

MEMORANDUM

May 12, 2010

TO: Board of Mayor and Aldermen

FROM: Vernon Gerth, ACA Community Development
Chris Bridgewater, Plumbing/Mechanical Plans Examiner

SUBJECT: Resolution 2010-35 Authorizing Adoption of the Manual for the Septic Certification Inspection Program

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) to consider establishing a program of inspections that will determine if private septic systems serving structures that have available public sewer are functioning properly.

Background

The City adopted Ordinance 2009-31, allowing the continued use of septic systems once the public sewer became available so long as they were inspected by City personnel and found to be functioning properly.

Financial Impact

The proposed fee paid to the City by the homeowner will be \$75 with a late penalty of double the original fee. In this instance \$150. The estimated cost by the homeowner to have their septic system pumped for the required tank inspection is between \$200-\$300. The inspection cycle for this program is every 3 years.

Recommendation

Approval of the program is recommended.

Attachments

- Ordinance 2009-31
- Manual for Septic Certification Inspection Program

RESOLUTION 2010-35

**RESOLUTION ADOPTING THE CITY OF FRANKLIN SEPTIC CERTIFICATION
INSPECTION PROGRAM MANUAL**

WHEREAS, the City of Franklin recognizes the importance of safeguarding the health and welfare of its citizens by ensuring that septic systems within the City are functioning properly through a periodic inspection program; and

WHEREAS, the City of Franklin, through the passage of Ordinance 2009-31, has recently removed the existing time requirement by which property owners must connect to the City of Franklin public sanitary sewer system as required in Section 18-204(4) of the Municipal Code should the existing private sewage disposal system be in good working order; and

WHEREAS, the City of Franklin has consulted with the Williamson County Department of Sewage Disposal Management and has determined procedures for inspection and continued within the City's Manual are in accordance with Tennessee Department of Environment and Conservation (TDEC) guidelines and the Williamson County Regulations Governing On-Site Sewage Disposal Systems;

NOW, THEREFORE, BE IT RESOLVED by the Board of Mayor and Aldermen of the City Franklin, as follows:

(1) The Manual for the Septic Certification Inspection Program for the City of Franklin is hereby adopted.

(2) The City Administrator and the Director of Building and Neighborhood Services are authorized to make administrative changes to the Manual as necessary to provide coherent, effective, and enforceable policies in accordance with the Franklin Municipal Code provided such changes be communicated to the BOMA prior to implementation.

(3) That this Resolution shall be in full force and effect from and after its passage and approval according to law.

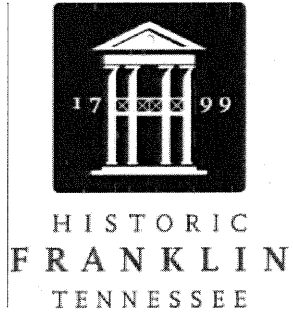
Approved this ____ day of _____, 2010

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
City Recorder/Administrator

BY: _____
JOHN C. SCHROER
Mayor



Comment [vjg1]:

MANUAL
FOR
SEPTIC CERTIFICATION INSPECTION
PROGRAM

MANUAL – SEPTIC CERTIFICATION INSPECTION PROGRAM

DATE OF PREPARATION May 11, 2010

INTENT To provide City of Franklin staff with a Manual to administer the Septic Certification Inspection Program (SCIP).

ASSOCIATED STANDARD OPERATING PROCEDURES (SOP)

- Training Procedures for Septic Haulers (forthcoming)
- Condemnation of Properties Unfit for Human Habitation (forthcoming)

Comment [clb2]: Licensing of Septic haulers is something that only TDEC/Counties can do. The intent of this program would be to have a list of haulers acquainted with the administrative practices of this program.

PROCEDURES CONTAINED IN THIS MANUAL

- Criteria for Inclusion in SCIP
- Administration
- Septic Survey Inspection
- Vault Interior Inspection
- Failure of Inspection
- Appeal Procedures
- Penalties

FORMS/CORRESPONDENCE TEMPLATES

- Initial Letter to Homeowners
- Septic Survey Inspection Sheet (forthcoming)
- Septic Survey Passed Letter – Door tag Text
- Vault Interior Inspection Sheet (forthcoming)
- Failed Inspection Letter to Homeowners
- Letter Notifying County of Failed Inspection

DEFINITIONS

BNS – City of Franklin Building and Neighborhood Services Department.

County Regulations - Regulations Governing On-Site Sewage Disposal Systems 2000, as adopted by the Williamson County Department of Sewage Disposal Management.

Licensed Septic Hauler - a private septic hauling company who is licensed by the State of Tennessee and Williamson County.

