

**AMENDMENT NUMBER 2
TO THE
CUSTER COUNTY ORDINANCE NUMBER 2**

This Amendment Number 2 (“Amendment #2”) to the Custer County Ordinance Number 2 (the “Ordinance No. 2”) is approved by the Custer County Commission on this 27th day of July, 2022.

Ordinance No. 2 shall be amended as follows:

ARTICLES VIII AND IX are deleted in their entirety and replaced as follows:

ARTICLE VIII – WASTEWATER DISPOSAL SYSTEMS

1. ARSD 74: ARSD 74 is administered by the South Dakota Department of Agricultural and Natural Resources (SDDANR) and is the minimum statewide standard for on-site wastewater systems, (septic systems).
2. Only persons certified under ARSD 74:53:02 may install or repair individual and small on-site wastewater systems in Custer County. These persons shall be known as “Certified Installers.”
3. All wastewater disposal systems shall be designed, installed, and maintained to meet or exceed the requirements set forth in ARSD 74:53:01 and Article VIII of this Ordinance.
4. A wastewater disposal system may serve up to two (2) sources as long as the system meets or exceeds the requirements set forth in ARSD 74:53:01 at the time of installation.
5. Modifications to an existing wastewater system shall meet or exceed the requirements set forth in ARSD 74:53:01 at the time of modification.
6. Wastewater systems existing prior to February 28, 1975, are not subject to Chapter 74:53:01 unless the systems are modified, the systems cause the groundwater to become polluted, or the systems are allowing wastewater to surface.
7. All composting toilets are prohibited in Custer County.
8. One RV drop is allowed on an Individual Wastewater System. Two or more RV drops, dumps, sites, pads, etc. shall be submitted to the SDDANR for review and approval in accordance with chapter 74:53:03 along with plans, specifications, and supporting information prepared by a registered professional engineer, licensed plumber or Certified Installer.

9. The minimum required lot size on which a septic system can be installed is one (1) Acre.
10. Percolation tests shall be performed by a Certified Installer. The installer of an on-site wastewater treatment system shall ensure that a percolation test is conducted in accordance with ARSD 74. Percolation tests shall be recorded on Custer County's Percolation Test Worksheet.
11. Percolation tests are valid for 1 year from the date the test was performed.
12. A site evaluation shall be performed by a Planning Department representative prior to excavation for the installation of a wastewater disposal system. This evaluation shall consist of the following:
 - A. A visit to the site must be made by the landowner, or his/her designee, with a representative of the Planning Department. A proposed location for the waste water disposal system shall be determined at this time.
 - B. An eight-foot (8') deep hole shall be dug on the proposed drainfield site. The Planning Department representative shall inspect this hole for indications of soil depth sufficient to allow for the installation of an absorption system. If the water table or geology is suspect, this hole shall sit in an undisturbed state for 24 hours prior to the inspection by the Planning Department.
13. Results of the site evaluation are to be reviewed by the Planning Department. The proposed wastewater disposal system will be sized based upon this evaluation and in accordance with ARSD 74:53:01. A Wastewater Disposal Permit shall not be issued until the minimum requirements for the proposed system are approved by the Planning Department.
14. The Planning Department shall inspect the installation of all wastewater disposal systems. This inspection shall occur before any part of the wastewater disposal system is covered. This inspection shall ensure that the wastewater disposal system is installed and assembled to the following minimum standards:
 - A. The minimum installation standards required by ARSD 74:53.
 - B. Schedule 40 PVC pipe shall be installed for the first six feet (6') of the lines entering and exiting the septic tank.
 - C. Schedule 40 PVC, or stronger, pipe shall be installed as a sleeve over the portion of sewer connection lines that lie under roads, paths, or other areas of high soil compaction.
 - D. A cleanout pipe shall be installed in the sewer line connecting the residence to the septic tank. This cleanout pipe shall be at least thirty inches (30") away from the exterior wall of the dwelling foundation and shall have a removable,

aboveground cap. If the line from the cleanout to the tank exceeds one hundred feet (100') a cleanout pipe shall be installed every one hundred feet (100').

- E. A continuous tracer wire shall be installed along all wastewater disposal system components beginning at the exterior wall of the dwelling foundation.
- F. The Certified Installer of any wastewater disposal system that is incorrectly or incompletely installed at the time of the inspection and requires an additional inspection trip by the inspector of the Planning Department shall pay a Failed Inspection Fee to the Planning Department before the Planning Department approves the waste water disposal system for use.

Any wastewater disposal system that does not meet the above minimum standards shall not be approved for use by the Planning Department. Wastewater disposal systems that are not approved for use by the Planning Department shall not be allowed to operate within Custer County.

