

**SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

506



FROM: Community Health Agency/Department of Environmental Health

SUBMITTAL DATE:
March 31, 2006

SUBJECT: Amending in its Entirety, Ordinance No. 650, Regulating the Discharge of Sewage in the Unincorporated Areas of the County of Riverside and Incorporating Riverside County Ordinance No. 725

RECOMMENDED MOTION:

1. That the Board introduce and set for public hearing the adoption of Ordinance No. 650.5, regulating the Discharge of Sewage in the Unincorporated Areas of the County of Riverside.
2. That the Board authorize the Clerk to place an advertisement for the Public Hearing in the appropriate local publications.
3. That upon the close of the Public Hearing the Board adopt Riverside County Ordinance No. 650.5 and direct the Clerk to post Notice of Exemption for Amendment to Ordinance No. 650.

BACKGROUND:

Close to 1/3 of the existing homes in Riverside County's unincorporated area are served by septic systems, and for many new home builders, this remains the only available option to handle the sewage wastes. While historically described as a temporary solution to the handling of such wastes, the USEPA recently concluded that, at least for some areas, this option needs to be considered a permanent solution to wastewater disposal.

Gary Root

Gary Root, Director

FINANCIAL DATA	Current F.Y. Total Cost:	\$0	In Current Year Budget:	No
	Current F.Y. Net County Cost:	\$0	Budget Adjustment:	No
	Annual Net County Cost:	\$0	For Fiscal Year:	FY 06/07

SOURCE OF FUNDS:	Positions To Be Deleted Per A-30	<input type="checkbox"/>
	Requires 4/5 Vote	<input type="checkbox"/>

C.E.O. RECOMMENDATION: **APPROVE**

County Executive Office Signature *Gary M. Christen*

Dep't Recomm.: Consent Policy Policy

Per Exec. Ofc.: Consent Policy Policy

RECEIVED RIVERSIDE COUNTY
MAY 1 2006

Prev. Agn. Ref.: | **District:** ALL | **Agenda Number:** 3.31

FISCAL PROCEEDINGS
ROBERT E. BYRD, Auditor-Controller
BY *[Signature]* 4/10/06
Deputy

FORM APPROVED
COUNTY COUNSEL
APR 03 2006
Departmental Concurrence
BY *[Signature]*

REGULATIONS

Current

The Department of Environmental Health (DEH) performs design review of new or repaired septic systems through agreements with the local Regional Water Quality Control Boards, using regulations identified in Riverside County Ordinance No. 650. On March 14, 2006, as Agenda Item 3.29, the Board approved a Memorandum of Understanding (MOU) whereby DEH will assume responsibility for permitting and inspections of new and repaired septic systems as currently performed by the Department of Building and Safety.

AB 885

Approved by the Governor on Sept 27, 2000, AB 885 mandates the development of statewide standards for the permitting and operation of septic systems by the State Water Resources Control Board. DEH, working through the California Conference of Directors of Environmental Health and by direct participation in working groups, has been an active participant in this process.

To date, final standards have not been established, and a number of the proposed requirements have received criticism from both industry and regulators. Some requirements have been consistent, however, and we can expect additional changes in the way systems are approved in this County

ORDINANCE REVISIONS PRESENTED TODAY

The actions requested today are the first of a number of expected revisions to implement the new requirements. The revisions were selected for this preliminary action due to their potential health impacts and the consistency of their inclusion in the draft standards:

- Additional Definitions, to update the regulations and to initiate a framework for the implementation of the current and future changes to the regulations,
- Ongoing operational permits for alternate systems, and
- More specific requirements for the repair of failed systems of all types, and
- A fee structure necessary to implement the permitting and inspection of septic systems per the MOU noted above.

CONVENTIONAL SYSTEMS

The design for a standard or conventional septic system has remained unchanged for many years. The plumbing wastes from the home flow via gravity to a tank that is designed to retain the solid materials and allow natural destruction of pathogens. The partially treated water portion is distributed, again by gravity, to either a leach field or seepage pit, the purpose of which is to prevent the wastewater from surfacing and to allow further destruction of pathogens in and by the soil before it reaches the groundwater. With these systems, the critical considerations for design is the ability of the soil to absorb the water (Percolation, or "Perc" Rate), the depth to the groundwater or limiting layer bedrock, the amount or "Percable" area, and the topography of the site. Under optimum conditions and with minimal maintenance, these systems can provide reliable wastewater treatment for many years.

