SECTION 331 – ONSITE WASTEWATER TREATMENT (SEPTIC) SYSTEMS

A. *Authority*. This Section is established under the authority granted in SDCL Ch.7 and ARSD 74:53:01 for the protection of public health and the safety and welfare of the citizens of Pennington County.

B. *Purpose*. This Section establishes the regulations and standards for onsite wastewater treatment systems (OSWTS).

C. *Rules Adopted*. In addition to the requirements set forth in this Section, all onsite wastewater treatment systems shall comply with the provisions of Chapter 74:53:01 (and any amendments thereto) of the Administrative Rules of South Dakota. Pennington County adopts and incorporates herein by this reference, the Administrative Rules of South Dakota, Chapter 74:53:01, as minimum standards relating to public health and environmental quality and said Administrative Rules shall supersede all local minimum standards previously enacted that are inconsistent with this Section.

D. *Public Nuisance*. Any OSWTS that is found by the Planning Department to be malfunctioning or failing, as defined in South Dakota Codified Law, this Section and Section 103, is presumed to create an imminent danger to the public health, safety and welfare and is hereby declared to be a nuisance subject to abatement and special assessment as allowed by law.

E. *Administration*. This Section shall apply to all OSWTS in Pennington County outside the jurisdiction of a municipality. This Section shall be enforceable within the extraterritorial jurisdiction of a municipality to the extent the municipality does not currently regulate such systems or ceases to regulate such systems within its extraterritorial jurisdiction. This Section shall also be enforceable within the boundaries of a sanitary district or township located within Pennington County, if the district or township does not regulate such systems or fails to regulate such systems in conformity with State of South Dakota or Pennington County rules and regulations.

F. *Onsite Wastewater Treatment System Required*. The drainage system of each dwelling, building, structure, or premises covered herein shall receive all wastewater (including, but not limited to, bathroom, kitchen, and laundry wastes) and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be made to an OSWTS found to be adequate and constructed, installed and maintained in accordance with the requirements of the PCZO.

G. *Legal, Nonconforming Onsite Wastewater Treatment System*. Any OSWTS existing at the time of adoption of PCZO § 331, which is not in violation of any Federal, State, or Local Law, rule or regulation, may be continued in use until such time the system is found by Pennington County to be malfunctioning or failing or

there is a change or alteration of (or in) the structure served by the onsite wastewater treatment system, at which point the system must be brought into compliance with the provisions of the PCZO.

H. *Malfunctioning or Failing System*. An OSWTS that is not functioning in compliance with the requirements of the PCZO include the following:

- absorption systems that seep or flow to the surface of the ground or into waters of the state;
- systems that have overflow from the absorption system;
- systems that, due to failure to operate in accordance with their designed operation, cause backflow into any portion of a building plumbing system;
- septic tanks or holding tanks that leak;
- absorption systems installed in bedrock or in the groundwater table;
- steel septic tanks or steel holding tanks; or,
- any other onsite wastewater treatment system not defined as a conventional or alternative system. (e.g., cesspools, seepage pits, or pit privies).

I. *Repair of a Malfunctioning or Failing System.* When an OSWTS is found by Pennington County to be malfunctioning or failing, or to cause a nuisance, the owner shall take the necessary action to cause the condition to be corrected or eliminated or otherwise to come into compliance. Corrective action shall be completed by the owner of a malfunctioning or failing system within 30 days of the notice by Pennington County.

J. *Change in Structure Served by an Onsite Wastewater Treatment System*. When a structure on a property is constructed, altered or replaced and is currently served by an onsite wastewater treatment system, Pennington County will require the owner of the property to:

1. Obtain an Onsite Wastewater Treatment Systems Operating License in accordance with PCZO § 331(M)(1)(b)(ii).

2. Verify that the size of the onsite wastewater treatment system serving the newly constructed, altered or added structure is in compliance with this Section.

    a. If the system is not sized correctly for the newly constructed, altered or added structure, then the system must be upgraded to meet the sizing requirements of this Section.

    b. If the system must be upgraded to meet the new sizing requirements, then an Onsite Wastewater Construction Permit is required.

