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DIVISION 1

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TITLE VI - WATER AND SEWAGE

DIVISION 1

SEWAGE AND ONSITE WASTEWATER TREATMENT

CHAPTER 1

GENERAL REQUIREMENTS

611-1. PURPOSE AND FINDINGS.

The Board of Supervisors finds that in urban areas of the County the most appropriate means of sewage treatment is the public sewer system. The Board further finds that, in the rural lands of the County, the dispersal or leach field method of sewage treatment is the most appropriate means of sewage treatment and is to be considered a permanent means. (Ord. 945, § 1, 10/2/73; Ord. 2584, § 1, 11/07/2017)

The Board of Supervisors enacts this division for the management of sewage treatment systems in the County in order to promote the health, safety, and well-being of the inhabitants of this County by providing to them a means to prevent water pollution, nuisances, and threats to public health. (Ord. 2584, § 1, 11/07/2017)

In addition, this division is intended to bring Humboldt County into compliance with the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* and applicable policies and regulations of the State Water Resources Control Board. (Ord. 2584, § 1, 11/07/2017)

This division shall apply to all territory embraced within the unincorporated area of the County of Humboldt, State of California. Ord. 2584, § 1, 11/07/2017)

611-2. DEFINITIONS.

(a) Abandoned Onsite Wastewater Treatment System. "Abandoned onsite wastewater treatment system" means an onsite wastewater treatment system of which use has been discontinued with the intent of never resuming such use. Nonuse of such a system for a period of one (1) year shall be prima facie proof of such intent. (Ord. 2584, § 1, 11/07/2017)

(b) Building and Place. "Building" or "place" means any residence, place of business, or other building or place where persons reside, congregate, or are employed. (Ord. 2584, § 1, 11/07/2017)

(c) Cesspool. "Cesspool" means an excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools do not have septic tanks. (Ord. 2584, § 1, 11/07/2017)

(d) Dispersal System. "Dispersal system" means a leachfield, mound, at-grade, subsurface drip field or other type of system for final wastewater treatment and subsurface discharge. (Ord. 2584, § 1, 11/07/2017)

(e) Graywater. "Graywater" means untreated wastewater that has not been contaminated by any toilet discharge; has not been affected by infectious, contaminated, or unhealthy bodily wastes; and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater as defined above has the same meaning as "gray water," "grey water," and/or "greywater." (Ord. 2584, § 1, 11/07/2017)

(f) Grease Interceptor. "Grease interceptor" means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge. (Ord. 2584, § 1, 11/07/2017)

(g) Health Officer. "Health Officer" means the Humboldt County Health Officer or his/her authorized representative or designee. (Ord. 2584, § 1, 11/07/2017)

(h) Onsite Wastewater Treatment System or OWTS. "Onsite wastewater treatment system(s)" or "OWTS" means a water-carried system for the sanitary, safe, and nuisance-free receipt and treatment of sewage and wastewater. OWTS may also be referred to or known as a septic system, sewage treatment system, or sewage disposal system. The short form of the term may be singular or plural. (Ord. 2584, § 1, 11/07/2017)

(i) Onsite Wastewater Treatment System Failure or OWTS Failure. "Onsite wastewater treatment system failure" or "OWTS failure" includes, but is not limited to, the following: (Ord. 2584, § 1, 11/07/2017)

(1) Surfacing of effluent with the bacteriological or chemical characteristics of sewage. (Ord. 2584, § 1, 11/07/2017)

(2) Sluggish or inoperative plumbing fixtures. (Ord. 2584, § 1, 11/07/2017)

(3) The flow or seepage of effluent from an onsite wastewater treatment system into surface or subsurface waters. (Ord. 2584, § 1, 11/07/2017)

(j) Pit Privy. "Pit privy" means a self-contained waterless toilet used for disposal of non-water carried human waste; consists of a shelter built above a pit in the ground into which human waste falls. Also known as an outhouse or pit-toilet. (Ord. 2584, § 1, 11/07/2017)

(k) Public Nuisance. "Public nuisance" means anything which:

(1) Is injurious to health or well-being, or is indecent or offensive to the senses, or is an obstruction to the free use of the land space, or interferes with the comfortable enjoyment of life or environment; or (Ord. 2584, § 1, 11/07/2017)

(2) Affects at the same time the occupants of one (1) or more habitable units of a community or neighborhood, or any considerable number of persons, although the extent of the annoyance, damage, injury, offense, obstruction or interference inflicted upon individuals may be unequal; or (Ord. 2584, § 1, 11/07/2017)

(3) Any condition, action, or use defined in § 351-3. (Ord. 2584, § 1, 11/07/2017)

(l) Public Sewer. "Public sewer" means a common sewer system operated by a public entity. (Ord. 2584, § 1, 11/07/2017)

(m) Public Water System. "Public water system" means a water system regulated by the State Water Resources Control Board or a Local Primacy Agency pursuant to the California Safe Drinking Water Act, Chapter 12, Part 4, Section 116275(h) of the California Health and Safety Code. (Ord. 2584, § 1, 11/07/2017)

(n) Qualified Professional. "Qualified Professional" means a Registered Civil Engineer, Registered Environmental Health Specialist, Professional Geologist, or Certified Soil Scientist who has experience designing standard or non-standard onsite wastewater treatment systems. (Ord. 2584, § 1, 11/07/2017)

(o) Repair. "Repair" means any alteration and/or replacement of any dispersal system component or tank of an onsite wastewater treatment system as a result of system failure. (Ord. 2584, § 1, 11/07/2017)

(p) Seepage Pit. "Seepage pit" means a drilled or dug excavation, three to six feet in diameter, which receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal. (Ord. 2584, § 1, 11/07/2017)

(q) Septic Tank. "Septic tank" means a watertight, covered receptacle designed for primary treatment of wastewater and constructed to: (Ord. 2584, § 1, 11/07/2017)

- (1) Receive wastewater discharged from a building; and
- (2) Separate settleable and floating solids from the liquid; and
- (3) Digest organic matter by anaerobic bacterial action; and
- (4) Store digested solids; and
- (5) Clarify wastewater for further treatment with final subsurface discharge.

(r) Sewage. "Sewage" means any substance, liquid or solid, which is classified as a waste product of human occupation and may be injurious or dangerous to health, and which contains or may be contaminated with human or animal excrement, offal, or feculent matter. Sewage may be synonymous with "wastewater" and/or "liquid waste". (Ord. 2584, § 1, 11/07/2017)

(s) Sewage Treatment System. "Sewage treatment system" means a system for the sanitary, safe, and nuisance-free receipt and treatment of sewage or waste other than a public sewer. (Ord. 2584, § 1, 11/07/2017)

(t) Vault. "Vault" means an enclosed receptacle for the receipt and temporary storage of wastewater, such as, but not limited to, grease interceptors, grease traps, chemical toilets, vault toilets, and holding tanks. (Ord. 2584, § 1, 11/07/2017)

(u) Waste. "Waste" means any and all waste substances, liquid, solid or gaseous, associated with any producing, manufacturing, processing or commercial operation, of whatever nature, which substances are not further used by the entity producing, manufacturing, processing or commercial operation. (Ord. 2584, § 1, 11/07/2017)

(v) Waste Well. "Waste well" means any hole in the ground used or intended to be used for the disposal of sewage, liquid waste, or wastewater. (Ord. 945, § 2, 10/2/73; Ord. 2584, § 1, 11/07/2017)

611-3. APPROVED SEWAGE TREATMENT SYSTEM REQUIRED.

