

ORDINANCE 1759**AN ORDINANCE REPEALING CHAPTERS 14.12 and 14.13 OF THE AMADOR COUNTY CODE AND ADDING A NEW CHAPTER 14.12 OF THE AMADOR COUNTY CODE RELATING TO ONSITE SEWAGE DISPOSAL SYSTEMS**

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Chapters 14.12 and 14.13 of the Amador County Code are hereby repealed in their entirety.

SECTION 2. Chapter 14.12 is hereby added to the Amador County Code to read as follows:

14.12.010 Definitions

- A. "**Alternative system**" means an On-site Wastewater Treatment System (OWTS) which includes features to compensate for severe site constraints such as insufficient depth of suitably permeable soil, presence of shallow groundwater, or insufficient area to support the proposed discharge. Alternative systems may include, but are not limited to, OWTS that include supplemental treatment, mound absorption systems, at-grade dispersal, evaporative beds, holding tanks or drip dispersal. Alternative systems may or may not ultimately dispose of sewage in a subsurface dispersal field or fields. Alternative systems which discharge to the soil shall maintain at least two feet of vertical separation between the discharge point and highest known or anticipated groundwater level.
- B. "**Applicant**" means the owner of the property for which a permit is sought or the owner's authorized agent.
- C. "**Character of use**" means the use that an OWTS will service, as, for example, single-family dwelling, retail store, restaurant, and so forth.
- D. "**Community OWTS**" or "**Community system**" means an OWTS that receives sewage originating from more than one lot. Community systems may serve residential or non-residential structures but shall receive only domestic wastewater or high-strength wastewater from commercial food service buildings that does not exceed 900 mg/L BOD and has a properly sized and functioning oil/grease interceptor.

- E. **"Construction"** means and includes new construction or installation of an on-site sewage system, as well as any repair, replacement, decommissioning, alteration, or relocation of an OWTS for which a construction permit is required.
- F. **"Construction permit"** means a document issued by the director of the Amador County Environmental Health Department (Director) permitting construction of an OWTS.
- G. **"Contamination"** means the introduction of pathogens, nutrients or other wastewater constituents into ground or surface water at concentrations that are deleterious to public health or the environment.
- H. **"Conventional system"** means an on-site sewage system that utilizes a septic tank or tanks and a subsurface leach field or fields and appurtenances, such as distribution boxes. A conventional system may include a pump and pump tank to lift effluent to a gravity fed leachfield. A conventional system maintains at least five feet of vertical separation between the discharge point and highest known or anticipated groundwater level.
- I. **"Department"** means the Amador County Environmental Health Department.
- J. **"Director"** means the director of the Amador County Environmental Health Department or duly designated representative of the director of the Amador County Environmental Health Department.
- K. **"Drainage system"** means all the piping within public or private premises that conveys sewage or other liquid wastes to a point of disposal or treatment, but does not include the mains or laterals of a sanitary sewer.
- L. **"Failing System"** means any OWTS which:
- 1 Discharges sewage or effluent to the surface of the ground
 - 2 Contaminates surface water or groundwater that discharges to the surface of the ground
 - 3 Contaminates ground water used as a source of drinking water or that is used for any other beneficial use.
 - 4 Does not accept the intended waste flows at the rate they are normally generated without backing up or discharging from another fixture
 - 5 Does not treat wastewater in compliance with the design prior to discharge
 - 6 Any system that creates or contributes to nuisance conditions
 - 7 Any treatment unit which does not produce effluent meeting minimum standards established by this chapter or regulations adopted pursuant to this chapter.

Correction of a failing Tier 0 system without the need to expand or replace the dispersal field shall not require that the OWTS be altered to comply with Tier 2 criteria.

