

House Bill 665

By: Representatives McCollum of the 30th, Cooper of the 45th, Taylor of the 173rd, and
Efstration of the 104th

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 2A, Chapter 3, and Chapter 5 of Title 31 of the Official Code
2 of Georgia Annotated, relating to general provisions of the Department of Public Health,
3 county boards of health, and administration and enforcement, respectively, so as to transfer
4 all authorities and responsibilities relating to environmental health from the county boards
5 of health to the Department of Public Health; to provide for the continuation of all contracts
6 or agreements; to provide that all rights, duties, and obligations related to environmental
7 health are transferred; to transfer certain employees; to remove from county boards of health
8 the powers and functions relating to environmental health; to describe responsibilities and
9 authorities of the Department of Public Health related to environmental health; to provide
10 for definitions; to provide for statutory construction; to amend Code Section 12-5-7 of the
11 Official Code of Georgia Annotated, relating to local variances from state restrictions on
12 outdoor watering, limitations on outdoor irrigation, and exceptions, so as to make a
13 confirming revision; to provide for related matters; to provide for contingent effectiveness
14 upon appropriation of funds; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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Article 1 of Chapter 2A of Title 31 of the Official Code of Georgia Annotated, relating to general provisions of the Department of Public Health, is amended by adding a new Code section to read as follows:

"31-2A-2.1.

On and after January 1, 2028, the Department of Public Health shall be the successor to the duties of and shall carry out all of the functions and exercise all of the powers formerly held by the county boards of health pursuant to this article with regard to environmental health. The rights, privileges, entitlements, and duties of parties to contracts, leases, agreements, and other transactions related to environmental health entered into before January 1, 2028, by the county boards of health shall continue to exist and will, by operation of law, be assumed by the Department of Public Health on January 1, 2028; and none of these rights, privileges, entitlements, and duties are impaired or diminished by reason of the transfer of certain functions to the Department of Public Health. In all instances concerning environmental health, the Department of Public Health shall be substituted for the county boards of health, and the Department of Public Health shall succeed to the rights and duties under any such contracts, leases, agreements, and other transactions. All rules and regulations under the jurisdiction of the county boards of public health prior to January 1, 2028, will, by operation of law, be assumed by the Department of Public Health on January 1, 2028, unless such rules and regulations contradict the laws of this state or rules and regulations promulgated by the commissioner of public health. All employees of the county boards of public health whose work involves environmental health shall be transferred to the employment of the Department of Public Health, effective January 1, 2028. Notwithstanding any provision of law to the contrary, the accrued leave, rate of accrual, and any other aspects of employment benefits of such employees shall transfer to the Department of Public Health. The State Personnel Board and the Employees'

42 Retirement System of Georgia shall be authorized to implement this Code section through
43 the promulgation of rules and regulations."

44 **SECTION 2.**

45 Said article is further amended by revising Code Section 31-2A-11, relating to standards for
46 sewage management systems, as follows:

47 "31-2A-11.

48 (a) As used in this Code section, the term:

49 (1) 'Chamber system' means a system of chambers with each chamber being a molded
50 polyolefin plastic, arch shaped, hollow structure with an exposed bottom area and solid
51 top and louvered sidewall for infiltration of effluent into adjoining bottom and sidewall
52 soil areas. Chambers may be of different sizes and configurations to obtain desired
53 surface areas.

54 (2) 'Conventional system' means a system traditionally used composed of perforated pipe
55 surrounded by gravel or stone masking for the infiltration of effluent into adjoining
56 bottom and side soil areas.

57 (3) 'Existing on-site sewage management system' means a sewage management system
58 previously constructed and currently functioning on the premises of the examined
59 property.

60 ~~(3)~~(4) 'On-site sewage management system' means a sewage management system other
61 than a public or community sewage treatment system serving one or more buildings,
62 mobile homes, recreational vehicles, residences, or other facilities designed or used for
63 human occupancy or congregation. Such term shall include, without limitation,
64 conventional and chamber septic tank systems, privies, and experimental and alternative
65 on-site sewage management systems which are designed to be physically incapable of a
66 surface discharge of effluent that may be approved by the department.