Septic Certification – A certification that the septic system has been inspected by the criteria in this program and may continue to be used until the next certification cycle.

Construct - The new construction of a private sewage disposal system or modification to an existing system that would require a permit by the County Department of Sewage Disposal Management.

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Non-functional - Malfunction of the private sewage disposal system causing sewage to surface upon the ground, or cracks, damage, or disrepair to the septic tank that allows sewage to leak out of the tank into the surrounding soil. See also Section 22(D) of the County Regulations.

REFERENCE DOCUMENTS

- City of Franklin Municipal Code 18-204 (4, 5) **Use of public sewers and septic systems where public sewers are provided.** (as amended by Ordinance 2009-31)
- City of Franklin Municipal Code, Title 22. **Comprehensive Fees and Penalties.**
- **Regulations Governing On-Site Sewage Disposal Systems**, Williamson County Department of Sewage Disposal Management, 2000.
- "Homeowner's Guide to Septic Systems," United States Environmental Protection Agency

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BACKGROUND

Septic systems within the corporate limits of Franklin are regulated through the Williamson County Department of Sewage Disposal Management. The City of Franklin Municipal Code sections 18-204 and 18-205 (www.franklinin.gov) as amended by Ordinance 2009-31 contain further regulations on private sewage disposal systems.

Prior to the passage of Ordinance 2009-31, the Franklin Municipal Code required that homes connect to the public sewer within 180 days of the public sewer becoming available for connection. With the passage of this ordinance, septic systems that are eligible for this program and are functioning can be used indefinitely if inspected and certified every three years.

In a meeting that included the City Administrator, the ACA Community Development, the City Engineer, the Director of Engineering, the Director of Water Management, the County Director of Sewage Disposal Management (County SDM) and the City Plumbing Official, various methods for determining compliance with Ordinance 2009-31 were discussed. A consensus was reached: that the County's criteria for **non-functioning** septic systems were to be used for purposes of this program. If sewage were found surfacing or ponding above ground by a City inspector, or when damage or cracking of the septic tank(s) was observed during pumping by a licensed septic hauler, then the County SDM would be notified of the inspection findings. If the County SDM determined that a Notice of Violation should be issued, the homeowner would be instructed by the City to connect to the public sewer.

RATIONALE FOR SEPTIC CERTIFICATION INSPECTION PROGRAM

- Failing Septic systems can contaminate surface and ground waters with bacteria and nitrates.
- In a study done by the Water and Wastewater Authority, subdivisions in the north part of Franklin had high failure rates due to poor soil conditions, age of system, and lack of maintenance.
- All older-style septic systems will fail eventually.
- Septic systems can operate for years with no problems if properly inspected and maintained. The United States Environmental Protection Agency (U.S.E.P.A.) recommends that that private septic system holding tanks are pumped every three to five (3-5) years. County Regulations recommend pumping every two to five (2-5)years, and every two (2) years if a garbage disposal is installed on the kitchen sink.

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CRITERIA FOR INCLUSION IN SCIP

All of the following criteria must be met for a property to be included in this program:

- The property must be within the Corporate Limits of Franklin.
- The property must have a private septic system.
- Structure must be occupied at the time of inspection. Septic systems that are not in use cannot be inspected for functionality by these criteria and are not eligible for certification. If a home is not occupied when the inspection is scheduled, the property shall be re-assessed for inclusion the following year.
- There must be a City of Franklin public sewer main within 200 feet of the property, or adjacent to the parcel and readily accessible for connection (see Ordinance 2009-31).
- A BNS Inspector must be allowed access to the property to conduct an inspection of the septic system.

*Note - The properties in the Meadowgreen Sewer Project Area are not within the corporate limits of the City and therefore not applicable to this program.