- M. **“Graywater”** means untreated wastewater that is not high strength wastewater, has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes but is not limited to wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include food processing wastes or wastewater from toilets, urinals, kitchen sinks or dishwashers.
- N. **“Graywater system”** means a system designed to collect graywater and transport it out of the structure for distribution in an irrigation or disposal field. A graywater system may include tanks, valves, filters, pumps or other appurtenances along with piping and receiving landscape.
- O. **“Holding Tank”** means a watertight receptacle that receives the discharge of a drainage system or a part thereof until it is removed for off-site disposal.
- P. **“Large OWTS”** means an on-site wastewater system that receives sanitary waste from one or more dwellings or non-residential structures if and where the system serves or is designed or intended to serve a daily average of 20 or more persons or 1,500 or more gallons.
- Q. **“Local agency management program” or “LAMP”** means this chapter and all regulations, policies, or practices adopted pursuant to this chapter which have been reviewed by the Central Valley Regional Water Quality Control Board for consistence with the Policy for Siting, Design, Operation and Management of On-site Wastewater Treatment Systems (Policy) and approved by that Regional Board.
- R. **“Lot”** means an individual and distinct parcel or tract of land which may be bought or sold as a single unit without further division pursuant to the subdivision map act. A lot may consist of more than one Assessor’s parcel.
- S. **“Modified conventional system”** means an OWTS which utilizes a septic tank or tanks and a subsurface leach field or fields and appurtenances, similar to a conventional system, but which may include small diameter pressure dosed laterals, shallow trenches, distribution valves or other components to mitigate for site constraints or waste characteristics that are incompatible with a conventional design. A modified conventional system maintains at

least five feet of vertical separation between the discharge point and highest known or anticipated groundwater level.

- T. **“New OWTS”** means any OWTS for which a construction permit has been issued for new construction, expansion or replacement after the effective date of this ordinance.
- U. **“Operating permit”** means a permit issued by the Director authorizing the use of an on-site wastewater treatment system in accordance with the design.
- V. **“Owner”** means any person who alone, or jointly, or severally with others, has legal title to any single lot, dwelling, dwelling unit, or commercial facility; or, has care, charge or control of any real property as agent, executor, executrix, administrator, trustee, commercial lessee, or guardian of the estate of the holder of legal title.
- W. **“Owner’s authorized agent”** means a licensed real estate agent under contract with the owner, an appropriately licensed contractor under contract with the owner or any other person with power of attorney for the owner.
- X. **“Sanitary sewer”** means any community system for the collection, treatment and disposal or recycling of sewage that is operated and maintained by any municipality, district, or other public or private corporation. For purposes of the chapter, an approved community OWTS is considered a sanitary sewer.
- Y. **“Subdivision”** means the division of any unit or units of improved or unimproved land as defined in Sections 17.12.260 and 17.88.050 of this code.
- Z. **“Vault toilet”** means a toilet connected to a tank or vault into which human wastes are directly deposited without the assistance of water. The tank or vault receives no wastes other than from the non-water flush toilet(s).

14.12.020 Administration

- A. Except as otherwise provided, the director is charged with the responsibility of administering this chapter and regulations adopted pursuant to this chapter. Regulations or amendments thereof shall become effective thirty calendar days following the date approved by Board of Supervisors and filed with the board clerk.
- B. The director is further authorized from time to time to promulgate policies and procedures which facilitate the implementation of this chapter and regulations adopted pursuant thereto.

Said policies and procedures shall be published in writing by the department and shall become effective no sooner than 30 days from the date published.

- C. Neither this chapter, nor regulations or policies and procedures adopted pursuant to this chapter shall conflict with the goals of the State Water Quality Control Board Policy for Siting, Design, Operation and Management of OWTS (Policy).

14.12.030 Sanitary sewers

If and where the drainage system of a building is within two hundred feet of a sanitary sewer and the owner of the building may lawfully and feasibly connect to the sanitary sewer, then, and in such event, such connection must be made in the most direct manner possible and in accordance with the rules and regulations of the operator of the sanitary sewer, and no new or replacement OWTS shall be allowed. The sanitary sewer may be considered as not available when such sanitary sewer is located more than 200 feet from any proposed building or exterior drainage facility on any lot or premises that is intended to be served by such public sewer. This provision does not apply to replacement OWTS where the connection fees and construction cost are greater than twice the total cost of the replacement OWTS and the Department determines that the discharge from the OWTS will not affect groundwater or surface water to a degree that makes it unfit for drinking or other uses. Where a sanitary sewer is not available, the drainage system of a building shall be connected to an approved OWTS.

