

Cherokee County Board of Health Regulations
Chapter 13-1
Sewage Holding Tanks

13-1-1 Purpose

The purpose of these rules is to enable dwellings and establishments located within the Alabama Power Company's flood easement around Weiss Lake which do not have access to a sanitary sewer system to use a holding tank as a means of temporary sewage storage until an approved permanent means of sewage disposal is made available.

13-1-2 Variance to Rules of the State Board of Health

Pursuant to a variance issued by the State Health Officer on August 2, 2011, State Board of Health Rule 420-3-1-.55 (Holding Tank Requirements) does not apply to property within the Alabama Power Company's flood easement around Weiss Lake in Cherokee County.

13-1-3 Effective Date

These rules shall be effective on July 9, 2012.

13-1-4 Other Approvals

- (1) Any approval or issuance of a permit pursuant to these rules does not constitute or imply approval by any county or municipality or other agency having planning, zoning, or other legal jurisdictions.
- (2) Except as stated in Rule 13-1-2, compliance with these rules shall be in addition to compliance with all applicable rules of Chapter 420-3-1 of the Rules of the State Board of Health, which are hereby incorporated by reference.

13-1-5 Jurisdiction

These rules shall apply only within Alabama Power flood easement surrounding Weiss Lake within the boundaries of Cherokee County.

13-1-6 Definitions

- (1) For purposes of these rules, the following terms shall be defined as follows:
 - (a) Dwelling – a house, manufactured/mobile home or house trailer, shelter, structure, or building or portion thereof, that is or could reasonably be expected to be occupied in whole or in part as the home, residence, or sleeping place of one or more persons. This term does not include a recreational vehicle or motor home coach, unless it is rendered immobile and/or is placed on a lot on a long-term basis.

- (b) Establishment – a facility other than a dwelling that generates sewage or high-strength sewage or gray water as defined in Chapter 420-3-1 of the Rules of the State Board of Health. The term may include, but is not necessarily limited to, an office, work place, or food service establishment.
 - (c) Alabama Power Flood Easement – an easement owned by the Alabama Power Company on lands that are subject to the right of the Alabama Power Company to inundate, cover, or surround with water from time to time, by waters of the Coosa River or its tributaries, should such river or its tributaries be raised and backed up to that certain datum plane of 575 feet above mean sea level as established by the U.S. Coast and Geodetic Survey, as adjusted in January 1955.
 - (d) Holding Tank – A water-tight receptacle for the collection and temporary retention of sewage, high strength sewage, or gray water onsite by way of the dwelling or establishment drain and dwelling or establishment sewer, and designed and constructed to facilitate removal and ultimate disposal at another site. This term does not include sewage collection tanks on board a recreational vehicle or travel trailer.
 - (e) Recreational Vehicle or Motor Home/Coach – a vehicle manufactured or modified for temporary human habitation or shelter, that is self-propelled or towed, which may have self-contained fixtures and facilities for collecting wastewater (sewage). The vehicle may be used from time to time for recreation, business, or routine transportation purposes, and which, by its design or fabrication, is neither intended for permanent or long-term placement, nor to be rendered immobile. This term includes recreational trailers, but excludes manufactured/mobile homes.
 - (f) Sanitary Sewer System – a properly permitted public or private sewer system, including but not limited to, a cluster wastewater system and community wastewater system as defined in § 22-25B-1, *Ala. Code 1975*.
- (2) Other terms used herein shall have the same definitions as is Chapter 420-3-1 of the Rules of the State Board of Health.

13-1-7 Holding Tank Requirements

- (1) No person shall install or use a holding tank until the owner or owner's agent has obtained a permit from the Cherokee County Health Department.
- (2) An application for a temporary holding tank shall be submitted on a form or forms prepared by the Cherokee County Health Department.
- (3) A temporary holding tank shall only be permitted if the dwelling or establishment it is to serve is located within an Alabama Power flood easement around Weiss Lake; only if a sanitary sewer system is not available; and, only until a sanitary sewer system is available for connection.

- (4) A permit for an existing or new temporary holding tank shall require a contract with a licensed pumper for periodic pumping as the holding tank use demands. Reports of holding tank pumping shall be submitted as specified in the holding tank permit or as otherwise required by the Cherokee County Health Department.
- (5) A temporary holding tank installed and used prior to the effective date of these rules may be permitted if the applicant demonstrates that the existing holding tank (above or below ground) was intended by the manufacturer to be used for sewage storage and management or that the existing holding tank has been inspected and certified in writing to be structurally sound and suitable for its intended use by a professional engineer licensed in the state of Alabama. The capacity of the holding tank must be manageable under the planned pumping schedule.
- (6) A temporary holding tank installed on or after the effective date of these rules shall be certified by the manufacturer for the intended use of sewage management. Holding tank capacity for holding tanks installed after the effective date of these rules shall be calculated using sewage flows in Rule 420-3-1-.36 of the Rules of the State Board of Health, or its successor rule, and shall have a minimum capacity of 250 gallons, or be 25 percent larger than the projected sewage flow accumulation between scheduled pumping, whichever is larger.
- (7) The permit for a temporary holding tank shall expire at the end of the permit period which shall not exceed one year. A new permit may be issued at the discretion of the Cherokee County Health Department.
- (8) The amount of the fee for a holding tank permit shall be designated in accordance with § 45-10-171.20, *Ala. Code 1975* but shall not exceed one hundred fifty dollars (\$150.00), unless approved by the Cherokee County Commission.
- (9) When a holding tank is no longer used in accordance with these rules, it shall be properly abandoned in compliance with Rule 420-3-1-.56 of the Rules of the State Board of Health, or its successor rule.

13-1-8 Use of Holding Tanks with Sanitary Sewer Systems not Guaranteed

A temporary holding tank permitted by the Cherokee County Health Department may not meet the capacity or structural requirements for connection to a sanitary sewer system when such is made available to dwellings or establishments within the Alabama Power Company's flood easement.

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Statutory Authority: §§22-3-2, 22-2-2, 22-2-8, *Ala. Code 1975*.