

902 KAR 10:110. Issuance of on-site sewage disposal system permits.

RELATES TO: KRS 211.350-211.380, 211.990(2)

STATUTORY AUTHORITY: KRS 194.050, 211.090(3), 211.180(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.350 provides that no person, firm, or corporation shall construct, install, alter or cause to be constructed, installed, or altered any on-site sewage disposal system subject to administrative regulation by the cabinet without having first obtained an on-site sewage disposal permit from the cabinet. The purpose of this administrative regulation is to set forth the requirements for issuance of permits.

Section 1. Definitions. As used in this administrative regulation the following terms shall have the meanings set forth below:

(1) "Alter" means to make a physical change in the original design, sizing, layout, components, location, or method of operation (individually or in any combination of changes) of an existing on-site sewage disposal system, as a result of necessary repair or a change in wasteload volume or wasteload characteristics.

(2) "Cabinet" means the Cabinet for Human Resources and includes its authorized agents.

(3) "Certified inspector" means a person employed by the cabinet or by a local health department who has met the requirements for certification contained in KRS 211.360.

(4) "Certified installer" means a specific individual person who has met the requirements for certification contained in KRS 211.357 and 902 KAR 10:140.

(5) "Component" means any device used in the construction, installation or alteration of an on-site sewage disposal system which forms an integral part of that disposal system, and is necessary to its proper operation and maintenance. It includes, but is not limited to:

(a) Sewage pretreatment units, holding tanks, grease traps, pump or dosing tanks, and necessary equipment and appurtenances;

(b) Distribution boxes, alternating valves, filters, and similar devices; and

(c) Piping, fittings, valves, and leaching chambers.

(6) "Construct" means the physical assembly of various necessary components and materials into an on-site sewage disposal system and includes all necessary design, site layout, excavation, back-filling and additional site fill work that may be required to produce a finished on-site system. The term "install" shall be considered to have the same meaning.

(7) "Homeowner" means a specific individual person who actually occupies the single family residence that a proposed new on-site sewage disposal system is intended to serve, or that an existing system that is proposed to be altered serves, or who proposes to construct or have constructed a single family residence for his personal use and occupancy that a proposed new on-site system is intended to serve. This term shall not include any person who is a builder or contractor who engages in a business of constructing or rehabilitating residential structures for sale or resale.

(8) "On-site sewage disposal system, on-site sewage system and on-site system" mean a complete system installed on a parcel of land, under the control or ownership of any person, which accepts sewage for treatment and ultimate disposal under the surface of the ground. Examples of such systems are:

(a) A conventional system consisting of a sewage pretreatment unit(s), distribution box(es), and lateral piping within rock-filled trenches or beds;

(b) A modified system consisting of a conventional system enhanced by shallower trench or bed placement, artificial drainage systems, dosing, alternating lateral fields, fill soil over the lateral field, or other necessary modifications to the site, system or wasteload to overcome site limitations;

(c) An alternative system consisting of a sewage pretreatment unit(s), necessary site modifications, wasteload modifications, and subsurface soil absorption system using other methods and

technologies than a conventional or modified system to overcome site limitations;

(d) Cluster systems which accept effluent from more than one (1) structure's or facility's sewage pretreatment unit(s) and transport the collected effluent through a sewer system to one (1) or more common subsurface soil absorption system(s) of conventional, modified or alternative design; and

(e) A holding tank which provides limited pretreatment and storage for off-site disposal where site limitations preclude immediate installation of a subsurface soil absorption system, or connection to a municipal sewer.

(9) "Person" means any individual, firm, association, organization, partnership, business trust, corporation, company or governmental unit.

Section 2. Issuance of Permits. (1) Except as otherwise provided by subsection (2) of this section, permits to construct, install or alter on-site sewage disposal systems shall be issued only to certified installers.

(2) Permits to construct, install or alter on-site sewage disposal systems may be issued to homeowners provided:

(a) Application is made for a permit as specified in 902 KAR 10:085, Section 3(1)(d) prior to construction of any portion of the proposed on-site sewage disposal system; and

(b) All work is performed in compliance with 902 KAR 10:081, 902 KAR 10:085 and this administrative regulation(s); and

(c) All work is personally performed by the homeowner, except that necessary excavation and backfilling work may be performed by a certified installer if notification of intent is made at the time of application for a permit, and the certified installer's name and certification number are included on the application; and

(d) If local electrical codes require electrically operated components of an on-site sewage disposal system to be connected to electrical service only by a certified or licensed professional electrician, and do not permit homeowner performed work, that work shall also be excepted from the requirements of paragraph (c) of this subsection; and

(e) No person shall be issued more than one (1) homeowner permit to construct or alter an on-site sewage disposal system in any five (5) year period, except in instances of necessary repair or alteration of the originally permitted on-site system. (11 Ky.R. 107; eff. 9-11-84; Am. 13 Ky.R. 540; eff. 10-2-86; 18 Ky.R. 1433; 2265; eff. 1-10-92.)