No person shall construct, reconstruct, repair, maintain, use or occupy any building or place which is not provided with a sewage treatment system approved by the Health Officer or with a connection to a public sewer. (Ord. 945, § 3, 10/2/73; Ord. 2584, § 1, 11/07/2017)

611-4. SEWER CONNECTION REQUIRED.

(a) Connection Required. Every building or place which is within 300 feet of an approved public sewer shall be connected to the public sewer by the owner in accordance with and subject to requirements and/or conditions set forth by the public sewer authority. A separate connection for each building or place may be required. The measurement of the 300 feet shall start at a point where the public sewer authority's jurisdiction terminates and continue to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than 1,000 feet from the public sewer line. (Ord. 2584, § 1, 11/07/2017)

(b) Large Flow Situations. Multiple family units, mobilehome park, commercial establishments, motels, hotels, subdivision and minor subdivisions, and other buildings or places creating a large flow of sewage or waste may be required by the Health Officer to connect from distances greater than 300 feet. In requiring connections from greater distances, the Health Officer shall consider for the long term the following:

- (1) The intent and purpose of this division.
- (2) Effect on the General Plan, the Zoning Title and the Open Space Plan.
- (3) Potential nuisance creation.
- (4) Quantity of sewage flow.
- (5) Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage treatment systems. (Ord. 2584, § 1, 11/07/2017)
- (6) Such other factors as the Health Officer deems appropriate.

(c) Failed Systems. In instances of an onsite wastewater treatment system failure as defined in § 611-2(I), where site conditions preclude the installation of a reliable onsite wastewater treatment system replacement, the Health Officer may require connection to an approved public sewer from a distance of up to 1,000 feet. (Ord. 2584, § 1, 11/07/2017)

(d) Pump Required. In the event a person required by this section to connect to a public sewer does not have gravity flow to the public sewer, he/she shall be required to install and maintain a sump pump at his/her own expense at the time of the hookup. Such installation shall be subject to the regulations of the entity operating the public sewer. (Ord. 2584, § 1, 11/07/2017)

(e) Easements. This Board will assist any individual required under this section to connect to a public sewer in attempting to acquire any easements which may be necessary to allow for the most direct connection to the public sewer. (Ord. 2584, § 1, 11/07/2017)

(f) Permit Procedures. Permit procedures, inspection procedures; and materials related to connection to a public sewer shall be in accordance with the specifications of the public entity operating the public sewer.

(g) Connection to Public Sewers. All points of wastewater discharge from the building or place subject to the provisions of this section shall be connected to the public sewer. (Ord. 2584, § 1, 11/07/2017)

(h) Waterless Toilet Permits. Notwithstanding the above, the Health Officer may permit the installation and use of waterless toilets as described in Chapter 5 of this division. (Ord. 945, § 4, 10/2/73; Ord. 1275, § 1, 9/12/78; Ord. 1338, § 1, 7/10/79; Ord. 2584, § 1, 11/07/2017)

611-5. MAINTENANCE OF ONSITE WASTEWATER TREATMENT SYSTEMS.

(a) The owner of an onsite wastewater treatment system shall comply with the operational and maintenance requirements specified on the approved permit application. In addition, the owner of a non-standard onsite wastewater treatment system shall comply with Chapter 6 of this division. (Ord. 2584, § 1, 11/07/2017)

(b) The operator of a dual-field dispersal system shall alternate the field annually or at times specified by the Health Officer. (Ord. 2584, § 1, 11/07/2017)

(c) Unless otherwise specified by the Health Officer, septic tanks shall be pumped at least once every seven (7) years. (Ord. 945, § 7, 10/2/73; Ord. 2584, § 1, 11/07/2017)

611-6. ABANDONED ONSITE WASTEWATER TREATMENT SYSTEMS.

(a) Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five feet (5') of the property line.

(b) Every abandoned septic tank shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete or other approved material. The cover of the septic tank shall be removed before filling. The filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until an inspection has been completed by the Health Officer. After such inspection by the Health Officer, the septic tank shall be filled to the level of the top of the ground. (Ord. 2584, § 1, 11/07/2017)

(c) No person owning or controlling any septic tank shall fail, refuse, or neglect to comply with the provisions of this section upon receipt of notice from the Health Officer.

(d) Where an onsite wastewater treatment system is abandoned consequent to connecting with the public sewer, the property owner or his/her authorized representative making the connection shall fill the abandoned septic tank as required by the Health Officer within thirty (30) days from the time of connecting with the public sewer. (Ord. 945, § 10, 10/2/73; Ord. 2584, § 1, 11/07/2017)

611-11. SITE EVALUATIONS.

(a) The Health Officer may make inspection of a site to determine the potential suitability of the property for an onsite wastewater treatment system or to verify site evaluation information submitted by a Qualified Professional. The Health Officer may require that he/she be present along with the Qualified Professional conducting a site evaluation. The Health Officer shall issue a report on the inspection findings to the property owner or his/her authorized representative. The report shall not constitute approval for the issuance of the onsite wastewater treatment system permit or guarantee of such issuance. (Ord. 2351, § 18, 12/06/2005; Ord. 2584, § 1, 11/07/2017)

(b) Each application for inspection of a site shall be accompanied by a fee set by resolution or ordinance of the Board of Supervisors in an amount sufficient to cover costs. When inspection of more than one site is requested, the fee shall be charged for each site. (Ord. 945, § 15, 10/2/73; Ord. 2351, § 18, 12/06/2005; Ord. 2584, § 1, 11/07/2017)

611-12. SUBDIVISIONS AND LOT LINE ADJUSTMENTS.

(a) For any proposed subdivision or applicable lot line adjustment which will not be connected to a public sewer, the Health Officer shall require site specific onsite wastewater treatment system designs for each proposed parcel before recommendations are presented to the Planning Commission. The onsite system design for each proposed parcel shall be prepared from a site evaluation conducted by a Qualified Professional as defined in § 611-2(n). (Ord. 2584, § 1, 11/07/2017)

(b) Such designs shall recognize that the onsite wastewater treatment demands of any particular subdivision cannot be analyzed without reference to the onsite wastewater treatment demands of the land surrounding the subdivision. (Ord. 2584, § 1, 11/07/2017)

(c) Such designs shall recognize that the proposed onsite wastewater treatment systems of the subdivision must be viewed as a single system for purposes of analysis. The Health Officer may require that a cumulative impact study of the effects of wastewater discharge be conducted. (Ord. 2584, § 1, 11/07/2017)

(d) Such designs shall be consistent with all the provisions of this division and regulations issued by the Health Officer. (Ord. 2584, § 1, 11/07/2017)

(e) Such designs shall include provisions to meet sewage treatment demands over the long term. (Ord. 2584, § 1, 11/07/2017)

(f) Such designs shall require the approval of the Health Officer. (Ord. 2584, § 1, 11/07/2017)

(g) The designs shall be accompanied by a fee estimate to cover the expenses incurred by the County in reviewing the designs. The fee shall be set by resolution or ordinance of the Board of Supervisors. In the event that the actual costs are less than the fee deposited, the balance shall be returned. In the event the actual costs are greater than the fee deposited, the subdivider shall pay to the County the excess of the actual costs over the amount of the fee deposited. (Ord. 945, § 16, 10/2/73; Ord. 2351, § 14, 12/06/2005; Ord. 2584, § 1, 11/07/2017)

CHAPTER 2

REGULATIONS AND ADMINISTRATION

612-1. REGULATIONS.