K. *Water or Soil Sampling*. Pennington County may take samples including, but not limited to, soils, surface water and wells on or near the onsite wastewater treatment system to ensure proper function of a system. The results of such testing will be available to the property owner.

L. *Definitions*. See PCZO § 103.

M. *Onsite Wastewater Operating License*. Inspection, pumping and observation of existing OSWTS are required by Pennington County. All OSWTS within the jurisdiction of Pennington County must obtain an Operating License ("License").

1. *General Requirements*. These requirements apply to all OSWTS within Pennington County's jurisdiction. These requirements are in addition to those requirements set forth in Section 200.

a. *Notification*. All owners of OSWTS must obtain a License when notified by Pennington County. This can include verbal or written (includes email) notice.

b. *Frequency*. An Operating License is required:

i. Prior to the sale or transfer of the property of a lot that contains an OSWTS.

ii. At the time of Building Permit application submittal for a structure on a lot that contains an OSWTS. This includes any alteration or replacement of a structure served by an OSWTS.

- *Exemption*. An Operating License is not required if a License has been issued within the previous six (6) years and the number of bedrooms is not increased.

iii. At the time of any change of designation request submittal (see § 103 – Definitions).

- *Exemption*. An Operating License is not required if a License has been issued within the previous six (6) years.

iv. For any Commercial or Industrial OSWTS, every three (3) years.

v. Pennington County may require different frequencies for which an OSWTS License is required:

1) For non-residential structures.
2) For unique, unusual or alternative OSWTS
3) When the OSWTS is inadequate for the current use or size of the structure it serves, as determined by Pennington County.

4) When the property is located in close proximity to surface water or within the aquifer recharge area or overlay district.
5) For any other reason that Pennington County considers necessary to protect public health, the environment or prevent a nuisance.

2. *Procedure*. Upon notification from Pennington County the owner of the OSWTS must:

a. *Contact a Certified Liquid Waste Pumper*. The owner of the OSWTS will be responsible for the scheduling of the inspection, pumping and observation with a certified liquid waste pumper of their choice. The OSWTS must be pumped no later than 30 days after receipt of the notification by Pennington County or, in extenuating circumstances, as agreed upon by Pennington County.

b. *Observation Form*. An Observation Form must be filled out by a certified liquid waste pumper and submitted to Pennington County for review. The Observation Form must include:

i. The name of the owner of the OSWTS.
ii. The physical address of the property on which the OSWTS is located.
iii. The property identification number (tax ID) and legal description of the property.
iv. Date and time of inspection and person(s) who performed inspection.
v. Basic site evaluation.
vi. Size and type of septic or holding tank.
vii. A description of the current OSWTS operation status.
viii. Any other pertinent observations made by the septic liquid waste pumper.

c. *Review of Observation Form*. The Pennington County Planning Department will review the Observation Form to determine compliance with the PCZO.

i. If Pennington County determines that the OSWTS is compliant with the PCZO, the License Fee will be collected and an Operating License issued to the property owner.
ii. A License will not be issued until the fee is collected.
iii. If Pennington County determines that the OSWTS is not in compliance with the PCZO, notification will be sent to the property owner. Requirements for repair, alteration or replacement will be included in the notification.

iv. If repair, replacement, or alteration of any major component(s) is required, an OSWTS Construction Permit Application must be submitted including any permit fees.
v. Pennington County shall determine if the system is compliant with the PCZO after repair, replacement, or alteration of any major component(s) of the system.
vi. Fees may be required for inspections, if the system is found to violate the PCZO.

N. *Types of Onsite Wastewater Treatment Systems*. Pennington County allows the following types of onsite wastewater treatment systems:

1. *Conventional System*. Components required in a conventional OSWTS include:

   a. A building sewer.
   b. A septic tank.
   c. An absorption system. This may be a standard trench, a chambered trench, or an absorption bed.