Unfortunately time, misuse and improper maintenance can lead to failure of even properly designed systems, resulting in possible health impacts to the surrounding community. In addition, the optimal conditions for septic systems are becoming rarer as the County's growth increasingly expands into areas removed from the traditional core communities.

ALTERNATE SYSTEMS

Over the years, and with increasing focus, processes and systems have been developed to address site issues that would otherwise render a lot unbuildable. The simplest example is the addition of a pump in cases where the optimum distribution area is higher than the septic tank. In other cases, an engineered fill area can be constructed on the ground surface to maintain minimum clearance from the water table, again with the effluent directed there via pump.

More complex systems have been developed to provide a higher level of treatment, either to maintain minimum clearance from the water table or to provide additional protection to groundwater used for drinking purposes.

Unlike conventional systems that rely on gravity and bacteriological processes, all of these systems rely on mechanical, electrical and/or electronic systems that must be monitored and maintained to ensure effectiveness.

Our approval of alternate systems (above) is subject to review and approval by the respective Regional Board. Under the current regulations, the design approval fee for alternate systems is a deposit based fee that includes follow-up inspections for a subsequent three years to ensure the ongoing functioning of the system. The Santa Ana Regional Water Quality Control Board (SARWQCB) has expressed concern that these systems should be monitored for the duration of their use rather than just three years, and has advised the County that they will no longer approve such systems until a monitoring program is in place. **The Ordinance revision presented today establishes permits to allow for ongoing inspection and monitoring to more fully ensure the effectiveness of these systems. Department staff will submit a policy statement to the Board on the criteria for approval prior to accepting applications for system types not previously permitted in Riverside County.**

FAILED SYSTEMS

Currently under Ordinance No. 650, if sewage is "...overflowing or being discharged upon the surface of any premises, the Health Officer may order the occupant or occupants thereof who contribute to such overflow or discharge to abate the same forthwith." Under this standard, legal abatement may be achieved by system pumping, temporary use reduction or even grading, without correcting the underlying malfunction, breakage or design flaw. This can lead to a recurring and ongoing health hazard for the local community when subsequent "failures" occur. **The Ordinance revision presented today defines system failure and mandates an evaluation of the system by a knowledgeable professional, providing DEH the ability to ensure the correction, as opposed to the cover-up, of system failures.**

FINANCIAL

The inclusion of fees for the new operating permits is included to make this Ordinance amendment cost neutral to the County. The expenditures and revenues necessary for implementation of this Ordinance amendment have been included in the FY 06/07 budget. No FY 05/06 budget adjustment is necessary.

1 same is, or may be carried through, or upon, unincorporated territory of said County, without first
2 securing, in the manner hereinafter provided, ana approval andn approva l-permit from the Health
3 OffieerDepartmentirector of said County.

4 C) It shall be unlawful for any person to install any structure or paving in the areas identified
5 for OWTS tank access or the primary and expansion dispersal area.
6

7 **SECTION 2. DEFINITIONS.**

8 A) "Alternative System" or "Alternative OWTS" shall mean any OWTS that does
9 not meet the criteria of a conventional OWTS, but is allowed under conditions specified by
10 the Department.
11

12 B) **"Approval"** shall mean the written approval by the ~~Health Officer~~Director or his
13 designated representative of a plan to install, construct, reconstruct, rebuild, convert or
14 alter any subsurface sewage disposal system OWTS which discharges or disposes of
15 sewage, sewage effluent, or non-hazardous waste.

16 C) "Construction Permit" shall mean a permit issued by the Department authorizing
17 the permittee to install, construct, reconstruct, convert or alter any OWTS.
18

19 D) "Conventional Septic System" shall mean an OWTS consisting of a septic tank
20 and Department approved subsurface gravity dispersal system.

21 E) "Critical Area" shall mean those areas determined by the Health
22 OffieerDirector to be difficult for installation of an subsurface sewage disposal
23 systemOWTS due to, but not limited to one or more of the following: lot size, seasonal
24 groundwater, slope, or poor soil conditions.

25 F) "Department" shall mean the Riverside County Department of Environmental
26 Health.
27
28

1 GF) "Department's Manual" shall mean the technical document identifying the
2 requirements and procedures for the OWTS evaluation and design as developed- and
3 provided by the Department.