- 15. Percolation and inspection reports shall be kept on file by the Planning Department.

ON-SITE SYSTEM PROHIBITED WHEN PUBLIC SYSTEMS AVAILABLE:

No person may construct, install, or operate an on-site wastewater treatment system where a public wastewater system is available. A public system is considered available to premises under the following circumstances:

- A. The structure or wastewater system is located within the jurisdictional boundaries of a sanitary district.
- B. When a public wastewater system is available within 400 feet of a home, trailer court, commercial or business establishment, park or institution etc.
- C. The sanitary district or municipality requests to provide service to the premises.

ARTICLE IX –WASTEWATER DISPOSAL PERMITS

- 1. Wastewater Disposal Permits are required in Custer County prior to the installation of any individual or small on-site wastewater system.
- 2. Wastewater Disposal Permits are required in Custer County prior to the replacement or significant modification of any portion of an existing individual or small on-site wastewater system.
- 3. Wastewater Disposal Permits shall **not** be issued by the Planning Department until percolation test results (which shall be submitted on a Custer County's Percolation Test Worksheet and signed by a Certified Installer) have been received by the Planning Department.

4. A Wastewater Disposal Permit will **not** be issued until the Planning Office has approved the percolation test results and general layout of the proposed system.
5. A site evaluation by a representative of the Custer County Planning Department will be required prior to the installation of any small wastewater disposal system. The purpose of the site evaluation is to determine the size and location of the proposed system. It will consist of the following:
 - A. Inspection of an eight foot (8') deep hole excavated in the area of the drain field to determine soil depth and composition.
 - B. Evaluation of the results of a soil percolation (or "Perc") test to estimate the soil's saturated capacity to handle wastewater.
6. A final inspection by a representative of the Planning Department is required after the wastewater disposal system has been installed, but before any part of it has been covered. The purpose of this inspection is to ensure that the minimum standards established by the state and county for the construction and installation of individual wastewater disposal systems have been met. The Planning Office will not approve any system that does not meet the minimum standards for use.
7. Expiration Date: Every on-site wastewater disposal permit issued under the provision of this ordinance shall expire and become null and void if the construction authorized by such permit is not completed within twelve (12) months from the date the permit is issued and/or If the work described in a Wastewater Disposal Permit has not been substantially completed within one (1) year of the date after that time, a new permit will be required before the construction of any wastewater system can be commenced.
8. Wastewater Disposal Permits shall not be issued for construction on any land in Custer County that has no evident legal access or that fails to conform to the requirements of this Ordinance.
9. Fees for all Permits shall be set by the Board of Commissioners and shall be due and payable upon submission of the Application for the Permit to the Planning Department. A Late Application Fee shall be added to the Fee for any Permit where construction, installation, excavation, grading, fill, demolition, or development has commenced before the Application has been submitted to the Planning Department.
10. The issuance of a Residential Building Permit will be conditioned upon having met the requirements for an individual Wastewater Disposal Permit.

INSPECTION OF AN ON-SITE WASTEWATER SYSTEM

1. The Certified Installer must set-up an inspection time with the Onsite Wastewater Specialist during normal duty hours **AT A MINIMUM OF 24 HOURS PRIOR** to the needed inspection time.
2. The Certified Installer shall provide an as-built diagram **at the time of inspection** with the following information:

Requirements for As-Built Drawings

The As-Built Drawing shall be a layout drawing of the wastewater disposal system located on the property showing all property lines, structures, well, etc. The As-Built Drawing, at a minimum, shall include **ALL** of the following:

- Name of property owner, address, and/or parcel #
- Location of Septic Tank (or Holding Tank, if applicable) and Absorption System with volumes
- Measured distances pertaining to all required setbacks (i.e. wells within 150 feet, property lines, distances to all structures on the property, high water lines, drainages, etc.) – for both the Septic or Holding Tank with volumes and Absorption System
- North Arrow
- All streams, creeks, bodies of water.
- Length and width of each trench (or length and width of bed or mound)
- Depth of each trench (or depth of bed)
- Location of any Distribution or Drop Boxes
- Signature and Date of Certified Installer

Except as specifically amended, modified, or changed by this Amendment #2, the Custer County Ordinance No. 2, is, and will continue to be, in full force and effect.

Custer County Commission

By: _____
Jim Lintz, Chairman

ATTEST:

Barbara Cox, Deputy Auditor

First Reading: July 27, 2022
Adopted: July 27, 2022
(Number of Votes for: ____; Number of Votes against: ____)

Second Reading: _____
Publication: _____
Effective Date: _____