'64-9-1. General.

1.1. Scope. -- This legislative rule establishes minimum requirements for sewer systems, sewage treatment or disposal plants which serve public sewer systems, and the certification of sewage tank installers.


1.4. Effective Date. -- May 1, 1998.

1.5. This rule amends, retitles and reenacts Sewage System Rules, 64 CSR 9, effective May 12, 1983.

1.6. Application. -- This rule applies to all sewer systems in West Virginia; to sewage treatment or disposal plants which serve public sewer systems; and persons who engage in the business of installing, collecting, removing, transporting, or disposing of the contents of sewage tanks.

1.7. Enforcement. -- This rule is enforced by the director of the West Virginia division of health.¹

'64-9-4. Permits.

4.1. In accordance with W. Va. Code '16-1-9, no sewer system shall be installed or established without first obtaining a written permit from the director.

4.2. Individual and public sewer systems shall be permitted and constructed only after an acceptable application for, and plans and specifications of, the proposed system, as prepared in accordance with Sewage Treatment and Collection System Design Standards, 64 CSR 47, have been reviewed and approved by the director. Where applicable, a discharge permit shall be obtained from the chief of the office of water resources in conformance with W. Va. Code '22-11-1 et seq. prior to construction.

4.3. An acceptable application to construct, install or modify an individual sewer system or a public sewer system shall be made in writing to the director. A permit to construct, install or modify shall be obtained prior to the construction or installation.

¹ The Department of Health and Human Resources (DHHR) was created by the Legislature's reorganization of the executive branch of State government in 1989. The Department of Health was renamed the Division of Health and made a part of the DHHR (W. Va. Code '5F-1-1 et seq.). Administratively within the DHHR the Bureau for Public Health through its Commissioner carries out the public health function of the Division of Health.
4.4. The director shall approve or deny any application for a permit to construct a public sewer system within a period of forty-five (45) working days from the date an application is received. The director shall approve or deny an application for an individual sewer system within a period of twenty-one (21) working days from the date an application is received.

4.5. The director shall deny a permit if the information on the application form is incomplete, inaccurate, false, or misleading, or indicates the applicable provisions of this rule cannot be met.

4.6. A permit shall be suspended or revoked by the director for failure to comply with the provisions of the permit, improper construction or operation of the sewer system, where false or misleading information was utilized in obtaining the permit, where it is determined that the applicable provisions of this rule cannot be met, or for failure to comply with a lawful order of the director.

4.7. Any person whose application for a permit has been denied or whose permit has been suspended or revoked may request a hearing. A written request shall be made within thirty (30) days of the date of denial of the permit by the aggrieved party and a hearing date shall be established by the director within twenty (20) days of the director's receipt of the written request. The hearing shall be held by the director within a period of forty-five (45) days after receipt of the written request for the hearing.

4.8. A permittee who wishes to dispute the conditions and restrictions of the permit may request a hearing in order to appeal its provisions. A written request shall be made by the permittee within thirty (30) days of the date of issuance of the permit and a hearing date shall be established within twenty (20) days of the director's receipt of the written request. The hearing shall be held within a period of forty-five (45) days by the director after receipt of the written request for the hearing.

4.9. A permit for an individual sewer system or for a public sewer system on which construction has not begun within one (1) year from the date of issuance is invalid unless a request for a renewal is approved by the director.

4.10. Permits are not transferable or assignable and automatically become invalid upon a change in ownership, except when application for transfer or assignment is made to, and the transfer or assignment is approved by, the director. Permits shall be issued to the property owner.

4.11. A person engaging in the business of sewage tank cleaning shall receive a permit only after application has been made on a form prescribed by the director and the director has inspected, all sewage tank cleaning equipment, containers, or other devices used in the collection, removal, transportation or disposal of sewage tank contents to ascertain that the items are used, maintained and operated in compliance with all applicable provisions of this rule. The application shall include documentation that a disposal site approved by the department of environmental protection will be used for disposal of the sewage. A sewage tank cleaning permit shall expire one (1) year from the date of issuance, and the permit holder shall apply to the director for renewal of the permit prior to the expiration date. Notwithstanding any provision of the W. Va. Division of Health Legislative Rule, Fees for Permits, 64 CSR 30, any fee for authorizing an individual to engage in the business of sewage tank cleaning shall be prorated over a three-year period at $16 (sixteen dollars) per year.

4.12. When a sewage tank cleaning permit has been suspended or revoked, the person thereby affected shall immediately discontinue engaging in the business of collecting, "removing," transporting or disposing of the contents of sewage tanks.