14.12.040 Permit application

- A. Application for OWTS construction and operating permits shall be made by the owner of the property or the owner's authorized agent on a form provided by the Department. A scaled plot plan shall be submitted with the application. The applicant is responsible for the accuracy and completeness of all information provided. The applicant shall be responsible for communicating with interested parties any information regarding delays, conditions, requirements, costs and the status of the application. The applicant shall be responsible for securing the services of appropriately licensed contractors, qualified consultants or other such services, information or supplies which may be necessary to process the application.
- B. The Department shall review the application for completeness prior to acceptance. The Department shall not accept an application for any OWTS unless the proposed discharge is

domestic wastewater, or high strength wastewater originating from a commercial food facility, and the daily flow does not exceed 10,000 gallons. If the Department determines that the application is incomplete or inaccurate it shall be rejected and the applicant informed of the reason(s) for rejection. If no determination is made regarding the completeness or accuracy of the application within 30 days of receipt by the Department, the application shall be considered accepted as complete. If conditions change or information comes to light which call into doubt the completeness or accuracy of the application after acceptance, the application may be suspended pending additional information or denied by the Director.

- C. The application shall serve as the basis for the construction permit. Unless the construction permit is issued no later than one year after the date that the application is deemed complete the application shall expire. The application is transferrable and shall remain in effect in the event of sale of the property. It shall be the responsibility of the applicant to inform the Department of any change of ownership to assure that application information on file with the Department is kept current.
- D. At the request of the applicant the Department may grant a one year extension of the application at no cost if wet weather testing is required and the parcel enrolled, if site modification is required and the applicant proceeds in a timely fashion, or if OWTS plans have been submitted and are under review or revision. Additional one year extensions may be granted for the same or similar reasons.

14.12.050 Construction permit required

No OWTS shall be constructed except in accordance with the required construction permit issued by the Department. No OWTS shall be constructed except by an appropriately licensed contractor, the property owner, or the owner's authorized agent consistent with contractor's license law. The Department shall not issue a construction permit except in response to a duly filed application and only when the applicant has complied with all requirements for such permit as set forth in this chapter and applicable regulations adopted pursuant to this chapter. A construction permit shall not be issued unless the proposed discharge is domestic wastewater, or high strength wastewater originating from a commercial food facility, and the daily flow does not exceed 10,000 gallons. When more than one OWTS is being installed on the same property, a separate construction permit is required for each system.

14.12.060 Construction permit issuance

- A. Upon determination that the application is complete, all site investigation required by the Department shall be performed by a qualified professional. If investigation results indicate site suitability, system design shall be performed by a qualified professional and shall be reviewed by the Department for compatibility with the character of use, wastewater flow, site conditions, and design criteria for the system type.
- B. If a permit is approved for issuance, the Department shall notify the applicant via first class mail. The permit fee shall be paid within 90 days or the application shall expire and a new application shall be required. Once issued, the construction permit remains valid for one year from the date of issue. Should construction of the OWTS not be completed and final approval of the construction permit not obtained within the year, the construction permit will expire and be of no further force or effect unless extended or renewed pursuant to this Chapter.
- C. If the construction permit is to be issued for an alternative, large, community or tier 3 OWTS, an operating permit application shall be provided to the applicant at the time that a design is submitted to the Department for review. The operating permit application shall be completed by the applicant prior to issuance of the construction permit. The operating permit shall be issued prior to final approval of the construction permit.

