
Chapter 7.38
SEWAGE DISPOSAL

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7.38.010 Scope.

This chapter shall apply to all territory embraced within the unincorporated area of the County of Santa Cruz, State of California.

7.38.020 Intent and purpose.

The Board of Supervisors finds that comprehensive regulations are required for the installation and use of onsite sewage treatment and disposal facilities in the County, in order to protect the public health, safety and welfare of the inhabitants thereof, to protect the environment and water resources' beneficial uses, and to implement the General Plan, Local Coastal Program Land Use Plan, the Water Quality Control Plan for the Central Coast Basin (Basin Plan), and the Water Quality Control Policy for Siting, Design Operation and Maintenance of Onsite Wastewater Treatment Systems, as adopted by the State Water Resources Control Board on June 19, 2012. Therefore, in order to provide the aforementioned protections, the Board of Supervisors of the County of Santa Cruz hereby adopts the provisions of this chapter relating to sewage treatment and disposal.

7.38.025 Amendment.

Any amendment to this chapter which applies to the Coastal Zone shall be reviewed by the Executive Director of the California Coastal Commission to determine whether it constitutes an amendment to the Local Coastal Program. Such revision shall be processed pursuant to the hearing and notification provisions of SCCC 13.03, and shall be subject to approval by the California Coastal Commission.

7.38.030 Definitions.

The following words and phrases used in this chapter shall have the meanings set forth in this section:

(A) "Abatement" means the installation, construction, alteration, enlargement, reconstruction, replacement, improvement or reconditioning of any OWTS, or the filling in and abandonment of any OWTS which cannot be repaired, and/or the construction, alteration, enlargement, reconstruction or replacement of any required building sewer line connecting with a public sewer, so as to eliminate a violation of this chapter.

(B) "Bedroom" means, for the purposes of sizing an OWTS, any room that could be utilized as a bedroom as determined by the Health Officer, including any room in a dwelling that is at least 70 square feet in area, that by its design can furnish the minimum isolation necessary for use as a sleeping area.

(C) "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 differ from seepage pits because cesspool systems do not have septic tanks and are not authorized for continued use. The term cesspool does not include pit-prives and out-houses.

(D) "Construction" means the installation, major repair, alteration, enlargement, replacement, improvement or relocation of an OWTS.

(E) "Curtain drain" means a trench filled with drain rock that is designed to intercept and divert ambient groundwater with surface discharge via piping to another location. Curtain drains are typically used to dewater areas upslope of a retaining wall or a foundation and lower the water table. Curtain drains are also known as French drains.

(F) "Dispersal system" or "disposal system" means a leachfield, seepage pit, mound, at-grade, subsurface drip field, evapotranspiration and infiltration bed, or other type of system for wastewater subsurface discharge.

(G) "Domestic wastewater" means wastewater with a measured strength less than high-strength wastewater and is the type of wastewater normally discharged from, or similar to, that discharged from plumbing fixtures, appliances and other household devices including, but not limited to toilets, bathtubs, showers, laundry facilities, dishwashing facilities, and garbage disposals. Domestic wastewater may include wastewater from commercial buildings such as office buildings, retail stores, and some restaurants, or from industrial facilities where the domestic wastewater is segregated from the industrial wastewater. Domestic wastewater may include incidental recreational vehicle (RV) holding tank dumping but does not include wastewater consisting of a significant portion of RV holding tank wastewater such as at RV dump stations. Domestic wastewater does not include wastewater from industrial processes.

(H) "Drainageway" means a natural or artificial channel that flows for no more than seven days after significant rainfall (generally two inches or more after soils have become saturated).

(I) "Drainage Device" means a ditch, swale or stormwater facility that carries storm runoff for less than 12 hours after significant rainfall and that is used for the treatment and/or dispersal of roof runoff or other site drainage, such as a vegetated swale and infiltration/percolation trench or basin.

(J) "Finding of compliance" means a determination by the Health Officer that the design and specifications for an OWTS to serve a property for which it is intended are in conformance with standards in effect at the time the finding is made.

(K) "Environmental Health Division" means the Environmental Health Division of the Santa Cruz County Health Services Agency.

(L) "Expansion Area" means a designated area on a parcel where there is adequate room and soil conditions to accommodate a replacement of the dispersal systems that meets the requirements of this chapter.

(M) "Health Officer" means the Santa Cruz County Health Officer or their authorized representative.

(N) “High-strength wastewater” means wastewater having a 30-day average concentration of biochemical oxygen demand (BOD) greater than 300 milligrams-per-liter (mg/L) or of total suspended solids (TSS) greater than 330 mg/L or a fats, oil, and grease (FOG) concentration greater than 100 mg/L prior to the septic tank or other OWTS treatment component.

(O) “Infiltrative area” means the infiltrative area below the distribution pipe where effluent may leach into the soil through the trench sides and bottom. Infiltrative area is expressed as square feet of infiltrative area per linear feet of trench. The depth between the pipe and the bottom of the trench is referred to as “effective depth,” or “flow depth.”

(P) “Karst” means a type of underlying geology that may have the presence of subsurface fissures, caverns, sinkholes or other features resulting from dissolution of limestone or marble that could lead to the rapid subsurface movement of untreated sewage.

(Q) “Lot or parcel size” means the total horizontal area included within the property lines of the lot(s) or parcel(s) upon which an OWTS is installed; provided, that the area of any rights-of-way for vehicular access may be deducted for purposes of determining the size of any lot(s) or parcel(s) having a gross area less than one acre, where the Health Officer has determined that the vehicular access would have an adverse impact on the OWTS.

(R) “Major repair” or “repair” means a replacement of an old or malfunctioning OWTS.

(S) “Minor maintenance” means replacement of septic tank tees, ells, filter, lids, sewer tight lines, pump, valve, electrical components, or other minor maintenance work not specified as a minor repair.

(T) “Minor repair” means installation of a distribution device, diversion valve, damaged or clogged dispersal pipe, greywater system, or other minimal repair work requiring a minor repair permit as determined by the Health Officer.

(U) “New System” or “New development” means an OWTS that is installed to serve a new structure or new use on a parcel where there are no pre-existing legal structures or legal OWTS.

(V) “Nitrate Concern Areas” are those areas where effluent discharge from OWTS in fast percolating soils have caused elevated levels of nitrate in surface water or groundwater, including the San Lorenzo River Watershed, North Coast Water Supply Watersheds, Valencia Creek Watershed and La Selva Beach area, as shown on the map of Nitrate Concern Areas maintained by the Director of the Environmental Health Division.

(W) “Onsite Wastewater Treatment System” or “OWTS” means individual treatment and disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal of sewage. These may include any of the following types of systems:

- (1) “Conventional system” means a system which utilizes a septic tank (with or without a lift pump) and leaching trench dispersal system or pits.

(2) “Standard system” means a conventional system which is constructed in accordance with the specifications for a standard system as described in SCCC 7.38.095 through 7.38.180.

(3) “Nonstandard system” means a system which is not in conformance with all the standards contained in SCCC 7.38.095 through 7.38.180 or which utilizes enhanced treatment. Nonstandard systems include enhanced treatment systems, nonconforming interim sewage disposal systems, low-flow systems, limited expansion systems, and haulaway systems.

(4) “Nonconforming interim sewage disposal system” means a conventional system design that provides for insufficient leaching area that is not in compliance with SCCC 7.38.150(A)(3), that is in soils that percolate in the range of 60 to 120 minutes per inch, or which is not in compliance with other requirements for a standard system contained in SCCC 7.38.095 through 7.38.180. Use of a nonconforming interim sewage disposal system requires use of water conservation devices. No building additions will be allowed, and the system will need to be brought up to standards at the time of property transfer. An annual fee is charged on the tax bill and the property will be periodically checked for signs of failure.

(5) “Low-Flow System” means a permitted system repair that meets the requirements for a standard conventional system except that it has a reduced amount of dispersal area, requires water conservation measures to keep the flow within design capacity, and enables only a one-time addition of up to 500 sq. ft. of habitable space with no bedroom additions and no increase in volume of wastewater discharge. An annual fee is charged on the property tax bill and the property will be periodically checked for signs of failure.

(6) “Limited expansion system” means a conventional system that has sufficient leaching area but does not have sufficient area to accommodate a replacement system in compliance with the requirements for a standard system contained in SCCC 7.38.095 through 7.38.180.

(7) “Enhanced treatment system” means a system that utilizes an additional component (other than a septic tank or dosing tank) that performs additional wastewater treatment so that the effluent is of a higher quality prior to discharge of effluent into the soil. An enhanced treatment system may utilize a wastewater treatment system that reduces pathogen, nitrogen, phosphorus, total suspended solids and/or biological oxygen demand concentrations; and/or uses a nonconventional means of dispersal such as mounded beds, pressure-distribution, at-grade dispersal, or drip dispersal. Enhanced treatment systems also include those systems previously designated as alternative systems. An annual fee is charged on the property tax bill, a maintenance contract is required, and the property will be periodically checked for signs of failure.

(8) “Haulaway system” means an existing sewage system for which the Health Officer has ordered that the outlet of the septic tank, or other sewage holding container, be

permanently or seasonally sealed, and the accumulated sewage pumped out and hauled away to an approved disposal site. An annual fee is charged on the property tax bill and the property will be periodically checked for signs of failure.

(9) "Greywater system" means a system for the year-round disposal of greywater originating from a clothes-washer, laundry sink, shower, bathtub, hand sink or similar source of low strength wastewater. This does not include "greywater" irrigation reuse systems pursuant to Health and Safety Code Section 17922.12.

(X) "Public Water System" means a water system regulated by the California Division of Drinking Water 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.

(Y) "Public Water Well" means a groundwater well serving a public water system. A spring which is not subject to the California Surface Water Treatment Rule (SWTR), CCR, Title 22, sections 64650 through 64666, is a public well. Other domestic water wells with fewer users are considered Non-Public Water Wells.

(Z) "Qualified Professional" means an individual licensed by a State of California agency or certified by a State of California agency to design, install, and/or maintain OWTS and to practice as professionals for other associated reports, as allowed under their license or registration. A Health Officer is a qualified professional. Qualified professionals must obtain an annual registration from the Environmental Health Division, pursuant to SCCC 7.38.190.

(AA) "Replacement System" means an existing OWTS that has its treatment capacity expanded, or its dispersal system replaced or increased. This includes major repairs, upgrades and additions.

(BB) "San Lorenzo Watershed" means all of the land area that drains into the San Lorenzo River upstream of its mouth at the Pacific Ocean.

(CC) "Sewage" means waste substance, liquid or solid, which is associated with human occupancy, or which contains, or may be contaminated with, human or animal excretion or excrement, offal or feculent matter, or matters or substances that may be injurious or dangerous to health.

(DD) "Soil" means the natural organic and inorganic material near the earth's surface which, in contrast to the underlying rock material, has been formed over time by the interactions between climate, relief, parent materials and living organisms.

(EE) "Stormwater infiltration device" means a subsurface trench, pit or bed or a surface rock bed designed to infiltrate stormwater and/or dissipate the flow at the discharge point of a pipe or ditch carrying stormwater.

(FF) "Upgrade or Addition" means partial or total replacement of an OWTS or addition of dispersal area or treatment components in order to meet current standards and support a

remodel or addition to the structure or use that the system serves. Installation of an additional OWTS to serve an accessory dwelling unit on a developed parcel is considered an upgrade.

(GG) “Water Body” means a body of non-flowing water, including vernal pools, ponds, lakes, tidal areas, and the ocean.

(HH) “Water supply watershed” means that area of a watershed that contributes surface water flow to a public water system water supply intake located in the San Lorenzo River Watershed or North Coast or Bonny Doon planning areas.

