

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 1039, Page 13, Section 226.224, Line 3,
2 by inserting after said section and line the following:

3
4 "701.040. [~~1-~~] The department of health and senior services shall:

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

13 (2) Define by rule a list of [~~those persons who are qualified to perform the percolation tests~~
14 ~~or~~] on-site soil evaluators registered by the department to conduct soils morphology [tests]
15 evaluations required by the state standard. The list shall include the following:

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

18 (b) Licensed professional engineers as defined in section 327.011;

19 (c) Sanitarians meeting standards defined by the department;

20 (d) Qualified geologists as defined in section [~~256.504~~] 256.453; and

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

24 (3) Develop in accordance with sections 701.053 to 701.055 a voluntary registration
25 program for on-site sewage disposal system contractors. Approved county programs shall
26 implement the contractor registration program. In any area where a county has not adopted, by
27 order or ordinance, the contractor registration program, the department shall implement the program
28 until such time as the county adopts the registration program;

29 (4) Establish an education training program specifically developed for contractors and city
30 and county employees. [~~Contractors may be taught and allowed to perform percolation tests.~~]

Action Taken _____ Date _____

1 Reasonable fees may be charged of the participants to cover the cost of the training and shall be
 2 deposited in the public health services fund created in section 192.900. The department shall
 3 provide, as a part of the education training program, an installation manual for on-site sewage
 4 disposal systems. The manual shall also be made available, at the cost of publication and
 5 distribution, to persons not participating in the education and training program;

6 (5) ~~[Periodically review, but not more than annually, any county's or city's ordinance or
 7 order and enforcement record to assure that the state standard is being consistently and appropriately
 8 enforced. In its review the department shall assess the timeliness of the county's or city's inspections
 9 of on-site sewage systems, and county or city enforcement may be terminated if the department
 10 determines that the county or city is unable to provide prompt inspections. If the department
 11 determines that the standard is not being consistently or appropriately enforced in any city or county,
 12 the department shall notify the county or city of the department's intent to enforce the standard in
 13 that jurisdiction and after thirty days' notice hold a public hearing in such county or city to make a
 14 determination as to whether the state shall enforce the state standard. Any city or county aggrieved
 15 by a decision of the department may appeal a decision of the department to the state board of health
 16 and senior services established under section 191.400. Any city or county aggrieved by a decision
 17 of the state board of health and senior services may appeal that decision to the administrative
 18 hearing commission in the manner provided in section 621.120] Administer, in accordance with
 19 sections 701.025 to 701.059, a mandatory registration program requiring continuing education
 20 before January 1, 2025, for on-site wastewater treatment system professionals qualified to perform
 21 percolation tests in accordance with the standards promulgated under subdivision (1) of this section.
 22 Before January 1, 2025, if a soil morphology evaluation cannot be reasonably obtained, a
 23 percolation test may be accepted, at the discretion of the administrative authority. The provisions of
 24 this subdivision shall be void and of no effect after December 31, 2024; and~~

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

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

28 701.046. Except as otherwise provided in section 701.031, no person may, on or after
 29 September 1, 1995, construct or make a major modification or major repair to an on-site sewage
 30 disposal system without first notifying the city, county or department and completing an application,
 31 upon a form provided by the department~~[-and];~~ submitting [a] an application fee in the amount
 32 established by the city, county or department; and obtaining a construction permit. ~~[The fee shall be
 33 set at an amount no greater than that necessary to cover the cost to implement the state standard for
 34 on-site sewage disposal systems and the registration of contractors.]~~ For areas of the state where the
 35 department is enforcing the state standard or registering contractors, the department shall ~~[establish
 36 the fee, by rule, at an amount not greater than ninety dollars. The department may charge an
 37 additional fee, as necessary, to cover the expenses of training those contractors electing to perform
 38 the percolation tests]~~ promulgate regulations establishing the conditions and requirements for the
 39 construction permit application, including the collection of reasonable fees. The fees shall be set at

1 a level to produce revenue that shall not exceed the cost and expense of administering the provisions
2 of sections 701.025 to 701.059. The application form shall require such information necessary to
3 show that the on-site sewage disposal system will comply with the state standard. Such fees, when
4 collected by the department, shall be deposited in the state treasury to the credit of the Missouri
5 public health services fund. The department shall provide technical assistance regarding the type
6 and location of the system to be installed when processing applications received under sections
7 701.046 to 701.048 and 701.050. Fees collected by the department shall be deposited in the
8 Missouri public health services fund created in section 192.900 and shall be used to implement
9 sections 701.025 to 701.059 and for no other purpose."; and

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11 Further amend said bill by amending the title, enacting clause, and intersectional references
12 accordingly.