14.12.070 Construction permit extension, renewal or reissuance

- A. If an owner submits to the Department a request for extension of the construction permit while the permit is still valid, the Department shall grant one extension for a period of ninety days for the sole purpose of allowing the owner to complete construction and obtain final approval.
- B. If an owner submits to the Department a request for renewal of the construction permit while the permit is still valid, exclusive of any ninety day extension, and pays the permit renewal fee, the Department shall review the proposed disposal site and the OWTS design to confirm that conditions comply with criteria in effect at the time the permit would have expired. If compliant, the permit shall be renewed for a period of one year from the expiration date. If

not compliant, the Department shall advise the owner of the reason(s) the permit cannot be renewed.

- C. If a construction permit has expired, an owner may submit to the Department a new construction application, request re-issuance of the expired construction permit, and pay the appropriate fee. The Department shall review the proposed disposal site and the OWTS design to confirm that conditions comply with criteria currently in effect. If compliant, the permit shall be re-issued for a period of one year. If not compliant, the Department shall advise the owner of the reason(s) the permit cannot be re-issued.

14.12.080 Operating permit required

Operation of new alternative, large, or community OWTS is unlawful except pursuant to a valid operating permit issued by the Department. Operation of new modified conventional design OWTS which include designer specified operation and maintenance requirements is unlawful except pursuant to a valid operating permit issued by the Department. Operation of a new OWTS constructed pursuant to a variance or a special permit which are at increased risk of failure is unlawful except pursuant to a valid operating permit issued by the Department. Operating permits shall be issued prior to final approval of the construction permit and prior to placing the OWTS in service. Operating permits shall establish conditions for OWTS operation, maintenance and reporting. When more than one OWTS requiring an operating permit is operated on the same property, a separate permit is required for each system.

14.12.090 Operating permit issuance

- A. The operating permit shall be in the form of a recordable agreement, provided by the Department, intended to provide constructive notice to interested parties of the conditions, restrictions and responsibilities of the operator. Except for those operating permits for systems to be installed for use only by the current owner, for a stated time period or until a specific event occurs (such as the construction or extension of a sanitary sewer), the operating permit shall transfer to subsequent OWTS owners and operators and shall remain in effect for the life of the OWTS provided the operator maintains substantial compliance with operating permit conditions and pays when due applicable fees or assessments levied by the Department or County Service Area #6 pertaining to the OWTS. Operating permit

conditions shall be based on the particular details of the OWTS, including, but not limited to, daily design flow, waste strength, system maintenance, and periodic reporting.

- B. It shall be a violation of this chapter to operate any OWTS for which an operating permit is required without a valid operating permit.

14.12.100 Special permits

The director may grant special wastewater construction and operating permits if the application of this chapter and regulations, policies and procedures adopted pursuant to this chapter are impractical or unnecessary, and if the granting of such special permits would be consonant with the purpose of this chapter and the Policy. In issuing such special sewage permits, the director may prescribe time limits or other such conditions as are necessary to protect the public health and water quality.

14.12.110 Non-discharge systems

Non-discharge systems are those wastewater management systems which are not connected to a sanitary sewer and do not discharge to the ground. Such systems may collect and manage all or a portion of wastewater generated within a structure, may serve remote comfort stations or may provide service during disasters or special events. Non-discharge systems include but are not necessarily limited to holding tanks, vault toilets, chemical toilets, and lined and covered evaporative beds. With the exception of chemical toilets as described in Section 14.12.150, non-discharge systems are subject to construction and operating permits issued by the Department.

14.12.120 Graywater systems

- A. Graywater systems shall be constructed and operated in compliance with Chapter 16A, Part I, of the State Plumbing Code and regulations adopted pursuant to this chapter.
- B. Graywater systems shall be operated and maintained so as not to result in nuisance conditions. The Director is empowered to order any owner of property to change an existing graywater system with respect to its method or location for the discharge where the change is necessary to prevent the system from being a health hazard, nuisance or discharging pollutants to ground or surface water. Any correction notice shall designate a reasonable correction schedule.
- C. No construction permit or inspection by the Department shall be required for graywater systems that discharge washing machine water only and that are constructed and operated in

compliance with Plumbing Code Section 1603A.1.1, Clothes Washer System, and Amador County regulations.

