

ST. TAMMANY PARISH COUNCIL
PROPOSE SUBSTITUTE ORDINANCE II

ORDINANCE CALENDAR NO: 7937 proposed substitute II ORDINANCE COUNCIL SERIES NO: 25-_____

COUNCIL SPONSOR: MR. COUGLE/MR. PHILLIPS PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____ SECONDED BY: _____

ON THE 2ND DAY OF OCTOBER, 2025

ORDINANCE TO AMEND THE PARISH CODE OF ORDINANCES, PART I, CHAPTER 40, ARTICLE XI. – SEWAGE FROM SEPTIC AND SLUDGE, TO RETAIN THE CURRENTLY ENACTED VERSION OF SEC. 40-330 AND ADD SEC. 40-335 PROVIDING FOR THE REGULAR SAMPLING AND TESTING OF PARISH DITCHES, CANALS, AND WATERWAYS.

WHEREAS, St. Tammany Parish has the largest number of individual sewerage systems in the State of Louisiana; and

WHEREAS, sewerage systems that are not maintained and functioning properly may cause significant adverse effects to human health and can cause broader environmental impacts if untreated or poorly treated sewage discharges into roadside ditches, canals and waterways; and

WHEREAS, in order to ensure the health, safety, and welfare of the residents of St. Tammany Parish and to protect its waterways, including the scenic rivers and streams, that make St. Tammany Parish a treasured place to live, work, play and raise a family, it is necessary to implement a program for the routine sampling and testing of parish ditches, canals, and waterways to ensure they are free of contamination from potential sewerage system discharge; and

WHEREAS, the St. Tammany Parish Code of Ordinances, Part I, Chapter 40, *et seq.* and La. R.S. 33:4064.1, *et seq.* grant authority to St. Tammany Parish Government, through the Department of Environmental Services, to protect public health and the environment through the provision and/or supervision of environmental services, in the unincorporated portion of the Parish of St. Tammany; and

WHEREAS, the goal of the sampling and testing program provided for herein is to prevent the pollution of our shared waterways from contamination associated with potential sewerage system discharge and other sources of pollution; and

WHEREAS, the St. Tammany Department of Environmental Service (“DES”) shall be responsible for developing, implementing and executing the sampling and testing program and to provide regular reports on the program to the Infrastructure Committee in a form and

frequency as defined by and agreed to by the Chair of the Infrastructure Committee and the Director of the DES; and

WHEREAS, the instant ordinance does not provide for any new penalties and, instead, relies upon existing laws which already permit certain inspections of private property and provide for penalties for failure to comply with the St. Tammany Parish Code of Ordinances; and

WHEREAS, the instant ordinance does not in any way alter the requirements concerning management of facilities and transfer of ownership found in Sec. 40-361 of the St. Tammany Parish Code of Ordinances; and

WHEREAS, the instant ordinance allows for a 60-day grace period after notice for property owners to work to bring their property into compliance with the St. Tammany Parish Code of Ordinances; and

WHEREAS, to promote transparency, DES will publish its test schedules and results and DES will further coordinate community meetings to make certain the public is aware of code compliance requirements relevant to this ordinance; and

WHEREAS, St. Tammany Parish Government will assist in the identification of potential grant funds which may be used by property owners to rectify sources of contamination; and

WHEREAS, the instant ordinance does not provide any new right or ability for St. Tammany Parish Government to seize private property.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Part I, Chapter 40 – Utilities, Article XI – Sewage from Septic and Sludge, be amended as follows, to wit:

Part I – CODE OF ORDINANCES

Chapter 40 – UTILITIES

Article XI. – SEWAGE FROM SEPTIC AND SLUDGE

Sec. 40-330. – Inspection of individual on-site sewage treatment systems.

The inspection of individual on-site sewage treatment systems will be conducted in accordance with the procedures set forth in the parish Ordinance No. 2445, Ordinance Calendar Series No. 02-0538.

* * *

Sec. 40-335. – Sampling and testing of ditches, canals and waterways.

- (1) There shall be established by the department a program for the regular sampling and testing of water contained in the ditches, canals, and waterways of the Parish where the department reasonably believes there has been sewage contamination. Said sampling and testing should primarily be focused on ditches, canals, and waterways where they enter the Parish and where they travel through, or adjacent to, residential portions of the Parish.

- (2) Program testing standards.
 - a. The department shall conduct all sampling and testing pursuant to standards which have been, or may be, promulgated by LDH and/or LDEQ for water safety, including but not limited to Louisiana Administrative Code Title 33, Part IX, Chapter 11 – Surface Water Quality Standards.

- (3) Procedure for positive tests.
 - a. In the event sampling and testing indicates a positive result for sewage contamination, the department shall use its best efforts to identify and designate a specific area as the potential source of said contamination.

 - b. The department shall place signs at intersections and/or door hangers on all residences in the identified area alerting residents of the potential contamination and providing the department's contact information for purposes of reporting any relevant concerns or information.

 - c. The department may conduct inspections pursuant to any and all procedures provided for in this Chapter to identify the source of contamination, and enforcement of all ordinances, including the assessment of any fine or penalty for a violation of same, shall be as provided for in this Part.

 - d. The department may accept any and all documents submitted by property owners and review the same as part of its determination of whether a property could be a source of contamination.

 - e. The owners of properties identified as a potential source of contamination may, at their election and expense, retain a third-party certified wastewater testing lab to sample any effluent discharging on/from their property and

verify treatment is within those parameters established by state and local laws and regulations. Property owners shall provide the department with all reports/test results generated by said third-party certified wastewater testing lab. For purposes of this section, in accordance with state regulations, a sample which exceeds 200/400 cfu (Colony-Forming Unit) per 100 ml based on geometric mean shall render the septic system non-compliant.

- i. Owners of said properties may also request the department conduct the sampling and testing of effluent on their property to determine if they are the source of contamination. The department shall attempt to use its current funding in order to offset the cost of any such sampling and testing. However, if no such funds are available the department shall notify the owner of same and the fee that will be required by the owner for the department to conduct sampling and testing.
- f. Once the department has determined the source of contamination, the owner of the subject property shall be provided sixty (60) days from the date of notice to provide evidence satisfactory to the department that their property is no longer the source of contamination.
- g. If a property owner fails to take action sufficient to prevent further contamination, they may be assessed fines and penalties as provided for in this Part.

(4) Maintenance of testing schedule and test results.

- a. The department shall maintain a schedule of testing dates and locations which shall be made available to the public on the parish government website. In addition, the department shall maintain the results of all testing for a period of time complying with St. Tammany Parish Government's document retention schedule.

Secs. 40-336 – 40-354. – Reserved.

REPEAL: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this ordinance are hereby declared severable.

EFFECTIVE DATE: This ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AN DRESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 6TH DAY OF NOVEMBER, 2025; AND BECOMES ORDINANCE COUNCIL SERIES NO. 25-.

JOE IMPASTATO, COUNCIL CHAIR

ATTEST:

KATRINA BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: _____, 2025

Published Adoption: _____, 2025

Delivered to Parish President: _____, 2025 at _____

Returned to Council Clerk: _____, 2025 at _____