

**Title: Mississippi State Department of Health**

**Part 15: Division of On-site Wastewater**

**Subpart 77: On-site Wastewater Regulations**

**Chapter 1. ADMINISTRATIVE**

Subchapter 1. General Provisions

Rule 1.1.1 **Legal Authority.** This regulation has been promulgated under the authority of and pursuant to the Mississippi Individual On-site Wastewater Disposal Law (**Section 41-67-1 through 41-67-41, Mississippi Code of 1972, Annotated**)

*Source: Miss Code Ann § 41-67-3*

Rule 1.1.2 **Definitions.** The terms in this Chapter apply as stated unless otherwise specified for an Individual On-site Wastewater Disposal System (IOWDS)

1. Administrative Fine – a fine imposed by the Department for violation(s) of statute(s), regulation(s) and order(s) of the Department
2. Affidavit (Exemption) – a sworn statement in writing by a Person to the State of Mississippi attesting that an IOWDS is installed and constructed in compliance with **Section 41-67-6(7)**
3. Affidavit (Installation) – a sworn statement in writing by a Certified Installer, Certified Professional Evaluator or Licensed Professional Engineer to the State of Mississippi attesting that an IOWDS is installed, constructed, repaired, or replaced and is in compliance with statutes, requirements, regulations, and permit conditions
4. Affidavit (Maintenance) – a sworn statement in writing by a property owner to the State of Mississippi agreeing to a continuing maintenance agreement on the installed Advanced Treatment System at the end of the required Certified Manufacturer’s maintenance agreement
5. Applicant – an owner, lessee or developer
6. Biochemical Oxygen Demand (BOD<sub>5</sub>) – a quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating biodegradable organic matter under aerobic conditions over a five (5) day incubation period; expressed in milligrams per liter (*mg/l*)

7. Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>) – a quantitative measure of the amount of oxygen consumed by bacteria while stabilizing, digesting, or treating biodegradable organic matter under aerobic conditions over a five (5) day incubation period while in the presence of a chemical inhibitor to block nitrification; expressed in milligrams per liter (*mg/l*)
8. Commercial Application – notification by an Applicant to the Department prior to construction and submission of all required information, which is used by the Department to initiate the process to evaluate property for the suitability of multiple connections to an IOWDS or multiple IOWDS
9. Continuing Education Unit (CEU) – an educational course provided through the Department or other entities approved by the Department for the purpose of meeting continuing education and/or Professional Development Hours (PDH) required for the Certified Professional Evaluator/Environmentalist, Certified Installer, and Certified Pumper
10. Decentralized Wastewater Treatment System – a IOWDS and/or cluster wastewater disposal system used to treat, disperse, or discharge small volumes of wastewater, generally from dwellings and businesses that are located relatively close together. Decentralized systems in a particular management area or jurisdiction are managed by a common management entity or may be used by a commercial development consisting of fewer than ten (10) lots
11. Department of Environmental Quality – the Mississippi State Department of Environmental Quality, Office of Pollution Control
12. Design-based System – an IOWDS designed and installed in accordance with *Chapter 5: Design Standards*
13. Developer – a Person who develops real estate for residential or commercial use
14. Discharge – to pour forth, emit or release treated effluent on the surface of the property of the generator
15. Division – the Mississippi State Department of Health, Division of On-site Wastewater
16. Engineer-based System – an IOWDS designed by a Person meeting **73-13-23(1)** and submittal meeting *Chapter 2: Certification*
17. Feasibility Study – a written evaluation and analysis of the potential of a proposed project that is based on investigation and research by a Licensed Professional Engineer to give cost comparison between centralized or decentralized treatment and disposal and IOWDS

