

COMPARISON OF PROPOSED AND EXISTING
SEWAGE REGULATIONS BY
SECTIONS, FOR THE LEGISLATIVE REVIEW COMMITTEE

SECTION 2 - DEFINITIONS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
2.0	2.0	No change
2.1 Accessible	None	Definition of word usage
2.2 Approved	Same	Use of Director in lieu of State Department of Health
2.3 Chief, Division of Water Resources	2.4	No change
2.4 Complete Application	None	Defines use of term
2.5 Design Standards	None	Defines use of term
2.6 Director	2.26 State Department of Health 2.27 State Director of Health	reflects statutory change in authority
2.7 Dwelling	2.5	Added "This definition also includes, but is not limited to mobile homes, vacation homes and cabins."
2.8 Effluent	2.6	Changes in definition to include all types of treatment and disposal systems.
2.9 Establishment	2.7	No change
2.10 Individual Sewer Systems	2.10	Simplifies definition
2.11 Individual Sewer System Installer	2.18	Reworded and simplified to include all types of individual systems.
2.12 Lot	None	Defines use of term
2.13 Municipal Sewer System	None	Defines use of term
2.14 Percolation test	2.11	Simplifies definition
2.15 Permit	2.12	Same except State Director of Health is changed to Director; also simplifies and enlarges use of term.

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WEST VIRGINIA

THIS DATE 11-29-79

2.15	Permit	2.12	Same except State Director of Health is changed to Director; also simplifies and enlarges use of term.
2.16	Person	2.13	No change
2.17	Public Sewer System	2.15	Re-defined to fit new regulations.
2.18	Sewage	2.19	Word "excreta" added.
2.19	Sewer System	None	
2.20	Sewage Tank		
2.21	Sewage Tank Cleaner	2.21	Definition simplified.
2.22	Subdivider	None	Defines use of term
2.23	Subdivision	2.28	Addition of word "tracts".
2.24	Wastewater	None	Defines use of term.
2.25	Well	None	Defines use of term.

SECTION 3 - GENERAL REQUIREMENTS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
3.0	3.0	Title changes to conform to new regulations.
3.1	3.1	Essentially the same, date and regulations become effective deleted.
3.2	3.2	Essentially the same, shortened and reworded to conform to new regulations.
3.3	3.5	Essentially the same, reworded to conform to new definitions.
3.4	3.6	Essentially the same, reworded to conform to new regulations.
3.4.1	No comparable section	Provides that no sewer system shall create a public health hazard.
3.4.2	3.6.2	No change
3.4.3	3.6.3	Phrase "give rise to a nuisance due to" changed to "cause an".
3.4.4	3.6.4	Phrase "other" changed to "Federal, State, or Local".
3.5	3.8 and 3.9	Reworded to conform to new definitions and to combine sections.
3.6	3.10	"State Department of Health" changed to "Director" details moved to design standards.
3.7	3.13	Shortened and simplified. Phrase "jointly and severally responsible" changed to "jointly responsible".
3.8	No comparable section	Provides that an easement or authorization be recorded if off lot disposal of sewage requires the use of

crossing of adjacent
property. Rights to
be binding to heirs
and assigns of involved
properties.

SECTION 4 - PERMITS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
4.0	4.0	No change
4.1	4.1.1	Essentially the same, reworded and shortened to conform to new regulations effective date and applicatio information deleted.
4.2	No comparable section	Provides that sewer systems be permitted and constructed only after the review and approval of application, plans, etc., by the Director, and, if applicable, after issuance of a discharge permit.
4.3	No comparable section	Provides that a complete written application must be made and a permit obtained before an individual sewer system is constructed or installed.
4.4	No comparable section	Provides for application for/and issuance of permits for sewage systems discharging into surface waters.
4.5	4.1.7	Essentially the same, reworded to conform to new regulation (and statutory changes).
4.6	No comparable section	Provides for suspension and revocation of permits.
4.7	4.3.7	Essentially the same, reworded to conform to new regulations.
4.8	4.1.2	Essentially the same, phrase "State Department of Health" changed to "Director". Hearing must be held within 45 days of receipt of request.
4.9	4.1.11	Time limit on validity of permit changes from six months for individual systems, and is set at twelve months for public systems.

4.10

4.1.9

Essentially the same,
but shortened and
clarified.

SECTION 5 - CONSTRUCTION
AND INSTALLATION REQUIREMENTS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
5.0	6.0	No change
5.1	6.1	No change
5.1.1	6.3.7	Reworded to conform to the new regulations. An additional sentence provides that construction be in accord with approved standards, plans, specifications, and the terms of the construction permit. Delivery of a plant or system is forbidden unless a permit has been issued.
5.2	6.1.11	Essentially the same. Enlarged to include more drainage methods and all sewer systems.
5.3	No comparable section	Provides for the construction of drains and diversion ditches when necessary.
5.4	6.25	Essentially the same, reworded to conform to new regulations. Phrases "as to the accuracy of" and "in a form acceptable" added.

