Title 19—DEPARTMENT OF HEALTH AND SENIOR SERVICES

Division 20—Division of Community and Public Health

Chapter 3—General Sanitation

PROPOSED RULE

19 CSR 20-3.055 Conditions and Requirements for Onsite Sewage Construction Permit Applications

PURPOSE: This rule establishes onsite sewage construction application processes and fees, as well as appeals processes.

EMERGENCY STATEMENT: This emergency rule establishes onsite sewage and construction application process and fees, as well as an appeals process. This emergency rule is necessary to protect a compelling governmental interest as the application fees for onsite sewage construction have been removed from statute as of August 28, 2026, and the authority to set forth the application fee has been vested in the Missouri Department of Health and Senior Services pursuant to 701.046, RSMo. As a result, the Missouri Department of Health and Senior Services finds a compelling governmental interest, which requires this emergency action. A proposed rule, which covers the same material, is published in this issue of the Missouri Register. The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the Missouri and United States Constitutions. The Missouri Department of Health and Senior Services believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed October __, 2026, becomes effective October __, 2026, and expires April __, 2026.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. This material as incorporated by reference in this rule shall be maintained by the agency at its headquarters and shall be made available to the public for inspection and copying at no more than the actual cost of reproduction. This note applies only to the reference material. The entire text of the rule is printed here.

(1) Definitions. The following definitions shall apply in the interpretation and the enforcement of this rule:
   (A) Administrative authority shall mean the Department of Health and Senior Services (Department or DHSS) or local regulatory agency that has been delegated authority in law to govern individual on-site sewage disposal systems.
   (B) Applicant shall mean the property owner, system owner, professional engineer, on-site sewage disposal system contractor, or soil scientist who submits an application packet for an onsite wastewater treatment system construction permit.
   (C) Application Packet shall mean all documents listed under subsection (2)(A) as well as any additional documentation requested by the Department.

(D) Construction permit shall mean a paper or electronic document issued by the administrative authority authorizing the construction, major modification, or major repair of an on-site sewage disposal system.
(E) Department shall mean the Missouri Department of Health and Senior Services.
(F) Major modification or major repair shall mean the redesigning and alteration of an on-site sewage system by relocation of the system or a part of the system, replacement of the septic tank or construction of a new absorption field
(G) On-site sewage disposal system shall mean any system handling or treatment facility receiving domestic sewage which discharges into a subsurface soil absorption system, and discharges less than three thousand (3,000) gallons per day.
(H) Pre-construction site visit shall mean an inspection completed on-site by the administrative authority prior to issuing a construction permit.
(I) Professional engineer shall mean an individual authorized by Chapter 327, RSMo, to practice as a professional engineer pursuant to section 327.181, RSMo.
(J) Provisionally approved shall mean an application packet the administrative authority has determined complies with the requirements of 19 CSR 20-3.060 after the administrative authority has reviewed the application packet and any discrepancies are fixed.
(K) Soil morphology evaluation shall mean the method of testing or evaluating absorption qualities of the soil by physical examination of the soil's color, mottling, texture, structure, topography, and hill-slope position.

(2) Application Requirements.
(A) Prior to the issuance of a construction permit, an applicant shall submit a completed application packet to the Department.
(B) The application packet shall, at a minimum, include:
1. A completed DHSS Onsite Wastewater Treatment System Construction Application E3.05 (07-20) or an electronic equivalent provided by the Department. The DHSS Onsite Wastewater Treatment System Construction Application E3.05 (07-20), revised 2020, is incorporated by reference and made part of this rule as published by the Missouri Department of Health and Senior Services, P.O. Box 570, Jefferson City, MO 65109, website www.health.mo.gov and can be requested by electronic mailing (e-mail) onsiteprogram@health.mo.gov. This rule does not incorporate any subsequent amendments or additions;
2. A soil morphology evaluation report completed by an on-site soil evaluator registered by the Department;
    a. An application to only replace an existing tank does not require asoil morphology evaluation.
3. For alternative systems as set forth in 19 CSR 20-3.060(6), a detailed design plan bearing the stamp of a Missouri professional engineer;
4. For systems in which a variance is requested pursuant to 19 CSR20-3.060(6)(L), a completed Application for Variance E3.05B (03-18), revised 2018, or an electronic equivalent provided by the Department. The Application for Variance E3.05B (03-18) is incorporated by reference and made part of this rule as published by the Missouri Department of Health and Senior Services, P.O. Box 570, Jefferson City, MO 65109,

website www.health.mo.gov and can be requested by electronic mailing (e-mail) onsiteprogram@health.mo.gov. This rule does not incorporate any subsequent amendments or additions; and

5. A non-refundable construction permit application fee of:
   A. Five hundred dollars ($500); or
   B. Two hundred dollars ($200) for a tank only replacement; and
   C. One hundred fifty dollars ($150) for a variance review, if requested.

(C) The Department may require additional information when deemed necessary to assure compliance with the requirements of 19 CSR 20-3.060.

(D) In the event an emergency major modification or major repair is required to remediate an imminent health hazard, the permitting process may be deferred.

1. The administrative authority should be notified prior to the commencement of such repair whenever practicable; however, notification shall be provided no later than five (5) business days following completion of the repair.
2. All required application packet materials shall be submitted to the administrative authority for expedited review.
   i. The administrative authority will provide a response within five (5) business days.

(3) Procedures for the Issuance or Denial of a Permit.

(A) The applicant shall be notified in writing, by the administrative authority, when the application packet is:

1. Incomplete or contains discrepancies that require clarification;
2. Provisionally approved, subject to a pre-construction site visit; or
3. Denied.