18. Fecal Coliform – indicator bacteria common to the digestive systems of warm-blooded animals that is cultured in standard tests to indicate either contamination from sewage or the level of disinfection; generally measured as number of colonies/ 100 *ml* or most probable number (MPN)
19. Federal Clean Water Act – federal legislation amended in 1972 to regulate discharges of pollutants into the water of the United States. It gave the *United States Environmental Protection Agency (EPA)* the authority to implement pollution control programs such as setting wastewater standards for industry. The Clean Water Act also continued requirements to set water quality standards for all contaminants in surface waters. The Act made it unlawful for any Person to discharge any pollutants from a point source into navigable waters, unless a permit was obtained under its provision
20. Functioning – an IOWDS that has no hydraulically overloaded soil conditions, seepage or discharge to the surface of the property of the generator
21. Failure – breakage, weakness, or defect that causes a malfunction in the treatment, distribution, disposal, or dispersal of effluent into the soil absorption field, or that causes a wash-out or disruption of the effluent disposal field as evidence by:
  - a. Surfacing or ponding of effluent at, over or around any component
  - b. Backing up of sewage within the residence or establishment
  - c. Contamination of ground or surface waters
22. Individual On-site Wastewater Disposal System – a sewage treatment and effluent disposal system that does not discharge into waters of the state, that serves only one (1) legal tract, that accepts only residential waste and similar waste streams maintained on the property of the generator, and this is designed and installed in accordance with the law and regulations of the Board
  - a. New – a Design-based IOWDS installed, inspected and documented by Final Approval
  - b. Operational – an IOWDS that is being utilized on a daily basis, including the day of inspection, with no evidence of treated effluent leaving the property nor partially treated effluent seeping to the surface
  - c. Non-operational – an IOWDS that is not in daily use, including the day of inspection
  - d. Repaired – an existing malfunctioning IOWDS that is operational but requires the restoration or installation of either a treatment or disposal portion

23. Malfunctioning – any IOWDS or component part that fails to operate as intended or not in compliance with regulation or state laws
24. Performance-based System – an IOWDS designed by a Licensed Professional Engineer to meet standards established to designate a level of treatment of wastewater that an IOWDS must meet, including, but not limited to Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), nutrient reduction and fecal coliform
25. Portable Toilet (Self-Contained) – a single or multi-unit toilet and holding tank combination system that is required to be collected, removed, transported and disposed by a Certified Pumper
26. Private Water Well – a deep hole or shaft sunk into the earth to obtain potable water for an individual lot, tract or parcel
27. Property of the Generator – land owned by or under permanent legal easement or lease to the generator in perpetuity to the generator, duly recorded in the courthouse
28. Quality Assurance – a program for the systematic monitoring and evaluation of the various aspects of the Department’s on-site wastewater program to ensure that standards of quality, laws and regulations are being met
29. Revocation – a permanent withdrawal of rights and privileges granted to the certified entity/Person for a minimum of two (2) years
30. Seeping – wastewater surfacing typically from an underground system as indicated by hydraulically overloaded soil conditions
31. Soil and Site Evaluation – the evaluation to determine if a property can support an IOWDS by use of a soil auger to a depth of five (5) feet to determine the soil texture, color, mottling and Seasonal High Water Table
32. Suspension – temporary withdrawal of rights and privileges granted to a certified entity/Person
33. Total Nitrogen – measure of the complete nitrogen content in wastewater including nitrate ( $\text{NO}_3^-$ ), nitrite ( $\text{NO}_2^-$ ), ammonia ( $\text{NH}_3^-$ ), ammonium ( $\text{NH}_4^+$ ), and organic nitrogen, expressed as *mg/l* of N; all these forms of nitrogen, (as well as nitrogen [ $\text{N}_2$ ]), can be biochemically converted from one form to another and are constituents of the nitrogen cycle
34. Total Phosphorous – sum of all forms of phosphorous in effluent

35. Total Suspended Solids – measure of all suspended solids in a liquid, typically expressed in *mg/l*; to measure, a well-mixed sample is filtered through a standard glass fiber filter and the residue retained on the filter is dried to a constant weight at 217 to 221 degrees F (103 to 105 degrees C); the increase in the weight of the filter represents the amount of total suspended solids
36. Variance – a written agreement between the Department and an Applicant that allows the Applicant to deviate from the rules and regulations of the Board
37. Violation – an act of defying the statues, regulations, orders of the Board, permit conditions or certification standards
38. Wastewater Advisory Council – a group of members who meet with the Department for providing advice on IOWDS
39. Water – public or private waters used for recreation (swimming, skiing, fishing), shellfish harvesting, potable water intake or other situations where people are likely to come into contact with the water
40. Watercourse – any natural lake, river, creek, cut, or other natural body of fresh water or channel having definite banks and bed with visible evidence of the flow or occurrence of water, except such lakes without outlet to which only one (1) landowner is riparian