(II) “Watercourse” means a perennial or intermittent stream fed from permanent or natural sources, including rivers, creeks, runs, and rivulets, usually flowing in a particular direction (for at least seven days after rainfall) in a definite channel having a bed or banks, and usually discharging into some other stream or body of water.

(JJ) “Water quality constraint area” means the following areas which are located within one mile of intakes used for public water supply and are located within the watersheds of those intakes:

- (1) City of Santa Cruz intakes on Reggiardo, Laguna, and Majors Creeks, and Liddell Spring;
- (2) Bonnymede Mutual intake on Reggiardo Creek; and
- (3) Davenport water system intakes on Mill and San Vicente Creeks.

7.38.035 Requirement of adequate sewage disposal.

Every person owning, leasing, occupying or using any building that has plumbing fixtures conveying sewage shall be required either to provide and maintain a properly functioning OWTS or to provide and maintain an adequate connection to a public sewer for such building. An OWTS shall provide for the disposal of sewage in a manner that does not create a public health hazard and does not degrade surface or groundwater quality. All OWTS both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition at all times. The owner, lessee, occupant, user, or their designated agent, shall be responsible for the maintenance of such systems. Where permitted, an OWTS shall be provided for each building designed for human habitation, except that a group of attached buildings, designed for habitation, occupying land in one ownership and having a yard or court in common, may be serviced by a single OWTS. The use of vault toilets or semi-permanent Portable Toilets at a temporary use non-residential publicly-accessed site (e.g., beach, park, trailhead, campground) may be allowed by the Health Officer where installation of an OWTS is not feasible and a vault toilet or semi-permanent Portable Toilet is determined by the Health Officer to provide the safest and most acceptable method of sewage disposal. The vault toilet shall be maintained by a public entity or by the property owner, who shall be required to maintain a service contract with a licensed liquid waste hauler.

7.38.040 Onsite wastewater treatment system—Permits.

(A) Permit Required. No person shall construct, reconstruct, or undertake any repair, addition, or upgrade of any OWTS or any portion thereof on any property within the unincorporated area of the County without having first obtained a permit to do so from the Health Officer; provided, however, that this provision shall not apply to emergency work necessary due to the immediate failure of the existing system, when it shall be proved to the satisfaction of the Health Officer that such work is urgently necessary and that it is not practical to obtain a permit before commencement of the work. In all such cases, prior approval shall be obtained from the Health Officer and an application for permit must be submitted within three business days after commencement of the work. Minor maintenance may be made without permit.

(B) Penalty. Any person who commences or completes any work for which a permit is required without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee established by resolution of the Board of Supervisors for such work.

7.38.042 Prohibitions.

Except as may be otherwise provided in this chapter, an OWTS shall not be permitted in any of the following circumstances:

(A) Where the property line of the parcel upon which the system is proposed to be constructed is within 200 feet of a public sewer and connection to the sewer thereto is determined to be feasible. "Feasible" means that sewer service is both (a) available by annexation to or contract with an existing sanitation district, County service area or city under existing Local Agency Formation Commission spheres of influence and County land use policies, and (b) that connection is technically feasible based on engineering and technical factors. A connection ban or moratorium in and of itself shall not make a connection infeasible;

(B) Where the parcel upon which the system is proposed to be constructed is undeveloped and less than the size specified in SCCC 7.38.045;

(C) Where the system is proposed to be installed on a parcel other than the parcel upon which the use to be served by the system is located, except as provided in SCCC 7.38.060;

(D) Where the system utilizes a cesspool of any kind or size;

(E) Where the separation of the bottom of dispersal system to groundwater is less than two (2) feet, except for seepage pits, which shall not be less than 10 feet;

(F) Where the system receives wastewater discharge from whole-house water treatment systems or backwash from swimming pool or spa;

(G) Where the parcel is undeveloped and the proposed system would be located on slopes over 30% or within 100 feet of a well or water body; and

(H) The following types of systems shall not be permitted under this chapter by the County, but may be permitted by the State Water Boards:

- (1) OWTS receiving a projected flow over 10,000 gallons per day;
- (2) OWTS that utilize any form of effluent disposal that discharges on or above the post installation ground surface such as sprinklers, exposed drip lines, free-surface wetlands, or a pond;
- (3) OWTS dedicated to receiving significant amounts of wastes dumped from RV holding tanks;
- (4) OWTS which receive non-domestic wastewater such as medical and dental office wastewater, food and beverage production wastewater, winery waste or brewery waste; and
- (5) OWTS that receive high-strength wastewater.

7.38.043 Protection of Public Water Supplies.

(A) Except as provided for in paragraphs (B) and (C) below, new or replacement OWTS are prohibited with minimum horizontal setbacks less than any of the following:

- (1) 150 feet from a public water well where the depth of the effluent dispersal system does not exceed 10 feet in depth;
- (2) 200 feet from a public water well where the depth of the effluent dispersal system exceeds 10 feet in depth;
- (3) Where the effluent dispersal system is within 600 feet of a public water well and exceeds 20 feet in depth the horizontal setback required to achieve a two-year travel time for microbiological contaminants shall be evaluated. A qualified professional shall conduct this evaluation. However, in no case shall the setback be less than 200 feet;
- (4) Where the effluent dispersal system is within 1,200 feet from a public water system's surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the dispersal system shall be no less than 400 feet from the high-water mark of the reservoir, lake or flowing water body; and
- (5) Where the effluent dispersal system is located more than 1,200 feet but less than 2,500 feet from a public water system's surface water intake point, within the catchment area of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies, the

dispersal system shall be no less than 200 feet from the high-water mark of the reservoir, lake or flowing water body.

(B) For replacement OWTS that do not meet the above horizontal separation requirements, the replacement OWTS shall meet the horizontal separation to the greatest extent practicable. In such case, the replacement OWTS shall utilize enhanced treatment and other mitigation measures, unless a qualified professional provides information to the satisfaction of the Health Officer that there is no indication that the previous system is adversely affecting the public water source, and there is limited potential that the replacement system could impact the water source based on topography, soil depth, soil texture, and groundwater separation.

(C) For a new OWTS, installed on parcels of record existing as of May 13, 2013, that cannot meet the above horizontal separation requirements, the OWTS shall meet the horizontal separation to the greatest extent practicable and shall utilize enhanced treatment for pathogen and total nitrogen concentration reduction and any other mitigation measures prescribed by the Health Officer.

7.38.045 Lot size requirements for existing lots of record.

(A) An OWTS may be permitted on a parcel of less than one acre in size if the parcel is an existing lot of record which complies with the requirements of this section, and if all other requirements of this chapter are satisfied.

(B) For the purpose of permitting the installation of an OWTS on an existing lot of record, the minimum lot size requirements shown in subsection (D) of this section shall apply, based on the date of recordation of the existing lot and subject to the conditions identified in said subsection.

(C) Separate lots of record and lots shown on a map of recorded subdivision shall be deemed to be lots in existence for the purposes of this section as of the date said lots were created by recorded deed, parcel map or final map. If an owner of record of a lot can furnish satisfactory proof that they were the purchaser of a lot pursuant to a bona fide contract of sale, the date of purchase of said lot as shown in such contract of sale shall be deemed satisfactory proof of the date of existence of the lot.

(D) Regardless of the date of recordation, the following are minimum lot size requirements for existing lots of record:

TABLE 7.38.045: Minimum Lot Size for Existing Lots of Record

		Less than 6,000 sq. ft.	6,000 sq. ft.	15,000 sq. ft.	0.5 acres	1 acre	2.5 acres
1. Lots in existence prior to 12/17/70 and not under any of the conditions of item 4 of this table	Lots with public water supply	X ¹	X				
	Lots with private water supply			X ²			
2. Lots created after 12/17/70 and before 10/31/78 and not under any of the conditions of item 4 of this table	Lots with public water supply			X			
	Lots with private water supply					X	
3. Lots created after 10/31/78 and not under any of the conditions of item 4 of this table	All Lots					X	
4. Regardless of the date of recordation, the following are minimum lot size requirements for the areas listed below:							
a. Kristen Park Subdivision (Assessor's Book Page 62-17), and <u>Water Quality Constraint Areas</u>	All Lots						X ^{3,4}
b. Water supply watershed in the San Lorenzo River Watershed and in the Coastal Zone, North Coast Planning Areas or Bonny Doon Planning Areas (excluding Kristen Park and water quality constraint areas)	All Lots					X ⁵	
c. Rio Del Mar Lodge Sites Nos. 1 and 2; Monte Toyon Subdivision No. 1; Assessor's Book Page 40-14, blocks 1 and 2	Lots with public water supply			X			
	Lots with private water supply					X	

NOTE: Property owners should be aware that other land use constraints may prevent the development of parcels, especially parcels of 6,000 square feet or less.

NOTES FOR TABLE 7.38.045

- (1) Lots of less than 6,000 square feet may be used for OWTS only if the lot has not, at any time since December 17, 1970, been held by the same owner of any contiguous undeveloped property which could have been combined with the lot to increase its area to at least 6,000 square feet.
- (2) Lots of less than one acre but more than 15,000 square feet may use both an OWTS and onsite water supply if the applicant demonstrates that a public water supply cannot be obtained and that contiguous land cannot be acquired to enlarge the lot to at least one acre.
- (3) For lots of less than two and one-half acres in the Kristen Park Subdivision, the applicant for an onsite sewage disposal permit must submit documentary evidence they have encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located upon at least one other separate lot of record, whether contiguous or noncontiguous, within the Kristen Park Subdivision.
- (4) Exceptions to the two and one-half acre minimum lot size for parcels within water quality control areas other than the Kristen Park area may be made where one of the following conditions is met:
 - (i) The lot is combined with a contiguous undeveloped property to form one parcel of at least two and one-half acres; or
 - (ii) The applicant submits documentary evidence that they have legally encumbered from future development, and prohibited and restricted, as evidenced by a document on file with the Recorder, all rights to construct any improvements which would be located on an existing contiguous or noncontiguous parcel, or part of a parcel, located within the same watershed so that the total acreage of the parcel intended for development and the parcel or part of parcel which shall be legally encumbered from development, shall equal or exceed two and one-half acres.
- (5) Within water supply watersheds, existing parcels of record less than one acre in size may be approved for development utilizing an OWTS for commercial use if the parcel meets all of the following criteria:
 - (i) The parcel has a designation of Community Commercial, Neighborhood Commercial, Office, or Service Commercial, in the General Plan that was adopted on May 24, 1994;
 - (ii) It is to be developed for commercial use;
 - (iii) It is within the rural services line;
 - (iv) The OWTS will meet all the standards contained in SCCC 7.38.120 through 7.38.186 and the OWTS utilizes the enhanced treatment provided for in SCCC 7.38.152.

(E) Parcels less than one acre in size may be approved for development if they are created through subdivision after October 12, 2000, and meet all of the following requirements:

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- (1) The average parcel size of the subdivision, including common areas and open space, but excluding roadways, is greater than one acre;
 - (2) The parcel is not located in a water supply watershed;
 - (3) The proposed subdivision utilizes clustering of development, with reservation of common open space; and
 - (4) The Health Officer determines that the property to be used for sewage disposal meets all standards contained in this chapter and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition.

7.38.060 Exceptions allowing easements for OWTS.

(A) Notwithstanding the provisions of SCCC 7.38.042(C), the Health Officer may permit the use of an easement for repair or upgrade of an OWTS provided all the conditions listed below are met:

- (1) The Health Officer determines that a satisfactory repair or upgrade of the existing OWTS cannot be obtained on the property upon which it is located; and
- (2) The Health Officer determines that the property to be used for sewage disposal can provide satisfactory sewage disposal without creating a health hazard or nuisance condition; and,
- (3) A recorded easement or easements shall guarantee access for use and maintenance of the OWTS and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of both properties and can only be removed with prior approval of the Health Officer. If a repair is proposed in a right-of-way, written permission shall be obtained from the entity having jurisdiction over that right-of-way or from all owners of property with legal rights to use of that right-of-way.