ADMINISTRATION

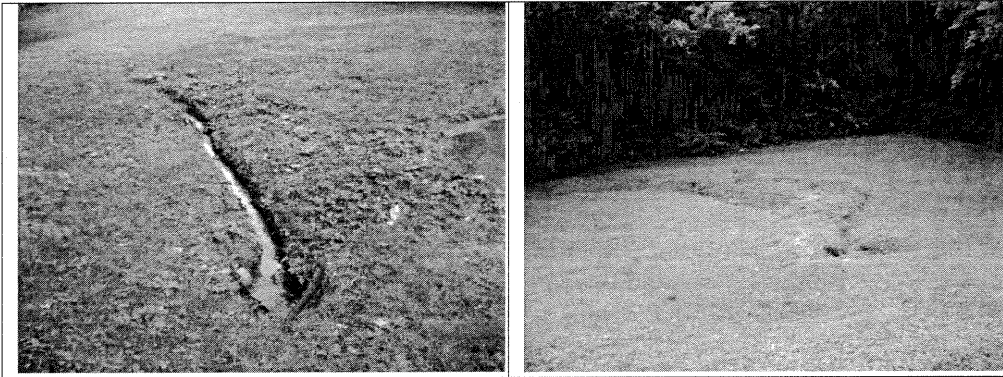
- Properties eligible for inclusion in this program shall be inspected and certified initially and every three (3) years thereafter.
- Certification shall consist of two (2) inspections: **Septic Survey** and **Vault Interior**.
- The certification fee and penalties shall be as established in Municipal Code Title 22 – **Comprehensive Fees and Penalties**.
- The **Septic Survey** inspection will be conducted by a BNS Inspector:
 - PASS – A door tag with a self-addressed and stamped envelope will be provided to the homeowner with inspection results and instructions for further interior inspection procedures.
 - FAIL – See **Failure of Inspection** procedures.
- The **Vault Interior** inspection shall be conducted by a **licensed Septic Hauler** hired by the homeowner.
- The **licensed Septic Hauler** shall pump the septic tank and inspect the inside of the tank.
- The homeowner shall use the door tag and envelope provided by the BNS inspector to mail the inspection results and certification fee to BNS.
- The City shall notify the Williamson County Department of Sewage Disposal Management of both passing and failing results.
- If the BNS Inspector is denied access to the property by the homeowner, the homeowner shall be ordered to connect to the public sewer system.
- If the homeowner does not comply with these procedures, see the **Penalties** section.

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SEPTIC SURVEY INSPECTION

- Conducted during seasons when weather/climate conditions will allow observation of the septic systems during conditions of normal use. Inspections conducted during a period of relative drought would probably not reveal a failing septic system.
- The inspector shall look for evidence of **non-functionality**, such as marshy ground and puddles of sewage surfacing and sewage odors in the areas where the field lines and septic tank are located.
- The inspector shall take a plot plan and conduct the inspection in the areas where septic system components are located. These locations shall be based on information provided by the County SDM, if available.
- The inspection shall be recorded on the **Septic Survey inspection sheet**, and the results shall be given to the homeowner by a door tag with instructions for completing the **Vault Interior** inspection.

Examples of Failed Septic Survey Inspections



VAULT INTERIOR INSPECTION

- Conducted by a **licensed Septic Hauler** hired by the homeowner. A list of **licensed Septic Haulers** that have been trained on the procedures of the Septic Certification Inspection Program is maintained by BNS.
- The fee for the **Septic Hauler** shall be paid by the homeowner. This fee typically costs \$200-\$300.
- The **licensed Septic Hauler** shall pump the septic tank and inspect the inside of the tank for cracking/damage that impairs the tank's ability to hold sewage.
- The **licensed Septic Hauler** shall complete the **Vault Interior Inspection sheet** provided by BNS.
- The inspection form and fee payment shall be returned to BNS by the homeowner in the provided door tag and envelope.

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FAILURE OF INSPECTION

- The City shall notify the Williamson County Department of Sewage Disposal Management of failure of inspection.
 - If the County determines that the septic system is **non-functional** and issues a Notice of Violation (NOV), then the homeowner shall have ten (10) days to connect to the public sewer system.
 - If the County investigates and does not issue an NOV, then the inspections shall be considered to have PASSED.
- When BNS receives the County NOV, the inspector shall mail the **Failed Inspection Letter to Homeowners** by certified mail.
- Homeowners may appeal the decision of the BNS inspector by following the **appeal procedures** set forth below.
- If the homeowner cannot make the connection within ten (10) days, then the procedure outlined in the **Condemnation of Property Unfit for Human Habitation SOP** shall be followed until such time connection to the public sanitary sewer system is satisfactorily completed.

APPEAL PROCEDURES

- The deadline for the homeowner to ask for permission to repair a septic system shall be specified in the Failure Letter, and shall be the same as the deadline for connection to the public sewer system.
- The homeowner may ask permission to conduct a repair if it is trivial and inexpensive (generally, if parts and labor combined cost under \$200.00)
- The Plumbing Official shall make a determination if the repair is trivial and inexpensive and give permission to contact the County SDM for a Septic Permit to make the repair.
- The decision of the Plumbing Official may be appealed in writing to BNS within that same ten (10) day period specified in the Failure Letter. The basis of the appeal must be that the repair is trivial and inexpensive.
- The appeal to the Plumbing Official's decision shall be heard by the Building Standard Board of Appeals.