SECITON 6 - INSPECTIONS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
6.0	5.0	No change
6.1	5.1	Essentially the same, but term "modification" added and section reworded to conform to new regulations.
6.2	5.2	Essentially the same, the term "land" is added, and section is shortened somewhat.
6.3	5.3	Essentially the same, reworded to conform to new regulations.
6.4	5.4 and 5.5	Essentially the same, reworded to conform to new regulations.
6.5	5.7	Essentially the same, phrase "State Director of Health" changed to "Director
6.6	No comparable section	Provides for the revocation of the construction permit.

SECTION 7 - MAINTENANCE AND OPERATION

Proposed

Present Equivalent

Change

7.0 No comparable section

Operation & Maintenance

7.1 No comparable section

Provides that all systems be operation and maintained in compliance with State Code and Regulations.

7.2 No comparable section

Provides that permit holder must submit operational date if requested in writing by the Director.

SECTION 8 - SUBDIVISIONS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
8.0	7.0	No change
8.1	7.1	Phrase "an approved public sewage system or by an approved water-carried sewage disposal system specifically designed to serve the entire subdivision or housing development" changed to "a method of sewage disposal approved by the Director". Central sewage no longer required if individual systems are feasible.
8.2	No comparable section	Provides that subdivisions may be served by public sewer systems.
8.3	No comparable section	Provides that subdivisions may be served by individual sewer systems if their feasibility can be demonstrated following a prescribed procedure.
8.4	7.5	Essentially the same.
8.5	7.6	Essentially the same, slight change to clarify section.
8.6	No comparable section	Limits application of Sections 8.6.1 and 8.6.2 to lots and subdivisions originating prior to July 1, 1970.
8.6.1	6.2.10.1	Essentially the same, reworded to conform to new regulations.
8.6.2	6.2.10.2	As above
8.7	6.2.10.4	As above
8.8	6.2.10.5	As above

SECTION 9 - CORRECTION OF HEALTH HAZARDS

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
9.0	No comparable section	Correction of Health Hazards.
9.1	No comparable section	Provides that the Director may permit the installation of experimental or alternative sewer systems in order to abate public health hazards not correctable by conventional means.
9.2	No comparable section	Provides that the petition requesting such an installation shall contain specific information regarding the installation and the proposed site.
9.3	No comparable section	Provides that the Director may authorize such an installation if he determines that a potential health hazard exists.

SECTION 10 - SEWAGE TANK CLEANING

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
10.0	9.0 and 4.3	Title "Sewage Tank Cleaners" changed to "Sewage Tank Cleaning". Present sections combined.
10.1	4.3.1	Essentially the same, wording changed to clarify section. Old effective date deleted.
10.1.1	4.3.2	Essentially the same, reworded to conform to new regulations.
10.1.2	9.1	Essentially the same, reworded to conform to new regulations.
10.1.3	9.2	Essentially the same, reworded to conform to new regulations.

SECTION 11 - INDIVIDUAL
SEWAGE SYSTEMS INSTALLERS CERTIFICATION

<u>Proposed</u>	<u>Present Equivalent</u>	<u>Change</u>
11.0	10.0	Title changes to conform to new regulations.
11.1	10.1	Requirement that installers be certified within one year of effective date of regulations deleted. Phrase "septic tank installers" changed to "individual sewer system installers" and "septic tank/home aeration unit or soil absorption system" to conform to new regulations.
11.2	10.1	Term "trucker" changed to "driver". Term "person in responsible charge" deleted. Section shortened and simplified.
11.3	No comparable section	Provides that certificates be issued to installers in two classifications.
11.3.1	No comparable section	Defines Class I certificate
11.3.2	No comparable section	Defines Class II certificate
11.3.3	No comparable section	Provides that Class II installers be certified within one year of effective date of regulations.
11.4	10.2	Essentially the same. Reworded to conform to new regulations.
11.5	10.3	Essentially the same, but shortened and simplified. Phrase "State Department of Health" changed to "Director".
11.6	10.9 and 10.5	Provides that applicants for installers' certificates must pass a written exam and be capable of demonstrating adequate knowledge and skill.

11.7	10.9.1 and 10.9.2	Provides that written exams be administrated by the Director on a site and date designated by him. Otherwise essentially the same as 10.9.2.
11.8	10.4	No change
11.9	10.5	Provides that certification must be renewed before expiration date, otherwise the same.
11.10	10.8	Essentially the same, reworded to clarify section and conform to new regulations (def)
11.11	10.11	Provides that certification may be suspended by the Director for violation of applicalbe regulations, and that three such suspensions shall be grounds for re- vocation.