(B) Notwithstanding the provisions of SCCC 7.38.042(C), the Health Officer may permit the use of an easement for installation of a new OWTS for parcels created through subdivision after January 1, 2001, provided all the conditions listed below are met:

- (1) The average parcel size of the subdivision, excluding roadways, will be greater than one acre;
- (2) The parcels are not located within a water supply watershed;
- (3) The proposed subdivision utilizes clustering of development, with reservation of common open space;
- (4) The Health Officer determines that the property to be used for sewage disposal meets all standards contained in this chapter and can provide satisfactory sewage disposal without creating pollution, a health hazard, or a nuisance condition; and

(5) A recorded easement or easements shall guarantee access for use and maintenance of the OWTS and transmission piping for as long as needed by the building served by the system. The easement shall be recorded against the deeds of all affected properties and can only be removed or modified with prior approval of the Health Officer.

(C) Notwithstanding the provisions of SCCC 7.38.042(C), the Health Officer may permit the use of an easement for an OWTS to serve a publicly owned facility where technical or minimum parcel size standards cannot be met for sewage disposal at the site of the facility.

7.38.080 Existing system—Building alterations.

(A) General. The sewage disposal system for additions, alterations, or replacements of buildings or structures shall comply with all the requirements for new buildings or structures except as specifically provided in this section. No addition, alteration, or replacement building permit shall be issued without review and approval of the Health Officer.

(B) Building Additions, Remodels, and Replacements.

(1) A one-time addition per parcel to any legal residential structure of up to 500 square feet of habitable space with no increase in bedrooms may be approved with no change required to the existing OWTS provided all the conditions listed below are met:

- (a) The addition does not encroach on the existing OWTS or expansion area;
- (b) Adequate information exists as to the location, construction and proper function of the existing OWTS;
- (c) The limit of one addition per parcel shall commence on January 1, 1993, and shall apply to all building permit applications on file as of that date; and
- (d) The existing OWTS is functioning without failure.

(2) Additions of more than 500 square feet of habitable space and/or increases in the numbers of bedrooms to any legal residential structure and/or the creation of an accessory dwelling unit pursuant to SCCC 13.10 may be approved, provided the OWTS meets (or is upgraded to meet) the requirements for a standard system or enhanced treatment system as specified in SCCC 7.38.095 through 7.38.186 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units). Bedroom additions may be approved utilizing an existing dispersal system approved prior to June 1, 2018 if that system meets all requirements for groundwater separation, well setback, stream setback and dispersal area provided that said dispersal systems that have a flow depth between 2 and 10 feet may only be given credit for an infiltrative area of up to 10 square feet per linear foot if it is determined by a qualified professional that the system can accommodate the increased flow and there will be no significant adverse impact on water quality. Existing dispersal systems that have a flow depth deeper than ten feet or that do not meet other requirements may be utilized with the addition of enhanced treatment that meets requirements.

(3) Replacement of a legal structure with an equivalent structure may be approved, provided that:

(a) The OWTS to serve the reconstruction meets or is upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.186;

(b) During the three-year period prior to application under this subsection the legal structure has been continuously used or fully capable of being continuously used for either residential or commercial use, including the maintenance of utility hook-ups; and

(c) during the full three-year period prior to application under this subsection the legal structure has been continuously assessed as an active residential or commercial use by the County Assessor.

(4) For purposes of this subsection, "legal structure" means a structure, including any remodel or addition, which was constructed pursuant to an approved building permit, or constructed at a time prior to the requirement of a building permit.

(5) Any parcel for which an addition, remodel, or replacement meets all the provisions of this subsection shall not be required to meet the minimum lot size provisions of this chapter.

(6) Prior to submittal of the application, the Environmental Health Division shall review and provide approval of all building permit applications that propose any increase of site disturbance or potential increase in potential wastewater flow on a parcel served by an OWTS. The conditions stated in subsections (B)(1)(a) and (b) of this section shall be satisfied prior to such approval. Projects such as simple foundation replacement with no change in footprint, rewiring, replumbing, reroofing, interior and exterior remodels that do not increase bedrooms or change building footprint, shall not require review and approval by the Environmental Health Division.

(C) Accessory Dwelling Units

Creation of an accessory dwelling unit pursuant to SCCC 13.10 may be approved, provided the OWTS meets (or is upgraded to meet) the requirements for a standard system or enhanced treatment system as specified in SCCC 7.38.095 through 7.38.186 for the total number of bedrooms and dwelling units in the proposed project (including existing bedrooms and dwelling units). An accessory dwelling unit shall be considered a separate unit for the purposes of calculating design flow. Installation of an additional or expanded OWTS to serve an accessory dwelling unit on a developed parcel is considered an upgrade. For a new detached accessory dwelling unit, the second unit may have a separate OWTS provided that the OWTS for the main structure meets standards or may utilize a combined system that meets or is upgraded to meet standards for the combined flows and each unit is served by its own septic tank. A combined tank may be allowed for enhanced treatment systems as a part of the treatment system if it meets the specifications for the design flow.

(D) Reconstruction of Occupied Structures Destroyed by Fire or Calamity.

Reconstruction of any legal structure partially or wholly destroyed by fire, flood, land movement, other natural calamity, or any other calamity beyond the control of the owner of such structure will not be considered new development for the purposes of this chapter if all of the following conditions are met:

(1) On the date of the calamity damage, the legal structure was either actually used or fully capable of being used for residential or commercial use and assessed as an active residential or commercial use by the County Assessor. "Legal structure" as used in this subsection means a structure, including any remodel or addition, which was constructed under an approved building permit, or constructed at a time prior to the requirements of a building permit.

(2) Application for a permit to reconstruct the structure must be made within 10 years of the date of the calamity damage. If more time has elapsed since the date of the calamity damage and all permits and applications for permits to reconstruct the structure have expired, pursuant to subsection (C)(1) of this section, no further application for a permit to reconstruct the structure may be made, and current standards and minimum parcel sizes as specified in SCCC 7.38.045 for new construction will apply.

(3) The OWTS to serve the reconstruction must meet or be upgraded to meet the standards as provided in SCCC 7.38.095 through 7.38.186 and must not be prohibited under SCCC 7.38.042.

(4) Any contiguous undeveloped properties of the owner must be combined to achieve a minimum parcel size of at least 15,000 square feet.

(E) Any proposed new use or proposed expansion of an existing use on a developed parcel served by one or more OWTS can only be approved if all existing and proposed uses on the parcel can be served by an OWTS that meets the requirements for a standard system or enhanced treatment system as specified in SCCC 7.38.095 through 7.38.186.

7.38.090 Application and fees.

(A) An application for a permit to construct, reconstruct or make any repair (other than minor maintenance) to an OWTS shall be made to the Environmental Health Division on forms provided for that purpose, and each such application shall be accompanied by a filing fee set by resolution of the Board of Supervisors. No part of the fee shall be refundable, except as herein provided for an application for a new system.

(1) The Health Officer may authorize credit of not more than 80 percent of the filing fee paid toward reapplication for an application which has expired pursuant to SCCC 7.38.093(C), subject to the following conditions:

(a) The original applicant reapplies within 180 days of the date of expiration of the original application;

(b) No installation or construction of any portion of the OWTS has taken place and the technical design and site plan are unchanged from the original application. If changes in the original application are required pursuant to SCCC 7.38.091(C), or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication.

(B) Supporting documents as required by the Health Officer, including but not necessarily limited to plot plan(s) and floor plan(s), shall be submitted with the application for a permit. The requirements for such supporting documents shall be as established by policy of the Health Officer.

7.38.091 Procedure upon receipt of an application for a new system.

(A) In the event an application is submitted for an area of the County for which the Department has inadequate information about soil conditions, the property shall be inspected by the Health Officer.

(B) After an inspection of the property by the Health Officer, the Health Officer may require soil tests, or percolation tests, or both. Such tests shall be performed at the expense of the applicant, as specified in SCCC 7.38.120.

(C) If all the information required by the Health Officer is not submitted within 12 months of the date of application, including information relating to any required tests, the application shall be deemed null and void. An exception to this provision may be granted if the project is subject to an active discretionary permit review or the required information cannot be submitted because adequate rainfall as set forth in SCCC 7.38.120(B) does not occur during a rainy season. In this event, the Health Officer may grant the applicant an extension to allow submittal of the required information during the next rainy season which meets the requirements specified in SCCC 7.38.120(B).

7.38.092 Finding of compliance.

After determining that an application is complete, that all required information has been submitted, and that the proposed system complies with the requirements of this chapter, the Health Officer shall grant or conditionally grant a finding of compliance.

(A) Within 15 business days after receipt of all the required information the Health Officer shall grant, conditionally grant, or deny a finding of compliance.

(B) A finding of compliance shall not be granted unless the Health Officer determines that the proposed system meets all the requirements of this chapter, the proposed system will function in a satisfactory manner, and the applicant has demonstrated an approved water source.

(C) The finding of compliance shall remain in effect for a period of 24 months from the date the finding of compliance was granted and shall thereupon expire and become null and void, unless

an application for a building permit is accepted as complete and is under review by the Planning Department. In that case, the finding of compliance shall remain valid until the building permit is issued, or the application for the building permit becomes invalid. If the building permit application becomes invalid or void, the finding of compliance shall also become null and void.

(1) The Health Officer may authorize credit of not more than 80 percent of the application fee paid toward reapplication for a finding of compliance which has expired pursuant to this subsection (C) subject to the following conditions:

(a) The original applicant reapplies within 180 days of the date of expiration of the original finding of compliance;

(b) No installation or construction of any portion of the OWTS has taken place and the technical design and site plan are in compliance with all requirements of this chapter. If changes in the original application are required pursuant to SCCC 7.38.091(C), or because of site conditions or redesign of the original proposal, full filing fees are required upon reapplication;

(c) Findings of compliance reissued under this subsection shall remain valid for two additional years. This provision to renew a finding of compliance shall be available only once for each application for sewage disposal.

(D) Prior to the expiration of the period during which a finding of compliance is in effect, a permit may be issued on the basis of the finding of compliance. Sewage disposal permits required by this chapter may be issued only in conjunction with the issuance of a building permit for the structure which the OWTS is to serve. Any permit issued shall incorporate any and all conditions specified in the finding of compliance as conditions of the permit.

7.38.093 Expiration of permits.

(A) A sewage disposal permit once issued for a structure shall remain valid unless the building permit for the structure becomes invalid, in which case the sewage disposal permit shall also become null and void.

(B) In the event a sewage disposal permit expires, a new application shall be required in all cases prior to the issuance of a new permit.

(C) Upon the expiration of any permit issued pursuant to this chapter, the system may not be used, or any further work done in connection with the installation or operation of the sewage disposal system until a new permit for such purpose is secured. All work shall comply with regulations currently applicable to OWTS when the new permit is issued. However, where an OWTS was previously fully installed pursuant to a permit which has subsequently expired, the system may be used if the Health Officer finds that the system will function in a safe manner.

7.38.095 OWTS Replacement.

(A) Notwithstanding the provisions of SCCC 7.38.093(A), and the other provisions of this chapter, permits for the repair or upgrade of existing OWTS may be issued by the Health Officer upon proper application therefor; and, once issued, shall be valid and exercisable for a period of two years.