67 ~~(4)~~(5) 'Prior approved system' means only a chamber system or conventional system or
68 component of such system which is designed to be physically incapable of a surface
69 discharge of effluent and which was properly approved pursuant to
70 subparagraph (a)(2)(B) of this Code section, as such Code section became law on
71 April 19, 1994, for use according to manufacturers' recommendations, prior to
72 April 14, 1997.

73 ~~(5)~~(6) 'Unsatisfactory service' means documented substandard performance as compared
74 to other approved systems or components.

75 (b) The department shall have the authority as it deems necessary and proper to adopt
76 state-wide regulations for on-site sewage management systems, including but not limited
77 to experimental and alternative systems. The department is authorized to require that any
78 such on-site sewage management system be examined and approved prior to allowing the
79 use of such system in the state; provided, however, that any prior approved system shall
80 continue to be approved for installation in every county of the state pursuant to the
81 manufacturer's recommendations, including sizing of no less than 50 percent of trench
82 length of a conventional system designed for equal flows in similar soil conditions. Upon
83 written request of one-half or more of the health districts in the state, the department is
84 authorized to require the reexamination of any such system or component thereof, provided
85 that documentation is submitted indicating unsatisfactory service of such system or
86 component thereof. Before any such examination or reexamination, the department may
87 require the person, persons, or organization manufacturing or marketing the system to
88 reimburse the department or its agent for the reasonable expenses of such examination.

89 (c)(1) This subsection shall not be construed to prohibit the governing authority of any
90 county or municipality in the state from adopting and enforcing codes at the local level;
91 provided, however, that no county, municipality, or state agency may require any
92 certified septic tank installer or certified septic tank pumper who has executed and
93 deposited a bond as authorized in paragraph (2) of this subsection to give or furnish or

94 execute any code compliance bond or similar bond for the purpose of ensuring that all
95 construction, installation, or modifications are made or completed in compliance with the
96 county or municipal ordinances or building and construction codes.

97 (2) In order to protect the public from damages arising from any work by a certified
98 septic tank installer or certified septic tank pumper that fails to comply with any state
99 construction codes or with the ordinances or building and construction codes adopted by
100 any county or municipal corporation, any such certified septic tank installer or certified
101 septic tank pumper may execute and deposit with the judge of the probate court in the
102 county of his or her principal place of business a bond in the sum of \$10,000.00. Such
103 bond shall be a cash bond of \$10,000.00 or executed by a surety authorized and qualified
104 to write surety bonds in the State of Georgia and shall be approved by the local county
105 or municipal health department. Such bond shall be conditioned upon all work done or
106 supervised by such certificate holder complying with the provisions of any state
107 construction codes or any ordinances or building and construction codes of any county
108 or municipal corporation wherein the work is performed. Action on such bond may be
109 brought against the principal and surety thereon in the name of and for the benefit of any
110 person who suffers damages as a consequence of said certificate holder's work not
111 conforming to the requirements of any ordinances or building and construction codes;
112 provided, however, that the aggregate liability of the surety to all persons so damaged
113 shall in no event exceed the sum of such bond.

114 (3) In any case where a bond is required under this subsection, the certified septic tank
115 installer or certified septic tank pumper shall file a copy of the bond with the county or
116 municipal health department in the political subdivision wherein the work is being
117 performed.

118 (4) The provisions of this subsection shall not apply to or affect any bonding
119 requirements involving contracts for public works as provided in Chapter 10 of Title 13.

120 (d) This Code section does not restrict the work of a plumber licensed by the State
121 Construction Industry Licensing Board to access any on-site sewage management system
122 for the purpose of servicing or repairing any plumbing system or connection to the on-site
123 sewage management system.