(a) The Health Officer shall issue such regulations as he/she deems necessary to carry out the provisions of this division.

(b) Any such regulations issued by the Health Officer shall:

(1) Comply with current State laws, regulations, and policies.
(Ord. 2584, § 2, 11/07/2017)

(2) Be consistent with the intent and purpose of this division.
(Ord. 2584, § 2, 11/07/2017)

(3) Recognize the most current technical information relevant to the provisions of this division. (Ord. 2584, § 2, 11/07/2017)

(4) Provide for exceptions where a strict application of this division or local regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question. (Ord. 2584, § 2, 11/07/2017)

(5) Be designed to minimize and eliminate public nuisance hazards or the potential thereof. (Ord. 2584, § 2, 11/07/2017)

(6) Recognize that any single onsite wastewater treatment system is in reality a subunit of a larger wastewater treatment system comprised of numerous subunits. (Ord. 2584, § 2, 11/07/2017)

(c) Regulations issued by the Health Officer under this division shall become effective when filed with the County Clerk.

(d) Regulations issued under this division may be amended by the Health Officer from time to time by filing such amendments with the County Clerk; amendments shall become effective when filed.

(e) Regulations issued under this division shall be available to the public on-line free of charge or in booklet form for a fee to be determined by the Board of Supervisors. (Ord. 945, § 18, 10/2/73; Ord. 2584, § 2, 11/07/2017)

612-2. PERMITS.

(a) Permit Required. No person shall construct, modify, repair, replace, abandon, or excavate for any kind of onsite wastewater treatment system or any portion thereof without having first obtained a permit to do so from the Health Officer. (Ord. 2584, § 2, 11/07/2017)

(b) Applications.

(1) Each application for a permit to construct, modify, repair, replace, abandon, or excavate for any kind of onsite wastewater treatment system is to be made on a form provided by the Health Officer. (Ord. 2584, § 2, 11/07/2017)

(2) A separate application is required for each onsite wastewater system proposed. In cases where multiple OWTS are proposed for the same parcel, a separate application is required for each. (Ord. 2584, § 2, 11/07/2017)

(3) The information which the applicant is required to present includes, but is not limited to, the following information: (Ord. 2584, § 2, 11/07/2017)

A. Name, address and telephone number(s) of the applicant and the owner of the property, and their agents, if any, on which the building or place to be served by the onsite wastewater treatment system is located. (Ord. 2584, § 2, 11/07/2017)

B. Location of the property, the Assessor's parcel number, directions to the site, and any site accessibility restrictions. (Ord. 2584, § 2, 11/07/2017)

C. A scale map of the lot showing: Appropriate landmarks; steep slopes; roads; surveyor's landmarks; lot dimensions; existing and proposed easements for road or utility purposes; wells, waterbodies or drainage swales; and existing, proposed, or abandoned onsite wastewater treatment systems. (Ord. 2584, § 2, 11/07/2017)

D. A scaled site plan or detail of the proposed project showing the area of the work, the average cross slope, the structure(s) served, and all items in C (above) within one hundred fifty feet (150') of the project. (Ord. 2584, § 2, 11/07/2017)

E. The intended use or uses of the property.

F. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided.

G. Soils testing information from a site evaluation performed by a Qualified Professional, including wet weather ground water elevations and percolation test results as required by the regulations issued by the Health Officer, as referenced in § 612-1(a). (Ord. 2584, § 2, 11/07/2017)

H. The source or purveyor of domestic water.

I. Plans and specifications for the proposed onsite wastewater treatment system as specified by the regulations issued by the Health Officer. (Ord. 2584, § 2, 11/07/2017)

J. Other information which the Health Officer may deem to be necessary to the making of an informed and professional decision on the application. (Ord. 2584, § 2, 11/07/2017)

(4) The Health Officer may specify the time of year during which water table determinations are to be made.

(5) Any tests, data gathering, or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.

(6) Any tests, data gathering, or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or performed by individuals authorized by the Health Officer to carry out such testing, data gathering, or analysis. (Ord. 2584, § 2, 11/07/2017)

(7) Any tests, data gathering, or analysis which the Health Officer may require as a part of the application process shall be performed in accordance with regulations issued by the Health Officer.

(8) Each application for a permit shall be accompanied by a filing fee in an amount sufficient to cover costs, as set by resolution or ordinance of the Board of Supervisors. No part of the permit filing fee shall be refundable. (Ord. 2351, § 19, 12/06/2005; Ord. 2584, § 2, 11/07/2017)

(d) Inspections.

(1) Prior to approval of any onsite wastewater treatment system permit application, the Health Officer shall conduct a site inspection and review other information as needed to determine the suitability of the site for the proposed system installation. (Ord. 2584, § 2, 11/07/2017)

(2) Periodic inspections may be made by the Health Officer during the installation process. A final inspection of each installation shall be made by the Health Officer prior to the time the system is backfilled or covered. In the event that the Health Officer determines that there has been an improper installation, a stop work order or Notice of Violation may be posted on the job site. No further work may be performed until the Health Officer has determined that the improper installation has been corrected. (Ord. 2584, § 2, 11/07/2017)

(e) Approval.

(1) Design Approval. If the Health Officer finds that the proposed onsite wastewater treatment system conforms to the requirements of this division, regulations issued by the Health Officer, and other relevant state laws, regulations, and policies, he/she shall approve the permit application. Application approval by the Health Officer signifies design approval only. The granting of design approval by the Health Officer shall be made subject to any terms and conditions attached thereto and made a part thereof. Installation of new onsite wastewater treatment systems may commence after the Health Officer has approved the application and after the applicant has obtained a building construction permit from the County Building Official. Installation of repairs to existing systems does not require a building construction permit and may commence after the Health Officer has approved the application. If the onsite wastewater treatment system requires major repair, the permit shall require the entire system to conform as closely as is possible to this division, the regulations issued by the Health Officer, and any other relevant state laws, regulations, and policies. (Ord. 2584, § 2, 11/07/2017)

(2) Construction Approval. The Health Officer shall conduct a final inspection upon completion of the construction of the onsite wastewater treatment system for final approval. This final approval does not guarantee that the system will function satisfactorily. Final approval means only that the system has been installed in a manner consistent with the approved design and the terms and conditions of the permit. (Ord. 2584, § 2, 11/07/2017)

(f) Denial.

(1) The Health Officer shall not approve an application if he/she finds that the proposed onsite wastewater treatment system does not conform to all the requirements of this division, regulations issued by the Health Officer, or other pertinent laws, regulations, policies, and Code sections. The Health Officer shall not approve an application if he/she finds the proposed design inadequate to the sewage demands of the situation or may constitute or result in a public nuisance. (Ord. 2584, § 2, 11/07/2017)

(2) The Health Officer shall give written notice to the applicant of the decision to deny the application. Such notice shall include the reasons for denial. Written notice shall be sent to the applicant by certified mail, return receipt requested. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. (Ord. 2584, § 2, 11/07/2017)

(g) Expiration of Design Approval.