- D. Persons constructing graywater systems that are not limited to washing machine discharge only shall submit an application to the Department and obtain a construction permit prior to construction of the graywater system and shall cause the system to be inspected by the Department and obtain final approval of the construction permit prior to placing the graywater system in service.
- E. The Department shall not authorize a reduction in size for any OWTS or any construction or use that would generate waste flows beyond the design capacity of any existing OWTS because of the installation of a graywater system. Drainage system plumbing shall be so designed and constructed such that all drainage may be readily directed to the OWTS or sanitary sewer serving the structure and such that any graywater overflow automatically discharges to the OWTS or sanitary sewer. Graywater shall not be plumbed for any indoor use or to any above ground point of discharge unless at least two (2) inches (51 mm) of mulch, rock, or soil, or a solid shield covers the release point.
- F. The Department shall require that the appropriate Building department with jurisdiction authorizes the issuance of a graywater permit due to the need to retrofit drain, waste and vent piping within the structure. The Department shall also verify that the appropriate Building department has authorized final approval of the permit.

14.12.130 Land divisions

- A. The Department shall not recommend for approval a subdivision proposing individual on-site wastewater systems if the proposed subdivision lies within any city or special district that provides sanitary sewer service or if any portion of the project lies within five hundred feet of a sanitary sewer which may legally serve such a development.
- B. The Department shall not recommend for approval any subdivision which proposes OWTS unless supported by substantial evidence that discharge of waste from such disposal systems will not result in violation of water quality objectives, impair present or future beneficial uses of water, cause pollution, nuisance, or contamination, and will not unreasonably degrade the quality of any waters of the state.

- C. The Department shall not recommend for approval any subdivision creating a parcel density less than five acres unless an evaluation by a qualified professional demonstrates that wastewater loading shall not conflict with the Central Valley Salt and Nutrient Management Plan.
- D. The Department shall not recommend for approval any change to the Amador County General Plan enabling an increased housing density to less than five acres unless an evaluation by a qualified professional demonstrates that wastewater loading shall not conflict with the Central Valley Salt and Nutrient Management Plan.
- E. No parcel less than five acres in size shall be recommended for approval if said parcel is to be served by an alternative system. Approved alternative systems for land divisions shall include mounds and those systems which include supplemental treatment and discharge to pressure dosed trenches.
- F. Subdivisions proposing density averaging may not result in any parcels less than two acres in size to be served by private wells and onsite sewage systems. No subdivision shall be recommended for approval if such land division or subdivision would create any parcel of less than forty thousand square feet in size, unless each such parcel is served by a sanitary sewer.
- G. The Department shall not recommend for approval a proposed lot at least 40,000 square feet but less than five acres in size unless the lot
 - 1. May legally be served by a sanitary sewer and a public water system, or
 - 2. May legally be served by a sanitary sewer and an individual water supply well, or
 - 3. May be served by a conventional or modified conventional OWTS and a public water system.
- H. The Department shall not recommend for approval a proposed lot five acres or more in size unless the lot
 - 1. May legally be served by a sanitary sewer and a public water system, or
 - 2. May legally be served by a sanitary sewer and an individual water supply well, or
 - 3. May be served by a conventional, modified conventional, or an alternative OWTS approved for land division and a public water system, or
 - 4. May be served by a conventional, modified conventional, or an alternative OWTS approved for land division and an individual water supply well.

- I. For every lot proposed to be created by a subdivision which is not required to connect to a sanitary sewer, sufficient information shall be provided to the Department by the subdivider to demonstrate that the lot includes sufficient area containing soil conditions compatible with siting and design criteria for OWTS designs authorized for the type of development proposed.
- J. The Department shall refer to the regional board any tentative subdivision map, or other development project, proposing the discharge of 10,000 gallons per day or more to a single OWTS.
- K. The Department shall consult the regional board on any land development project which will generate sewage that has the potential to significantly impact water quality despite proposed mitigation.