124 (e)(1) Any department official or other individual certified by the department to evaluate
125 the status of a prospective or an existing on-site sewage management system shall do so
126 by using an evaluation form provided by the department. Such evaluation shall follow
127 standards set by the department. Completed evaluation forms shall be submitted to the
128 local health department for record-keeping purposes.

129 (2) Any county or municipal governing authority, mortgage company, or other
130 requesting entity shall accept an existing on-site sewage management performance
131 evaluation form from any individual authorized to complete such evaluation pursuant to
132 paragraph (1) of this subsection."

133 SECTION 3.

134 Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards
135 of health, is amended by adding a new Code section to read as follows:

136 "31-3-1.1.

137 As used in this chapter, the term 'environmental health' means the science and practice of
138 preventing human injury and illness and promoting well-being by identifying and
139 evaluating environmental sources and hazardous agents that may adversely affect human
140 health and limiting exposures to hazardous physical, chemical, and biological agents in air,
141 water, soil, food, and other environmental media or settings."

142 SECTION 4.

143 Said chapter is further amended by revising Code Section 31-3-4, relating to powers, as
144 follows:

145 "31-3-4.

146 (a) The county board of health is empowered to:

147 (1) Establish and adopt bylaws for its own governance. Meetings shall be held no less
148 frequently than quarterly;

149 (2) Exercise responsibility and authority in all matters within the county pertaining to
150 health unless the responsibility for enforcement of such is by law that of another agency;

151 (3) Take such steps as may be necessary to prevent and suppress disease and conditions
152 deleterious to health and to determine compliance with health laws and rules, regulations,
153 and standards adopted thereunder;

154 (4) Adopt and enforce rules and regulations appropriate to its functions and powers,
155 provided that such rules and regulations are not in conflict with the rules and regulations
156 of the department. Such rules and regulations ~~must~~ shall be reasonably adapted to the
157 purposes intended and ~~must~~ shall be within the purview of the powers and duties imposed
158 upon the county board of health by this chapter;

159 (5) Receive and administer all grants, gifts, moneys, and donations for purposes
160 pertaining to health pursuant to this chapter;

161 (6) Make contracts and establish fees for the provision of public health services provided
162 by county boards of health, ~~including but not limited to environmental health services,~~
163 ~~which fees may be charged to persons or to establishments and premises within the~~
164 ~~county for inspection of such establishments, premises, structures and appurtenances~~
165 ~~thereto, or for other county board of health services. All such fees may be used to defray~~
166 ~~costs of providing such local services and shall supplement but not replace state or federal~~
167 ~~funding. No person shall be denied services on the basis of that person's inability to pay.~~
168 ~~The scope of services, operating details, contracts, and fees approved by the county board~~
169 ~~of health shall also be approved by the district director of health. No fees for~~
170 ~~environmental health services may be charged unless the schedule of fees for such~~
171 ~~services has been approved by the county governing authority;~~

172 (7) Contract with the Department of Public Health or other agencies for assistance in the
173 performance of its functions and the exercise of its powers and for supplying services
174 which are within its purview to perform, provided that such contracts and amendments
175 thereto shall have first been approved by the department. In entering into any contracts
176 to perform its functions and to exercise its powers, and for supplying services which are
177 within its purview to perform, any county board of health or any health district created
178 under the authority of Code Section 31-3-15 shall be considered an agency and such
179 agency shall have the authority to contract with any other county board of health;
180 combination of county boards of health; any other health district; public or private
181 hospitals; hospital authorities; medical schools; training and educational institutions;
182 departments and agencies of the state; county or municipal governments; persons,
183 partnerships, corporations, and associations, public or private; the United States
184 government or the government of any other state; or any other legal entity; and
185 (8) The county board of health in each county of this state having a population of
186 400,000 or more according to the United States decennial census of 1990 or any future
187 such census is authorized to develop and implement activities for the prevention of
188 injuries and incorporate injury prevention measures in rules and regulations which are
189 within the purview of the county board of health to promulgate which shall be effective
190 when adopted by an ordinance of the county governing authority.
191 (b) Notwithstanding the provisions contained in subsection (a) of this Code section and
192 Code Section 31-3-5, nothing contained in this Code section or Code Section 31-3-5 shall
193 be construed to empower a county board of health to adopt any rules or regulations or
194 provisions to enforce any rules or regulations pertaining to matters provided for or
195 otherwise regulated pursuant to the provisions of Part 1 of Article 2 of Chapter 8 of
196 Title 12, the 'Georgia Comprehensive Solid Waste Management Act,' as now or hereafter
197 amended, or the rules and regulations promulgated pursuant to such part."