2. *Alternative or Experimental System*. Components that may be required in an alternative or experimental system:

   a. A building sewer.
   b. A septic tank.
   c. Advanced Treatment Unit (ATU)
   d. An absorption system. This may be a standard trench, a chambered trench, an absorption bed.

3. *Holding Tank*. Only if a conventional, alternative, or experimental system cannot be used. Holding tanks are a wastewater system of last resort. They are only permitted once all other options for wastewater treatment have been exhausted or by installing a conventional, alternative or experimental system would cause a nuisance or endanger the public health, safety or general welfare.

4. *Greywater System*. Greywater is wastewater without any contributions from toilet water or water with food particles (such as a kitchen sink or dishwasher). Components of a greywater system include:

   a. A septic or holding tank.
   b. An absorption system. If a greywater holding tank is utilized, an absorption system may not be required.

O. *Installation, Alteration or Repair of OSWTS*. An OSWTS Construction Permit Application is required for all new OSWTS and major alterations or repairs to an existing OSWTS.

1. *Initial Siting and Design Requirements of OSWTS*.

a. *Site Location*. In determining a suitable location for the system, due consideration shall be given to such factors as: size and shape of the lot; slope of natural and finished grade; location of existing and future water supplies; depth to groundwater and bedrock; soil characteristics and depth; potential flooding or stormwater catchments; possible expansion of the system, and future connection to a public sewer system.

b. *Replacement Area*. Properties with severe soils (as defined by the United States Department of Agriculture Soil Survey), over an aquifer recharge area, contain floodplain identified as Flood Zone A, or any other constraint that would restrict the location and installation of an onsite wastewater treatment system, will require a replacement area for the absorption system. The replacement area must be designated on the proposed site plan. A soil exploration pit and percolation information is also required for the replacement area.

c. *Soil Requirements*. A suitable soil for absorption systems must meet the following criteria:

i. Have the capacity to adequately disperse the designed effluent loading as determined by field percolation rates and/or visual inspection of soil exploration: and,
ii. Does not exhibit inhibiting swelling or collapsing characteristics; and,
iii. Does not exhibit areas of mottling; and,
iv. Does not visually exhibit a jointed or fractured pattern of underlying bedrock or any other restrictive layer; and,
v. Meets the requirements of ARSD § 74:53:01:15.

d. *Groundwater Requirements*. The seasonal high groundwater table shall be determined by direct visual observation of the maximum groundwater table in a soil exploration pit.

i. The observation of soil in a soil exploration pit may show evidence of crystals of salt left by the seasonal high groundwater table, or chemically reduced iron in the soil, reflected by a mottled coloring if water is not visible in the soil exploration pit.

ii. A curtain drain or other effective groundwater interceptor may be required to be installed for an absorption system as a condition for its approval. Pennington County may require that the effectiveness of such devices in lowering the groundwater table be demonstrated, for a period of at least one year, during the season of maximum groundwater table elevation.

e. *Preliminary Evaluation Requirements*. Pennington County will perform a preliminary evaluation of each site. A Preliminary Evaluation form is required for each new soil exploration pit. The Preliminary Evaluation Form must be filled out by Pennington County Staff. The form will include:

i. The soil exploration log, including a statement of soil explorations to a depth of eight feet or to a depth of at least four feet below the bottom of the proposed absorption system;
ii. A statement of the present and anticipated seasonal high groundwater table, and,
iii. A field/site evaluation.
iv. Suitable soil exploration pits, of sufficient size to permit visual inspection by Pennington County (at least a two foot by five-foot hole), and to a minimum depth of 8 feet, or at least 48 inches below the bottom of proposed onsite wastewater treatment systems.
v. Soil exploration pits shall be dug within 15 feet of each absorption system site, but *not* within the proposed absorption area, to determine the groundwater table and subsurface soil and bedrock conditions.
vi. A log of the soil and bedrock formations encountered must be recorded describing the texture, structure, and depth of each soil type, the depth of the groundwater table encountered, and indications of the seasonal high elevation of the groundwater table. Soil logs should be prepared in accordance with the United States Department of Agriculture Soil Classification System.
vii. The preliminary evaluation is valid for two years from the evaluation date.
viii. Pennington County may impose stricter requirements as to the depth of absorption system excavation in order to meet the four-foot separation requirements set forth in ARSD § 74:53:01:15.
ix. The Pennington County Planning Department may require that soil evaluations be performed by a licensed or certified

