ALABAMA STATE COMMITTEE OF PUBLIC HEALTH
ALABAMA DEPARTMENT OF PUBLIC HEALTH
BUREAU OF ENVIRONMENTAL SERVICES
DIVISION OF COMMUNITY ENVIRONMENTAL PROTECTION
ADMINISTRATIVE CODE

CHAPTER 420-3-1
ONSITE SEWAGE TREATMENT AND DISPOSAL

420-3-1-.11 Easements Required.

(1) Easements or rights-of-way for underground utilities, roads, streets, thoroughfares, and easements for reservoirs and impoundments, and flood zones shall not be used in computing lot size or be used for placement of any part of an OSS/ EDS. An effluent line may be installed in an easement or right-of-way for an underground utility or road when the easement holder states in writing that there is no objection to such use of the easement.

(2) Easements or rights-of-way for overhead utilities may be utilized, if there is no other means of having the lot accommodate an OSS or make a system repair. The easement holders shall state in writing that there is no objection to such use of the easement.

(3) OSSs/EDSs, including REDFs, shall be located on the same lot as the dwelling/ establishment served unless, when approved by the LHD, an easement in perpetuity is recorded in the office of the Judge of Probate of the county in which the system is located. The easement shall be recorded prior to the issuance of a Permit to Install (Repair). Terms of the easement shall be sufficient for construction, operation, and continued repair and maintenance of the OSS/EDS until the system is abandoned per 420-3-1-.24 Abandonment of a Sewage Tank.

Author: Thad Pittman, Karen Bishop, Dillon Bullard, Leigh Salter, Patricia Lindsey, Matthew Conner, Ken Stephens, Bob Bright
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