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SECTION 5.

199 Said chapter is further amended by revising Code Section 31-3-5, relating to functions, as
200 follows:

201 "31-3-5.

202 ~~(a) Subject to the provisions of Code Section 31-2A-11 and subsection (b) of this Code~~
203 ~~section, each~~ Each county board of health shall have and discharge, within its jurisdiction,
204 subject to any valid local Act which shall remain in force and effect, the following
205 functions:

206 (1) To determine the health needs and resources of its jurisdiction by research and by
207 collection, analysis, and evaluation of all data pertaining to the health of the community;

208 (2) To develop, in cooperation with the department, programs, activities, and facilities
209 responsive to the needs of its area;

210 (3) To secure compliance with the rules and regulations of the department that have local
211 application; and

212 (4) To enforce, or cause enforcement of, all laws pertaining to health unless the
213 responsibility for the enforcement of such laws is that of another agency.

214 ~~(b) Each county board of health shall have the power and duty to adopt regulations~~
215 ~~providing standards and requirements governing the installation of on-site sewage~~
216 ~~management systems within the incorporated and unincorporated area of the county,~~
217 ~~subject to the provisions of Code Section 31-2A-11, any rules and regulations promulgated~~
218 ~~under Code Section 31-2A-11, and subsection (d) of this Code section. Such regulations~~
219 ~~shall include and be limited to the following:~~

220 ~~(1) Specifying the locations within the incorporated and unincorporated area of the~~
221 ~~county where on-site sewage management systems may be installed;~~

222 ~~(2) Specifying the minimum lot size or land area which may be served by an on-site~~
223 ~~sewage management system based on scientific data regarding on-site sewage~~
224 ~~management systems;~~

- 225 ~~(3) Specifying the types of residences, buildings, or facilities which may be served by~~
226 ~~on-site sewage management systems;~~
- 227 ~~(4) Issuing permits for the installation of on-site sewage management systems prior to~~
228 ~~such installation;~~
- 229 ~~(5) Inspecting on-site sewage management system installations prior to the completion~~
230 ~~of the installation; and~~
- 231 ~~(6) Providing for ongoing maintenance of such systems, except for nonmechanical~~
232 ~~residential sewage management systems.~~
- 233 ~~(c) Nothing in this Code section or in Code Section 31-3-5.1 shall limit the power of a~~
234 ~~county or municipal governing authority to exercise its zoning powers or to establish~~
235 ~~minimum lot sizes larger than the minimum lot sizes specified pursuant to subsection (b)~~
236 ~~of this Code section.~~
- 237 ~~(d)(1) Any person may register with the department to conduct soil investigations and~~
238 ~~prepare soil reports of a site within the state for an on-site sewage management system~~
239 ~~who meets any one of the following criteria:~~
- 240 ~~(A) Qualifies as a soil classifier as defined in subparagraph (B) of paragraph (3) of this~~
241 ~~subsection;~~
- 242 ~~(B) Holds a valid certificate of registration as a professional engineer issued pursuant to~~
243 ~~Chapter 15 of Title 43 and is practicing within his or her area of engineering~~
244 ~~competency;~~
- 245 ~~(C) Holds a valid certificate of registration as a registered geologist issued pursuant to~~
246 ~~Chapter 19 of Title 43 and is practicing within his or her area of geologic competency;~~
247 ~~or~~
- 248 ~~(D) Is a soil and water conservation technician as defined in subparagraph (A) of~~
249 ~~paragraph (3) of this subsection.~~
- 250 ~~(2) Upon the submission of an evaluation of the suitability of a site within the state for~~
251 ~~an on-site sewage management system by such a person who is registered with the~~