(1) New Construction or Modification Permits. Onsite wastewater treatment system design approvals for new construction or modification shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one (1) year following the issuance of the building construction permit by the County Building Official. Prior to the expiration of the one (1) year period, the Health Officer may extend the term of the Design Approval for up to an additional one (1) year period if presented with evidence that the work authorized can reasonably be expected to be completed during the extension period. (Ord. 2584, § 2, 11/07/2017)

(2) Repair and Abandonment Permits. Onsite wastewater treatment system design approvals for repairs and abandonments shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one (1) year following the issuance of the design approval by the Health Officer. (Ord. 2584, § 2, 11/07/2017)

(h) Revocation.

(1) Any onsite wastewater treatment system permit or application approval may be revoked or suspended by the Health Officer if he/she determines that a violation of this division or regulations issued by the Health Officer exists; or that the permit or approval was obtained by fraud, misrepresentation, or material omission; or for any other reason that conflicts with state or local laws. Prior to revoking or suspending the permit or approval, the Health Officer must cause written notice to be mailed to the permittee or applicant and the owner of the property. The notice shall specify the violation(s) and the work to be done and shall allow thirty (30) days to complete the work. The notice shall inform the permittee or applicant of the right to an optional informal hearing before the Health Officer. (Ord. 2584, § 2, 11/07/2017)

(2) If a permittee or applicant fails to comply with the pre-revocation or pre-suspension notice, the Health Officer shall send to the permittee or applicant and owner of the property a notice of revocation or suspension. The notice shall be sent by certified mail, return receipt requested. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. The notice shall inform the permittee or applicant of his/her right to file an appeal to the Board of Supervisors as set forth in § 612-3. (Ord. 2584, § 2, 11/07/2017)

612-3. APPEALS.

(a) Any person affected by an approval, denial, suspension, or revocation of a permit by the Health Officer may appeal to the Board of Supervisors by filing a notice of appeal with the Department of Health and Human Services, Division of Environmental Health, within thirty (30) days of the action of the Health Officer or receipt of written notice by the Health Officer, whichever is later. The notice of appeal shall be accompanied by a filing fee set by resolution or ordinance of the Board of Supervisors in an amount sufficient to cover costs. The appeal shall stay the effect of the action of the Health Officer. However, no appeal may be taken concerning any action of the Health Officer which such officer is required to take pursuant to state or federal law, including the provisions of the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*. (Ord. 2067, § 1, 04/25/95; Ord. 2351, § 19, 12/06/2005; Ord. 2584, § 2, 11/07/2017)

(b) The appeal shall be in writing and addressed to the Department of Health and Human Services, Division of Environmental Health. The applicant shall also file a copy of the appeal with the Clerk of the Board of Supervisors on the same day of filing with the Division of Environmental Health. In the notice of appeal, the appellant shall specifically identify the action taken by the Health Officer that the appellant is challenging and the date of the action, as well as state in full the facts and circumstances which make the action of the Health Officer unreasonable, including citations to any applicable laws or regulations. Failure to comply with these appeal procedures will render the notice of appeal invalid and will not toll the time allotted to file a notice of appeal. (Ord. 2584, § 2, 11/07/2017)

(c) Upon receipt of a timely notice of appeal, the Board of Supervisors shall cause the matter to be set for hearing not earlier than twenty (20) calendar days after the notice of appeal has been filed with the Division of Environmental Health and the Clerk of the Board. The Board of Supervisors, in its discretion and upon stipulation of the Health Officer and appellant, may set the hearing on an expedited schedule. The Division of Environmental Health shall cause notice to be mailed to all affected persons at least ten (10) calendar days prior to the hearing. (Ord. 2584, § 2, 11/07/2017)

(d) At the time and place set for the hearing, the Board shall proceed to hear the testimony of the Health Officer, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions upon which the action of the Health Officer is based and other matters which the Board may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Health Officer and other witnesses. The hearing may be continued from time to time at the discretion of the Board of Supervisors. (Ord. 2584, § 2, 11/07/2017)

The Health Officer may cross-examine the appellant and other witnesses and may be represented by counsel. At the request of the Health Officer, the County Counsel shall represent the Health Officer.

(e) "Any person affected" shall include, but not be limited to, the applicant or his/her agent, the owner of the affected property or his/her agent, and the owners or their agents of all adjoining properties to the property against which the action of the Health Officer is directed.

(f) The Board may, upon the appeal, either affirm the action of the Health Officer or grant a variance to the provisions of this division or regulations issued by the Health Officer upon which the action under appeal is based. No variance may be granted with respect to any requirement established pursuant to state or federal law, regulation, or rule, including requirements of the State Water Resources Control Board's *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*. The decision of the Board of Supervisors upon an appeal shall be based upon the facts presented to it. (Ord. 945, § 6, 10/2/73; Ord. 2067, § 1, 04/25/95; Ord. 2584, § 2, 11/07/2017)

(g) Failure to challenge the Board's decision within 45 days shall be deemed to be a waiver of any objection to the Board's decision. (Ord. 2584, § 2, 11/07/2017)

612-4. INVESTIGATION AND ABATEMENTS.

(a) Whenever it is necessary to make an inspection to determine compliance with the provisions of this division, the Health Officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the Health Officer by this division; provided that, if such building or place be occupied, he/she shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the Health Officer shall have recourse to every remedy provided by law to secure entry. (Ord. 2584, § 2, 11/07/2017)

(b) In the event a sewage or wastewater treatment system subject to this division is operated, constructed, or repaired contrary to the terms of this division or regulations issued by the Health Officer, the Health Officer may send written notice to the owner of the land as shown on the most recent equalized assessment roll, at his/her address listed on said roll. Said notice shall state the manner in which the system is in violation, what corrective measures must be taken, the time within which such corrections must be made, and, that if the land owner fails to make corrections within the period provided, the corrections may be made by the County and the land owner shall be liable for the costs thereof. (Ord. 2584, § 2, 11/07/2017)

(c) If the corrections listed on the notice are not made as required in said notice, the Health Officer shall abate the nuisance or violation pursuant to §§ 351-1 et seq. The notice permitted by this subsection need not be given prior to abating the nuisance or violation pursuant to §§ 351-1 et seq. (Ord. 945, § 8, 10/2/73; Ord. 2584, § 2, 11/07/2017)

612-5. DECLARATION OF PUBLIC NUISANCE.

The following are hereby declared to be a public nuisance:

(a) The presence of sewage upon the surface of the ground. (Ord. 2584, § 2, 11/07/2017)

(b) A sewage treatment system which creates a public nuisance as defined in § 611-2(k). (Ord. 2584, § 2, 11/07/2017)

(c) A sewage treatment system which empties, flows, seeps, or drains into any surface waters or can reasonably be expected to do so. (Ord. 2584, § 2, 11/07/2017)

(d) A sewage treatment system which now does or may reasonably be expected to empty, flow, or drain into or adversely affect any subsurface water which is used or is suitable for use by any inhabitants of the State. (Ord. 2584, § 2, 11/07/2017)

This declaration of public nuisance is not intended to be an exclusive definition of public nuisance or a limitation upon the authority of the Health Officer to declare other circumstances to be a public nuisance. (Ord. 945, § 9, 10/2/73; Ord. 2584, § 2, 11/07/2017)

612-6. PENALTY.

It shall be unlawful for any person, firm, or corporation to violate, refuse or fail to comply with any of the provisions of this division. (Ord. 945, § 20, 10/2/73; Ord. 2584, § 2, 11/07/2017)

Failure to comply with any of the provisions of this division may result in an abatement proceeding, as set forth in § 351 et seq. of the Humboldt County Code, and/or the imposition of civil administrative penalties, as set forth in § 352 et seq. of the Humboldt County Code. (Ord. 2584, § 2, 11/07/2017)

612-7. RESPONSIBILITY FOR DAMAGE.