4 HG) "Director" shall mean the Director of the Department of Environmental Health or
5 his or her designated representative.

6 IH) "Dispersal System" shall mean the trench, seepage pit, mound, drip irrigation or
7 evapotranspiration and absorption system for final wastewater treatment and subsurface
8 discharge.

9 J) "Failure" shall mean a condition of an Onsite Wastewater Treatment System
10 (OWTS) that threatens public health or water quality by creating a potential for direct or
11 indirect contact between sewage and the public. Examples of failure include:

12 1. Sewage leaking to ground surface or groundwater;

13 2. Sewage backing up into a structure caused by slow OWTS soil absorption of septic
14 tank effluent;

15 3. Inadequately treated sewage causing pollution of groundwater or surface water;

16 4. Noncompliance with standards stipulated in the permit issued for the OWTS based
17 upon the protection of human health, water quality and the environment.

18 d) "Health Officer" shall mean the Health Officer of the County of Riverside, or his
19 designated representative.

20 KJ) "Holding Tank" shall mean a sewage facility, of a temporary nature ~~only~~, that has no
21 means of discharge ~~and~~, requires periodic maintenance and shall have a renewable operating
22 permit issued by the Department, ~~and is under the control of the sewerage agency which serves~~
23 the area.

1 LK) "Major Repair" shall mean OWTS improvements or corrective work where such
2 improvements involve the replacement, enlargement, or modification of a septic tank,
3 treatment unit, or dispersal system (excluding non-perforated distribution pipes), regardless
4 of whether or not a failure condition exists. Such repairs shall require an construction
5 approval permit from the Department.

6
7 ML) "Onsite Wastewater Treatment System(s)" (OWTS) shall mean any individual or
8 community onsite wastewater treatment, pretreatment and dispersal system including, but
9 not limited to, a conventional or alternative OWTS having a subsurface discharge.

10 LM) "Permit" is the written document issued by the authorizing the permittee to install
11 and/or operate an OWTS. "Permit" means any one of the following:

12 1) A renewable operation permit issued by the Department; or

13 2) A permit to construct issued by the Department.

14
15 N) "Permit" shall mean either a construction permit or operating permit as
16 defined within this section.

17 O) "Person" shall mean any person, firm, partnership, corporation, association, club
18 or organization.

19 PQ) "Qualified Service Provider" is a State Licensed Contractor with knowledge and
20 competency in OWTS design, construction, operation, maintenance and monitoring
21 through experience and/or education. Effective January 1, 2007, and thereafter a qualified
22 service provider must meet certification requirements as established by the Director.

23
24 QP) "Operating permit" shall mean an annual permit issued by the Department
25 authorizing the permittee to operate an OWTS.

26 R) "Soil" is the naturally occurring body of porous mineral and organic materials on
27 the land surface, and is composed of unconsolidated materials above bedrock. Soil is
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1 composed of sand-sized, silt-sized, and clay-sized particles mixed with varying amounts of
2 larger fragments and organic material. The various combinations of particles differentiate
3 specific soil textures identified in the USDA Soil Classification Chart. For the purposes of
4 this Ordinance, soil shall contain earthen material having more than 50 % of its volume
5 composed of particles smaller than 0.08 inches (2 mm) in size.

6
7 SQ) "System Certification" is an expression of professional opinion that the OWTS, or
8 its components, meet industry standards that are the subject of the certification but do not
9 constitute a warranty or guarantee, either express or implied. System Certifications shall be
10 performed by a Qualified Service Provider using forms and procedures established or
11 approved by the Director.

12 R) — "Sewage" or Sewage Effluent" shall mean waste as defined in Section 5410(a),
13 California Health and Safety Code, and includes all non-hazardous waste.

14
15 TS) "Sewage Facilities" shall mean subsurface sewage disposal systems OWTS,
16 sanitary sewer connections, holding tanks, alternative systems, experimental systems or
17 other methods of disposing of sewage as approved by the Health Officer Director.

18 UF) "System Certification" is an expression of professional opinion that the OWTS, or
19 its components, meet industry standards that are the subject of the certification but do not
20 constitute a warranty or guarantee, either express or implied. System Certifications shall be
21 performed by a Qualified Service Provider using forms and procedures established or
22 approved by the Director.