(B) Upgrade or repair of existing systems shall be made in conformance with the requirements specified in SCCC 7.38.042, 7.38.043, and 7.38.130 through 7.38.180 except that the following allowances may be permitted on parcels that were developed utilizing OWTS approved prior to September 16, 1983:

(1) The minimum separation between the bottom of any leaching dispersal system and seasonally high groundwater must meet separation distances as provided in SCCC 7.38.150(B)(9);

(2) Setback to a watercourse shall be over 100 feet if possible, but may be reduced as provided in SCCC 7.38.150(B)(9);

(3) Setback to a seasonal drainage way shall be at least 25 feet;

(4) If soils are at least seven feet deep and conditions are otherwise suitable to prevent lateral surfacing of effluent, installation on slopes steeper than 30 percent up to 50 percent may be allowed if:

(a) The distribution pipe is installed at least two feet below the surface (vertical depth); and

(b) A minimum separation of five feet is maintained between the leaching trench disposal system and bedrock or other impermeable layer; and

(c) A slope stability report is prepared by a California licensed civil or geotechnical engineer or professional geologist and approved by the Health Officer, which indicates that installation on the slope is acceptable.

(5) Other requirements specified in SCCC 7.38.130 through 7.38.180 shall be met to the greatest extent possible as necessary to protect public health and water quality and shall comply with standards for system repairs established by the Health Officer pursuant to subsection (E) of this section.

(C) For replacement of old or failing OWTS that cannot meet the standards in SCCC 7.38.130 through 7.38.180, the replacement OWTS shall meet the standards to the greatest extent practicable. In such cases, the replacement OWTS may utilize enhanced treatment and other mitigation measures, unless the designer presents information to the satisfaction of the Health Officer that there is no indication that the previous system is adversely affecting water quality, that the replacement system will be in greater compliance with standards, and that it will adequately protect water quality. A nonconforming interim sewage disposal system may be

approved on a case-by-case basis for repair of a failing system if a hardship prevents installation of enhanced treatment that would be needed to meet requirements, and if the system is in compliance with the prohibitions in SCCC 7.38.042. No building additions will be allowed and the system will need to be brought up to standards at the time of property transfer.

(D) When repairing, replacing or upgrading an existing OWTS, on an existing, developed parcel that is unable to accommodate a standard OWTS that meets the standards in SCCC 7.38.130 through 7.38.180 including allowances described in subsection (B) of this section, the system shall be deemed a nonstandard OWTS design which must meet the requirements of SCCC 7.38.182 through 7.38.186. The size of a building addition or change in use that will be allowed will depend on site specific soil conditions, setbacks to critical infrastructure (water supply wells, property lines, structures, slopes, etc.) and the type of OWTS used.

(1) No residential additions or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a haulaway or nonconforming interim sewage disposal system.

(2) No residential additions beyond the 500 square feet described in SCCC 7.38.080(B)(1) or changes in use which will result in an increase in wastewater discharge shall be approved for parcels utilizing a low flow system.

(3) When an enhanced treatment system is used, the Health Officer may permit bedroom additions and additions beyond the 500 square feet described in SCCC 7.38.080(B)(1); provided, the design specifications for the enhanced technology reflect the soil characteristics of the property, the system can adequately dispose of the projected peak wastewater flows, and suitable future expansion area exists on the property to replace the enhanced treatment system.

(4) No building additions shall be approved which will encroach on the OWTS or any area of the property needed to install a replacement system which meets the requirements for a standard or enhanced treatment system to the greatest extent possible.

(E) Procedures and standards for the replacement of OWTS, including guidelines for the design and use of enhanced treatment systems, shall be established by policy of the Health Officer.

7.38.120 Soil percolation tests and other required information for OWTS design.

(A) Soil characterization shall be required prior to approval of any application for a new or replacement dispersal system. The requirements for percolation tests may be waived if a qualified professional can provide adequate information to document the soil texture, soil structure, and soil grade to establish a maximum soil application rate to the satisfaction of the Health Officer. Percolation tests and soil characterization for the design of the OWTS shall be performed by any of the following, who shall be licensed in California: a registered civil engineer; a registered environmental health specialist; or a professional geologist. Such tests may be witnessed by the Health Officer. The Health Officer shall approve the number, depth, and location of percolation test borings. Percolation test procedures shall be established by

policy of the Health Officer. For repair of OWTS, an assessment of soil texture may be used to determine soil suitability and sewage application rate.

(B) When required by the Health Officer (based on geomorphological and historical information), observation for seasonal high groundwater level or persistent soil saturation shall take place only during the rainy season and when both of the following occur: (1) the cumulative rainfall reaches 60% of the mean annual rainfall for the region of observation, and (2) six inches of rainfall has occurred within 30 days immediately preceding the date of observation. The Health Officer may require the construction of piezometers (shallow groundwater monitoring pipes) to enable the observation of depth to groundwater throughout the winter. Such piezometers shall be constructed in the vicinity of proposed dispersal systems to specifications established by the Health Officer. The qualified professional shall make observations on at least a weekly basis and shall include observations between 3 and 5 days after significant rainfall of one inch or more. The Health Officer may observe the seasonal high groundwater level anytime during the winter water table test period established by subsections (B)(1) and (B)(2) of this section. The determination, for design purposes, of seasonal groundwater elevation in the vicinity of the proposed leaching devices shall be the static piezometric water level observed that is not influenced by confined water in lower strata that are penetrated by the piezometer. Temporary and brief saturated conditions that occur up to three days after significant rain events shall not provide the sole basis for determination of the seasonal groundwater level for dispersal system design purposes. The requirements for observation of seasonal high groundwater level may be waived for OWTS repairs and if a winter does not have adequate rainfall to meet the requirements for wet weather testing if a qualified professional can provide adequate information to estimate the maximum seasonal high groundwater level to the satisfaction of the Health Officer. Estimates of maximum seasonal high groundwater level may be based on soil conditions, topography, mapped groundwater information, observations from nearby properties or other information.

(C) One or more soil excavations shall be performed for each OWTS to demonstrate the suitability of soil conditions to serve new development. Soil excavations for repair permits will be required when there are no prior soil assessments done at the parcel and soil characteristics are not known. The excavation shall be made by backhoe whenever possible and shall extend to at least the separation distances as provided in SCCC 7.38.150(B)(9) below the bottom of the proposed dispersal system to demonstrate the suitability of soil conditions. A borehole may be accepted on sites with limited access or where a backhoe excavation would damage the proposed dispersal area. For replacement systems with very limited suitable dispersal area, the designer may estimate soil conditions based on available information, with confirmation soil excavation to be done during system installation.

(D) The qualified professional performing the soil tests shall provide an evaluation of soil texture for each soil stratum encountered during the soil excavation. When laboratory analysis of soil texture is required by the Health Officer, the testing individual shall collect a sample or samples, as required by the Health Officer, and deliver the samples to an approved soil testing lab for analysis. The test results shall be forwarded to the Health Officer with identification of

the sampling location, depth and method. The soil textural classification system shall be the USDA method. Soils with greater than 40 percent clay content shall be unacceptable regardless of percolation rate.

(E) In areas mapped or suspected to be underlain by karst, the area within 200 feet of the proposed dispersal system and expansion area shall be evaluated by a professional geologist familiar with karst landscapes and the dispersal system shall be located at least 100 feet from any sinkhole or other karst feature that would rapidly transmit effluent. Soils or formations containing continuous channels, cracks or fractures are not acceptable for sewage dispersal unless there is a setback distance of at least 250 feet to any domestic water well, proposed domestic water well site, or surface water.

(F) The Health Officer may also require any other information necessary to evaluate the proposed system. If the proposed dispersal area has a slope over 30% or if, in the professional judgement of the Health Officer, the land proposed for onsite sewage disposal has severe soil limitations, or introduction of sewage effluent into the soil may create slope instability, submission of a technical report prepared at the applicant's expense by a California licensed professional geologist or California licensed civil or geotechnical engineer shall be required. The Health Officer may request that the report be reviewed by a qualified professional employed by the County. The applicant shall pay a fee for such review as established by the Board of Supervisors. No system component may be located within 100 feet of an unstable land mass or area subject to earth slides identified by a licensed professional civil or geotechnical engineer or licensed professional geologist, unless a closer setback is approved by a technical report prepared by a qualified professional.

(G) Any geologic or geotechnical report prepared as part of a building or development permit application and submitted to the County which includes a slope stability report for development where onsite wastewater disposal is proposed shall include review and comment by the preparer of the report regarding the specific OWTS proposal which has been submitted to the Environmental Health Division. This report shall evaluate the effect of the proposed system on the potential for slope instability and, if necessary designate other areas on the site where an OWTS that meets County standards will not adversely affect slope stability.

(H) Designs for an OWTS must be prepared by a qualified professional such as a California licensed civil engineer, a California registered environmental health specialist, a California licensed professional geologist, California certified engineering geologist, or other qualified professional approved by the Health Officer that has demonstrated experience in the design of OWTS. Designs for OWTS shall include such soil and other site technical data as necessary to demonstrate that the system will meet the requirements of this Chapter, will function as designed, and will not adversely affect surface or groundwater quality.

7.38.130 General installation requirements.

(A) OWTS shall be installed in accordance with the plans approved by the Health Officer except for minor deviations. Changes in the installation plan must be approved by the Health Officer prior to installation.

(B) All wastewater shall be discharged into one OWTS unless an alternate arrangement is necessary and has been approved by the Health Officer. For a new detached accessory dwelling unit, the second unit may have a separate OWTS provided that the OWTS for the main structure meets standards or may utilize a combined system, provided the dispersal area meets standards for the combined flows and each unit is served by its own septic tank. A combined tank may be allowed for enhanced treatment systems as a part of the treatment system if it meets the specifications for the design flow.

(C) An area equal to the amount of area necessary to install the dispersal system shall be kept available for future expansion and replacement of the dispersal system. No construction of buildings, sheds, permanent swimming pools, driveways, parking areas, or other permanent structures shall be permitted over the future dispersal expansion area. For new development on previously undeveloped parcels, with soils that percolate in the range of 31 to 60 minutes per inch, a dual conventional dispersal system or single dispersal system with enhanced treatment is required. If a conventional dispersal system is used, the expansion system shall be installed at the time that the primary system is installed. This second system shall be interconnected with the first by means of an approved flow diversion device.

(D) OWTS shall be located so as to be accessible for maintenance and repairs. Septic tanks shall be located so as to allow vacuum pumping.

(E) For soils where a leaching trench dispersal system is proposed, the slowest acceptable percolation rate is 60 minutes per inch (one inch per hour) and the fastest acceptable percolation rate is one minute per inch (60 inches per hour) measured between zero and three feet below the bottom of the leaching trench. For soils three feet to six feet beneath a leaching trench dispersal system, the slowest acceptable percolation rate is 60 minutes per inch. For soils six feet to 10 feet below a leaching trench dispersal system, the slowest acceptable percolation rate is 120 minutes per inch (one-half inch per hour). Acceptable soil permeability below the trench may be determined by observation of soil characteristics or percolation testing. With enhanced treatment and shallow drip dispersal, separation to soils that percolate slower than 120 minutes per inch can be reduced to not less than 3 feet. Soils that percolate faster than 1 minute per inch or between 60 and 120 minutes per inch may be utilized for dispersal with enhanced treatment.

(F) Dispersal systems shall not be installed in or on slopes greater than 30 percent for new development. Dispersal systems for a replacement system may be installed on slopes between 30 and 50 percent if a slope stability report is prepared and approved pursuant to SCCC 7.38.120(F). Slope restrictions apply only to the areas used for sewage leaching, including the area reserved for expansion of the dispersal system. Slopes less than 30 percent are not acceptable when they have been created by grading or other modification of slopes that were steeper than 30 percent.

(G) Installation shall not be permitted in areas subject to high groundwater or persistent soil saturation, whether seasonal or permanent. The bottoms of leaching areas shall be separated

from groundwater in accordance with the standards prescribed in this chapter for leaching trenches and seepage pits.

(H) Dispersal areas shall not be located in low lying areas receiving stormwater drainage, or within 100-year flood zones, except for the repair of an existing septic system, when no approved location exists outside the floodplain. If the septic system is located within the floodplain, no bedroom additions are allowed and only a one-time building addition less than 500 square feet is allowed.