soil scientist or a representative from Department of Agriculture and Natural Resources (DANR).

x. Additional soil exploration pits may be required where severe soils or limiting layers exist.

f. *Percolation Requirements*. At least three stabilized percolation tests for the design flow less than 2,000 gallons per day, or six tests, if the design flow is more than 2,000 gallons per day but less than 5,000 gallons per day, must be performed on the site of each absorption system to determine minimum required absorption area. More tests may be required where soil structure varies, where limiting geologic conditions are encountered, or where the proposed property improvements will require large treatment systems.

i. When percolation tests are made, such tests shall be made at points and elevations selected as typical of the area in which the absorption system will be located.

ii. Consideration should be given to the finished grades of building sites so that test results will represent the percolation rate of the soil in which absorption systems will be constructed.

iii. After the suitability of any area to be used for onsite wastewater treatment systems has been evaluated and approved for construction, no grade changes shall be made to this area unless Pennington County is notified and a reevaluation of the area's suitability is made prior to the initiation of construction.

vi. Percolation test results must be submitted on the Onsite Wastewater Treatment System Construction Permit Application and must contain the following:

1) The name and signature of the individual conducting the tests;
2) The date of the tests;
3) The location of the property;
4) The depth and rate of each test in minutes per inch;
5) All other factors affecting percolation test results; and,
6) Calculated average percolation rate.

v. The percolation test results are valid for two years from the date the tests were performed.

vi. Percolation test results that contradict the types of soils present on a property, as determined by the United States Department of Agriculture Soil Survey, may require that they be re-evaluated.

vii. Depth of percolation test holes shall be no greater than or the depth of the proposed system or whichever is less than:

1) 24" for a mound system.
2) 24" for an at-grade system.
3) 36" for a conventional system.

viii. Percolation tests cannot be performed in disturbed soil or frozen ground.

2. *Building Sewer and Distribution Pipe*. Building sewer and distribution pipe materials shall be composed of PVC and shall conform to the applicable standards as outlined in Tables in the section, and shall comply with the following:

a. Pipe, pipe fittings, and similar materials comprising building sewers are listed by material and applicable standard (See Table 1).

Table 1. Standards for Distribution and Building Sewer Pipe(a)(b).

MATERIALS	MINIMUM STANDARDS
Polyvinyl Chloride (PVC)	
PVC - Schedule 40 (foam or cell core is prohibited)	ASTM D 1785-06(c)
SDR-35 PVC (Gravity)	ASTM D 3034-08 (c)
PVC (Pressure)	ASTM D 2241-05 (c)

b. The following is a list of solid-wall perforated pipe, approved as distribution pipe in absorption systems. Solid-wall pipe must be perforated in accordance with this Ordinance, and all burrs must be removed from the inside of the pipe. The pipe is listed by material and applicable standard (See Table 2).

Table 2. Standards for Perforated Pipe(a).

MATERIALS	MINIMUM STANDARDS
SDR-35 PVC	ASTM D 3034-08 (c)

(a) Each length of building sewer and absorption system pipe shall be stamped or marked as required by the International Plumbing Code.

(b) Building sewers include (1) the pipe installed between the building and the septic tank and (2) between the septic tank and the distribution box (or absorption system). The installation of building sewers shall comply with the International Plumbing Code.