23
24 V) ——— "Weathered bedrock" is rock that has been exposed to the atmosphere at
25 or near the earth's surface and changed in color, texture, composition, firmness, and/or
26 form as a result of the exposure with little or no transport of loosened or altered material.
27 For purposes of this Ordinance, weathered bedrock is not soil.
28

1 **SECTION 3. GENERAL REQUIREMENTS FOR AN APPROVAL AND CONSTRUCTION**
2 **PERMIT.**

3 **A)** No person shall erect, construct, rebuild, convert or alter any installation of
4 ~~plumbing facility plumbing system designed~~ for the discharge or disposal of sewage, or
5 sewage effluent, ~~or non-hazardous waste,~~ unless he has first obtained a written approval
6 for such purpose from the ~~Health Officer~~ Director. In designated areas of Riverside County,
7 this approval shall also constitute a construction pPermit to construct, install or repair the
8 OWTS.

9
10
11 **B)** If it is impracticable to connect a plumbing fixture affecting the sanitary drainage system
12 with a street sewer, the sewage effluent ~~or non-hazardous waste~~ must be disposed according to the
13 minimum standards of the most recent edition of the Uniform Plumbing Code and the sewage
14 disposal requirements ~~of in the~~ Environmental Health Department's Manual issued August,
15 1981, as such requirements may be amended from time to time. Setback requirements between
16 subsurface sewage disposal components (including septic tanks, distribution and leaching
17 systems) and any water well shall be as specified in Section 15 of Riverside County Ordinance
18 No. 682 Regulating the Construction, Reconstruction, Abandonment and Destruction of Wells.

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20
21 1) The type of sewage facilities installed shall be determined on the basis of location,
22 soil porosity, site slope and ground water level, and shall be designed to receive all
23 sanitary sewage from the property. No surface drainage shall be permitted to enter any
24 part of the ~~system~~OWTS. The ~~system~~OWTS, except as otherwise provided, shall consist
25 of a septic tank with effluent discharging by gravity flow into a ~~subsurface disposal~~
26 ~~field~~Dispersal System, ~~into one or more seepage pits, or into a combination of subsurface~~
27 ~~disposal field and seepage pits.~~ Under special circumstances (when conventional
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1 parameters cannot be met) other disposal methods may be utilized with approval of the
2 Health Officer/Director.

3
4 2) OWTS sizing shall be based on the higher volume estimation as determined by
5 either the number of bedrooms or plumbing fixture unit counts.

6 3) The location and installation of the sewage facilities and each part thereof shall be
7 such that, with reasonable maintenance, the ~~system~~ OWTS will function in a sanitary
8 manner and will not result in contamination, pollution or creation of a nuisance or
9 endanger the safety of any domestic water supply or public health.

10
11 4) New OWTS or OWTS subject to major repair shall be designed to prevent solids in
12 excess of one-eighth (1/8) inch in diameter from passing to the dispersal system while
13 under two feet of hydrostatic head. Septic tanks that use National Sanitation Foundation
14 (NSF)/ American National Standards Institute (ANSI)– Standard 46 certified septic tank
15 filter at the final point of effluent discharge from the OWTS and prior to the dispersal
16 system shall be deemed to meet this requirement.

17
18 5) Septic tanks shall have at least 2 access openings using risers that allow access to the
19 tank interior meeting the following requirements:

20 a. Each compartment shall have an access opening

21 b. Access openings shall be at least 20 inches in diameter

22 c. Access openings shall be secured (locked or equivalent) to prevent
23 unauthorized access, and

24 d. Access openings shall have watertight risers and shall be set at or near
25 finished grade.

26
27 6) Dispersal systems shall be sited in soils that are suitable for new and repaired
28 OWTS operation. Where soils consist of greater than 10-% rock fragments (cobbles,

1 stones and gravel), the dispersal system area shall be increased in proportion to the percent
2 of rock fragments to compensate for the lost treatment volume.

3
4 7) Conventional OWTS dispersal systems shall have at least five feet of continuous soil
5 below the bottom of the dispersal system and above the seasonal high groundwater level
6 of and eight feet of soil to fractured/weathered bedrock at all times.

7 8) Approval of an subsurface sewage disposal systems OWTS in critical areas shall
8 require: detailed plan review, and pre-on-site, and construction inspections.
9 Critical areas are generally identified on a map on file in with the Health Department, and
10 such map may be updated to include new areas as necessary.