(I) Each OWTS shall be separated from streams, creeks, wells, springs, and watercourses by a minimum horizontal distance specified in Sections 7.38.043, 7.38.140(I) and 7.38.150(B)(4). Stream separation may be reduced for replacement systems pursuant to Section 7.38.150(B)(9). Seepage pits must have enhanced treatment and shall be separated from non-public water wells by a minimum distance of 150 feet and from public water wells by a distance of at least 200 feet, as provided for in Section 7.38.043. The distance from streams, creeks, drainageways, ditches and swales shall be measured horizontally from the mean rainy season flowline. Dispersal areas shall be separated by a minimum of 25 feet from open unlined stormwater conveyances that flow no more than 12 hours after rainfall and by a minimum of 50 feet from drainageways which flow no more than one week after significant rainfall, except that separation may be reduced to no less than 25 feet if the drainageway is located upgradient from the dispersal system.

(J) Dispersal systems shall not be permitted in fill.

(K) The building sewer shall be of cast iron, A.B.S. Schedule 40 plastic, or other approved material. It shall have approved watertight fittings and be of at least the same diameter of the building drain. Ells and bends of 90 degrees shall be long turn. Cleanouts shall be provided in accordance with the Uniform Plumbing Code.

(L) Rock used in leaching trench dispersal systems shall be washed and reasonably free of fines, sand, very fine silt, and clay.

(M) Leaching trench dispersal systems shall have a slightly sloped finished grade to promote surface runoff. Soil should be mounded slightly over leachlines to prevent soil settlement after construction from creating depressions that pond runoff.

(N) Except in emergencies, dispersal system installation in clayey soils shall only be done when soil moisture content is low, to avoid smeared infiltrative surfaces.

(O) Leaching area sidewalls should be left with rough surfaces.

(P) Construction and paving over leaching trench dispersal systems and future expansion areas is prohibited. For replacement systems, a portion of a leaching trench dispersal system may be located under an all-weather surface or driveway providing that at least 50% of the final surface is permeable.

(Q) The use of a haulaway system is prohibited, except in the following circumstances:

- (1) The repair of an existing failing system when no other alternative is available; or
- (2) The use of vault toilets or semi-permanent Portable Toilets at a temporary use non-residential publicly-accessed site (e.g., beach, park, trailhead, campground) may be allowed by the Health Officer if installation of an OWTS is not feasible and a vault toilet or semi-permanent Portable Toilet is determined by the Health Officer to provide the safest and most acceptable method of sewage disposal. The vault toilet shall be maintained by a public entity or by the property owner, who shall be required to maintain a service contract with a licensed liquid waste hauler.

(R) Stormwater infiltration devices shall not be located where they may lead to saturation of soils in the wastewater dispersal area or where they may intercept effluent from the wastewater dispersal area. At a minimum, stormwater infiltration devices shall not be located closer than 25 feet from a wastewater dispersal area or expansion area unless the stormwater discharge point is located a minimum of 10 feet below the bottom of the wastewater dispersal device.

(S) Upon the completion of an OWTS installation repair or replacement, the site must be restored with proper and stable disposition of excavated material and measures taken to prevent any significant erosion of surfaces disturbed during installation of the system. Any bare soil or fill that results from the installation of a septic system shall be seeded and mulched or otherwise treated to prevent erosion between October 15 and April 15.

(T) Systems with pumps or other electrical components require an electrical permit prior to permit approval. An inspection and approval of the electrical work by the Building Official must be completed prior to final approval of the installation by the Health Officer.

7.38.140 Septic tank requirements.

(A) The minimum septic tank volumetric capacity serving residences with one to four bedrooms shall be 1,500 gallons. An additional 250 gallons of septic tank volumetric capacity shall be provided per bedroom for residences with more than four bedrooms. Septic tank capacity shall be not less than three times the daily flow.

(B) Septic tanks shall have at least two compartments separated by a baffle or equivalent arrangement. The inlet compartment shall have a capacity of not less than two-thirds the total volume. Access to each compartment shall be provided by a manhole 20 inches in minimum dimensions with a close-fitting manhole cover equipped with a durable handle to facilitate removal.

(C) Septic tanks shall be installed so that manhole covers are within 6 inches of the ground surface. If the top of a septic tank is deeper than 6 inches from the ground surface, the tank shall be modified with risers so as to extend the manhole and covers to within 6 inches of the surface. Material used to extend the manhole covers shall have a watertight connection to the tank. A cleanout to finished grade shall be provided between the house and the septic tank.

(D) Septic tanks shall be watertight and constructed of reinforced concrete or approved noncorrodible synthetic materials and certified by International Association of Plumbing and Mechanical Officials or stamped and certified by a California registered civil engineer as meeting the industry standards. Wood or metal septic tanks shall not be permitted. Interior surfaces of concrete tanks shall be coated with a bituminous or similar compound to minimize corrosion. Installation shall be according to the manufacturer's instructions. Watertightness may be required to be demonstrated at the time of installation. Tank installation shall be according to manufacturer's specifications for backfill material and means for securing tank in place when pumped and/or in high groundwater.

(E) New or replacement tanks shall be designed to prevent solids in excess of 3/16 of an inch in diameter from passing into the dispersal system. This requirement may be satisfied by installation of an approved effluent filter.

(F) Septic tanks, manhole risers and manhole covers must be traffic-rated if placed in any area subject to vehicle access.

(G) Septic tanks shall be placed in conformance with the following distance requirements:

From Septic Tank To:	Minimum Permitted Distance in Feet
Dispersal system	5
Property line	5
Foundation, structure, bearing weight building overhang, stormwater tight line	5
Private individual water line	10
Water Main	25
Stream, well, spring, watercourse, non-public water wells, monitoring wells ¹	100
Public water well, if dispersal 10 ft or less deep	150
Public water well, if dispersal is greater than 10 ft deep	200
Vernal pools, wetlands, lakes, ponds, ocean, or other surface water bodies	200
Seasonal Drainageway that carries water more than 12 hours after rainfall	50

¹ The edge of the watercourse is the natural or levied bank for creeks and rivers. The setback may be less where site conditions prevent migration of wastewater to the water body and/or the tank is demonstrated to be watertight.

From Septic Tank To:	Minimum Permitted Distance in Feet
Stormwater infiltration device, downgradient ditch	25
Ditch upgradient of tank	10
Driveway or pavement	5
Edge of road easement or right-of-way	5

7.38.150 Effluent dispersal system requirements.

(A) General.

(1) Septic tank effluent shall be leached into the ground by means of an effluent leaching dispersal system. The type of dispersal system used shall be approved by the Health Officer, based on review of the location and topography of the site, the soil permeability and groundwater level at the site, and all other relevant factors.

(2) A dispersal system shall be sized to accommodate the expected flow based on the number of bedrooms or rooms that could potentially be used as bedrooms, as determined by the Health Officer. An accessory dwelling unit shall be considered a separate unit for the purposes of calculating design flow. The minimum infiltrative area per dwelling unit shall be determined according to the following tables. Application rates from Table 3 and 4 of the State OWTS Policy may be utilized for conventional systems. Those application rates may be doubled with enhanced treatment that reduces Biological Oxygen Demand (BOD) and Total suspended solids (TSS) to less than 30mg/L.

Effluent Application Rate Based on Soil Percolation Rate in minutes per inch (MPI)
(application rates may be interpolated if the percolation rate falls between the indicated values):

Percolation Rate MPI	Application gal/sf/day	
	BOD=150 mg/L Conventional	BOD<=30 mg/L ET/Dosed
<1	--	1.6
1	1.2	1.6
5	1.2	1.6
10	0.80	1.6
15	0.73	1.46
20	0.66	1.32
25	0.60	1.2
30	0.53	1.06
35	0.48	0.96
40	0.42	0.84

45	0.37	0.74
50	0.31	0.62
55	0.26	0.52
60	0.2	0.40
90	--	0.3
90-120	--	0.2

Design Flow per Bedroom (gallons per day):

Number of Bedrooms	1	2	3	4	5	6	Per Additional Bedroom
Standard Design Flow (gpd)	250	300	375	450	525	600	75
Low Flow System (gpd) Repair Only, with Limitations)*	150	200	250	300	350	400	50

*Low Flow Systems require water conservation devices, flow monitoring, deed recordation, annual fee, periodic inspection, and limits on remodels.

(3) Soil suitability for sewage dispersal shall be determined by a combination of percolation test results, exploratory excavation soil logs and soil structural and textural characteristics. Laboratory analyses of soil texture may be required by the Health Officer. Soil texture may determine soil suitability where percolation test results are unclear or nonrepresentative.

(4) Systems in sandy soils with fast percolation rates shall utilize enhanced treatment systems as specified in SCCC 7.38.183.

(5) Discharge from water softeners, drinking water filters, swimming pool filter backwash and other sources of non-domestic wastewater shall not be discharged to the septic system. Swimming pool backwash may be discharged to a separate leaching trench dispersal system properly sized to receive and infiltrate the flow or vegetated ground surface in a manner that does not cause erosion or cause runoff to leave the property.

(B) Leaching Trench Dispersal System.

(1) The Health Officer may approve the use of a trench as a leaching dispersal system. Any such trench shall be 18 inches to 36 inches in width, contain a perforated sewage conductor pipe, and shall be filled with rock. The trench depth required will be dependent on soil conditions, and the trench length required will be dependent on sewage loading. The infiltrative area of a new or upgraded conventional system shall not be more than 4 square feet of infiltrative area per linear foot of trench and with trench width no wider than three feet. The infiltrative area is calculated using the bottom area of the leaching trench and the sidewall area beneath the leaching pipe. For repairs only, if a qualified professional demonstrates that an existing lot of record is constrained by existing conditions, such as steep slopes or trees, the replacement dispersal system may utilize up to 10 square feet of

infiltrative area per linear foot of trench, with the bottom of the trench no deeper than 10 ft below the ground surface. Deeper trenches may be allowed for new development or upgrades if enhanced treatment is utilized.

(2) The use of chamber leachfields may be permitted by the Health Officer if they are certified by the International Association of Plumbing and Mechanical Officials. The Health Officer shall develop and promulgate regulations for their use. All sections of this chapter regarding the location and placement of leaching devices shall apply to the chamber method of effluent dispersal, except that the required dispersal area may be reduced to no less than 70% of the required dispersal area.

(3) Trenches shall be placed in an area where the soil has not been removed, altered or filled.

(4) Trenches shall be constructed in accordance with the following requirements:

From Leaching Trench and Expansion Area to:	Minimum Permitted Distance in Feet
Septic tank	5
Property line	5
Foundation, structure, bearing weight, building overhang, ground mount solar panels, utility trenches	5
Private individual water line, stormwater tightline	10
Water main	25
Stream, well, spring, watercourse ^a , non-public water well, well site ^b , sinkhole or other karst feature that may rapidly convey water	100
Public water well, if dispersal is 10 ft or less deep	150
Public water well, if dispersal is greater than 10 ft deep	200 (With Enhanced treatment and disinfection)
Vernal pools, wetlands, lakes, ponds, ocean, or other surface water bodies	200
Drainageway, stormwater infiltration device, or curtain drain	25 if OWTS dispersal is down-gradient or device only carries water up to 12 hours after significant rain 50 if OWTS dispersal is upgradient or conveyance/device carries stormwater more than 12 hours after significant rain

From Leaching Trench and Expansion Area to:	Minimum Permitted Distance in Feet
Ditch or swale upgradient of dispersal device	10
Steep slope ^c	25 ^d
Embankment ^d	4 times height of bank to maximum of 25 ^d
Pavement or driveway	5
Edge of road easement or right-of-way	5
Swimming pool	10

^a The edge of the watercourse is the natural or levied bank for creeks and rivers.

^b Well site would include any well lot or proposed well site.

^c Steep slope is a slope of greater than one and one-half feet horizontal to one foot vertical (67%).