PENALTIES

- Failure to complete the **Vault Interior** inspection within six (6) weeks of the date of the **Septic Survey** inspection will result in the certification fee being doubled.
- Failure to complete the Septic Certification inspection process within three (3) months of the **Septic Survey** inspection date – the inspection process shall be considered to be failed and the homeowner be required to connect to the public sewer.
- This program is voluntary, and should the homeowner elect not to participate and obtain certification for their septic system, they will have to connect to the public sewer. Every attempt should be made to contact the homeowner once six (6) weeks has passed to ensure that they are aware of this deadline, and the consequences of non-compliance.

Comment [klc3]: Is this in Title 22?

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INITIAL LETTER TO HOMEOWNERS

Dear _____,

Our records indicate that your home is served by a private septic system and that you are eligible for the Septic Certification Inspection Program. This inspection program is intended to determine if your septic system is functioning properly.

In the next few months, a City Inspector will visually inspect the area of your septic system to determine if sewage is surfacing. When the inspection is complete, the inspector will leave a door tag with the inspection results and instructions for completing the next phase of the certification. Please contact me if you wish to be present when the inspector walks the property or if the property is fenced or enclosed.

Part of this process is to be completed by you, the homeowner. The door tag with the inspection results will provide instructions on how to complete your part. This shall include hiring a septic pumping company to pump your tank. Please wait until after you receive the door tag to pump your tank, as the septic pumping company needs to be able to see the inside of the tank. You may contact me with your email address if you also wish to receive an email confirmation of your inspection results.

The City of Franklin website has more information on the Septic Certification Inspection Program at www.franklintn.gov. Additional information on septic tanks and recommended maintenance procedures are available at the offices of Williamson County Department of Sewage Disposal Management on the 4th floor of the County Administration Complex on West Main.

Sincerely,

Chris Bridgewater
Plumbing Official
City of Franklin Building and Neighborhood Services
(615) 550-6633
chris.bridgewater@franklintn.gov

MANUAL – SEPTIC CERTIFICATION INSPECTION PROGRAM

SEPTIC SURVEY PASSED LETTER (DOOR TAG)

Dear _____,

On Month DD, YYYY, the Septic Survey inspection was completed with no indications of sewage surfacing from the septic system. The next step in the process of certifying your septic system for operation for the next three (3) years is to have a licensed septic hauler pump your septic tank and visually inspect the tank for cracks and damage that cause leakage from the tank. You may visit the City of Franklin website at www.franklintn.gov to find a list of licensed septic haulers who are able to participate in this program.

Once the pumping has been completed, return the inspection form from the septic hauler and a check (no cash) for \$75 in the provided self-addressed and stamped envelope.

The inspection form and payment must be returned within six (6) weeks or a double fee of \$150 will be assessed. If the inspection form and payment are not returned within three (3) months, then the inspection will be considered failed, and the homeowner will be required to connect to the public sewer and abandon their septic system.

Please contact me with any questions regarding this program.

Sincerely,

Chris Bridgewater
Plumbing Official
City of Franklin Building and Neighborhood Services
(615) 550-6633
chris.bridgewater@franklintn.gov

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FAILED INSPECTION LETTER TO HOMEOWNERS

Dear Mr. and Mrs. Septic User-

On Month DD, YYYY, the Septic Survey/Vault Integrity inspection on the septic tank at <ADDRESS> was failed, and your septic system is no longer certified for use within the City of Franklin. The County Department of Sewage Disposal Management has issued a Notice of Violation that shall require abandonment of your septic system, and connection to the public sewer. The deadline for connection is ten (10) days from receipt of this letter, MM/DD/YYYY.

Comment [klc4]: How can you guess when the letter will be received?

If you believe that the needed repair to make the septic system functional is trivial and inexpensive (i.e., parts and labor under \$200.00), you may contact me within the ten (10) day timeframe to discuss the options that may be available to you.

Please contact me with any questions regarding this letter.

Sincerely,

Chris Bridgewater
Plumbing Official
City of Franklin Building and Neighborhood Services
(615) 550-6633
chris.bridgewater@franklintn.gov

Enclosures (2)

Copy of Failed Inspection
New Gravity Sewer Connection for Homeowners

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LETTER NOTIFYING COUNTY OF FAILED INSPECTION

RE: Sewage Surfacing at 112 BadSeptic Ln., Franklin, TN

To Dept. of Sewage Disposal Management:

The property at 112 BadSeptic Ln., Franklin, TN was inspected on MM/DD/YY as a part of our Septic Certification Inspection Program. Our inspector observed what is believed to be sewage surfacing in the area of the septic system components.

Please notify me of the results of your investigation.

Sincerely,

Chris Bridgewater
Plumbing Official
City of Franklin Building and Neighborhood Services
(615) 550-6633
chris.bridgewater@franklintn.gov