11
12 C) OWTS Installation

13 1) The installation shall be performed by a Qualified Service Provider in a manner that is
14 consistent with the approved plan design.

15 2) In the event that conditions on site prevent the installation or function of the OWTS as
16 designed, a revised design plan must be submitted to and approved by the Department
17 prior to installation.

18
19 D) Construction Inspection. All OWTS shall require a construction inspection and final
20 approval by either the Department or the Department of Building and Safety prior to use.

21
22 E) Any person desiring approval of an OWTS shall submit an application on a form to be
23 provided by the Department. Such application shall be accompanied by a fee as required in
24 Riverside County Ordinance No. 671 and as amended. The application shall contain the following
25 information:

26 1) Name and address of applicant.

27 2) Location of the proposed installation or reconstruction.
28

1 3) A scaled, engineered contoured plot plan describing the proposed construction or
2 alteration in sufficient detail to enable the Director to determine whether the proposed
3 installation or alteration is in compliance with the provisions of Section 3 of this
4 Ordinance. All drawings must be made on a scale not less than 1"=20'

5
6 4) Other information as deemed necessary by the Director to adequately determine
7 the suitability of a site for the utilization of an OWTS. This information may consist of,
8 but is not limited to one or more of the following:

9
10 a) A soils percolation report which adequately evaluates soil percolation
11 requirements as prescribed in the Department's Manual. When a soils percolation
12 test is to be performed the Department is to be notified so that Department staff
13 can be made available to observe the testing.

14
15 b) A groundwater and/or bedrock evaluation report. To effectively evaluate
16 seasonal groundwater a minimum of 80% of the average annual rainfall shall have
17 fallen based on record of rainfall accumulations from the nearest weather stations.
18 To measure the groundwater level, a groundwater detection boring shall be
19 installed and this detection boring shall be left in place for the Department to make
20 determinations of the groundwater levels. The exact specifications for this
21 detection boring shall be as prescribed in the Department's Manual.

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27 ~~C) Any person desiring approval an OWTS of sewage facilities shall submit an application on~~
28 ~~a form to be provided by the Health Department. Such application shall be accompanied by a fee~~

1 as required in the resolution adopted pursuant to Section 5 of this ordinance Riverside County
2 Ordinance No. 671 and as amended. The application shall contain the following information:

3 1) — Name and address of applicant.

4 2) — Location of the proposed installation or reconstruction.

5 3) — A scaled, engineered contoured plot plan drawn in a professional manner
6 describing the proposed construction or alteration in sufficient detail to enable the Health
7 Officer Director to determine whether the proposed installation or alteration is in
8 compliance with the provisions of Section 3 of this ordinance. All drawings must be made
9 on a scale not less than 1"=20'

10 4) — Other information as deemed necessary by the Health Officer Director to
11 adequately determine the suitability of a site for the utilization of subsurface sewage
12 facilities. This information may consist, but not limited to of one or more of the following:

13 a) A soils feasibility percolation report which adequately evaluates soil percolation
14 requirements as prescribed in the Department's Manual. When a soils percolation
15 test is to be performed the Department is to be notified so that staff can be made
16 available to observe the testing.

17 b) A special feasibility boring report (groundwater and/or bedrock A groundwater
18 and/or b) bedrock evaluation report. To effectively evaluate seasonal groundwater a
19 minimum of 80% of the average annual rainfall shall have fallen based on record
20 of rainfall accumulations from the nearest weather stations. To measure the
21 groundwater level, a groundwater detection boring shall be installed and this
22 detection boring shall be left in place for the Department to make determinations
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1 of the groundwater levels. The exact specifications for this detection boring shall
2 be as prescribed in the Department's Manual.

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4 iii) An engineered topographical map.

5 D) — Action on Application for Approval

6 a1) — Applicants shall be notified of incomplete or inaccurate applications within ten
7 (10) working days after the date of the filing of the application. The applicant may make
8 the proper corrections and resubmit the corrected application.

9 b2) — Except as to incomplete or inaccurate applications as hereinabove provided, all
10 applications for approval shall be approved or denied, in whole or in part, within fifteen
11 (15) working days after the date of filing. If an application is denied, in whole or in part,
12 the applicant may amend the application and resubmit the amended application.

13
14 E) — System OWTS Installation

15 1) The installation shall be performed by a Qualified Service Provider in a manner that is
16 consistent with the approved plan design.