This division shall not be construed as imposing upon the County of Humboldt any liability or responsibility for damage resulting from the defective installation of any sewage treatment system as herein provided, nor shall the County of Humboldt or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. (Ord. 945, § 13, 10/2/73; (Ord. 2584, § 2, 11/07/2017)

CHAPTER 3

PROHIBITIONS

613-1. GENERAL PROHIBITIONS.

(a) No permit shall be issued if the operation of the proposed sewage treatment system would tend to create a public nuisance as defined in § 611-2(k). (Ord. 2584, § 4, 11/07/2017)

(b) No application shall be accepted if the proposed development of the site would violate any Code sections enacted by the Board of Supervisors or would be inconsistent with the General Plan, the Zoning Title, the Open Space Conservation Plan, the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems*, or any other applicable policies and regulations of the State Water Resources Control Board. (Ord. 2584, § 4, 11/07/2017)

(c) No permit shall be issued if the operation of the proposed sewage treatment system would violate any laws, regulations, or policies of the State of California. (Ord. 2584, § 4, 11/07/2017)

(d) It shall be unlawful for any person to deposit, by any means whatsoever, into any plumbing fixture, floor drain, interceptor, sump, receptacle or device which is connected to any drainage system, public sewer, sewage treatment system or septic tank any ashes, cinders, solids, rags, flammable, poisonous or explosive liquids or gases, oils, grease, and any other thing whatsoever which may cause damage to the public sewer or private sewage treatment system. (Ord. 945, § 19, 10/2/73; Ord. 2584, § 4, 11/07/2017)

613-2. CESSPOOLS AND WASTE WELLS PROHIBITED.

All cesspools and waste wells are hereby declared to be public nuisances. It shall be unlawful to drill, construct, maintain, use, or operate a cesspool or waste well. (Ord. 945, § 11, 10/2/73)

613-3. SEEPAGE PITS PROHIBITED.

Seepage pits have the same undesirable characteristics of cesspools and waste wells. It shall be unlawful to dig or bore seepage pits. (Ord. 945, § 11, 10/2/73; Ord. 2584, § 2, 11/07/2017; Ord. 2584, § 4, 11/07/2017)

613-4. PROHIBITION OF HOLDING TANKS; PORTABLE TOILETS; VAULT TOILET.

(a) The use of holding tanks is prohibited except as provided below: (Ord. 2584, § 5, 11/07/2017)

(1) The Health Officer authorizes use of a holding tank as a temporary means to abate an existing nuisance or health hazard; or (Ord. 2584, § 5, 11/07/2017)

(2) The proposed use is within a sewer service area, sewers are under construction or contracts have been awarded and completion is expected within two (2) years, there is capacity at the wastewater treatment plant and a public entity will assume responsibility for maintenance of the tanks; or (Ord. 2584, § 5, 11/07/2017)

(3) Use at a campground or similar temporary public facility where a permanent sewage treatment system is not necessary or feasible and maintenance is performed by a public agency. (Ord. 2584, § 5, 11/07/2017)

(b) Portable toilets shall be limited to serve non-residential, temporary-use or occasional-use activities such as remote or field labor operations, special events, and temporary construction sites where connection to a public sewer system or installation of an OWTS is not practicable. (Ord. 2584, § 5, 11/07/2017)

(1) No permit is required for use of portable toilets. (Ord. 2584, § 5, 11/07/2017)

(c) The use of vault toilets or portable toilets at a temporary-use public facility such as a beach, park or campground may be allowed by the Health Officer where the vault toilet is necessary for the public health, safety, or welfare, where installation of an OWTS is not feasible, where the vault toilet is determined to provide the safest and most acceptable method of sewage handling and is maintained by a public entity. (Ord. 2584, § 5, 11/07/2017)

(d) Portable toilet and vault toilet siting shall conform to setbacks for septic tanks as provided in regulations issued by the Health Officer. (Ord. 2584, § 5, 11/07/2017)

613-5. PIT PRIVIES.

It shall be unlawful to construct, maintain, or use a pit privy except as provided below:

(a) A pit privy may be used in conjunction with a dwelling constructed pursuant to Article 10, Title 25, California Code of Regulations. A pit privy may also be used as an auxiliary sewage treatment system for a dwelling which is served by a conventional septic tank-leachfield sewage treatment system or in campgrounds where other liquid wastes requiring sewage disposal are not generated. (Ord. 2351, § 20, 12/06/2005; Ord. 2584, § 4, 11/07/2017)

(b) A pit privy shall be located only in a rural area. For the purpose of this section "rural" is defined as that part of Humboldt County which is outside the boundaries of an incorporated city, a community services district, a sphere of influence as designated by the Local Agency Formation Commission, or a city established planning area (Government Code § 65300) in the absence of an official city sphere of influence; or outside an urban limit line as designated in the Humboldt County Coastal Land Use Plans; or which is within a community services district or sphere of influence which is located beyond the reasonably projected availability of community services, and which is zoned to permit residential use either as a principal use or with a conditional use permit. (Ord. 2584, § 4, 11/07/2017)

(1) For purposes of this section "community services" means water or sewer.

(2) If there is any question that land for which a permit is being sought under this section is located beyond the reasonably projected availability of community services, the matter shall be resolved by obtaining from the appropriate city or community services district a written statement indicating whether the city or district intends to serve the parcel in question in the foreseeable future. The written answer of the city or district shall be conclusive as to whether the land for which a permit is sought is located beyond the reasonably projected availability of community services.

(c) A pit privy shall be allowed only on a parcel of land two (2) acres or greater in size.

(d) A pit privy shall be allowed for a dwelling only when the proposed building site has been evaluated and the site has been determined to be suitable for the installation of a conventional septic tank-leachfield sewage treatment system and reserve area. A determination that there is adequate area for the installation of a conventional sewage treatment system and reserve area shall not be necessary when a pit privy is proposed to be used to attempt to repair a failing sewage treatment system that cannot be corrected due to local conditions such as soil percolation value, high groundwater, or insufficient area. (Ord. 2584, § 4, 11/07/2017)

(e) A pit privy shall be located in an area suitable for the installation of a conventional septic tank-leachfield sewage treatment system. However, no pit privy shall be located closer than fifty feet (50') to a property line. The Health Officer may waive the fifty feet (50') property line setback when the adjoining property owner agrees to the waiver in writing. (Ord. 2584, § 4, 11/07/2017)

(f) A dwelling which has a pit privy and which is not connected to a conventional septic tank-leachfield sewage treatment system shall be connected to a graywater system approved by the Health Officer. Graywater systems are addressed in Chapter 7 of this division. (Ord. 2584, § 4, 11/07/2017)

(g) The Health Officer shall adopt regulations in accordance with § 612-1 of this Code, which will determine the site criteria, construction standards, and maintenance standards for pit privies and graywater systems. Such regulations shall require that a pit privy be a sanitary pit privy constructed in a manner to exclude flies and other possible disease vectors from the earthen pit. The regulations adopted shall also provide that pit privies and graywater systems be constructed only in a manner which will prevent pollution or contamination of groundwater or surface water. The regulations shall further provide that pit privies and graywater systems be maintained in such a manner as to prevent the spread of communicable disease and nuisance conditions. (Ord. 945, § 12, 10/2/73; Ord. 1565, § 1, 11/30/82; Ord. 2584, § 4, 11/07/2017)

CHAPTER 4

MORATORIA

614-1. MORATORIA.