^d Fifty feet if slope area is composed of fractured material or if slope area or embankment is intersected by impermeable strata or shallow groundwater.

^e Supplemental treatment components designed to perform disinfection shall provide sufficient pretreatment of the wastewater so that effluent from the supplemental treatment components does not exceed a 30-day average TSS of 30 mg/L and shall further achieve an effluent fecal coliform bacteria concentration less than or equal to 200 Most Probable Number (MPN) per 100 milliliters.

(5) Notwithstanding the foregoing, variances to the setback from an unstable land mass or steep slope may be granted by the Health Officer on a case-by-case basis, where it can be demonstrated through a technical report prepared by a California licensed geotechnical engineer, soils engineer, civil engineer with soils and geological background, certified engineering geologist or professional geologist, that the placement of a leaching trench dispersal system closer to an unstable land mass or steep slope than would otherwise be permitted by these regulations would not result in any sewage effluent surfacing or jeopardize contiguous properties, or affect soil stability and earth slides. Any technical reports submitted to support a request for a variance to the setback requirement may be required to be reviewed by a California licensed geotechnical or civil engineer or professional geologist employed by the County, the costs of such review to be borne by the applicant.

(6) The following construction standards shall be used in connection with the construction of any leaching trench dispersal system:

Construction Detail	Required Standard
Width of leaching trench	18—36 inches maximum
Standard leaching trench depth	Maximum depth of 4 feet (4 square feet/linear foot infiltrative area)*
Maximum length of each leaching trench	100 feet; Pressured dosed dispersal systems may have longer trenches
Slope of leaching trench	Level, no more than 3 inches per 100 feet)

Construction Detail	Required Standard
Minimum depth of rock under leaching trench pipe (unless pressure distribution used)	12 inches
Rock over leaching trench pipe	2 inches
Size of rock or gravel	0.5 to 2.5 inches
Minimum Spacing of new and old trenches, edge to edge	3 ft minimum and twice the effective gravel depth up to 8 ft maximum
Minimum Soil Cover over leaching trench pipe	12 inches
Orientation of leaching trench	Long axes shall be aligned parallel to the ground surface contours and perpendicular to the groundwater gradient as close as possible
Inspection Risers	Installed vertically at each end of each trench, with perforated pipe from the bottom of the trench to the top of the dispersal pipe and solid pipe to the ground surface.

* Replacement systems for repairs on parcels with soils that percolate in the range of 6—60 minutes per inch may use a deeper trench not to exceed 10 feet, and an infiltrative area of up to 10 square feet per linear foot, if constraints on the parcel prevent the use of the standard trench depth. However, in all such instances, the trench shall be as shallow as possible using the maximum lineal feet that can fit on the parcel while still reserving the required expansion area. Enhanced treatment may be required per section 7.38.095(C).

(7) The pipe used for conventional gravity flow leaching trench dispersal shall be perforated, have a minimum three-inch diameter, and be of approved material.

(8) Rock or gravel in the trench shall be covered with untreated building paper or permeable geofabric prior to backfilling with earth. The trench bottom or sidewall shall not be lined.

(9) The vertical separation between trench bottom and groundwater and stream setback shall be based on system type, stream setback and percolation rate in minutes per inch (MPI):

Conventional Systems:			
Horizontal Setback to Stream	25-50 Feet	50 - 100 Feet	> 100 Feet
New System on undeveloped parcel	Not Permitted	Not Permitted	<1 MPI – Not Permitted 1-5 MPI Not permitted in nitrate concern area 1-5 MPI = 20 feet outside nitrate concern area 5-29.9 MPI = 8 feet 30-60 MPI = 5 feet >60 MPI – Not Permitted
Upgraded System, increase in flow by Alternative Dwelling Unit, bedroom addition or major remodel	Not Permitted	Not Permitted	<1 MPI – Not Permitted 1-5 MPI Not permitted in nitrate concern area 1-5 MPI = 20 feet outside nitrate concern area 5-29.9 MPI = 8 feet 30-60 MPI = 5 feet >60 MPI – Not Permitted
Repaired System, no increase in flow	Not Permitted	<1 MPI – Not Permitted 1-5 MPI Not permitted in nitrate concern area 1-5 MPI – 20 feet outside nitrate concern area 5-29.9 MPI = 5 feet 30-60 MPI = 5 feet >60 MPI – Not Permitted	<1 MPI – Not Permitted 1-5 MPI Not permitted in nitrate concern area 1-5 MPI = 8 feet outside nitrate concern area 5-29.9 MPI = 5 feet 30-60 MPI = 5 feet >60 MPI – Not Permitted
Greywater Sump	5 feet	5 feet	3 feet

Enhanced Treatment System^a (BOD, TSS, TN <30 mg/L;-Fecal coliform/E.coli Reduction to 200 MPN/100 ml)			
Horizontal Setback to Stream	25-50 Feet	50 - 100 Feet	> 100 Feet
New System on undeveloped parcel	Not Permitted	Not Permitted	2 feet
Upgraded System, increase in flow by Accessory Dwelling Unit, bedroom addition or major remodel	Not Permitted	2 feet	2 feet
Repaired System, no increase in flow	4 feet	2 feet	2 feet
Seepage Pit-Repair/Upgrade Only	Not Permitted	Not Permitted	10 feet

^a Enhanced treatment with nitrogen reduction is required for all new, repaired, and replacement OWTS with soils that percolate faster than 5 minutes per inch in nitrate concern areas (see Sec.7.38.183)

^b Groundwater separation less than 2 ft can only be approved by Regional Water Board

(10) The minimum separation shall be 10 feet from the bottom of the dispersal device to an impermeable layer that percolates 120 minutes per inch or slower. With enhanced treatment and shallow drip dispersal, that separation can be reduced to not less than 3 feet.

(11) Trenches under pavement shall be designed to withstand weight of vehicles and shall utilize enhanced treatment.

(C) Trenches in Sloping Ground.

(1) In locations where there is sloping ground, a system of several trenches may be required by the Health Officer.

(2) Trenches shall follow the surface contours to minimize variations in trench depth and shall only be installed perpendicular to the slope.

(3) If slope is greater than 20%, there shall be a minimum of 24 inches of earth over the rock fill.

(D) Distribution of Effluent to Multiple Trenches. Where multiple trenches are installed on sloping or level ground, effluent distribution shall be made through a distribution box or other approved device such that effluent is effectively delivered to each trench. The Health Officer shall promulgate guidelines for the approval and installation of distribution devices.

(E) Seepage Pit Leaching Disposal System.

(1) Seepage pits shall not be permitted for new systems serving new development. The Health Officer may approve the use of a seepage pit as a leaching dispersal system to:

(a) repair an existing OWTS, or

(b) to expand an existing system in conjunction with a building addition, alteration, expansion or reconstruction, if (i) the existing system utilized seepage pits; and (ii) leaching trenches or other dispersal system cannot be installed due to unsatisfactory soil conditions or lack of sufficient space.

(2) Enhanced treatment will be required for all seepage pits and minimum groundwater separation will be 10 feet, and non-public water well setback shall be 150 feet. Setback from a public water well shall be as specified in Section 7.38.043.

(3) Repair procedures for use of seepage pits shall be established by the Health Officer pursuant to SCCC 7.38.095(E).

(F) Sewage Pumping. Specific criteria will be developed by policy of the Health Officer. When pumping of sewage effluent is allowed by the Health Officer, all electrical work shall be performed under County permit. When effluent pumping is necessary to deliver the effluent to the leachfield, a 1000 gallon effluent pumping station tank shall be provided. The size of the pump chamber may be reduced to not less than the equivalent of the daily flow only if site conditions prevent the installation of a 1000 gallon chamber.

(G) Gravelless trenches or chamber leaching dispersal system may be used but must meet the specific equivalent area to a standard leaching trench dispersal system as set forth by the Health Officer. In the case of fast or medium percolation rates, up to a 30% size reduction may be allowed.

7.38.155 Curtain drains.

A permit shall be required for any curtain drain proposed for use within 100 feet of a leaching dispersal system. Curtain drains located down-gradient from a leachfield must be at least 50 feet from the leachfield. If an impermeable layer is present or soils percolate faster than one minute per inch, curtain drains must be located at least 100 feet away. Curtain drains located up-gradient of a leachfield must be installed with the bottom of the drain higher in elevation than the top of the leachfield or must be located at least 25 feet away. Curtain drains shall not be installed in locations which would preclude the use of an area necessary for installation of a replacement OWTS, which meets the standards of this code on the same parcel or any adjacent parcel.

Curtain drains shall not be permitted for the purposes of attempting to lower groundwater levels to meet the required setback to groundwater from leaching devices for new development or expansion of existing development.

7.38.160 Standards for domestic wastewater systems to serve commercial and industrial establishments, institutions and recreational areas.

Domestic wastewater may include wastewater from commercial buildings such as office buildings, retail stores, and some restaurants, or from industrial facilities where the domestic wastewater is segregated from the industrial wastewater. The following requirements shall supersede, where applicable, the requirements found elsewhere in this chapter, for all systems to serve commercial and industrial establishments, institutions, and recreational areas.

(A) For all such uses, sewage flows shall be based on the designer's estimate of daily peak flow, as supported by relevant evidence and approved by the Health Officer. For all such uses, the sewage application rate shall utilize the application rate based on percolation rate or soil characteristics, as specified in SCCC 7.38.150(A)(4).

(B) For all large systems serving more than five single residential units or having peak daily flows greater than 2,500 gallons per day and less than 10,000 gallons per day, enhanced treatment systems as specified in SCCC 7.38.183 will be required.

(C) The septic tank volume, independent of any other pretreatment device such as a grease trap, shall be three times the peak daily flow.

(D) Discharge from water softeners, swimming pool filter backwash and other sources of non-sewage water shall not be discharged to the septic system and shall be discharged to a separate holding tank to be hauled off-site to a municipal wastewater treatment facility. Swimming pool backwash may be discharged to a separate leaching trench dispersal system properly sized to receive and infiltrate the flow or vegetated ground surface in a manner that does not cause erosion or cause runoff to leave the property.

(E) Pretreatment may be required if the Health Officer determines that the wastewater from a facility is likely to be significantly different from the wastewater produced by domestic uses.

(F) Any food facility that generates grease-laden wastewater that is discharged into an onsite OWTS shall install an exterior grease interceptor. The Health Officer shall adopt specifications for the sizing and maintenance of grease interceptors. High-strength wastewater from commercial food service buildings with a biological oxygen demand higher than 900 milligrams per liter or that do not have a properly sized and functioning oil/grease interceptor is prohibited.

(G) For any food facility, failure to provide adequate sewage disposal or failure to provide proper maintenance of a grease interceptor shall be cause to revoke a food facility health permit.

7.38.180 Minor changes.

Environmental health specialists may allow certain minor changes, required by field conditions, when an inspection in the field makes clear that no individual or cumulative public health hazard will result and no groundwater and surface water beneficial uses will be impacted (as defined by the Basin Plan), and when only slight changes in approved plans are required.

Environmental health specialists shall record all such changes on the County's file plans, and may require the designer or installer to submit an as-built drawing.

7.38.182 Enhanced treatment systems.

(A) The Health Officer may accept sewage disposal permit applications utilizing enhanced treatment system designs, including for parcels with significant site constraints that cannot meet all the requirements for a standard system for the repair of existing systems, for upgrade of existing systems to allow building additions or remodels, and for the construction of new systems. Enhanced treatment system designs for new systems must be in conformance with SCCC 7.38.042, Prohibitions; SCCC 7.38.045, Lot size requirements for existing lots of record; and SCCC 7.38.130(F), (H) and (I), general installation requirements.