17 2) In the event that conditions on site prevent the installation or function of the
18 system OWTS as designed, a revised design plan must be submitted to and approved by
19 the Department prior to installation.

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21 F) — Construction Inspection. All OWTS shall require a construction inspection and final
22 approval by either the Department or the Department of Building and Safety prior to use.

23 G) — Revocations of Approvals or Permit to construct.

24 a1) — An approval or permit may be revoked by the Health Officer/Director for failure of
25 the applicant to provide proper, complete and accurate information regarding site
26 conditions for a proposed subsurface sewage disposal system OWTS.

1 b2) — An approval ~~approval or ermit~~ previously granted may be rescinded if soil
2 conditions change significantly prior to construction that in a manner that would affect the
3 proper operation of a subsurface sewage disposal system OWTS.

4 e) — An approval may be revoked for failure to maintain plumbing and sewage facilities
5 (i.e., holding tanks, chemical toilets, etc.) in a sanitary manner.

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7 H) — Hearing Before the Board of Supervisors.

8 a) Any person whose application for an approval has been denied, in whole or in part, or to whom
9 a certificate of completion has been refused, or whole entire approval has been revoked may,
10 within thirty (30) days after such action has been taken, appeal to the Board of Supervisors for a
11 hearing by filing with the Clerk of said Board, in writing, a Notice of Appeal from the action
12 taken by the Health Officer Director. The Clerk of the Board, immediately upon a receipt of a
13 notice of appeal, shall set a date for a hearing thereon, such hearing to be not less than ten (10)
14 nor more than thirty (30) working days from the filing of said notice. At the hearing, the Board of
15 Supervisors shall receive all pertinent oral and documentary evidence hereon. Upon the
16 conclusion of the hearing, the Board of Supervisors, within fifteen (15) working days, shall render
17 its decision in reference to the subject matter of the appeal. The decision by the Board of
18 Supervisors shall be final.
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2 **SECTION 4445. HOLDING TANKS.**

3 a) A holding tank may be approved by the ~~Health Officer~~ Director if approval to utilize an subsurface
4 sewage disposal system OWTS has been denied provided the sewerage agency which serves the area
5 agrees in writing to the installation of a holding tank and the following conditions are met:
6

7 1A) A holding tank may be approved for a period not to exceed two (2) years from the date of
8 approval. A "will serve" letter from the sewerage agency which serves the area shall be submitted
9 which indicates the site can be provided sewer service within the two-year approval period. An
10 extension of the two-year approval may be considered upon notification from the sewerage
11 agency.

12 2B) The sewerage agency for the area takes responsibility for the operation and maintenance of
13 the holding tank.

14 3C) No ~~commercial-wholesale or retail~~ food facilities shall be approved for connection to a
15 holding tank.

16 4D) When a sewer line becomes available, abandonment of the holding tank in a proper manner
17 and connection to the sanitary sewer will be required within a period not to exceed sixty (60)
18 calendar days.

19 E5) A holding tank ~~shall not~~ may be approved as a replacement system for an existing residence
20 when an OWTS is not feasible in an area not served by a sewerage agency, unless if approved in
21 writing by the ~~Health Officer~~ Director
22

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24
25 6F6) No holding tank facility shall be placed in any portion of a public right-of-way without
26 written approval from the responsible public agency.
27

28 **SECTION 556. RENEWABLE OPERATING PERMITS**

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3 A) All new or repaired Alternative OWTS shall be subject to an annual operating
4 permit.

5 B) Any OWTS subject to this section must be inspected yearly and cleaned (pumped) at least
6 once every 5 years, -unless otherwise specified by manufacturer or Department, by a person
7 holding a valid permit as authorized by Riverside County Ordinance No 712 as amended.

8 C) Renewal of subsequent operating permits shall be completed by the property owner or
9 agent on or before the expiration of the permit on forms provided by the Department and shall
10 include:

11 1. Proof of appropriate on-going maintenance

12 2. Proof of septic tank pumping as per the above specified time frame.

13 3. Alternative OWTS with advanced treatment shall include evidence of a current
14 maintenance agreement with the manufacturer or other qualified service provider and copies
15 of that company's evaluation/inspections of the OWTS. Said agreement shall include
16 evaluations by the service provider of a frequency no less than once every 3 months, with
17 direct visual inspection at a frequency of no less than once every 6 months.