(c) American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.

c. *Fittings*. Where two different sizes or types of sewer pipes are connected, a PVC fitting or conversion adapter shall be used. Fernco® type fittings are only used when metal to PVC conversions are required. Metal pipe must be existing.

3. *Septic Tanks*.

a. *Design and Construction Requirements*.

i. *Pipe*. The pipe entering and exiting the septic tank shall be at least six feet in length of Schedule 40 (see Table 1) and unperforated until the first tee, distribution box, or drop box before the absorption field is encountered.

ii. *Access Hole*. The septic tank must be installed with one 24-inch (or greater) access hole and a septic tank shall have one inspection port. If the access hole is above grade or less than 6 inches below grade, it shall have a locked lid. The access hole shall be no greater than 12 inches below grade.

iii. *Effluent Filter*. An effluent filter may be installed at the outlet of the tank and be easily removed for routine servicing through watertight access from the ground surface. The filter must prevent the passage of solid particles larger than a nominal 1/8-inch diameter sphere.

b. *Sizing (Minimum Capacities)*. The minimum liquid capacity of septic tanks serving single-family or multi-family dwellings, accessory dwelling units, or any other structures containing bedrooms must be based on the total number of bedrooms in all structures utilizing an onsite wastewater treatment system (see Tables 3 and 4):

Table 3. Minimum Capacities for Septic Tanks without a Garbage Disposal.

NUMBER OF BEDROOMS (a)	MINIMUM LIQUID CAPACITY (gal) (b)(c)
1, 2, 3 ,4, 5	1,500
For each additional bedroom, add	250

Table 4. Minimum Capacities for Two-Compartment Septic Tanks with a Garbage Disposal. (e)(f)

NUMBER OF BEDROOMS (a)	MINIMUM LIQUID CAPACITY (gal) (b)(c)
1,2,3,4	1,500
For each additional bedroom, add	250

(a) Based on the number of bedrooms in use or that can be reasonably anticipated in the dwelling or structure(s) served, including the unfinished space available for conversion as additional bedrooms.

(b) The liquid capacity is calculated on the depth from the invert of the outlet pipe to the inside bottom of the tank.

(c) Tables 3 and 4 provide for the normal household appliances, including automatic sequence washers and dishwashers.

(d) Minimum liquid capacity does not include dosing chamber, pump tank, or lift station capacity. Minimum capacity of dosing chambers, pump tanks, and lift stations is 500 gallons.

(e) Add 20 percent to the total capacity for use of a garbage disposal for a dwelling or structure(s) having five or more bedrooms.

(f) Two-compartment tanks are required for use of a garbage disposal.

c. *Installation Requirements*.

i. *Location*. All tanks must be located in an area which is accessible by a liquid waste pumper truck for the pumping of their contents. There shall be no structure(s) of any kind covering any of the tanks or impeding access to the tank(s) or require the truck to drive over the absorption system.

ii. *High Groundwater*. Flotation collars, one-piece tanks, or shallow belly tanks shall be used in areas with high groundwater potential.

iii. *Sensitive Areas*. Septic tanks installed in sensitive areas, such as an aquifer recharge area, may be required to be double-sealed if constructed of two separate pieces.

iv. *Baffles*. The tank inlet and outlet baffles must consist of PVC sanitary tees at least four inches in diameter.

d. *Discharge of Septic Tank Effluent to Absorption System (drainfield)*.

i. *General Requirements*. Septic tank effluent must be connected to the absorption system through watertight pipe and fittings. Tees, wyes, ells, or other distributing devices may be used as needed.

ii. *Tees and Wyes*. Tees and wyes shall be installed level and not in line with any distribution pipe to permit equal flow to all branches of the fitting.