252 ~~department, the county board of health shall be required to accept the evaluation unless~~
253 ~~such evaluation is found by the county board of health to be deficient or questionable.~~
254 ~~If the county board of health finds such evaluation to be deficient or questionable, the~~
255 ~~board shall, within three working days of making such finding, issue a written~~
256 ~~determination stating all deficiencies and all measures needed to correct the deficiencies.~~
257 ~~A copy of this determination shall be provided to the state director of environmental~~
258 ~~health.~~

259 ~~(3) As used in this subsection, the term:~~

260 ~~(A) 'Soil and water conservation technician' means a person employed as a soil and~~
261 ~~water conservation technician by a soil and water conservation district provided for in~~
262 ~~Article 2 of Chapter 6 of Title 2.~~

263 ~~(B) 'Soil classifier' means a person who:~~

264 ~~(i) Holds at least a bachelor of science degree from an accredited college or~~
265 ~~university with a major in soil science or a related field of science. This degree shall~~
266 ~~include 30 semester credit hours or equivalent quarter credit hours in the biological,~~
267 ~~physical, chemical, and earth sciences with a minimum of 15 semester credit hours~~
268 ~~or equivalent quarter hours in soil science courses meeting the following distribution:~~

269 ~~(I) A minimum of one course in soil classification, morphology, genesis, and~~
270 ~~mapping; and~~

271 ~~(II) The remaining soil science credits shall be in at least three of the following~~
272 ~~eight categories: introductory soil science, soil fertility, soil microbiology, soil~~
273 ~~chemistry, soil physics, soil management, soils and land use, or soils and the~~
274 ~~environment, soil mineralogy, or a three credit maximum in independent study,~~
275 ~~geology, or hydrology;~~

276 ~~(ii) Has at least four years of verifiable full-time or equivalent part-time experience.~~
277 ~~Two years of such experience, as determined by the department's soil classifiers~~
278 ~~advisory committee, shall have been obtained after meeting all the educational~~

279 ~~requirements of division (i) of this subparagraph under the supervision of a soil~~
280 ~~classifier who has met the education and experience requirements provided in this~~
281 ~~subparagraph and shall have been spent actively mapping, identifying, and classifying~~
282 ~~soil features and interpreting the influence of soil features on soil uses, including, but~~
283 ~~not limited to, conducting soil investigations for determining the suitability of sites~~
284 ~~for on-site sewage management systems as approved by the department's soil~~
285 ~~classifiers advisory committee. The remaining two years of such experience, as~~
286 ~~determined by the department's soil classifiers advisory committee, shall have~~
287 ~~occurred prior to, during, or after meeting all the educational requirements of~~
288 ~~division (i) of this subparagraph and shall have included the utilization of soil science~~
289 ~~concepts and techniques in mapping, identifying, and classifying soil features and~~
290 ~~interpreting the influence of soil features on soil uses, including, but not limited to,~~
291 ~~conducting soil investigations for determining the suitability of sites for on-site~~
292 ~~sewage management systems as approved by the department's soil classifiers advisory~~
293 ~~committee, and~~
294 (iii) ~~Has successfully passed a written examination pertaining to site investigations~~
295 ~~for on-site sewage management systems administered or approved by the department."~~

296 **SECTION 6.**

297 Said chapter is further amended by repealing Code Section 31-3-5.1, relating to conformity
298 prerequisite to building permit.

299 **SECTION 7.**

300 Said chapter is further amended by repealing Code Section 31-3-5.2, relating to definition
301 of "gray water" and lawful use.

