9.12 Sewage tank cleaners shall keep an accurate and up-to-date written record of each and every sewage tank cleaned and such record shall include the method used for sewage tank content disposal and disposal point location.

9.13 Said records shall be preserved for at least 12 months and upon request such records shall be readily available to the State Director of Health.

SECTION 10.0 REPEAL OF FORMER REGULATIONS

10.1 All regulations previously adopted by the State Board of Health which are in conflict with the provisions of these regulations are hereby repealed.

SECTION 11.0 SEVERABILITY

11.1 If any provision of these regulations, or the application thereof to any person or circumstance, shall be held invalid, such invalidity shall not affect the provisions or applications of these regulations which can be given effect without the invalid provisions or application, and to this end the provisions of these regulations are declared to be severable.

SECTION 12.0 PENALTIES FOR VIOLATING PROVISIONS OF REGULATIONS

12.1 Any person who violates any provision of these regulations or any regulation adopted by the West Virginia Board of Health pursuant to authority granted by these regulations shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than \$200 or by imprisonment for not more than 30 days or both fine and imprisonment as

provided in Chapter 16, Article 1, Section 20, of the Public Health Laws of West Virginia, Code of West Virginia.

12.2 Each day's failure to comply with any applicable provision of these regulations shall constitute a separate offense.

