

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

RELATES TO: KRS 211.357, 211.360, 211.370, 211.375, 211.380, 211.970, 211.976, 211.990(2)

STATUTORY AUTHORITY: KRS 211.350, 211.355

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 local health department. KRS 211.355 authorizes a local board of health to establish a schedule of fees reasonably related to the cost of administering programs including inspections incidental to construction, installation, and alteration of on-site sewage disposal systems, and inspections incidental to maintenance and operation of on-site sewage disposal systems. This administrative regulation establishes the requirements for issuance of permits.

Section 1. Definitions.

- (1) "Alter" means to make a physical change in the original design, sizing, layout, components, location, or method of operation, either 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) "Approved" is defined by KRS 211.970(1).
- (3) "Cabinet" is defined by KRS 211.970(2).
- (4) "Certified inspector" means an individual certified under the provisions of KRS 211.360.
- (5) "Certified installer" means a specific individual person who has met the requirements for certification contained in KRS 211.357 and 902 KAR 10:140.
- (6) "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 system and has been approved for that specific use by the cabinet.
- (7) "Construct" or "install" 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, backfilling, and additional site fill work that may be required to produce a finished on-site system.
- (8) "Homeowner" means a specific individual person who actually occupies the single family residence where a proposed new on-site sewage disposal system is intended to serve, or where an existing system that is proposed to be altered serves, or who proposes to construct or have constructed a single family residence for personal use and occupancy where 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.
- (9) "On-site sewage disposal system", "on-site sewage system", or " on-site system" means a system installed on a parcel of land, under the control or ownership of a person, that accepts sewage for treatment and ultimate disposal under the surface of the ground, including:
 - (a) A conventional system consisting of a sewage pretreatment unit, distribution devices, and lateral piping within rock-filled trenches or beds;
 - (b) A modified system consisting of:
 1. A conventional system enhanced by shallow trench or bed placement;
 2. Artificial drainage systems;
 3. Dosing;
 4. Alternating lateral fields;
 5. Fill soil over the lateral field; or

6. Other necessary modifications to the site, system, or wasteload to overcome site limitations;
 - (c) An alternative system consisting of:
 1. A sewage pretreatment unit;
 2. Necessary site modifications;
 3. Wasteload modifications; and
 4. A subsurface soil treatment and dispersal system using methods and technologies other than a conventional or modified system to overcome site limitations;
 - (d) A cluster system; and
 - (e) A holding tank that provides limited pretreatment and storage for off-site disposal where site limitations preclude immediate installation of a subsurface soil treatment and dispersal system or connection to a municipal sewer.
- (10) "Person" is defined by KRS 211.970(6).

Section 2. Issuance of Permits.

- (1) A certified installer or homeowner meeting the requirements of this administrative regulation shall complete and submit to the local health department certified inspector having jurisdiction:
 - (a) A DFS-307, On-site Sewage Disposal System Construction Application and Permit;
 - (b) The on-site sewage disposal permit fee of fifty (50) dollars; and
 - (c) The required fee as established by the local board of health in accordance with KRS 211.355.
- (2) The on-site sewage disposal cluster system plan review shall be:
 - (a) Submitted to the Environmental Management Branch; and
 - (b) Accompanied by the \$600 permit fee payable by check or money order to the Kentucky State Treasurer.
- (3) Except as otherwise provided by subsection (4) of this section, permits to construct, install, or alter on-site sewage disposal systems shall be issued only to certified installers.
- (4) 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 2(1)(g), (h), and (i) prior to construction of any portion of the proposed on-site sewage disposal system;
 - (b) All work is performed in compliance with 902 KAR 10:081, 902 KAR 10:085, and this administrative regulation;
 - (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;
 - (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.

Section 3. Incorporation by Reference.

- (1) DFS-307, "On-site Sewage Disposal System Construction Application and Permit", (10/20) is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.
(11 Ky.R. 107; eff. 9-11-84; 13 Ky.R. 540; eff. 10-2-86; 18 Ky.R. 1433; 2265; eff. 1-10-92; Crt eff. 11-18-2019; 47 Ky.R. 1285; eff. 6-16-2021.)