In areas where sewage treatment systems represent existing or potential community contamination problems, the Board of Supervisors may declare a moratorium on the issuance of sewage treatment system permits. Information shall be gathered by the Health Officer regarding the nature of current and potential problems in such areas. Factors involved in the declaration of a moratorium include, but are not limited to: (Ord. 2584, § 6, 11/07/2017)

- (a) High ground water during any part of the year;
- (b) Soil conditions;
- (c) Geologic conditions;
- (d) Failed systems in the area;
- (e) Density of dwellings;
- (f) Load on the system or systems;
- (g) Land use patterns;
- (h) Nuisance hazard; and
- (i) Other factors as may be identified by the Health Officer.

The Health Officer shall keep on file maps showing the moratorium areas and shall inform other permitting agencies and local financial institutions of the action of the Board of Supervisors. (Ord. 945, § 17, 10/2/73)

CHAPTER 5**EXPERIMENTAL DISPOSAL SYSTEM PROGRAM****615-1. PURPOSE.**

These regulations are intended to provide alternatives to conventional sewage treatment systems by permitting the use of experimental on-site disposal systems. The purpose of the experimental disposal system program is to allow volunteers to install viable, innovative experimental disposal systems while protecting public health and water quality. (Ord. 1647, § 1, 7/24/84; Ord. 2584, § 7, 11/07/2017)

615-2. GENERAL REQUIREMENTS.

(a) Experimental disposal systems ("EDS" or "system") generally require ongoing, periodic maintenance which extends for the life of the system. Therefore, experimental systems will be allowed in any one or more of the following limited and controlled circumstances: (Ord. 2584, § 7, 11/07/2017)

(1) The site on which the EDS is proposed to be installed has an approved conventional sewage treatment system currently in operation and the experimental system would be an accessory thereto. (Ord. 2584, § 7, 11/07/2017)

(2) The site has a failing sewage treatment system that cannot be corrected due to local conditions, such as soil percolation value, high groundwater, insufficient area, and the experimental system would attempt to reduce the existing negative impact upon the environment. (Ord. 2584, § 7, 11/07/2017)

(3) The site is beyond the reasonably projected availability of community services and has suitable area approved for the installation of a standard individual sewage treatment system and reserve area. In addition, an EDS existing prior to January 1, 1984, where testing has established that a suitable area approved for the installation of a conventional sewage treatment system and reserve area does not exist, may participate in the EDS program. (Ord. 2584, § 7, 11/07/2017)

(4) The site is within a specially created maintenance district designed to monitor and maintain all sewage treatment systems within the district. (Ord. 2584, § 7, 11/07/2017)

(b) Experimental disposal systems may be allowed for single family dwellings located on owner-occupied property, subject to the provisions of these regulations. (Ord. 1747, § 1, 7/24/84)

615-3. APPLICANTS' QUALIFICATIONS.

Applicants for an EDS shall demonstrate their knowledge regarding the health concerns, composting, wastewater treatment, and design, installation, maintenance and operation of experimental on-site disposal systems. The Experimental Disposal Systems Manual may be obtained at the Department of Health and Human Services, Division of Environmental Health. Applicants must successfully complete a written examination at the Division of Environmental Health. (Ord. 1647, § 1, 7/24/84; Ord. 2584, § 7, 11/07/2017)

615-4. PERMITS.

(a) Any person who wishes to install an EDS on any parcel of land may do so only after applying for and obtaining a permit for that purpose from the Department of Health and Human Services, Division of Environmental Health. Any such permit may be issued only if the applicant qualifies for the permit under the provisions of this chapter. (Ord. 2351, § 21, 12/06/2005; Ord. 2584, § 7, 11/07/2017)

(b) Applicants who successfully complete the examination as indicated in § 615-3 shall be eligible for issuance of an operating permit for an EDS.

(c) Operating permits shall be valid for a period of five (5) years. Operating permits may be extended for a period of one (1) year provided that evidence is submitted which indicates that an extension is necessary to complete final testing of the unit. A maximum of three (3) such extensions may be granted.

(d) Permits shall be issued for experimental design proposals which indicate that the system can be operated without violating the revocation conditions listed below or the provisions of § 615-6. (Ord. 2584, § 7, 11/07/2017)

(e) Operating permits and extensions granted pursuant to the provisions of these regulations may be revoked during the experimental period under any of the following conditions:

- (1) An unsanitary condition caused by the system exists.
- (2) There is improper use or disposal of the system end product.
- (3) The dwelling which is served by the system is no longer occupied by the person to whom the permit is issued.
- (4) The system is no longer being maintained by the permittee.
- (5) The system is being operated in a manner resulting in groundwater or surface water contamination.
- (6) The system is being operated in violation of conditions for approval of the operating permit.

(f) Before revocation of any operating permit, the permittee shall have an opportunity to be heard regarding the matter upon which a proposed revocation is based. The hearing shall be before a hearing officer designated by the County Health Officer. Any determination of the hearing officer may be appealed to the Board of Supervisors within thirty (30) days of such determination.

(g) It shall be the duty of the County Health Officer to cause to be filed with the Humboldt County Recorder a notice of each operating permit issued pursuant to these regulations. The notice shall refer to the provisions of this chapter, shall identify the locations of the site where the system is located by Assessor's parcel number or any other appropriate description. A notice form shall be prepared by the Department of Health and Human Services, Division of Environmental Health. An appropriate notice shall also be recorded by the Health Officer when the EDS is converted to a standard system. (Ord. 1647, § 1, 7/24/84; Ord. 2351, § 21, 12/06/2005; Ord. 2584, § 7, 11/07/2017)

615-5. INFORMATION SHARING.

(a) Each person who has obtained a permit to operate an EDS shall provide the Department of Health and Human Services, Division of Environmental Health, with a summary of his or her findings on a yearly basis at a time designated by the Division of Environmental Health. This summary shall include, but not be limited to, the following: (Ord. 2351, § 21, 12/06/2005; Ord. 2584, § 7, 11/07/2017)

(1) A description of operational procedures used for the system during the test period. This description shall include initial operational and maintenance procedures and any changes to those procedures during the year.

(2) The result of any physical and biological testing conducted for the system.

(3) Methods of disposal of end product from the system.

(4) Any operational and maintenance problems which were encountered and the methods which were used to resolve the problems.

(5) Planned activities for operation of the system during the ensuing year.

(6) Any other information requested by the Department of Health and Human Services, Division of Environmental Health. (Ord. 1647, § 1, 7/24/84; Ord. 2584, § 7, 11/07/2017)

615-6. WATERLESS TOILET SYSTEMS.

Waterless toilet systems under the provisions of this experimental program shall be subject to the following requirements:

(a) Disposal of the end product from a disposal system shall be prohibited in the following areas:

(1) Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

(2) Area subject to seasonal runoff or areas seasonally inundated by water.

(3) Areas within 50 feet (50') of ephemeral streams or 100 feet (100') of perennial streams.

(b) The following methods of end product disposal shall be acceptable:

(1) Direct burial with a minimum of 18 inches (18") of compacted soil is the preferred method of disposal of end product prior to final designation of an experimental unit as a prototype.

(2) Disposal into an approved, conventional sewage disposal system.