18 4. Proof of repairs or alterations to an OWTS must be submitted, when such repairs have
19 been required by the ~~Director~~Department.

20 5. Any and all ~~system~~OWTS reports required as part of the ~~system~~OWTS design approval.

21 E) ~~Upon~~Within 60 days of a change of ownership, the new owner or owners must transfer the
22 permit into his, her or their names, using forms provided by the ~~Director~~Department, ~~within 60~~
23 days.

24 F) Every OWTS subject to this Section shall be subject to an annual inspection by the
25 Department to assure it is operating in a satisfactory manner.
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1 SECTION 6. APPLICATION REVIEW PROCESS FOR APPROVAL OR PERMIT

2 A) Initial Application Review

3 1) Applicants shall be notified of incomplete or inaccurate applications within ten
4 (10) working days after the date of the filing of the application. The applicant may make
5 the proper corrections and resubmit the corrected application.

6 2) Except as to incomplete or inaccurate applications as hereinabove provided, all
7 applications shall be approved or denied, in whole or in part, within fifteen (15) working
8 days after the date of filing. If an application is denied, in whole or in part, the applicant
9 may amend the application and resubmit the amended application.

10 B) Revocations of Approvals or Permits

11 1) An approval or permit may be revoked by the Director for failure of the applicant
12 to provide proper, complete and accurate information regarding site conditions for a
13 proposed OWTS.

14 2) An approval or permit previously granted may be rescinded if soil conditions
15 change significantly prior to construction in a manner that would affect the proper
16 operation of an OWTS.

17 C) Hearing Before the Board of Supervisors.

18 Any person whose application for an approval or permit has been denied, in whole or in part, or to whom
19 a certificate of completion has been refused, or entire approval or permit has been revoked may, within
20 thirty (30) days after such action has been taken, appeal to the Board of Supervisors for a hearing by
21 filing with the Clerk of said Board, in writing, a Notice of Appeal from the action taken by the Director.
22 The Clerk of the Board, immediately upon a receipt of a notice of appeal, shall set a date for a hearing
23 thereon, such hearing to be not less than ten (10) nor more than thirty (30) working days from the filing
24 of said notice. At the hearing, the Board of Supervisors shall receive all pertinent oral and documentary
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1 evidence hereon. Upon the conclusion of the hearing, the Board of Supervisors, within fifteen (15)
2 working days, shall render its decision in reference to the subject matter of the appeal. The decision by
3 the Board of Supervisors shall be final.

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5 **SECTION 6767. OWTS FAILURE**

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7 A) In the event an OWTS is determined to be in failure by the Director, -an order shall be
8 given to abate the failure.

9 B) The property owner, agent or occupant shall be given a notice and reasonable time to
10 abate the stated failure. If the OWTS failure is contributing to an immediate hazard or
11 contamination to a public access or body of water, immediate remedy shall be required.

12 C) If a determination of an immediate hazard is made by the Director, which could
13 potentially contaminate a body of water or public area, such as but not limited to sewage effluent
14 flow onto a public roadway, culvert, drainage ditch, dry or active stream or river bed, the property
15 owner, agent and/or occupant must take measures to abate the failure immediately.

16
17 D) When reasonable effort to contact the owner, agent, or occupant is unsuccessful, or upon
18 refusal to abate the OWTS failure, the Director may designate it an imminent hazard to health and
19 safety and may abate the failure. Those remedies include, but are not limited to, the department
20 contracting to pump a septic tank to eliminate discharge; shutting off water to eliminate sewage
21 discharge; providing alternate means of waste disposal, such as portable toilets or other means
22 deemed necessary to abate the nuisance. Further, the Department may recover the cost for
23 abating the nuisance and its enforcement activities as provided for in Riverside County Ordinance
24 No. 725.

25
26 E) The property owner, agent, or occupant may be required to secure a System Certification
27 by a Qualified Service Provider as part of the abatement process.
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1 F) Any and all component failures, deficiencies, or malfunctions identified by the System
2 Certification shall be repaired. Any and all major repairs are subject to the approval process as
3 described in Section 3.