302 **SECTION 8.**

303 Said chapter is further amended by repealing and reserving Code Section 31-3-11, relating
304 to direction and supervision of staff.

305 **SECTION 9.**

306 Said chapter is further amended by revising Code Section 31-3-15, relating to establishment
307 of health districts, as follows:

308 "31-3-15.

309 The department is authorized, with the consent of the boards of health and the county
310 authorities of the counties involved, to establish health districts composed of one or more
311 counties. To further the purposes of this Code section, county boards of health may
312 contract with each other for the provision of multicounty services and also exercise any
313 additional powers as authorized by paragraph (7) of ~~subsection (a)~~ of Code Section 31-3-4;
314 and in the performance of such contracts a county board of health may utilize its employees
315 in other counties."

316 **SECTION 10.**

317 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising
318 Chapter 4, which is reserved, as follows:

319 "CHAPTER 4

320 31-4-1.

321 (a) As used in this chapter, the term:

322 (1) 'Department' means the Department of Public Health.

323 (2) 'Environmental health' shall have the same meaning as set forth in Code
324 Section 31-3-1.1.

325 (b) The Department of Public Health is empowered to:

326 (1) Exercise responsibility and authority in all matters in this state and all counties within
327 this state pertaining to environmental health unless the responsibility for enforcement of
328 such is by law that of another agency;

329 (2) Receive and administer all grants, gifts, moneys, and donations for purposes
330 pertaining to environmental health pursuant to this chapter;

331 (3) Make contracts and establish fees for the provision of environmental health services,
332 which fees may be charged to persons or to establishments and premises for the
333 inspection of such establishments, premises, structures and appurtenances thereto, or for
334 other environmental health services; and

335 (4) Contract with other agencies for assistance in the performance of its functions and
336 the exercise of its powers and for supplying services which are within its purview to
337 perform. In entering into any contracts to perform its functions and to exercise its
338 powers, and for supplying services which are within its purview to perform, the
339 department may contract with other agencies of the state; county or municipal
340 governments; persons, partnerships, corporations, and associations, public or private; the
341 United States government or the government of any other state; or any other legal
342 entities.

343 (c) Notwithstanding the provisions of subsection (b) of this Code section and Code
344 Section 31-3-5, nothing contained in this chapter or Code Section 31-3-5 shall be construed
345 to empower the Department of Public Health to adopt any rules or regulations or to enforce
346 any rules or regulations pertaining to matters provided for or otherwise regulated pursuant
347 to Part 1 of Article 2 of Chapter 8 of Title 12, the 'Georgia Comprehensive Solid Waste
348 Management Act,' as now or hereafter amended, or the rules and regulations promulgated
349 pursuant to such part. Reserved.

350 31-4-2.

351 (a) Subject to the provisions of Code Section 31-2A-11 and subsection (b) of this Code
352 section, the Department of Public Health shall have and discharge, within this state, the
353 following functions:

354 (1) To determine environmental health needs and resources by research and by
355 collection, analysis, and evaluation of all data pertaining to environmental health of each
356 community in this state; and

357 (2) To enforce, or cause enforcement of, all laws pertaining to environmental health
358 unless the responsibility for the enforcement of such laws is that of another agency.

359 (b) The department shall have the power and duty to adopt regulations providing standards
360 and requirements governing the installation of on-site sewage management systems within
361 the incorporated and unincorporated areas of a county, subject to the provisions of Code
362 Section 31-2A-11, any rules and regulations promulgated under Code Section 31-2A-11,
363 and subsection (e) of this Code section. Such regulations shall include the following:

364 (1) Specifying the locations within the incorporated and unincorporated areas of a county
365 where on-site sewage management systems may be installed;

366 (2) Specifying the minimum lot size or land area which may be served by an on-site
367 sewage management system based on scientific data regarding on-site sewage
368 management systems;

369 (3) Specifying the types of residences, buildings, or facilities which may be served by
370 on-site sewage management systems;

371 (4) Issuing permits for the installation of on-site sewage management systems prior to
372 such installation;

373 (5) Inspecting on-site sewage management system installations prior to the completion
374 of the installation; and

375 (6) Providing for ongoing maintenance of such systems, except for nonmechanical
376 residential sewage management systems.