*Source: Miss Code Ann § 41-67-3*

## Subchapter 2. Treatment and Disposal Requirement

- Rule 1.2.1 **Connection.** All places where person(s) reside, are employed and/or congregate there shall be a sanitary method for disposal of all human excreta and other liquid waste
1. Where a Centralized Wastewater Treatment System is available, all places shall have a properly constructed connection to the centralized wastewater treatment system which all human excreta and other liquid waste shall be disposed
  2. Where a Centralized Wastewater Treatment System is not available, all human excreta and other liquid waste shall be disposed of into a properly constructed and maintained IOWDS
  3. No such system shall be allowed to discharge in a manner, which will jeopardize public health, welfare or the environment

*Source: Miss Code Ann § 41-67-3*

Rule 1.2.2 **Maintenance.** All IOWDS require periodic maintenance in accordance with the Certified Manufacturer's requirements in accordance with **41-67-10**. All Advanced Treatment Systems must comply with **41-67-7(5)**

*Source: Miss Code Ann § 41-67-3*

### Subchapter 3. Department Staff

Rule 1.3.1 **Responsibility.** The Division, Environmental Health Program Specialist, District Environmentalist, Regional Environmentalist, Environmentalist and Environmentalist Trainee must comply with the following:

1. Division
  - a. Attend and conduct all training courses
  - b. Provide necessary regulations, forms, documents, and evaluations to determine the suitability of property for an IOWDS and enter the data in the wastewater computer program
  - c. Provide or deny certifications or registrations issued to Certified Manufacturers, Certified Professional Evaluators, Certified Installers and Certified Pumpers
  - d. Suspend or revoke certifications for Certified Manufacturers, Certified Professional Evaluators, Certified Installers and Certified Pumpers
  - e. Review and approve the submittal for all designs submitted by Certified Professional Evaluators or Licensed Professional Engineers
  - f. Coordinate and provide initial certification, continuing education and training for Certified Professional Evaluators, Certified Installers and Certified Pumpers of IOWDS as outlined in *Chapter 2: Certification*
  - g. Review submissions and requirements for registration of all specified manufactured wastewater products
  - h. Promulgate rules and regulations for Design and Performance-based Systems
  - i. Determine the feasibility of Centralized Wastewater Treatment System for developments
  - j. Develop and implement policy and procedures
  - k. Provide technical assistance

- l. Coordinate training, continuing education and determine competency of Environmentalist
  - m. Monitor commercial development/establishments and Performance-based System evaluations, document findings and enter in the wastewater computer program
  - n. Review, inspect and approve/disapprove Performance-based Systems and enter appropriate data related to system into wastewater computer program
  - o. Inspect, approve/disapprove all IOWDS prior to issuance of Final Approval
  - p. Monitor Districts/Counties and Certified Professional Evaluators through the Quality Assurance program implemented by the Division
  - q. Ensure computer data is accurate and updated for all certifications and registrations
  - r. Conduct field evaluations on all designs submitted by Certified Professional Evaluators or Licensed Professional Engineers
  - s. Conduct field inspections on all specified manufactured wastewater products, as deemed necessary
  - t. Schedule with Hearing Officer within ten (10) working days on all enforcement proceedings for Certified Manufacturers and Certified Professional Evaluators
  - u. Perform Quality Assurance for Environmentalist and Certified Professional Evaluators
2. District Environmentalist
- a. Attend all training courses as outlined by the Division
  - b. Demonstrate to the Department that **41-67-19** is satisfactorily met
  - c. Provide supervision over Environmentalist(s) to ensure the design, construction, installation and approval of an IOWDS
  - d. Suspend or revoke certifications for Certified Installers and Certified Pumpers
  - e. Inspect, and/or designate inspections of, Certified Pumper's vehicle(s)