4 ~~G) Any costs or fees incurred by the Director for abating an OWTS failure shall be charged to~~
5 ~~the property owner through various means including: administrative citation, notice of pendency,~~
6 ~~cost recovery as allowed for under Riverside County Ordinance 725, or other action.~~
7

8
9 **SECTION 57878. APPROVAL FEES.**
10

11 A) The fees required to obtain an approval under the provisions of this Ordinance shall be as
12 specified in Riverside County Ordinance No. 671, and shall be in such amounts as are based upon
13 a cost-analysis determined by the Riverside County Auditor-Controller.

14 Such fees may be waived in cases where corrective or replacement work is being undertaken to
15 replace property damaged or destroyed in a disaster recognized in a resolution adopted by the
16 Board of Supervisors.

17 B) Combined Design Review and Construction Inspection Fees
18

19 When construction inspections are required of the Department by virtue of this Ordinance or other
20 Board action, the applicant shall pay a \$600.00 deposit in lieu of any applicable individual fees
21 for sewage plan review and critical area
22 site inspections as noted in Riverside County Ordinance No. 671. If the Department's cost of
23 performing the reviews and inspections is less than the above deposit, the balance will be
24 refunded to the applicant. If the Department's cost is greater than the above deposit, the applicant
25 shall pay the difference to the County within thirty (30) calendar days of receipt of an invoice
26 thereof.
27
28

1 This fee shall be included in and subject to future changes of Riverside County Ordinance No
2 671.

3 C) Annual Operating Permit Fees

4 Prior to the issuance or annual renewal of an operating permit, there shall be paid to the Director
5 the fees indicated below.

6
7 1. Alternative OWTS or holding tank.....\$150.00

8 2 Alternative OWTS with advanced treatment.....\$200.00

9 3 Transfer fee.....\$10.00

10 The application fee for the pre-installation review and approval of an alternative OWTS shall
11 include the fees for the first year of the OWTS' annual permit. If the OWTS is not installed, this
12 portion of the submittal fee shall be refunded to the applicant.

13 These fees shall be included in and subject to future changes as per Riverside County Ordinance
14 No 640.

15
16 **SECTION 68899. ENFORCEMENT AND ADDITIONAL REMEDIES, PENALTIES,**

17 **PROCEDURES.**

18
19 A) It shall be the duty of the ~~County Health Officer~~ Director or his agents to enforce the provisions of
20 this Ordinance.

21 B) The additional remedies, penalties, and procedures for violations of this Ordinance and for
22 recovery of costs related to enforcement provided for in Riverside County Ordinance No. 725 are
23 incorporated into this section by reference.

24
25 **SECTION 7910910. VIOLATIONS.**

26 A) Any person violating any provision of this Ordinance shall be deemed guilty of an infraction or
27 misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense
28 for each and every day or portion thereof during which any violation of any of the provisions of

1 this ordinance is committed, continued or permitted. Any person convicted of a violation of this
2 ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one
3 hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by
4 a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site. The
5 third and any additional violations on the same site shall be punishable by a fine not exceeding
6 one thousand dollars (\$1,000.00) or six (6) months in jail, or both.
7

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9 B) -Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.

10 Payment of any penalty herein shall not relieve any person from the responsibility for correcting
11 the violation.
12

13 **SECTION 8110. PUBLIC NUISANCE DECLARATION.**

14 In addition, any violation of this Ordinance is hereby declared to be a public nuisance and may be
15 abated by the ~~Health Officer~~ Director or his duly authorized agent irrespective of any other remedy
16 hereinabove provided
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1 ~~SECTION 9121. SEVERABILITY.~~

2 If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any
3 person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other
4 provisions or application of the provisions of this ordinance which can be given effect without the invalid
5 provision or application, and to this end, the provisions of this Ordinance are hereby declared to be
6 severable.
7

8 ~~SECTION 10. REPEAL.~~

9
10 Ordinance Numbers 369 and 369.1 through 369.3, inclusive, are repealed upon the effective date of this
11 ordinance.
12

13 ~~SECTION 11.13. EFFECTIVE DATE.~~

14 This Ordinance shall take effect 30 days after the date of adoption.
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24 Adopted: 2-2-88 (Eff.: 4-2-88)

25
26 650.1 (Eff.: 4-27-89)

27
28 650.1 (Eff.: 7-13-89)

- 1 650.2 (Eff.: 4-19-90)
- 2
- 3 650.3 (Eff.: 7-26-90)
- 4
- 5 650.4 (Eff.: 12-7-93)
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