(B) Designs for an enhanced treatment system must be prepared by a qualified professional such as a California licensed civil engineer, a California registered environmental health specialist, or a California licensed professional geologist, experienced in the design of enhanced treatment systems. Designs for enhanced treatment systems shall include such technical data as necessary to support deviation from the sewage disposal regulations found in this chapter, and to demonstrate that the system will function as designed and will not adversely affect surface or groundwater quality. Designs proposed for any use must have demonstrated satisfactory performance in site conditions similar to those encountered in the proposed application.

(C) The Health Officer may limit the number of permits for enhanced treatment designs that have not been previously used in Santa Cruz County that are issued in any calendar year to not more than three of each design type. These limits will be removed when experience and water quality monitoring show that the systems of that design type dispose of sewage without adversely affecting surface or groundwater quality for a minimum period of two consecutive years, with at least one of those years having average or above average annual rainfall at the location of system installation. The Health Officer shall charge a fee as approved by the Board of Supervisors for the review, monitoring, and approval of enhanced treatment system designs. If a permit for use of an enhanced treatment system is not approved due to limits on the annual number of systems approved, the completed application will remain valid for up to two years, and permits will be issued in chronological order based on the date that the application was deemed complete. The Health Officer shall withhold approval of additional permits for a particular design type, if experience indicates that the design is not meeting the standards set forth in this section and/or if the systems are not being adequately maintained. In lieu of the above, the Health Officer may accept certification from another public agency or a certified testing laboratory that the proposed design works well in conditions similar to those found in Santa Cruz County.

(D) As a condition to the approval of an enhanced treatment system the property owner shall enter into an agreement with the County of Santa Cruz acknowledging and accepting the requirements for use of a nonstandard system as described in SCCC 7.38.184 through 7.38.186.

(E) The enhanced treatment system design must be inspected during installation by the design consultant for conformance to the design. A certification in writing that the system as installed conforms to the approved design must be submitted by the consultant to the Health Officer prior to final approval of the installation and occupancy of the structure.

(F) The Health Officer shall establish specifications for: submittal of applications for use of an enhanced treatment system; evaluation and approval of the design; installation of the system; and ongoing maintenance and monitoring of the system.

7.38.183 Nitrogen reduction.

(A) Systems in Sandy Soils with Fast Percolation Rates. Enhanced treatment devices providing for reduction of nitrogen in the effluent prior to discharge to the underlying soil will be required for any system which is located in sandy soils. Sandy soils are those soils which either: (1) can be classified as Zayante Series or Baywood Series, as described in the soil survey of Santa Cruz County (USDA, 1980); or (2) have a percolation rate faster than five minutes per inch. Based upon an evaluation of the effectiveness, the Health Officer shall determine the amount of nitrogen removal required, which will not be less than 50% reduction. Shallow pressure distribution or drip dispersal may also be required to provide for nitrogen reduction. Enhanced treatment systems shall be subject to the requirements of SCCC 7.38.182 through 7.38.186.

(B) Large Systems. Enhanced treatment devices approved by the Health Officer which provide a reduction in nitrogen, total suspended solids and biological oxygen demand in the sewage effluent prior to discharge to the underlying soil shall be required for all new systems and upgraded systems serving more than five residential units or serving uses which generate a peak daily discharge of more than 2,500 gallons per day but less than 10,000 gallons per day. Such systems shall be considered enhanced treatment systems, subject to the requirements of SCCC 7.38.182 through 7.38.186.

(C) Waiver of Requirement. The Health Officer may waive the requirement for nitrogen reduction for parcels that are greater than 10 acres or outside the nitrate concern areas of San Lorenzo Watershed, North Coast Water Supply Watersheds, Valencia Watershed and La Selva Beach area; and maintain a non-public water well setback of more than 150 feet.

7.38.184 Nonstandard systems.

(A) Repairs Utilizing Nonstandard Systems. The Health Officer may approve the use of nonstandard system designs which are not in conformance with the standard system requirements specified in this chapter for the repair of existing systems, provided measures are taken to ensure the proper function of such systems as specified in subsection (E) of this section. Nonstandard systems include enhanced treatment systems, nonconforming interim sewage disposal systems, low flow systems, limited expansion systems, and haulaway systems.

(B) Failing Systems. The Health Officer may allow the continued use of an existing system which has been discovered to fail, if, due to site constraints, that system cannot be upgraded to meet the standards specified in SCCC 7.38.095 through 7.38.182, and the owner/agent takes

measures which will ensure the proper function of such system as specified in subsection (E) of this section.

(C) Enhanced treatment Systems. All enhanced treatment systems as described in SCCC 7.38.182, including systems previously designated as alternative systems, shall be considered nonstandard systems and shall be required to meet the nonstandard system requirements specified in subsection (E) of this section.

(D) Systems Subject to Prior Operating Permits. All systems for which the Health Officer has previously notified the owner that an operating permit would be required, pursuant to the provisions of this chapter in effect prior to 1994, shall be considered nonstandard systems subject to the requirements of subsection (E) of this section.

(E) Requirements. Use of a nonstandard system shall be subject to the following requirements:

(1) The Health Officer shall record a notice of nonstandard system on the property deed as specified in SCCC 7.38.186.

(2) The property owner shall maintain the system, monitor system performance, utilize required water conservation measures, comply with any special requirements established as a condition for approval of that specific system and/or specified in the notice of nonstandard system, and if necessary, discontinue use of the dispersal system and have the tank(s) pumped to prevent surfacing of effluent and maintain required separation from groundwater.

(3) Nonstandard systems shall be subject to regular inspection by the Health Officer to ensure that the above conditions are satisfied.

(4) If the system is not functioning satisfactorily and/or is not in compliance with requirements specified in the notice of nonstandard system, the property owner may be subject to a violation reinspection fee pursuant to SCCC 7.38.290 and will be required to repair the system and/or modify operation as necessary to ensure proper operation.

(5) Properties served by nonstandard systems shall be subject to an annual service charge under County Service Area No. 12, which shall be established by resolution of the Board of Supervisors to pay the costs of routine system inspections and oversight. Service charges may be levied by another sanitation entity if the property is located outside of County Service Area No. 12. The Health Officer may waive an annual charge for systems which meet all standards except adequate expansion area and which continue to perform adequately.

(6) Owners of properties with enhanced treatment systems shall be required to maintain a service contract with an approved onsite system service provider to regularly inspect, monitor, and maintain the system and submit reports of system performance to the Health Officer on at least an annual basis, or more frequently if specified. Property owner shall

provide for and maintain a telemetry system to allow remote monitoring of the system, unless such requirement is waived by the Health Officer.

(7) The Health Officer shall establish policies and procedures for use of nonstandard systems.

(F) Owner Acceptance of Requirements. Before the Health Officer approves a permit for the use of a nonstandard system, the owner of the property or an agent duly authorized by the owner to act on the owner's behalf must enter into an agreement with the County of Santa Cruz acknowledging and accepting the requirements for use of a nonstandard system as described above.

(G) Ongoing Maintenance and Monitoring. The Health Officer shall establish specifications and requirements for the ongoing maintenance and monitoring to ensure proper functioning of nonstandard systems that have been installed pursuant to this section. These specifications and requirements may include but are not limited to requirements of regular monitoring, maintenance and service by an onsite system service provider approved by the Health Officer; site-specific monitoring and maintenance requirements; effluent testing; and new technology upgrade necessary to meet the requirements of SCCC 7.38.182, 7.38.183 and 7.38.184.

7.38.186 Notice of nonstandard system.

(A) Requirement. A notice of nonstandard system shall be recorded by the Health Officer with the County Recorder's office on the deed of any property served by an approved nonstandard system as described in SCCC 7.38.184. The notice of nonstandard system will include the following information:

(1) Description of the system characteristics and limitations which cause the system to be a nonstandard system, such as: inadequate dispersal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an enhanced treatment technology, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in SCCC 7.38.095 through 7.38.180;

(2) Statement of the operating requirements to ensure proper performance of the nonstandard system, such as: use of water conservation measures, monitoring of effluent levels in leachfield risers, pumping of a grease trap, shutting off of the dispersal system when groundwater rises to a specified level, maintenance of a contract for tank pumping, etc.;

(3) Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated, restrictions on building additions, etc.;

(4) Notification that County staff will conduct routine inspections of the system, as necessitated by the increased likelihood that a nonstandard system might fail;

(5) Notification that the property owner will be assessed an annual service charge on the property tax bill to cover the County costs of inspection and oversight; and

(6) A statement that the notice of nonstandard system may be modified or expunged if the system is upgraded.

(B) Expungement. If the system is eventually upgraded under approved permit to meet the requirements for a standard system, the Health Officer shall, upon payment by the property owner of fees for expungement, record a notice of expungement of nonstandard system with the County Recorder.

7.38.190 Licensing and certification requirements.

(A) Except as hereinafter provided, a Licensed General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36) shall install all new and replacement OWTS in accordance with California Business and Professions Code Sections 7056, 7057, and 7058 and Article 3, Division 8, Title 16 of the California Code of Regulations. A property owner may also install their own OWTS if the as-built diagram and the installation are inspected and approved by the Health Officer at a time when the OWTS is in an open condition (not covered by soil and exposed for inspection).

(B) Designers, installers and service providers (collectively referred to as providers) for OWTS and enhanced treatment systems shall have demonstrated experience and knowledge of the type of system that they are designing, installing or maintaining, according to criteria established by the Health Officer.

(1) Application for the Qualified Professional Registration to perform work in Santa Cruz County shall be made in writing and on a form prescribed by the Health Officer, signed by the holder of the professional license or certification, accompanied by a fee established by the Board of Supervisors, and shall include such information as the Health Officer may reasonably require to meet the purposes of this Chapter.

(2) If the Health Officer has determined that the applicant has a valid, unexpired professional license or certification, has paid the application fee, and has supplied all other required information, the Environmental Health Division shall issue the Qualified Professional Registration, provided, however, that the Division shall not issue a Qualified Professional Registration to any applicant whose Qualified Professional Registration is in a revoked or suspended status pursuant to this Chapter.

(3) The Registered Qualified Professional is responsible for knowing and complying with all requirements of this chapter and the Santa Cruz County LAMP. The Registered Qualified Professional is also responsible for making sure that all their employees also know and comply with all requirements of this chapter and the Santa Cruz County LAMP.

(4) A Registered Qualified Professional must give the Health Officer immediate written notice of any suspension or revocation of their professional license or certification. The Health Officer may suspend or revoke the Qualified Professional Registration at any

time if the Registered Qualified Professional ceases to have a valid professional license or certification, or if it has expired.

(5) The Environmental Health Division shall maintain a current list of names and business addresses of all Registered Qualified Professionals and of all Registered Qualified Professionals whose registration has been suspended or revoked.

(C) A designer, installer or service provider that repeatedly performs work in violation of this chapter shall have their registration with the county suspended, shall be removed from the list of approved providers, and no permits will be approved that utilize that provider. Prior to such suspension, the provider shall be notified in writing and given an opportunity to come into compliance with the requirements of this chapter. Following such suspension, the provider may request in writing reversal of the suspension by indicating how they will come into compliance and remain in compliance with the requirements of this chapter. A suspension may be appealed to the Environmental Health Appeals Commission pursuant to SCCC 7.38.210.

7.38.200 Construction Inspections.

A copy of the building plans having the approved OWTS design shall be kept available at the job site during system installation and until the system installation receives final approval by the Environmental Health Division. One or more inspections of each new installation shall be made by the Health Officer. All work authorized by the permit shall be inspected by the Health Officer to ensure compliance with all the requirements of this code. A request to the Environmental Health Division for inspection must be made during posted environmental health specialist office hours at least one business day in advance of the commencement of work. In the event the Health Officer determines there has been an improper installation, they may post a stop work order on the job site. Before any further work is done on the site, clearance from the Health Officer must be obtained.

7.38.205 Revocation or suspension of permit.

(A) A permit issued pursuant to this chapter may be revoked or suspended by the Health Officer if a violation of this chapter exists or if the permit was obtained by fraud or misrepresentation.

