

APA-1

TRANSMITTAL SHEET FOR NOTICE OF INTENDED ACTION

Control: 420
Department or Agency: Alabama State Board of Health Bureau of Environmental Services Division of Community Environmental Protection
Rule No.: 420-3-6-.23
Rule Title: Sewage Tank Pumping Permit
Intended Action: Amend

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved? No

To what degree?: N/A

Is the increase in cost more harmful to the public than the harm that might result from the absence of the proposed rule? No

Are all facets of the rule-making process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes

Does the proposed action relate to or affect in any manner any litigation which the agency is a party to concerning the subject matter of the proposed rule? No

Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Services Agency.

Signature of certifying officer

Sancha Howard
Sancha Howard

Date

Thursday, May 16, 2024

REC'D & FILED
MAY 16, 2024
LEGISLATIVE SVC AGENCY

ALABAMA STATE BOARD OF HEALTH
BUREAU OF ENVIRONMENTAL SERVICES
DIVISION OF COMMUNITY ENVIRONMENTAL PROTECTION

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Department of Public Health
RULE NO. & TITLE: 420-3-6-.23 Sewage Tank Pumping Permit
INTENDED ACTION: Amend

SUBSTANCE OF PROPOSED ACTION:

This amendment will allow for the Department to charge sewage tank pumpers a permit fee only in the county where the pumper operates a sewage tank pumper facility.

TIME, PLACE AND MANNER OF PRESENTING VIEWS:

A public hearing will be held on June 12, 2024, at 9:00 a.m., at the RSA Tower, Suite 1540, 201 Monroe Street, Montgomery, AL 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:

Friday, July 5, 2024

CONTACT PERSON AT AGENCY:

Leigh Salter
Bureau of Environmental Services
Department of Public Health
P.O. Box 303017
Montgomery, AL 36130-3017
334-206-5764

Sancha Howard

Sancha Howard

(Signature of officer authorized
to promulgate and adopt
rules or his or her deputy)

420-3-6-.23

Sewage Tank Pumping Permit.

(1) A person proposing to be a sewage tank pumper shall obtain a permit ~~(or permits) issued by the LHD(s) in each~~issued by the LHD in the county where said sewage tank pumper operates a sewage tank pumper facility and in accordance with the requirements listed below. An LHD ~~may honor a permit issued by another LHD. The person shall pay any and all local county fees~~shall honor a permit issued by another LHD. The person shall only pay fees, as applicable, in the county in which the sewage tank pumper facility is located.

(a) The applicant shall submit an application to the LHD on forms provided by the Department. Copies of written approvals from the disposal point authority shall be attached to the application.

1. The application shall contain the following statement:

"I agree to allow inspection of all sewage tank cleaning equipment, vehicles, implements, containers, or other devices and sites used in the collection, transportation, or disposal of sewage tank contents. I also agree to mark my vehicle(s) and sewage holding tanks in accordance with the rules governing sewage tank pumpers. I agree to keep adequate records and submit them to the LHD personnel in accordance with Rules of the State Board of Health. I understand that permit renewal is required each year between November 1 and December 31."

(b) The LHD shall, prior to the issuance of a permit to pump sewage tanks, and as often as necessary thereafter, inspect or cause to be inspected the sewage tank cleaning equipment, implements, containers, or other devices used in the collection, removal, transportation, or disposal of septage, as well as septage disposal sites and methods, to ensure that the above mentioned items are used, maintained, and operated in compliance with applicable provisions of these rules.

(c) The LHD shall not issue a Sewage Tank Pumping Permit under this chapter of the rules unless an approved disposal point and method of sewage disposal are provided.

(d) Any sewage tank pumper operating in the state, whose sewage tank pumper facility is located outside the state, shall, in coordination with the Board and the designated LHD, establish a specific fee-based county within the state of Alabama as the county of record for permitting purposes.

(e) If the application is approved, the LHD having jurisdiction where the pumper operates a sewage tank pumper facility shall issue a permit with an identifying number on a form provided by the Department.

(2) A vehicle used in the collection, removal, transportation, or disposal of septage shall display, in letters at least 2 inches high, and in a conspicuous place on both sides of the truck cab or carrier tank, the name and address of the firm under which the business is conducted. A valid and current Health Department decal issued by the fee-based county shall be displayed in a place to be determined by the Board. Such decals shall be issued only for those vehicles that pass Health Department inspections based on standards set forth in subparagraphs (2)-(4) of this rule.