(B) If the application packet is incomplete or contains discrepancies, the notice from the administrative authority shall specify the necessary information or documentation required to complete the application packet.

1. The applicant shall have the ability to add documents or make amendments to the application packet.

(C) If the application packet is provisionally approved a pre-construction site visit will be scheduled.

1. The administrative authority shall coordinate with the applicant to conduct a pre-construction site visit to the property. The administrative authority shall instruct the applicant to mark the proposed location of tanks, dispersal trenches, and other components of the system on the property in accordance with the approved application packet's site layout in preparation for the pre-construction site visit.
2. If the administrative authority determines the site layout at the property is in accordance with the provisionally approved application packet's site layout and meets the requirements of 19 CSR 20-3.060, a construction permit shall be issued.
3. If the administrative authority determines the site layout at the property is not in accordance with the provisionally approved application packet's site layout and/or does not meet the requirements of 19 CSR 20-3.060, the administrative authority shall inform the applicant in writing of the discrepancies.

A. The applicant shall make the necessary corrections to the site layout at the property to ensure it is in accordance with the provisionally approved application packet's site layout and 19 CSR 20-3.060, and coordinate with the administrative authority to conduct a follow-up pre-construction site visit.
B. The applicant will be assessed a one hundred fifty dollar ($150) fee for every follow-up pre-construction site visit conducted which must be paid prior to the follow-up pre-construction site visit.
C. Follow-up pre-construction site visits will be repeated until the administrative authority determines the proposed plans and site layout meet the requirements of 19 CSR 20-3.060.
D. A construction permit shall then be issued after the administrative authority approves the physical site layout in accordance with the application packet's site layout and the requirements of 19 CSR 20-3.060 and all remaining fees are paid.

4. A construction permit issued by the administrative authority shall be valid for one (1) year from the date issued.
A. An applicant may request, in writing, the construction permit be extended.
B. The administrative authority may grant an extension not to exceed 180 days.
C. At the expiration of the construction permit, a new application packet including the fee will be required in order for a construction permit to be considered for the proposed system.

(D) An application packet may be denied by the administrative authority for the following:
1. The application packet does not meet the requirements of 19 CSR 20-3.060; or
2. The site layout located on the property does not match the provisionally approved application packet's plan.

(E) All writings provided by the administrative authority will either be personally delivered to the applicant, sent via certified mail to the mailing address provided by the applicant, or in the case where the applicant utilized e-mail to deliver to application packet or otherwise provided an e-mail address in the application packet may be e-mailed to the applicant.

(F) If an application packet is denied by the administrative authority the applicant may:
1. Submit a new application packet with the applicable fee; or
2. Appeal the decision of the administrative authority to the Department's Appeals Unit.

(4) Appeals. The applicant may appeal any denial made by the administrative authority to the Department's Appeals Unit.

(A) A request for an appeal shall be received by the Department, in writing, within thirty (30) days from the date of the notification of the denial.

(B) All appeals shall:
1. Be from the applicant or their attorney;
2. Be in writing;
3. State the name, current address, current telephone number, and current email address of the applicant;
4. Include a copy of the denial;
5. State the particular section of the statute(s) or regulation(s) involved;

6. State in detail the reasons and facts upon which the applicant or their attorney will rely to prove its case; and
7. State whether the applicant or their attorney would prefer for a hearing on the matter or for the matter to be submitted by briefs.

(C) The applicant or their attorney may submit a request for hearing by:

1. Personal delivery to an authorized agent the Bureau of Environmental Regulation and Licensure;
2. Certified mail, postage prepaid to:
   (fill in address)
3. Overnight express mail, postage prepaid, to:
   (fill in address)

or

4. E-mail to: onsiteprogram@health.mo.gov.

(D) The hearing may be conducted in person, by telephone, or via Microsoft Teams or similar platform.

1. If conducted in person, the hearing shall be held in Jefferson City, Missouri, and an address will be provided prior to the hearing date.
2. If conducted via telephone, the Department will provide a telephone number prior to the hearing date.
3. If conducted via Microsoft Teams or similar platform, the Department will provide the link to the hearing prior to the hearing date.

(E) Appearances.

1. Any applicant or administrative authority may appear on their own behalf.
2. The applicant or administrative authority may be represented by an attorney who is licensed in Missouri.
3. All attorneys who appear in a representative capacity on behalf of the applicant or administrative authority must file written notice of appearance setting forth:
   A. The name, address, telephone number, email address, and Missouri Bar number of the attorney(s); and
   B. The name and address of the applicant or administrative authority represented.
4. An attorney may only withdraw their appearance upon written notice to the Department's hearing officer stating the reasons therefore and after permission from the hearing officer.

(F) In lieu of a hearing, upon the written agreement of both parties, both parties may submit written briefs for the review of the Department's hearing officer.

1. If the matter is to be submitted by written brief Department's hearing officer will set forth a scheduling order for the dates in which briefs shall be due.

(G) The burden shall be on the applicant to prove the denial was inconsistent with applicable laws and regulations.

(H) The administrative authority may present testimony, documents, or other evidence to rebut evidence presented by the applicant or their attorney.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than twenty three thousand thirty-one dollars ($23,031) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than seventy-four thousand one hundred fifty dollars ($74,150) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Health and Senior Services, Division of Regulation and Licensure, John Campbell, Onsite Wastewater Program, PO Box 570, Jefferson City, MO 65102-0570; or via email to onsiteprogram@health.mo.gov; or via facsimile to 573-526-5348 To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*