- f. Verify all information needed prior to performing the Soil and Site Evaluation
  - g. Ensure that Environmentalist are recommending all approvable options
  - h. Demonstrate competency as a Certified Professional Evaluator
  - i. Ensure that all regulations are applied uniformly in their area of the State
  - j. Monitor and enter all referred encounters and complaints into the wastewater computer program
  - k. Ensure or perform the Soil and Site Evaluation within five (5) working days of receiving a completed Notice of Intent
  - l. Ensure or process the Permit/Recommendation within ten (10) working days of the completed Notice of Intent
  - m. Inspect, approve/disapprove all Design-based Systems prior to issuance of Final Approval
  - n. Schedule a hearing within the required ten (10) working days on all enforcement proceedings for Certified Installer and Certified Pumper
  - o. Report findings of all enforcement proceedings for Certified Installer or Certified Pumper to the Division
  - p. Attend a minimum of four (4) hours of Continuing Education Units endorsed by the Division in a calendar year to maintain certification
3. Regional Environmentalist
- a. Attend all training courses as outlined by the Division
  - b. Demonstrate to the Department that **41-67-19** is satisfactorily met
  - c. Provide supervision over Environmentalist(s) to ensure the design, construction, installation and approval of an IOWDS
  - d. Issue notice to suspend or revoke certifications for Certified Installers and Certified Pumpers
  - e. Inspect, or designate inspections, of Certified Pumper's vehicle(s)
  - f. Verify all information needed prior to performing the Soil and Site Evaluation

- g. Ensure that Environmentalist are recommending all approvable options
  - h. Coordinate with the District Environmentalist on all enforcement issues
  - i. Ensure that all regulations are applied uniformly in their area of the State
  - j. Monitor and/or enter, all referred encounters or complaints into the wastewater computer program
  - k. Ensure or process the Soil and Site Evaluation within five (5) working days of receiving a complete Notice of Intent
  - l. Ensure or process the Permit/Recommendation within ten (10) working days of the completed Notice of Intent
  - m. Inspect, approve/disapprove all Design-based Systems prior to issuance of Final Approval
  - n. Attend a minimum of four (4) hours of Continuing Education Units endorsed by the Division in a calendar year to maintain certification
4. Environmentalist
- a. Attend all training courses as outlined by the Division
  - b. Demonstrate to the Department that **41-67-19** is satisfactorily met
  - c. Ensure the design of an IOWDS can be installed and approved
  - d. Issue notice to suspend or revoke certifications for Certified Installers and Certified Pumpers
  - e. Inspect Certified Pumper's vehicle(s)
  - f. Verify all information needed prior to performing the Soil and Site Evaluation
  - g. Investigate complaints and enforce all applicable statutes, regulations, and certification violation for the Certified Installer and Certified Pumper
  - h. Coordinate with the Regional Environmentalist on all enforcement issues
  - i. Perform the Soil and Site Evaluation within five (5) working days of the submittal of a completed Notice of Intent

- j. Process the Permit/Recommendation within ten (10) working days of completing the Soil and Site Evaluation
  - k. Inspect, approve/disapprove all Design-based Systems prior to issuance of Final Approval
  - l. Initiate all wastewater complaints received within forty-eight (48) hours
  - m. Monitor and/or enter, all environmental health related encounters and complaints into the wastewater computer program
  - n. Attend a minimum of four (4) hours of Continuing Education Units endorsed by the Division in a calendar year to maintain certification
5. Environmentalist Trainee
- a. Attend all training courses as outlined by the Division
  - b. Demonstrate to the Department that **41-67-19** is satisfactorily met
  - c. Perform all Soil and Site Evaluations, existing inspections, collect water samples, and investigate wastewater complaints with Regional/District Environmentalist under the probationary status
  - d. Demonstrate competency as an Environmentalist/Certified Professional Evaluator

*Source: Miss Code Ann § 41-67-3*

#### Subchapter 4. Applicant

Rule 1.4.1 **Responsibilities.** All Applicants must comply with the following:

1. Submitting a Notice of Intent to the Department prior to constructing or placing any mobile, modular or permanently constructed residence, building or facility, which may require the installation of an IOWDS
2. Submit the Permit/Recommendation, for a water service connection (water meter) which is an approved plan for a sewage treatment and disposal system
3. Select an IOWDS to be installed and approved from the option(s) listed on the Permit/Recommendation form
4. Provide the following to the Department after the chosen IOWDS has been installed and inspected:

- a. Signed and dated Affidavit (Installation) or if eligible, Affidavit (Exemption)
- b. Signed and dated Affidavit (Maintenance), for an Advanced Treatment System only
- c. Fee (Final Approval)

*Source: Miss Code Ann § 41-67-3*

#### Subchapter 5. New System

Rule 1.5.1 **Prohibited Uses.** Any waste stream that is non-typical residential in its constituents shall be referred to the Mississippi Department of Environmental Quality, Office of Pollution Control

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.2 **Temporary Use.** Any IOWDS can be installed through Notice of Intent procedure in an area where the Department has written proof from the providing entity that a connection to Centralized Wastewater Treatment System will be available with thirty-six (36) months. Upon completion of the Centralized Wastewater Treatment System, all temporary use systems must be properly abandoned.