377 (c) Nothing in subsection (b) of this Code section shall be construed to prohibit the
378 adoption of different rules for different parts of the state due to differences in soil, terrain,
379 or other considerations.

380 (d) Nothing in this Code section shall be construed to limit the power of a county or
381 municipal governing authority to exercise its zoning powers or to establish minimum lot
382 sizes.

383 (e)(1) Any person may register with the department to conduct soil investigations and
384 prepare soil reports of a site within the state for an on-site sewage management system
385 who meets any one of the following criteria:

386 (A) Qualifies as a soil classifier as defined in subparagraph (B) of paragraph (3) of this
387 subsection;

388 (B) Holds a valid certificate of registration as a professional engineer issued pursuant
389 to Chapter 15 of Title 43 and is practicing within his or her area of engineering
390 competency;

391 (C) Holds a valid certificate of registration as a registered geologist issued pursuant to
392 Chapter 19 of Title 43 and is practicing within his or her area of geologic competency;

393 or

394 (D) Qualifies as a soil and water conservation technician as defined in
395 subparagraph (A) of paragraph (3) of this subsection.

396 (2) Upon the submission of an evaluation of the suitability of a site within the state for
397 an on-site sewage management system by a person who is registered with the department,
398 the department shall, within three business days of receiving such an evaluation, provide
399 a written determination stating all deficiencies and all measures needed to correct the
400 deficiencies. A copy of such determination shall be provided to the director of the
401 Environmental Health Division of the Department of Public Health.

402 (3) As used in this subsection, the term:

403 (A) 'Soil and water conservation technician' means a person employed as a soil and
404 water conservation technician by a soil and water conservation district provided for in
405 Article 2 of Chapter 6 of Title 2.

406 (B) 'Soil classifier' means a person who:

407 (i) Holds at least a bachelor of science degree from an accredited college or
408 university with a major in soil science or a related field of science. Such degree shall
409 include 30 semester credit hours or equivalent quarter credit hours in the biological,
410 physical, chemical, and earth sciences with a minimum of 15 semester credit hours
411 or equivalent quarter hours in soil science courses meeting the following distribution:

412 (I) A minimum of one course in soil classification, morphology, genesis, and
413 mapping; and

414 (II) The remaining soil science credits shall be in at least three of the following
415 eight categories: introductory soil science; soil fertility; soil microbiology; soil
416 chemistry; soil physics; soil management, soils and land use, or soils and the
417 environment; soil mineralogy; or a three credit maximum in independent study,
418 geology, or hydrology;

419 (ii) Has at least four years of verifiable full-time or equivalent part-time experience.
420 Two years of such experience, as determined by the department's soil classifiers
421 advisory committee, shall have been obtained after meeting all the educational
422 requirements of division (i) of this subparagraph under the supervision of a soil
423 classifier who has met the education and experience requirements provided in this
424 subparagraph and shall have been spent actively mapping, identifying, and classifying
425 soil features and interpreting the influence of soil features on soil uses, including, but
426 not limited to, conducting soil investigations for determining the suitability of sites
427 for on-site sewage management systems as approved by the department's soil
428 classifiers advisory committee. The remaining two years of such experience, as
429 determined by the department's soil classifiers advisory committee, shall have

430 occurred prior to, during, or after meeting all the educational requirements of
431 division (i) of this subparagraph and shall have included the utilization of soil science
432 concepts and techniques in mapping, identifying, and classifying soil features and
433 interpreting the influence of soil features on soil uses, including, but not limited to,
434 conducting soil investigations for determining the suitability of sites for on-site
435 sewage management systems as approved by the department's soil classifiers advisory
436 committee; and
437 (iii) Has successfully passed a written examination pertaining to site investigations
438 for on-site sewage management systems administered or approved by the department.