(3) Shallow, subsurface disposal by tilling or a similar technique may be acceptable when the applicant proposes to use the method as part of the treatment system. Final approval of this method shall be based upon the treatment method proposed and a field review of the site proposed.

Sites proposed for shallow subsurface disposal shall have access restricted to the operator of the waste disposal system. Surface distribution of end product prior to tilling shall be at a maximum thickness of one-half inch ($\frac{1}{2}$ "). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.

(4) End product disposal shall be carried out by methods 1 or 2 above whenever an individual using an experimental unit has a communicable disease which can be transmitted by human waste contamination of food or water.

(c) The proposed system shall include a monitoring and maintenance plan.

(d) The experimental unit shall be constructed using materials and methods which resist the corrosive effects of waste material and which will be structurally sound. (Ord. 1647, § 1, 7/24/84)

615-7. PROTOTYPE EXPERIMENTAL SYSTEMS.

(a) An experimental disposal system may be designated as a prototype disposal system prior to the expiration of an experimental operation permit whenever it is demonstrated that the treatment process has effectively and reliably functioned during the experimental period.

(b) The following standards shall be met for designation of waterless toilets.

(1) The process must exclude disease vectors and must not spread communicable diseases.

(2) Waste materials, intermediate products, or finished product must not contaminate or pollute surface or groundwater or otherwise significantly degrade the environment.

(3) The process must result in a minimum reduction of volatile solids of 30 percent (30%) testing conducted at least twice annually.

(4) The process must result in a finished product with less than 500 fecal coliform bacterial per gram of sludge in tests conducted twice annually.

(c) The Health Officer shall review the standards listed above and make recommendations for changes to the Board of Supervisors within three (3) years after the adoption of this chapter. The Board of Supervisors shall appoint a citizens advisory committee to participate in the review. (Ord. 2584, § 7, 11/07/2017)

(d) Experimental units which meet the specified standards at the end of the five (5) year period and any extensions thereof granted shall be designated as a prototype. (Ord. 2584, § 7, 11/07/2017)

(e) Permit holders who have operated a designated prototype during the experimental period shall not be subject to semiannual inspections or fees for that prototype unit. (Ord. 2584, § 7, 11/07/2017)

(f) Persons applying for a permit to construct or operate a prototype who have not previously successfully operated that prototype under an operating permit shall obtain an operating permit and be subject to semiannual inspections for the first two years after the system is initiated. Thereafter, the applicant shall demonstrate the ability to successfully operate the prototype unit. (Ord. 2584, § 7, 11/07/2017)

(g) Review and designation of experimental units as prototype units shall be the responsibility of the Health Officer. (Ord. 1647, § 1, 7/24/84; Ord. 2584, § 7, 11/07/2017)

615-8. INSPECTIONS.

(a) All experimental installations shall be owner-operated and subject to inspection by the Department of Health and Human Services, Division of Environmental Health, upon reasonable notice. Routine inspections shall be conducted upon two (2) weeks advance notice or prearranged appointment by the Division of Environmental two times yearly. Additional inspections may be made if significant operational problems, health hazards, or nuisance conditions are noted during the routine inspections or upon receipt of a citizen's complaint. The holder of an experimental operation may request additional inspections. (Ord. 2351, § 21, 12/06/2005; Ord. 2584, § 7, 11/07/2017)

(b) The cost of all inspections shall be paid by the holder of an experimental operation permit. (Ord. 1647, § 1, 7/24/84)

CHAPTER 6

**MAINTENANCE OVERSIGHT OF NON-STANDARD
ON-SITE WASTEWATER TREATMENT SYSTEMS**

616-1. INTENT.

The intent of this article is to assure that non-standard wastewater treatment systems are periodically inspected to assure that they function properly and that any necessary maintenance is completed in an expeditious manner. (Ord. 2584, § 9, 11/07/2017)

616-2. DEFINITIONS.

For the purposes of this chapter, the following definitions shall apply:

(a) **Standard system:** a method of water-carried, onsite wastewater treatment system which includes a septic tank (with or without a sump and pump) by which effluent is carried through subsurface leach lines which are constructed in accordance with § 612-1 of this Code. The septic tank in a standard system uses no mechanical device to aid treatment of sewage. (Ord. 2584, § 9, 11/07/2017)

(b) **Non-standard system:**

(1) Any water-carried onsite wastewater treatment system which uses a pretreatment unit for sewage treatment (e.g. aerobic treatment units, packed bed filters, sand filters); or (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(2) Any water-carried onsite wastewater treatment system that does not use subsurface leach lines for effluent dispersal (e.g. Wisconsin Mounds or At-Grades); or (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(3) Any water-carried onsite wastewater treatment system where the pump tank and leach lines are connected by a pipe which exceeds 500 feet in length; or (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(4) Any system receiving flows greater than 1500 gallons per day; or (Ord. 2584, § 9, 11/07/2017)

(5) Any other system the Department shall deem non-standard, including but not limited to, pressure distribution systems, drip dispersal systems, and constructed wetlands. (Ord. 2159, § 1, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(c) **Department:** Department of Health and Human Services, Division of Environmental Health. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(d) **Qualified service provider:** A person who shall demonstrate all of the following: (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(1) California License: C-42 or C-36 Plumbing Contractor, or Class A General Engineering Contractor. (Ord. 2374, § 1, 12/05/2006)

(2) Education: Third party inspection and maintenance certification from a recognized institution (e.g. NSF, COWA, CEHA, CWEA, NOWRA, or approved equivalent). (Ord. 2374, § 1, 12/05/2006)

(3) Experience: Minimum of two (2) years experience installing non-standard onsite wastewater treatment systems, including a minimum of ten (10) such systems installed and approved by the Department. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

616-3. OPERATIONAL PERMIT REQUIRED FOR NON-STANDARD SYSTEMS.

(a) No person, firm, corporation or other entity shall use, or cause or allow the use of any non-standard system within the unincorporated area of Humboldt County unless a valid operational permit is in effect for that system. This permit shall be applied for and issued on an application form provided by the Department. Use of a non-standard system without a valid permit is a violation of this chapter, and subject to all of the remedies authorized by state law or this Code. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(b) Experimental Disposal Systems as regulated in Chapter 5 of this Code shall not be subject to the provisions of this chapter. (Ord. 2584, § 9, 11/07/2017)

(c) The Board of Supervisors shall establish a fee as or schedule of fees for operational permits, to be collected by the Department. (Ord. 2159, § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(d) Upon payment of all fees and submission of an application which demonstrates to the Department's satisfaction that the system will not have an adverse effect on ground or surface waters or upon public health, an Operational Permit shall be issued. The Health Officer may issue such regulations as are necessary to carry out the provisions of this chapter. (Ord. 2159, § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(1) Operational Permits are valid for a period of three (3) years from the date of issuance unless revoked by the Department. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(2) Operational Permits may be renewed in accordance with the terms of the permit, upon submittal of a complete application, payment of the required fee, and submittal of inspection results demonstrating continued proper maintenance and operation of the system as designed and constructed. (Ord. 2374, § 1, 12/05/2006)

(3) Operational Permits must also be renewed at the time of property sale or, in the case of commercial properties, upon change in occupants or change of use. (Ord. 2374, § 1, 12/05/2006)