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.3 **Notice of Intent.** Prior to construction or placement of any mobile, modular, or permanently constructed residence which may require the installation of a single residential IOWDS and the need for a “new” water meter or drilling of a “new” private water well, the Applicant shall completed the Notice of Intent and provide the following to the Department:

1. Legal description
2. Plot Plan (plat)
3. Fee

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.4 **Soil and Site Evaluation.** An Environmentalist will perform an evaluation in accordance with *Chapter 4: Soil and Site Evaluation*

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.5 **Permit/Recommendation.** Following the Soil and Site Evaluation, the Department will provide a document that indicates a specific type(s) of IOWDS available in order for the Applicant to make an informed decision for meeting a minimum standard of proper treatment and disposal. The Permit/Recommendation is nontransferable and will be valid for one (1) year. The Permit/Recommendation shall be made null and void by the Department if extensive grading occurs or if site/dwelling deviates from the originally submitted Plot Plan (plat).

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.6 **IOWDS Classifications.** All residential IOWDS must comply with one (1) of the following:

1. Design-based. An IOWDS that meets the following:
  - a. Treatment
    - i. Septic Tank
    - ii. Advanced Treatment System
  - b. Disposal
    - i. Aggregate
    - ii. Aggregate Replacement
    - iii. Elevated Sand Mound
    - iv. Drip Irrigation
    - v. Spray Irrigation (disinfected)
    - vi. Overland Discharge (disinfected)
    - vii. Non-water borne
2. Engineer-based. An IOWDS that meets the following:
  - a. Design-based
  - b. Performance-based
3. Performance-based. An IOWDS that is certified by a Licensed Professional Engineer to meet the following minimum effluent standards:

- a. BOD<sub>5</sub> – 10 mg/l
- b. TSS – 10 mg/l
- c. PO<sub>4</sub>-P – 15 mg/l
- d. NH<sub>4</sub>-N – 10 mg/l
- e. Fecal Coliform – 10,000 cfu/1000 ml
- f. All IOWDS effluent must comply with either the minimum effluent standards unless background water quality is a higher number than these levels. In this case, the background level will become the standard of performance
- g. Background water levels and IOWDS effluent must be sampled in accordance with Department guidelines. (To be forthcoming)

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.7 **Inspection.** All IOWDS which requires a Final Approval must be evaluated and if mechanical, operated to determine the compliance with the applicable regulations

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.8 **Passed Inspection.** All IOWDS must be installed in compliance with the applicable rules and regulations from *Chapter 1: Administrative, Chapter 2: Certification* and *Chapter 5: Design Standards* or reviewed and found to be in compliance with Engineer or Performance-based System

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.9 **Failed Inspection.** All IOWDS not meeting the requirements of the regulations must be inspected until passed by the Environmentalist. A fee will be charged for each inspection.

*Source: Miss Code Ann § 41-67-3*

Rule 1.5.10 **Approval.** The following documentation shall be collected by the Environmentalist prior to issuance of the Final Approval to the Applicant:

- 1. Inspection (Form 305)
- 2. Affidavit (Installation)

3. Affidavit (Maintenance), for an Advanced Treatment System only
4. Fee

Subchapter 6. Existing System

Rule 1.6.1 **Classifications.** All IOWDS installed prior to July 1, 2014, shall be grandfathered in until a substantiated complaint is registered or until the property owner requests an inspection

1. Operational
2. Non-operational

*Source: Miss Code Ann § 41-67-3*

Rule 1.6.2 **Inspection.** An existing IOWDS will be evaluated based on a request from the Applicant, a substantiated complaint or Medical Exception is received by the Department. All Advanced Treatment Systems must be inspected by a Certified Manufacturer's authorized representative and appropriate inspection forms or proof of continuous maintenance agreement must be submitted.