4. *Absorption Systems (drainfield)*. Absorption systems shall be designed and installed at the shallowest practicable depth to maximize elements critical to effective treatment of effluent in the soil.

a. *Maximum Depth*. The depth of an absorption system must not exceed 36 inches.

b. *Location*. Absorption systems must be placed in undisturbed soil. Excavation, grading and/or removal of topsoil are not permitted to meet absorption system depth requirements as it may compromise the integrity of the absorption system.

c. *Absorption System Sizing*. Minimum absorption area is equal to the total number of bedrooms plus the unfinished space bedroom conversion (see Table 5) times the required absorption area within the applicable percolation rate category.

i. Every absorption system must be sized for a minimum of three (3) bedrooms or 600 square feet, whichever is greater.
ii. Any unfinished space available for conversion as additional bedrooms must be determined by Table 5.

Table 5. Determination of Additional Absorption System Area Based Upon Unfinished Space.

SQUARE FOOTAGE OF UNFINSHED SPACE	BEDROOMS
144 – 1,000	Add 1 additional
1,001 – 2,000	Add 2 additional
2,001+	Add 3 additional

d. *Types of Absorption Systems*. Results of the initial siting, soil evaluation and percolation test will determine the type of system to be installed.

i. *In-ground Systems*. Consists of pipe and gravel trench, chamber, gravelless pipe and bed systems.
1) All gravelless pipe and chambers must be approved by DANR.
ii. *Above-ground Systems*. Consists of at-grade, mound and evapotranspiration systems.
1) All above-ground systems must be approved by DANR.

e. *Tracer Wire Required*. All new or replacement absorption systems shall have tracer wire installed.

i. All tracer wire shall be No. 12 solid single strand type TW or THHN, or equivalent.
ii. The tracer wire shall be accessible at the tank cleanout and shall extend along the building sewer from the house to the tank, around the septic tank access hole, and from the tank through all system trenches or around the perimeter of any
iii. All buried ends of the tracer wire and all wire splices shall be sealed with an approved direct bury splice kit or gel-type connector.
iv. All tracer wire installation shall be inspected during the final inspection by Pennington County and prior to back filling.
v. The installer is responsible for ensuring that the tracer wire has conductivity.

5. *Holding Tanks*.

a. *Administrative Requirements*. Sewage holding tanks are a means of last resort and are permitted only under the following conditions:

i. Where an onsite wastewater treatment system, for an existing dwelling, has failed and installation of a replacement onsite wastewater treatment system does not meet the requirements of this Section; or,
ii. For other extenuating situations where Pennington County agrees that a conventional, alternative or experimental system will not meet the criteria set forth in this Section.

b. *General Requirements*. The following are general requirements for holding tanks after the request to use them as a means of waste disposal is approved by Pennington County:

i. An owner's statement indicating that, in the event a sewage holding tank is approved, the tank must be pumped periodically, at regular intervals or as needed.
ii. Pumping records, maintenance records and manifests must be kept by the owner for a period of six years for review by Pennington County to ensure pumping of the holding tanks.
iii. Pennington County may require that sewage holding tanks be filled with water and allowed to stand overnight to check for leaks. Tanks exhibiting obvious defects or leaks shall not be approved unless such deficiencies are repaired.

iv. Holding tanks that receive both black and gray water (combined) the capacity of the tank must hold a minimum of seven days sewage flow or 1,500 gallons, whichever is greater.

v. Holding tanks which receive only gray water, the capacity of the tank must hold a minimum 1,500 gallons.

vi. Holding tanks which receive only black water, the capacity of the tank must hold a minimum seven days sewage flow or 1,500 gallons, whichever is greater.

vii. All tanks shall be located in an area which is accessible by a pumper truck for the pumping of their contents. There shall be no structure of any kind covering any of the tanks or impeding access to the tank(s).

viii. Tanks should be located in an area where they will not float out of the ground due to a high groundwater table or a saturated soil condition. In areas where the groundwater table may be high enough to float the tank out of the ground, adequate ground anchoring procedures shall be provided.

ix. There shall be no discharge of effluent from a holding tank that receives black water or combined black and gray water.

x. Septic tanks and cisterns shall not be allowed to be used as a holding tank.