(4) Operation of a non-standard onsite wastewater treatment system prior to the issuance of an Operational Permit, or without a currently valid operating permit, or after revocation of a permit, shall be deemed a violation of the provisions of this chapter. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(e) Upon issuance of final construction approval for non-standard onsite wastewater treatment system, the Department shall cause a notice to be recorded on the property title indicating that a non-standard onsite wastewater treatment system has been installed on the parcel and that an operational permit is required. This notice is intended to alert subsequent property owners of the existence of the non-standard onsite wastewater treatment system. (Ord. 2159, § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(f) The owner of a parcel on which a non-standard onsite wastewater treatment system has been installed shall not interfere with the Department's right to enter onto the parcel to inspect the property to assure compliance with the provisions of this chapter. The owner shall make all components of the system accessible during the inspection (e.g., tank lids, pump control panel, and absorption area). (Ord. 2159; § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(g) Upon issuance of an operational permit, the Department shall cause to be performed a minimum of one inspection during wet weather conditions within the term of the permit. If deficiencies are identified, additional inspections may be required and additional fees may be imposed. Failure to correct deficiencies as directed by the Department may result in subsequent inspections, additional fees, or revocation of the permit. The inspections required by this section shall include the following factors: (Ord. 2159, § 2, 02/10/1998; Ord. 2198, § 1, 10/19/1999; Ord. 2584, § 9, 11/07/2017)

- (1) Daily rainfall in Eureka for the previous thirty (30) days;
- (2) Observation of the water level in any monitoring well required as part of the wastewater treatment system permit; (Ord. 2584, § 9, 11/07/2017)
- (3) Recording of domestic water use where available;
- (4) Occupancy load;
- (5) Soil moisture conditions;
- (6) Vegetation and growth conditions;
- (7) Erosion and drainage;
- (8) Available information concerning maintenance performed on the non-standard onsite wastewater treatment system (e.g. replacing a pump or pump float switch, pumping the septic tank, or flushing laterals); (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)
- (9) Condition of all components of the non-standard onsite wastewater treatment system; (Ord. 2584, § 9, 11/07/2017)
- (10) Other information that may be available and pertinent to the operation of the non-standard onsite wastewater treatment system. (Ord. 2198, § 1, 10/19/1999; Ord. 2584, § 9, 11/07/2017)

(h) The property owner shall have the option of contracting with a Qualified Professional, as defined in § 611-2(n), or Qualified Service Provider, as defined in § 612-2(d), to perform the required inspection. Upon issuance of an Operational Permit, the Qualified Professional or Qualified Service Provider shall cause to be performed a minimum of one inspection during wet weather conditions within the term of the permit. If deficiencies are identified, additional inspections may be required and additional fees may be imposed. Failure to correct deficiencies as directed by the Department may result in subsequent inspections, additional fees, or revocation of the permit. Inspection reports prepared by Qualified Professionals or Qualified Service Providers must be submitted within fifteen (15) days of completion, on an inspection form approved by the Department. The inspections required of this section shall include the information listed in numbers 1-10 of § 616-3(g) set forth above. (Ord. 2159, § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(I) The property owner may apply for a Homeowner-Inspected Operational Permit if all the following conditions are met: (Ord. 2374, § 1, 12/05/2006)

- (1) A valid Operational Permit has been in effect for a minimum of six (6) years; (Ord. 2374, § 1, 12/05/2006)
- (2) All required inspections have been completed; (Ord. 2374, § 1, 12/05/2006)
- (3) The system is not failing; (Ord. 2374, § 1, 12/05/2006)
- (4) The system has been properly maintained; (Ord. 2374, § 1, 12/05/2006)
- (5) The minimum following components are present and maintained in good repair: lateral end sweeps and caps, tank risers and lids, effluent filter, functioning alarm and pump floats, and pump control panel. (Ord. 2374, § 1, 12/05/2006)

A Homeowner-Inspected Operational Permit will be issued upon payment of fees and shall be in effect for a period of three (3) years. Renewal of a Homeowner-Inspected Operational Permit requires an application, a fee, and results of a completed inspection. Homeowner-Inspected Operational Permits shall revert to Operational Permits at the time of property sale or when inspections are not being completed and submitted to the Department. This permit may be revoked if maintenance or operational problems are not being corrected in a timely manner. Selection of this option does not preclude oversight from the Department, including inspections. Upon issuance of a Homeowner-Inspected Operational Permit, the homeowner shall cause to be performed a minimum of one inspection during wet weather conditions within the term of the permit. Additional inspections may be required in cases where deficiencies occurring in the system have been identified. Failure to correct deficiencies in accordance with written directions may result in additional re-inspection fees. The inspections required of this section are listed in numbers 1 - 10 of § 616-3(g). Inspection reports prepared by the homeowner must be submitted within fifteen (15) days of completion, on an inspection form approved by the Department. (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

616-4. REVOCATION.

(a) If the Department determines that a non-standard onsite wastewater treatment system for which a permit has been granted may have an adverse effect upon the ground or surface waters, or upon the public health, or may have a significant effect upon the environment, the permit may be revoked by the Department after notice of the proposed action has been sent by certified mail to the permittee, and the permittee has been given an opportunity to respond at a given time and place. (Ord. 2374, § 1, 12/05/2006; (Ord. 2584, § 9, 11/07/2017)

(b) Upon a determination by the Department that immediate action is required to prevent an adverse effect upon public health, or upon surface or ground waters, the permit may be summarily revoked. Summary revocation shall be followed within seven (7) days by notice of the action mailed to the permittee, setting a time and place for response within ten (10) days of the date of mailing. (Ord. 2374, § 1, 12/05/2006; (Ord. 2584, § 9, 11/07/2017)

(c) A revoked permit may be reinstated if the Department determines that a plan has been established for adequate repair, alteration and/or maintenance of the system, and all costs of enforcement, including attorney fees, violation reinspection fees and any of the costs described in § 616-5 have been paid. (Ord. 2374, § 1, 12/05/2006)

616-5. ABATEMENT.

In any action, judicial or administrative, to enforce any provision of this Code relating to onsite sewage treatment, the County may recover all of its costs of enforcement, including, but not limited to, sewage treatment system repair, replacement, and/or maintenance, any administrative overhead, salaries, and expenses incurred by the following departments: Department of Health and Human Services, Planning and Building Department, County Counsel, Code Enforcement Unit, District Attorney, and/or Public Works Department. All such costs shall be a lien upon the property upon which the system is located. (Ord. 2159, § 3, 02/10/1998; (Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

616-6. PROVISIONS CUMULATIVE.

The provisions of this article are in addition to any other requirements for a permit for construction, alteration, or repair of a sewage treatment system. (Ord. 2584, § 9, 11/07/2017)

CHAPTER 7**GRAYWATER SYSTEMS****617-1. DESIGN, CONSTRUCTION, AND PERMITTING.**

Graywater systems shall be designed, constructed and permitted in accordance with Chapter 15 *Alternate Water Resources for Nonpotable Applications*, §§ 1501 through 1502.15 of the 2016 California Plumbing Code, as may be amended from time to time, which is incorporated herein in full. A Clothes Washer System as defined in § 1502.1.1 of Chapter 15 *Alternate Water Sources for Nonpotable Applications* of the 2016 California Plumbing Code does not require a permit to construct. Simple Systems and Complex Systems as defined in §§ 1502.1.2 and 1502.1.3 of Chapter 15 *Alternate Water Sources for Nonpotable Applications* of the 2016 California Plumbing Code require permits issued by the Health Officer, as well as construction permits issued by the County Building Official. (Ord. 2584, § 10, 11/07/2017)