

902 KAR 10:170. Septic tank servicing.

RELATES TO: KRS 211.970-211.982

STATUTORY AUTHORITY: KRS Chapter 13B, 211.980, 211.090, EO 96-862

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.970 to 211.982 direct the Cabinet for Health Services to promulgate administrative regulations relating to vehicle tank and equipment requirements; conduct of business; inspection and administrative enforcement procedures, including suspension or revocation of licensing; injunctive action; and any other matters deemed necessary to protect public health and the environment. This administrative regulation sets forth the procedures for complying with KRS 211.970 to 211.982. Executive Order 96-862, effective July 2, 1996, reorganizes the Cabinet for Human Resources and places the Department for Public Health and its programs under the Cabinet for Health Services.

Section 1. Definitions. In addition to the definitions given in KRS 211.970, as used in this administrative regulation, the following terms shall have the meanings set forth below:

(1) "Agricultural land" means land on which a food crop, feed crop, or fiber crop is grown such as range land, pasture land or farms.

(2) "Domestic septage" means liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage. Domestic septage shall not include:

(a) Liquid or solid material removed from a septic tank;

(b) Cesspool;

(c) Similar treatment works that receives commercial wastewater processes or individual wastewater processes; or

(d) Grease removed from a grease trap at a restaurant or similar grease producing business.

(3) "Domestic sewage" means waste and wastewater from humans or household operations that is discharged to, or otherwise enters a wastewater treatment works.

(4) "Grease" is defined pursuant to KRS 211.970(3) and shall not apply to mineral-based oils or greases.

(5) "Land with a high potential for public exposure" means land that the public uses frequently such as construction sites located in a city, public parks, ball fields, cemeteries, plant nurseries, turf farms, and golf courses.

(6) "Land with a low potential for public exposure" means land that the public infrequently uses or is in contact with such as agricultural land, forest, and a reclamation site located in an unpopulated area.

(7) "Operator" means a person owning, operating, or controlling a septic tank servicing business, including their employees or agents.

(8) "Pathogens" means disease-causing organisms such as certain bacteria, protozoa, viruses, and viable helminth ova.

(9) "pH" means the logarithm of the reciprocal of the hydrogen ion concentration.

(10) "Reclamation site" means drastically disturbed land that is reclaimed using domestic septage such as strip mine and construction sites.

(11) "Vector attraction" means the characteristics of domestic septage that attract rodents, flies, mosquitoes, or other organisms capable of transporting infectious agents.

(12) "Surface disposal site" means an area of land that is used for domestic septage disposal.

Section 2. Conduct of Business. A septic tank service operator shall:

(1) Not dispose of domestic septage or domestic septage mixed with grease unless approved by the cabinet at a permitted site, treatment facility, or registered farm that receives less than 2,000 gal-

lons of domestic septage per year.

(2) Register a farm that receives less than 2,000 gallons of domestic septage or domestic septage mixed with grease with the local health department.

(3) Not apply additional domestic septage or domestic septage mixed with grease to any disposal site if the annual application rate has been reached during a 365-day period.

(4) Verify in writing that the vector attraction reduction and pathogen reduction requirements have been met if disposing of domestic septage or domestic septage mixed with grease.

(5) Maintain setback distances from features as required in 902 KAR 10:150, Section 4 (8), Table 8.

(6) Not dispose of domestic septage or domestic septage mixed with grease during adverse weather or if the site is snow covered or frozen.

(7) Provide an adequate storage facility during adverse weather, wet site conditions, or if the disposal site is not accessible.

(8) Maintain written authorization from the land owner or facility operator to use the site to dispose of domestic septage or domestic septage mixed with grease. The authorization shall be maintained in each licensed vehicle and at the business office.

(9) Remove all domestic septage from the tank being serviced.

(10) Not use chemicals or biological cleaners, starters, or other agents as part of the service unless the material has been approved by the cabinet. An additive may be approved if it can be demonstrated that the product has a positive benefit and no adverse effect on the operation and performance of an on-site sewage disposal system.

(11) Re-cover access openings and leave the property in a safe and sanitary condition.

(12) Notify the owner of any damage to the sewage treatment or disposal system found during the servicing operation.

(13) Provide the customer an invoice containing the following minimum information:

(a) Customer's name;

(b) Location of service;

(c) Date of service;

(d) Amount of domestic septage and grease from grease traps removed in gallons;

(e) Vehicle license number;

(f) Name and address of servicing business;

(g) Printed and signed name of individual vehicle operator; and

(h) Name and location of approved disposal site, registered farm, landfill, or treatment facility.

(14) Retain copies of customer invoices and other records pertaining to the business operation for five (5) years and make available upon request by the cabinet during normal business hours.

(15) Maintain the following information if domestic septage or domestic septage mixed with grease has been applied to an approved site:

(a) Location by street address, descriptive location, or latitude and longitude of each site where domestic septage or domestic septage mixed with grease has been applied;

(b) The number of acres in each site;

(c) The date and time of application of the domestic septage or domestic septage mixed with grease;

(d) The nitrogen requirement for the crop or vegetation grown on the site during the 365-day period;

(e) Application rate, in gallons, per acre per 365-day period of domestic septage or domestic septage mixed with grease;

(f) The following certification statement: "I certify, under penalty of law, that the pathogen reduction and vector attraction reduction requirements have been met. This determination has been made under my direction and supervision in accordance with the system designed to ensure that qualified

personnel properly gather and evaluate the information used to determine that the pathogen requirements and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment.";

(g) A description of how the pathogen and vector attraction reduction requirements have been met; and

(h) Name and location of wastewater treatment facility or landfill used to dispose of the domestic septage or domestic septage mixed with grease.