439 31-4-3.

440 No building permit for the construction of any residence, building, or other facility which
441 is to be served by a sewage management system shall be issued by or pursuant to the
442 authority of a city or county governing authority unless the sewage management system
443 installation permit is in conformity with standards contained in Code Section 31-2A-11 for
444 sewage management systems. No person, firm, corporation, or other entity shall install a
445 sewage management system in violation of the provisions of Code Section 31-2A-11 or the
446 regulations of the department. Each city or county governing authority shall provide by
447 ordinance or resolution for the enforcement of the provisions of this Code section.

448 31-4-4.

449 (a) As used in this Code section, the term 'gray water' means waste water discharged from
450 residential lavatories, bathtubs, showers, clothes washers, and laundry trays.

451 (b) Private residential direct reuse of gray water shall be lawful if the following conditions
452 are met:

- 453 (1) Gray water originating from the residence shall be used and contained within the
454 property boundary for household gardening, composting, lawn watering, or landscape
455 irrigation;
- 456 (2) Gray water shall not be used for irrigation of food plants;
- 457 (3) The gray water shall not contain hazardous chemicals derived from activities such
458 as cleaning car parts, washing greasy or oily rags, or disposing of waste solutions from
459 home photography laboratories or similar hobbyist or home occupational activities;
- 460 (4) The application of gray water shall be managed to minimize standing water on the
461 surface;
- 462 (5) The application of gray water shall be outside of a floodway;
- 463 (6) The gray water shall not contain water used to wash diapers or similarly soiled or
464 infectious garments unless the gray water is disinfected before irrigation; and
- 465 (7) The gray water shall be applied only by hand watering using garden watering cans
466 or similar hand-held containers.
- 467 (c) The department shall adopt the provisions of subsection (b) of this Code section by
468 regulation. Local governing bodies shall be authorized to punish violations of such
469 regulations as local ordinance violations, provided that the penalty for each such violation
470 shall not exceed a \$100.00 fine.

471 31-4-5.

472 Each employee of the Department of Public Health whose duties include enforcing those
473 environmental health laws of this state shall be subject to the direction and supervision of
474 the state director of environmental health of such department. The activities of such
475 employees with regard to environmental health shall be reported at least quarterly to the
476 state director of environmental health within the Department of Public Health through a
477 district director of environmental health. The state director shall make the personnel
478 actions, including but not limited to termination, which the director deems appropriate for

479 any employee's failure or refusal to comply with the direction of the state director in
480 carrying out the environmental health employment duties of such employee."

481 **SECTION 11.**

482 Chapter 5 of Title 31 of the Official Code of Georgia Annotated, relating to administration
483 and enforcement, is amended by adding a new Code section to read as follows:

484 "31-5-1.1.

485 Nothing in this chapter shall be construed to provide county boards of health with any
486 authorities or responsibilities relating to environmental health."

487 **SECTION 12.**

488 Code Section 12-5-7 of the Official Code of Georgia Annotated, relating to local variances
489 from state restrictions on outdoor watering, limitations on outdoor irrigation, and exceptions,
490 is amended by revising subparagraph (a.1)(2)(C) as follows:

491 "(C) Reuse of gray water in compliance with Code Section ~~31-3-5.2~~ 31-4-4 and
492 applicable local board of health regulations adopted pursuant thereto;"

493 **SECTION 13.**

494 This Act shall become effective only if, prior to January 1, 2027, funds are specifically
495 appropriated for the purposes of this Act in an appropriations Act making specific reference
496 to this Act and shall become effective when such funds so appropriated become available for
497 expenditure.

498 **SECTION 14.**

499 All laws and parts of laws in conflict with this Act are repealed.