14.12.140 Health hazards and pollution

Notwithstanding any other provision of this chapter, and specifically whether or not construction or operating permits have been issued in connection with any OWTS involved, use or occupation of any residence, place of business, or other building or place where persons reside, congregate, or are employed is unlawful if and when the drainage system from the building or place discharges in a manner that causes or threatens to become a health hazard or nuisance or that causes or threatens to cause the discharge of pollutants to ground or surface water to a degree that may adversely impact the beneficial uses of the water as listed in the Water Quality Control Plan for the Sacramento and San Joaquin River Basins (Basin Plan).

14.12.150 Appeals and variances

- A. Within the unincorporated area of the County, any person who is dissatisfied with a decision of the director under the provisions of this chapter or regulations, policies or procedures adopted pursuant to this chapter, may appeal in writing to the Amador County Board of Supervisors, who shall have the power to grant or deny such appeal. The written appeal must be filed with the Clerk of the Board of Supervisors and a copy provided to the Department within thirty calendar days after the date of the decision or ruling by the director. Appeals are subject to Chapter 2.92, Amador County Code.

- B. Appeals relative to projects within incorporated cities shall be made in writing within 30 days of the decision to the governing body of that city with a copy provided to the Department. Appeals shall comply with any applicable requirements of the city in question.
- C. Any person seeking a variance from the requirements of this chapter shall make a written application to the Amador County Board of Supervisors pursuant to Chapter 2.100, Amador County Code. A copy of the variance request shall be provided to the Department.
- D. Variances sought for projects within an incorporated city shall be submitted in writing to the governing body of that city and a copy of the request provided to the Department.

14.12.160 Correction notices

The Director is empowered to order any owner of property to change an existing OWTS with respect to its method or location for the discharge, treatment or disposal of sewage where the change is necessary to prevent the system from being a health hazard, nuisance or discharging pollutants to ground or surface water. Any correction notice shall designate a reasonable correction schedule.

14.12.170 Violations

It shall be unlawful for any person to violate any provision of this chapter or regulations adopted pursuant to this chapter. Each and every day such a violation continues shall constitute a separate offense. The person committing such offenses may be charged with a separate offense for each such violation and punished accordingly.

14.12.180 Enforcement

The director is authorized to enforce the provisions of this chapter and regulations adopted pursuant to this chapter.

14.12.190 Penalties

- A. Any owner that causes an OWTS to be constructed without the required construction permit in order to avoid costs shall be subject to payment of all application, site investigation, plan review and permit fees at twice the normal established rate in effect at the time that corrective action is taken.

- B. Anyone violating the provisions of this chapter and regulations adopted pursuant to this chapter shall be liable for all investigation, abatement and enforcement costs incurred by the County.
- C. Any person found guilty in a court of law of violating the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by the imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.
- D. In addition, any violation of any provision of this chapter is a public nuisance subject to abatement in accordance with law.
- E. If the director determines that a person has committed, or is committing, a violation of any law, regulation, permit condition, order, or other requirement that the director is authorized to enforce or implement pursuant to this chapter and regulations adopted pursuant to this chapter, the director may take one or more enforcement actions as necessary to abate or prevent pollution or nuisance conditions. Where possible, education and direction shall be the preferred methods of gaining compliance. If necessary, the director may
 - 1 Issue a notice of violation
 - 2 Issue a cease and desist order
 - 3 Issue a cleanup and abatement order
 - 4 Seek injunctive action from a court of competent jurisdiction
 - 5 Refer the case for criminal prosecution

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on August 9, 2016 and on September 27, 2016 further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Amador.

On a motion by Supervisor Boitano, seconded by Supervisor Forster, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Amador, State of California, this 11th day of October, 2016, by the following vote:

AYES: John Plasse, Louis D. Boitano, Richard M. Forster, Lynn A. Morgan and Brian Oneto

NOES: None

ABSENT: None



John Plasse, Chairperson, Board of Supervisors

ATTEST:
JENNIFER BURNS, Clerk of the Board of Supervisors,
Amador County, California



Deputy