(B) The Health Officer may issue a stop work order pursuant to SCCC 7.38.217 pending resolution of any proceeding to suspend or revoke a permit.

(C) The Health Officer shall conduct a hearing upon five days' notice to the permittee of the purpose, time and place of the hearing. The hearing shall be informal and the permittee may present opposition to the proposed suspension or revocation.

(D) The Health Officer shall give notice in writing of the suspension or revocation of a permit.

7.38.210 Appeal from denial, revocation or suspension of permit.

(A) A person whose application for an onsite sewage disposal permit has been denied, or whose permit once issued has been revoked or suspended, may within 10 days following the date on which the action was taken, file an appeal in writing with the Environmental Health Appeals

Commission. Said appeal shall be accompanied by the filing fee established by resolution of the Board of Supervisors. Upon receiving an appeal, the Environmental Health Appeals Commission shall schedule the appeal for hearing at the earliest time possible thereafter that all members of the Commission can meet, and normally within 20 business days after the date that the appeal is filed.

(B) The appeal shall be made in writing and shall demonstrate that all of the following circumstances apply:

- (1) The property clearly meets all standards of this chapter and the regulations adopted thereto;
- (2) The use of an OWTS on the property is consistent with the intent of the General Plan, and with the Local Coastal Program Land Use Plan for parcels in the Coastal Zone, and with all applicable zoning provisions;
- (3) The use of an OWTS on the property does not pose any danger to the public health and safety; and
- (4) Approval of the appeal will not result in the granting of a special privilege.

(C) A designer, installer or service provider whose permission to provide service has been suspended pursuant to SCCC 7.38.190(C) may appeal such suspension to the Environmental Health Appeals Commission by submitting an appeal in writing that indicates the reasons that the suspension should be reversed.

(D) Upon receipt of the written appeal, the Health Officer shall cause a full report on the appeal to be made to the Environmental Health Appeals Commission. The report shall include all of the following:

- (1) A statement of jurisdiction, showing that the appeal was timely and properly filed;
- (2) A copy of all relevant materials in the file of the Environmental Health Division relating to the appeal, including a copy of the permit application, and of any permit issued, and of any orders issued by the Division;
- (3) An analysis of the appeal by the Health Officer, providing the Health Officer's recommendation with respect to the appeal, and specifically providing an analysis of the factors listed in subsection (B) of this section; and
- (4) A copy of all code provisions relevant to the appeal, including those code provisions relating to the authority and jurisdiction of the Environmental Health Appeals Commission.

(E) The report required by this section shall be presented to the members of the Environmental Health Appeals Commission as soon as possible after the appeal is filed, and no later than five days prior to the hearing date set, and a copy of the report shall be furnished to the appellant at the same time.

(F) After hearing the appeal, the Environmental Health Appeals Commission may either affirm, overrule, or modify the action of the Health Officer. The Commission shall not overrule or modify the action of the Health Officer unless it makes a finding, supported by substantial evidence, that the conditions specified in subsection (B) of this section have been met.

(G) The action of the Environmental Health Appeals Commission on any matter appealed to the Commission shall be final.

7.38.215 Requirement for System Maintenance, Operation and Performance.

(A) The property owner shall be responsible for ensuring proper operation of the OWTS, which includes taking the following measures:

- 1) Ensuring that use of the property and the amount of wastewater generated does not exceed the design flow of the system;
- 2) Preventing any disturbance of the system or the area of the system that would cause the system to malfunction or discharge inadequately treated effluent to the ground surface. There shall be no paving, construction, or other significant disturbance over the leaching dispersal system or the expansion area;
- 3) Ensuring that no stormwater enters the system or is discharged where it would infiltrate the dispersal area;
- 4) Ensuring that all system components are periodically inspected and maintained according to manufacturer's specifications and to ensure proper system conformance;
- 5) Ensuring that tank risers, distribution device risers, dispersal system inspection risers, and other system components are maintained and accessible;
- 6) Ensuring that the septic tank is inspected and pumped of solids as needed to prevent discharge of solids to the dispersal system, at least every seven years. The duration may be longer if inspection shows that more frequent pumping is not needed;
- 7) Conducting periodic inspections of the system components, dispersal system risers, and area in the vicinity of the dispersal area to ensure that the system is operating properly and is not discharging effluent on the ground surface;
- 8) Taking immediate steps to correct the situation if the system is not operating properly, including reducing water use, pumping the tank, contacting a service provider, or initiating the process to repair the system under permit; and
- 9) For those properties served by an enhanced treatment system, maintaining a service contract with an approved onsite system service provider to regularly inspect, monitor, and maintain the system and submit reports of system performance to the Health Officer on at least an annual basis, or more frequently if specified. Property owner shall

provide for and maintain a telemetry system to allow remote monitoring of the system by the service provider, unless such requirement is waived by the Health Officer.

(B) The Health Officer may conduct periodic evaluation of OWTS and review water quality information and pumping and maintenance records to ensure that the system is being operated and maintained according to the provisions above and is not failing. If such evaluation indicates that the system may be malfunctioning the Health Officer may conduct an inspection pursuant to subsection (C) below.

(C) The Health Officer may, upon reasonable cause to believe that a violation of any provision of this chapter or a threat to the public health may exist, investigate to determine whether such a violation or threat does in fact exist. Inspections shall be conducted at reasonable times and the inspector shall first make a reasonable effort to contact the owner or occupant of the premises. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from the owner or occupant. If permission is denied, then an inspection warrant shall be obtained.

(D) Properties served by OWTS shall be subject to an annual service charge under County Service Area No. 12, which shall be established by resolution of the Board of Supervisors to pay the costs of County programs to ensure proper onsite system functioning, including receiving water testing, investigations, inspections, administration of septage disposal facilities, education, and other activities. Service charges may be levied by another sanitation entity if the property is served by an OWTS and is located outside of County Service Area No. 12.

7.38.216 System inspection upon transfer of property.

(A) Inspection Prior to Sale of Property. Prior to selling a property, a property owner shall cause the OWTS to be inspected for any defects. If the system is failing or there are structural defects, then repairs needed shall be completed prior to the sale of the property to meet the County's standards as specified by the OWTS property transfer inspection form, unless otherwise specified in this section or determined by the Health Officer to be exempt pursuant to the terms of this chapter.

(1) Inspection and Evaluation. Before sale of the property after July 1, 2023, the seller shall cause the system to be pumped and inspected by a qualified professional who shall complete a form established by the Health Officer describing the system characteristics, permits, service agreements, performance history, and an assessment of system and site conditions. The form shall be provided to prospective buyers and the Environmental Health Division and shall indicate whether the OWTS and its components were installed pursuant to an approved permit and whether the OWTS meets current standards, or whether it cannot be determined if the system meets current standards. Water quality testing of effluent quality, well water or adjacent surface water may be required as

needed to demonstrate satisfactory system performance if the system does not meet required setbacks from streams, wells, or groundwater.

(2) Enhanced Treatment Systems. If the property is served by an enhanced treatment system, sellers are required to disclose any active annual service agreements, contact information of the current OWTS service provider and the associated annual county and service provider fees. New owners are required to provide proof of service policy transfer or of a new service policy with an approved service provider upon transfer.

(3) Responsibilities of Seller. The seller, prior to the sale of property, shall be responsible for complying with the requirements of this chapter and for obtaining an OWTS property transfer inspection certificate for sale of property before the conclusion of the sale of property, unless otherwise specified in this section.

(4) Option to Transfer Seller's Responsibility to Buyer. Before the sale of property, the seller and buyer of any property may mutually agree to transfer responsibility for making any needed repairs to the property's OWTS in compliance with this chapter to the buyer. In the event the buyer agrees to assume responsibility for repairing the OWTS, the seller shall provide proof of inspection of the OWTS to the buyer, which indicates the repairs that will be needed to meet the requirements of this chapter. The buyer shall then complete the repairs to meet the requirements of this chapter no later than ninety (90) calendar days after the date of the sale. Before the time of sale, the seller and buyer shall complete the following procedures:

(a) Both the seller and buyer shall sign a transfer of responsibility to repair form certifying that the seller has completed an inspection and that the buyer has assumed responsibility for any repairs; and

(b) The signed transfer of responsibility to repair form must be submitted to the Environmental Health Division of the Health Services Agency before the sale of the property and included in the real estate transfer documentation.

(5) Verification of Compliance. The seller (or buyer only if based on a valid transfer of responsibility to repair form) shall verify compliance with this chapter by submitting a completed OWTS property transfer inspection form within the time limit specified above. Once compliance with the requirements of this chapter has been verified, an OWTS inspection certificate for sale of property will be issued within ten business days.

(B) Enforcement. Failure to comply with any of the provisions of this section will be considered a violation of this chapter and subject the violator to any and all enforcement remedies

provided under this Code. The Health Officer shall have the authority to waive, suspend, or otherwise reduce any civil administrative penalty imposed by this section upon a showing that the property owner is pursuing the repair with due diligence but that unavoidable circumstances will prevent the repair being accomplished within ninety (90) days.

7.38.217 Stop work orders.

Whenever any work is being done contrary to the provisions of this code, the Health Officer may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done or posted at the work site, and any such persons shall forthwith stop such work until authorized by the Health Officer to proceed with the work.

7.38.220 Abatement order.

In the event the Health Officer determines that a violation of the provisions of this chapter exists, the Health Officer may abate any sewage condition resulting therefrom as a nuisance, in accordance with the provisions of SCCC 1.14.

7.38.280 Conflicting provisions.

If any of the provisions of this chapter conflict with any of the provisions of the Uniform Plumbing Code adopted as SCCC 12.10.235, or any of the provisions of any other section of this code, heretofore or hereafter enacted, the provisions of this chapter shall control unless expressly stated to the contrary.

7.38.290 Violations.

(A) In the event of a violation of the provisions of this chapter other than those set forth in 7.38.216, the conditions of any permit issued under this chapter, or any requirements specified in a notice of nonstandard system, the property owner/permittee shall be given notice of such violation and a reasonable time to correct the violation.

(B) If the violation has not been corrected or if the violation or any action constitutes a threat to human life or safety or welfare, then the Health Officer shall notify the property owner/permittee to immediately suspend use of the OWTS, and those uses of the real property which are likely to result in the generation of sewage.

(C) Whenever the Health Officer visits a property to ensure compliance with a permit condition, a requirement in a notice of nonstandard system, or a notice to correct violation, and the condition or requirement is not satisfied or the violation has not been corrected, the property owner shall be subject to a violation reinspection fee, the amount to be established by resolution of the Board of Supervisors.

7.38.295 Recording notices of violations.

Whenever the Health Officer has knowledge of a violation of any of the provisions of this chapter, any condition of a permit issued under this chapter, or any term of an agreement executed under SCCC 7.38.186, the Health Officer may provide a notice of intent to record a notice of violation to the owner of the property on which the violation is located. Notice shall be provided by posting on the property and by mail at the address shown on the latest

assessment roll or at any other address of the owner known to the Health Officer. The notice shall state that within 20 days of the date of the notice, the owner may request a meeting with the Health Officer to present evidence that a violation does not exist. In the event that a meeting is not requested and the violation has not been corrected, or, in the event that after consideration of the evidence the Health Officer determines that a code violation in fact exists, the Health Officer may record a notice of code violation in the Office of the County Recorder. At the request of any affected property owner, the Health Officer shall issue a notice of expungement of code violation upon correction of any violation noticed hereunder. The notice of expungement may be recorded by the affected property owner at their expense. The decision of the Health Officer shall be final.

7.38.300 Promulgation of policies.

Any policy, specification or procedure which the Health Officer is authorized by this chapter to adopt shall be in writing with copies made available to the public. Such policies, specifications or procedures shall be made available to the public 30 days before their implementation by the Health Officer.