

# SENATE BILL NO. 914

## 103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR GREGORY (21).

5507S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 701.040 and 701.046, RSMo, and to enact in lieu thereof two new sections relating to sewage regulation.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 701.040 and 701.046, RSMo, are  
2 repealed and two new sections enacted in lieu thereof, to be  
3 known as sections 701.040 and 701.046, to read as follows:

701.040. [1.] The department of health and senior  
2 services shall:

3 (1) Develop by September 1, 1995, a state standard for  
4 the location, size of sewage tanks and length of lateral  
5 lines based on the [percolation or permeability rate of the]  
6 soil **properties**, construction, installation, and operation  
7 of on-site sewage disposal systems. Advice from the  
8 department of natural resources shall be considered. City  
9 or county governments may adopt, by order or ordinance, the  
10 state standard in accordance with the provisions of sections  
11 701.025 to 701.059. In any jurisdiction where a city or  
12 county has not adopted the state standard, the department of  
13 health and senior services shall enforce the state standard  
14 until such time as the city or county adopts the standard;

15 (2) Define by rule a list of [those persons who are  
16 qualified to perform the percolation tests or] **on-site soil**  
17 **evaluators registered by the department to conduct soils**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

18 morphology [tests] **evaluations** required by the state  
19 standard. The list shall include the following:

20 (a) Persons trained and certified by either the  
21 department, which shall include on-site sewage disposal  
22 system contractors or a certified agent of the department;

23 (b) Licensed **professional** engineers as defined in  
24 section 327.011;

25 (c) Sanitarians meeting standards defined by the  
26 department;

27 (d) Qualified geologists as defined in section  
28 [256.501] **256.453**; and

29 (e) "Soil scientists", defined as a person that has  
30 successfully completed at least fifteen semester credit  
31 hours of soils science course work, including at least three  
32 hours of course work in soil morphology and interpretations;

33 (3) Develop in accordance with sections 701.053 to  
34 701.055 a voluntary registration program for on-site sewage  
35 disposal system contractors. Approved county programs shall  
36 implement the contractor registration program. In any area  
37 where a county has not adopted, by order or ordinance, the  
38 contractor registration program, the department shall  
39 implement the program until such time as the county adopts  
40 the registration program;

41 (4) Establish an education training program  
42 specifically developed for contractors and city and county  
43 employees. [Contractors may be taught and allowed to  
44 perform percolation tests.] Reasonable fees may be charged  
45 of the participants to cover the cost of the training and  
46 shall be deposited in the public health services fund  
47 created in section 192.900. The department shall provide,  
48 as a part of the education training program, an installation  
49 manual for on-site sewage disposal systems. The manual

shall also be made available, at the cost of publication and distribution, to persons not participating in the education and training program;

(5) [Periodically review, but not more than annually, any county's or city's ordinance or order and enforcement record to assure that the state standard is being consistently and appropriately enforced. In its review the department shall assess the timeliness of the county's or city's inspections of on-site sewage systems, and county or city enforcement may be terminated if the department determines that the county or city is unable to provide prompt inspections. If the department determines that the standard is not being consistently or appropriately enforced in any city or county, the department shall notify the county or city of the department's intent to enforce the standard in that jurisdiction and after thirty days' notice hold a public hearing in such county or city to make a determination as to whether the state shall enforce the state standard. Any city or county aggrieved by a decision of the department may appeal a decision of the department to the state board of health and senior services established under section 191.400. Any city or county aggrieved by a decision of the state board of health and senior services may appeal that decision to the administrative hearing commission in the manner provided in section 621.120]

**Administer, in accordance with sections 701.025 to 701.059, a mandatory registration program requiring continuing education before January 1, 2027, for on-site wastewater treatment system professionals qualified to perform percolation tests in accordance with the standards promulgated under subdivision (1) of this section. Before January 1, 2027, if a soil morphology evaluation cannot be**

82 reasonably obtained, a percolation test may be accepted at  
83 the discretion of the administrative authority. The  
84 provisions of this subdivision shall be void and of no  
85 effect after December 31, 2026; and

86 (6) Promulgate such rules and regulations as are  
87 necessary to carry out the provisions of sections 701.025 to  
88 701.059.

89 [2. Subdivision (5) of this section shall be void and  
90 of no effect after January 1, 1998.]

701.046. Except as otherwise provided in section  
2 701.031, no person may, on or after September 1, 1995,  
3 construct or make a major modification or major repair to an  
4 on-site sewage disposal system without first notifying the  
5 city, county or department and completing an application,  
6 upon a form provided by the department, [and] submitting [a]  
7 an application fee in the amount established by the city,  
8 county or department, and obtaining a construction permit.

9 [The fee shall be set at an amount no greater than that  
10 necessary to cover the cost to implement the state standard  
11 for on-site sewage disposal systems and the registration of  
12 contractors.] For areas of the state where the department

13 is enforcing the state standard or registering contractors,  
14 the department shall [establish the fee, by rule, at an  
15 amount not greater than ninety dollars. The department may  
16 charge an additional fee, as necessary, to cover the  
17 expenses of training those contractors electing to perform  
18 the percolation tests] promulgate regulations establishing  
19 the conditions and requirements for the construction permit  
20 application, including the collection of reasonable fees.

21 The fees shall be set at a level to produce revenue that  
22 shall not exceed the cost and expense of administering the  
23 provisions of sections 701.025 to 701.059. The application

24 form shall require such information necessary to show that  
25 the on-site sewage disposal system will comply with the  
26 state standard. Such fees, when collected by the  
27 department, shall be deposited in the state treasury to the  
28 credit of the Missouri public health services fund. The  
29 department shall provide technical assistance regarding the  
30 type and location of the system to be installed when  
31 processing applications received under sections 701.046 to  
32 701.048 and 701.050. Fees collected by the department shall  
33 be deposited in the Missouri public health services fund  
34 created in section 192.900 and shall be used to implement  
35 sections 701.025 to 701.059 and for no other purpose.

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