6. *Alternative Systems*. Alternative systems consist of a building sewer, a septic tank or other sewage treatment or storage unit, and a disposal facility or method that is not a conventional system.

a. *General Requirements*. The certified installer of any alternative onsite wastewater treatment system must submit the following to DENR prior to submission to Pennington County:

i. Detailed basis of design of all components; and,

ii. Site plan; and,

iii. Operation and maintenance instructions for the system which describe the activities necessary to properly operate, maintain, and troubleshoot the system.

b. Pennington County must review and approve sufficient design, installation and operating information prior to installation following approval of the system by DANR.

7. *Experimental Systems*. Experimental systems are wastewater treatment or disposal systems that require further testing and information to determine their acceptability.

a. *Administrative Requirements*. Experimental systems are permitted only under the following conditions:

i. Where a conventional or alternative onsite wastewater treatment system, for an existing dwelling, has failed and installation of a replacement conventional or alternative onsite wastewater treatment system does not meet the requirements of this Section; or,
ii. Is an attempt to resolve an existing pollution or public health hazard; or,
iii. Where a lot size does not meet the minimum requirements and is considered legal nonconforming and installation of a conventional or alternative system does not meet the requirements (i.e. setbacks) of this Section; or,
iv. For other extenuating situations where Pennington County agrees that a conventional or alternative system will not meet the criteria set forth in this Section.

b. *General Requirements*. All experimental systems shall be designed, installed and operated under the following conditions:

i. Approved through DANR prior to submission to Pennington County;
ii. All failures, repairs or alterations shall be reported to Pennington County;
iii. All repairs or alterations must be approved by DANR and Pennington County prior to the work being done;
iv. If applicable, Pennington County requires a signed maintenance agreement between the homeowner and a licensed or certified O&M service provider prior to approval of the experimental onsite wastewater treatment system. The agreement shall be maintained for the duration the onsite wastewater treatment system is utilized. The contract must be filed with the Pennington County Planning Department and updated if any changes are made or a new contract is established.
v. Pennington County may impose more stringent design, installation, operating and monitoring conditions than those required by DANR.
vi. Installers of any experimental system must be certified (or approved) by the manufacturer (of the experimental system) to install the system.

8. *Onsite Wastewater Treatment System Construction Permit*. The process for obtaining an Onsite Wastewater Treatment System Construction Permit will include the following:

a. *Application*. The property owner or certified installer must provide the following information on a form provided by the Planning Department:

i. Type of system.
ii. Components of the system.
iii. Size of septic tank or holding tank.
iv. Size of absorption system.
v. Distance of system to pertinent areas (i.e. setbacks).
vi. Site plan.
vii. Floor plan of dwelling, including all finished and unfinished areas.
viii. Percolation test information.
ix. Source and location of domestic water supply.
x. Replacement area for absorption system, if applicable.
xi. Printed name and signature of certified installer.
xii. Printed name and signature of property owner(s).
xiii. DANR approval letter, if applicable.

b. *Preliminary Evaluation Form*. Field evaluation and soil profile log. This form is completed by Pennington County Staff.

c. *Fees*. See § 511.

d. *Expiration of Permit*. An Onsite Wastewater Treatment System Construction Permit will remain valid for 24 months from the date of issuance.

i. *Exemption*. Under extenuating circumstances, the Planning Director may allow the term of the Onsite Wastewater Treatment System Construction Permit to be extended for a 12-month period.
ii. *Termination of Permit*. If the onsite wastewater treatment system is not installed within the time limits as listed above, the Permit, including any variances or decisions issued through the exception process, will expire.

e. *Evaluation(s) of System*. Following construction of the system and before backfill of the system, Pennington County will conduct an onsite wastewater treatment system final evaluation.

i. Pennington County will complete a Final Evaluation Form, which includes:

1) System Sizing.