(16) Submit plans and a statement of compliance with KRS 211.970 and this administrative regulation prior to transportation or disposal of domestic septage or domestic septage mixed with grease within the borders of the Commonwealth.

(17) Provide employees with necessary personal protective equipment suitable for the work being performed such as gloves, clothing, and respiratory masks.

Section 3. Grease Disposal. (1) Grease traps serviced at restaurants, residential, or institutional food preparation may be mixed at a ratio of three (3) parts domestic septage to one (1) part grease and disposed at approved disposal sites.

(2) Grease alone may be discharged into a publicly owned wastewater treatment works that will accept grease pumpings.

(3) Grease may be dewatered and disposed at a landfill that will accept grease pumpings.

(4) Grease alone shall not be land applied.

Section 4. Vehicle, Tank, and Equipment Requirements. (1) All vehicles, tanks, and equipment used in the pumping, transporting, treatment, or disposal of domestic septage or grease traps shall be maintained in safe and sanitary condition.

(2) Tanks used in the pumping or transporting of domestic septage shall meet the following additional requirements:

(a) Tanks shall be leak-proof, constructed of, or coated with, a corrosion resistant material, and securely attached to the vehicle chassis;

(b) Discharge openings shall be constructed so the tank completely drains and the discharge stream is not obstructed by any part of the vehicle or equipment, except for splash plates, spray bars, or similar devices; and

(c) Valves at the tank inlet and outlet shall be water-tight and fitted with caps or plugs for use during transport or storage.

(3) Pumps, valves, and hoses shall be maintained to prevent leakage and meet the following requirements:

(a) Pumps shall be self-priming;

(b) Pump shall be maintained to prevent backflow;

(c) Connections or openings shall be water-tight and fitted with caps or plugs if the pumping system is not in use;

(d) Pulleys, chains, belts, or flexible shafts shall have guards to prevent injury; and

(e) Hoses shall have leak-proof connectors, caps, or plugs unless stored in leak-proof compartments.

Section 5. Existing Vehicles, Tanks, and Equipment. (1) Any vehicle, tank, or equipment in use prior to the effective date of this administrative regulation, which does not meet the design, construction, or material requirements in Section 3 of this administrative regulation, may continue to be used if in good repair and maintained in a safe and sanitary condition as determined by the cabinet.

(2) Replacement of existing vehicles, tanks, and equipment after the effective date of this administrative regulation shall meet the requirements of this administrative regulation.

Section 6. Inspection Procedures. (1) At least one (1) time every calendar year the cabinet shall inspect:

- (a) Vehicles;
- (b) Equipment; and
- (c) The domestic septage storage location.

(2) The cabinet shall have the right of access to inspect vehicles, equipment, and domestic septage storage locations during normal hours of operation. The right of access shall not be denied in the event of an imminent health hazard.

(3) The findings shall be recorded on Form DFS-315, "Inspection Report" (9/93), and a copy of the inspection report shall be provided to the owner or operator. Form DFS-315, "Inspection Report", is incorporated by reference, and may be viewed or obtained at the Office of the Commissioner for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

(4) If a violation is found, the inspection report shall:

- (a) Set forth the specific violation;
- (b) Set a time period for correcting the violation; and
- (c) State that failure to comply with any notice issued pursuant to KRS 211.970 to 211.982 and this administrative regulation may result in initiation of the enforcement proceedings in Section 7 of this administrative regulation and KRS 211.995.

Section 7. Administrative Enforcement Procedures. (1) A license may be suspended or revoked upon if the operator:

- (a) Knowingly violates the provisions of KRS 211.970 to 211.980 or this administrative regulation;
- (b) Practices fraud or deception in applying for a license;
- (c) Fails to pay required fees or maintain bonding requirements;
- (d) Interferes with the cabinet in the performance of its duties.

(2) A hearing shall be provided, after request by the operator, if:

- (a) A license is denied, suspended, or revoked; or
- (b) An inspection indicates repeated violations or failure to comply with the requirements of KRS 211.970 to 211.982 or this administrative regulation.

(3) The request for a hearing shall be made in writing on Form DFS-212, "Request for Hearing" (1/91), to the cabinet within ten (10) days after notification by the cabinet of an enforcement proceeding. Form DFS-212, "Request for Hearing", is incorporated by reference and may be viewed or obtained at the Office of the Commissioner for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday.

(4) All administrative hearings shall be conducted in accordance with 902 KAR 1:400. Service of process and proof of service shall be made pursuant to KRS 211.220.

(5) An injunction may be obtained by the cabinet or local health department if immediate legal action is necessary to prevent the creation or continuance of a health hazard, damage to the environment, or to compel compliance with KRS 211.970 to 211.982 or this administrative regulation. (21 Ky.R. 813; Am. 1333; eff. 10-19-94; 22 Ky.R. 2403; eff. 8-1-96.)