1. Operational
  - a. Environmentalist shall make a diligent effort to locate the treatment and disposal area as shown on the Existing System – Application
  - b. If there is no evidence of treated effluent leaving the property, nor partially treated effluent seeping to the surface, an Acceptance will be issued to the Applicant
2. Non-operational
  - a. A Permit/Recommendation will be provided to the Applicant

*Source: Miss Code Ann § 41-67-3*

Rule 1.6.3 **Failed Inspection.** For any IOWDS which has evidence of treated effluent leaving the property, or partially treated effluent seeping to the surface, the Applicant shall be issued a letter stating the violation with options for repair. If replacement is required, a Permit/Recommendation will be issued

*Source: Miss Code Ann § 41-67-3*

Rule 1.6.4 **Approval.** All IOWDS in need of repair that requires approval, must meet the following requirements by upgrading either treatment or disposal:

1. Reduce the volume of effluent
2. Adequately treat the effluent
3. Confine the discharge to the property of the generator

*Source: Miss Code Ann § 41-67-3*

Rule 1.6.5 **Replacement.** Any malfunctioning IOWDS that will require the installation of both treatment and disposal will require the Applicant to comply with *Subchapter 5. New System*

Subchapter 7. Exception, Exemption and Variance

Rule 1.7.1 **Medical Exception.** A temporary connection made to an operational existing system, provided the flow is not projected to increase significantly and the residence is removed on the date specified in the doctor's statement

*Source: Miss Code Ann § 41-67-3*

Rule 1.7.2 **Exemption.** Utilization of the exemption by the Applicant, requires the following:

1. Applicant must attest that a single residence will be placed on a single two (2) - acre or larger tract of land during the Notice of Intent process and must acknowledge that they have been informed the following entities may require the Department's Final Approval:
  - a. Board of Supervisor (Ordinance)
  - b. Water Supplier/Association (Bylaws and/or Water User's Agreement)
  - c. Lending Institution
  - d. Utility Authority
  - e. Others (subdivision covenants, etc)

*Source: Miss Code Ann § 41-67-3*

Rule 1.7.3 **Variance.** Applicant may request the review of a Permit/Recommendation which indicates no Design-based IOWDS can be authorized for installation or if the Applicant disagrees with Permit/Recommendation made by the Department

1. Applicant must write and submit a letter to the Director of Office of Environmental Health requesting a review of the property to determine if the current rules and regulations of the Department have created an unforeseen hardship. The following must be included:
  - a. Name and mailing address
  - b. Telephone number and/or email address
  - c. Copy of the Permit/Recommendation
  
2. Applicant must write and submit a letter to the Director of the Division of On-site Wastewater requesting a review of the design. The following must be included:
  - a. Name and mailing address
  - b. Telephone number and/or email address
  - c. Copy of the Permit/Recommendation
  - d. Copy of the report from the Licensed Professional Engineer for a proposed IOWDS that will properly treat and maintain wastewater on the property
  - e. Copy of the Licensed Professional Engineer's errors and omissions insurance

*Source: Miss Code Ann § 41-67-3*

#### Subchapter 8. Hearing and Appeal Procedure

Rule 1.8.1 **Hearing.** Any Applicant who has been denied an approval or whose property has been declared unsuitable for recommendation of any wastewater disposal system or who has been charged with a violation of this regulation can request a district hearing in writing within ten (10) days of notification of the denial or violation. A hearing will be scheduled within ten (10) calendar days after the request has been filed. The appellant will be notified in writing of the decision of the District Hearing Officer

*Source: Miss Code Ann § 41-67-3*

Rule 1.8.2     **Appeal.** The appellant shall have the right to appeal an unfavorable decision to the State Health Officer in writing within ten (10) days of notification of results of the district-level hearing. A hearing will be scheduled within thirty (30) calendar days after the request has been filed. The decision of the State Health Officer or his/her designee as Hearing Officer will be based solely on the oral, written and documentary evidence presented. The appellant will be notified in writing of the decision

*Source: Miss Code Ann § 41-67-3*

Rule 1.8.3     **Further Appeal.** Any Person who is aggrieved by any final decision of the Board may appeal that final decision to the Chancery Court of the county of the situs in whole or in part of the subject matter. No individual may file a petition for judicial review with a court of competent jurisdiction until a final written decision and order have been issued by the Department

*Source: Miss Code Ann § 41-67-3*