2) Trench or bed configuration, if applicable.
3) Engineered design and DANR approval, if applicable.
4) Setbacks.
5) Final "as-built" drawing of system – must be provided and signed by an installer certified in Pennington County.

P. *Service Providers*. All pumpers and installers that pump, install, alter or repair onsite wastewater treatment systems in Pennington County.

1. *Exemptions*. This section does not apply to a person who is employed by, or performs labor and services for:

a. An installer in connection with the construction, installation, repair, or alteration of an on-site wastewater treatment system performed under the direct and personal supervision of the certified installer; or

b. A pumper in connection with the pumping of septic tanks, pump tanks, media filters, and ATU's performed under the direct supervision of the pumper; or

c. An O&M service provider in connection with the installation, operation and maintenance of alternative, experimental or unconventional, on-site wastewater treatment systems performed under the direct supervision of the certified O&M service provider.

2. *Requirements for All Service Providers*. All service providers operating, working or doing business in Pennington County must:

a. Have a Sales and/or Excise Tax License Number; and,

b. Have general liability insurance: and,

c. Be at least 18 years of age; and,

d. Be certified by South Dakota Plumbing Commission for installation of on-site wastewater treatment systems; and,

e. Complete an application for certification.

f. *Exemption*. Property owners and/or homeowners installing an onsite wastewater treatment system on his or her own property are exempt from the sales and/or excise tax license and liability insurance requirements of all service providers.

3. *Installers*. No person shall construct, install, alter, repair or offer to construct, install, alter or repair an on-site wastewater treatment system in Pennington County without certification from Pennington County.

    a. *Requirements*. Pennington County shall issue certification to an applicant who satisfies all of the following requirements:

        i. Meet the requirements of PCZO § 331(P)(2); and,
        ii. Successfully pass the Pennington County Onsite Wastewater Treatment System Examination (Score must be ≥75%).

4. *Liquid Waste Pumpers*. No person or entity shall pump septic tanks, pump tanks, holding tanks, and ATU's in Pennington County without certification from Pennington County.

    a. *Requirements*. A pumper who fills out an Observation Form for the purposes of the issuance of an Operating License, must, at a minimum:

        i. Meet the requirements of PCZO § 331(P)(2); and,
        ii. Indicate the location of the liquid waste disposal sites on the Pumper Certification Form. Pumper Certification Forms must be submitted yearly.

5. *Service Providers, O&M*. No person shall perform operation and maintenance on alternative, experimental, or unconventional on-site wastewater treatment systems in Pennington County without certification from Pennington County.

    a. *Requirements*. An O&M service provider must meet the following criteria:

        i. Meet the requirements of PCZO § 331(P)(3); and,
        ii. Be a certified service provider by the manufacturer of the equipment to be serviced or maintained.

6. *Certification Terms*. Service Provider Certification is valid for a period of 5 years. The period begins upon the date of receipt of a complete application, which includes passing the Pennington County Onsite Wastewater Treatment System Examination with a score of ≥75% for installers and O&M service providers.

7. *Certification Fees*. See § 511.

Q. *Appeals*. A decision by the Planning Director or designee granting or denying an Onsite Wastewater Treatment System Construction Permit or Onsite Wastewater Operating License may be appealed to the Board of Adjustment as prescribed under SDCL 11-2-55.

R. *Enforcement*.

1. *Notice of Non-Compliance*. Upon receiving notice from Pennington County of a malfunctioning or failing OSWTS or a notice to a repair to an OSWTS, the owner of the property containing OSWTS must submit proposed corrective action within 30 days.

    a. Pennington County will review the proposed corrective action and verify it conforms to this Section.

        i. The owner shall complete all necessary corrective actions within a maximum of 180 days following approval from Pennington County.
        ii. Once final approval of the completed corrective action is granted, the system shall be deemed in compliance with this Section.

    b. In lieu of submitting correction action, the owner may repair the system as long as the completed repair(s) is in compliance with this Section.

2. *Failure to Comply with this Section*. See § 514.