(a) A carrier tank aboard a vehicle used for collecting, removing, and transporting sewage shall be conspicuously and permanently labeled "FOR SEWAGE ONLY" at or near the inlet and outlet valves of the tank. The use of the carrier tank for another purpose is prohibited. The required lettering shall be a minimum of 3 inches high.

(b) A carrier tank aboard a vehicle used for collecting, removing, and transporting grease trap waste only may use the label "Fats, Oils, and Grease" or "FOG" in lieu of "For Sewage Only."

(c) A carrier tank used for the collection, removal, transportation, or disposal of sewage shall be fully enclosed, leak proof, fly proof, and so operated as to prevent spillage or leakage during collection, removal, transportation, and disposal. The carrier tank, when used for holding septage, shall have a minimum effective holding capacity of 1,250 gallons.

(d) Only pumping equipment, tanks, and vehicles permitted by the LHD shall be used.

(e) The equipment, implements, containers, or other devices used for the collection, removal, transporting, or disposal of sewage tank contents shall be maintained and operated so as to prevent unsanitary or nuisance conditions.

(3) A person engaged in sewage tank pumping shall have facilities available for the flushing, cleaning, and deodorizing of sewage tanks, carrier tanks, and the required cleaning implements and equipment. The following practices shall be observed:

(a) Wastewater resulting from the flushing and cleaning process shall be disposed of either by a public or private sewer system.

(b) Odor-controlling substances may be left in the sewage tank, carrier tank, or other sewage tank cleaning implement or equipment, but in no case shall such substances be used in lieu of proper cleaning.

(4) A sewage tank pumping contractor shall keep a complete record of facilities pumped or cleaned for a period of 3 years and shall submit such records to the LHD upon request. The LHD may suspend a sewage tank pumping contractor's permit for

refusing to submit records when requested. Records shall specify the following:

- (a) Name and 911 address of the person for whom the waste was removed.
 - (b) Date of completion of the operation.
 - (c) Size of the tank and the amount, in gallons, of the waste removed.
 - (d) Location of the disposal site.
 - (e) Method of final disposal.
- (5) Septage shall be disposed of in a manner that will protect the public health and avoid nuisance conditions. Raw sewage, such as that removed from holding tanks and portable toilets, may be disposed of by the following approved methods:
- (a) Discharged into a public sewer manhole or at an acceptable point in an ADEM-permitted sewage treatment plant, provided that the written approval of the responsible person of the governmental entity or other entity owning or operating the public sewer system or sewage treatment plant is received by the pumper prior to the use of such disposal facilities. A copy of such approval shall be provided to the LHD with the sewage tank pumping permit application;
 - (b) Land applied on a site permitted by the LHD when proper application for permit is made by the owner. Such applications shall be submitted through the LHD to the Department under the provisions of this chapter; or
 - (c) Placed in a Department approved sewage tank for temporary storage.
- (6) A permitted sewage tank pumping contractor, when pumping a sewage tank, shall effectively and completely remove the liquid and solids in the tank by removing the inspection ports at both ends of the tank or the lids covering both ends of the tank, where inspection ports are not provided, and pump all compartments. The pumper shall make the access ports used in pumping watertight at the end of the pumping and shall note problems or deficiencies in the tank. If these problems are not repairs per Chapter 420-3-1, Onsite Sewage Treatment and Disposal and are maintenance, no repair permit is required. Deficiencies that are causing system failure shall be reported to the LHD and shall require a repair permit as per Chapter 420-3-1, Onsite Sewage Treatment and Disposal.
- (7) A pumper of portable toilets shall meet all conditions of this rule, except that a carrier tank used exclusively for the pumping of portable toilets or marine sanitation waste may have a minimum holding capacity of less than 1,250 gallons. The sewage tank pumping contractor shall state in writing that the carrier tank is used only for the pumping of portable toilet or marine sanitation waste.

Author: Thad Pittman, Phyllis Mardis, Lem Burell, [Matthew Conner](#)

Statutory Authority: Code of Ala. 1975, §§22-2-2(6), 22-10-1 et seq., 22-20-5, 22-26-1, 22-26-2, 22-26-3.

History: New Rule: Published December 31, 2020; effective February 14, 2021. Amended: Published _____; effective

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