

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



ITEM: 3.12
(ID # 20152)

MEETING DATE:

Tuesday, October 04, 2022

FROM : ENVIRONMENTAL HEALTH:

SUBJECT: ENVIRONMENTAL HEALTH: Initiation of Amendment to Ordinance No. 650, an Ordinance of the County of Riverside Regulating the Discharge of Sewage in the Unincorporated Area of the County of Riverside and Incorporating by Reference the Riverside County Local Agency Management Plan, All Districts. [\$0]

RECOMMENDED MOTION: That the Board of Supervisors:

1. Adopt an order initiating an amendment to Riverside County Ordinance No. 650, an Ordinance of the County of Riverside Regulating the Discharge of Sewage in the Unincorporated Area of the County of Riverside and Incorporating by Reference the Riverside County Local Agency Management Plan (LAMP), that would maintain consistency with a revised LAMP and state policy; and
2. Direct the Department of Environmental Health to prepare and process the amendment to Riverside County Ordinance No. 650.

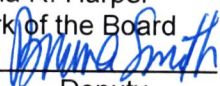
ACTION:Policy


Jeff Johnson, Director Environmental Health 9/21/2022

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Hewitt, seconded by Supervisor Spiegel and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt
Nays: None
Absent: None
Date: October 4, 2022
xc: Environmental Health

Kecia R. Harper
Clerk of the Board
By: 
Deputy

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

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost
COST	\$ 0	\$ 0	\$ 0	\$ 0
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0
SOURCE OF FUNDS:			Budget Adjustment:	No
			For Fiscal Year:	22/23

C.E.O. RECOMMENDATION: Approve

BACKGROUND:

Summary

Riverside County Ordinance No. 650 is a companion ordinance to the Riverside County Local Agency Management Program (LAMP) that allows the Department of Environmental Health (DEH) to approve the installation, repair or destruction of Onsite Wastewater Treatment Systems (OWTS) in the unincorporated portions of Riverside County and within any cities that have a memorandum of understanding with DEH for those services. The Colorado Regional Water Quality Control Board (Regional Board) approved the current LAMP in 2016 and after DEH is now required to review its LAMP for consistency with the State's OWTS policy. DEH has proposed a revision to the LAMP that will be reviewed for approval by the Regional Board on November 15, 2022. This ordinance will be revised to remain consistent with new LAMP and State OWTS policy, and the revisions will include changes to terminology and other "clean ups."

Impact on Residents and Businesses

No change.

Supplemental Fiscal Information

This amendment is anticipated to have no additional fiscal impact to the County.

Attachment

RCO No. 650.6 (as amended through 650.6).

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



Jason Farin, Principal Management Analyst 9/26/2022



Aaron Gettis, Deputy County Counsel 9/22/2022

ORDINANCE 650
(AS AMENDED THROUGH 650.6)
“AN ORDINANCE OF THE COUNTY OF RIVERSIDE REGULATING THE DISCHARGE OF
SEWAGE IN THE UNINCORPORATED AREAS OF THE COUNTY OF RIVERSIDE AND
INCORPORATING BY REFERENCE THE RIVERSIDE COUNTY LOCAL AGENCY
MANAGEMENT PROGRAM (LAMP)

SECTION 1. PURPOSE AND INTENT.

New legislation was adopted by the State Water Resources Control Board in an effort to protect water quality and public health by establishing regulations for the installation, replacement, and performance of Onsite Wastewater Treatment Systems (OWTS). The County has incorporated these changes into its Local Agency Management Program (LAMP). The purpose of this Ordinance is to provide for the enforcement of the provisions of the LAMP in accordance with state laws.

SECTION 2. DEFINITIONS.

- A) **“Alternative Treatment System”** or **“Alternative OWTS”** or **“ATU”** shall mean any OWTS that does not meet the criteria of a conventional OWTS, but is allowed under conditions specified by the Department.
- B) **“Approval”** shall mean the written approval by the Director or his designated representative of a plan to install, construct, reconstruct, convert or alter any OWTS which discharges or disposes of sewage, sewage effluent, or non-hazardous waste.
- C) **“Construction Permit”** shall mean a permit issued by the Department authorizing the permittee to install, construct, reconstruct, convert or alter any OWTS.
- D) **“Conventional Septic System”** shall mean an OWTS consisting of a septic tank and Department approved subsurface gravity dispersal system.
- E) **“Critical Area”** shall mean those areas determined to be difficult for installation of an OWTS due to, but not limited to one or more of the following: lot size, seasonal groundwater, slope, poor soil conditions or impaired water basins.
- F) **“Department”** shall mean the Riverside County Department of Environmental Health.
- G) **“Director”** shall mean the Director of the Department of Environmental Health or his or her designated representative.
- H) **“Dispersal System”** shall mean a leach field, seepage pit, subsurface drip field, or other type of system for final wastewater treatment and subsurface discharge.
- I) **“Failure”** shall mean a condition of an OWTS that threatens public health or water quality by creating a potential for direct or indirect contact between sewage and the public. Examples of failure include:
 - 1. Sewage leaking to ground surface or groundwater;
 - 2. Sewage backing up into a structure caused by slow OWTS soil absorption of septic tank effluent;
 - 3. Inadequately treated sewage causing pollution of groundwater or surface water;
 - 4. Noncompliance with standards stipulated in the permit issued for the OWTS based upon the protection of human health, water quality and the environment.
- J) **“Holding Tank”** shall mean a sewage facility, of a temporary nature, that has no means of discharge and requires periodic maintenance and shall have a renewable operating permit issued by the Department.
- K) **“LAMP”** shall mean Local Agency Management Program. This program implements local standards for new and replacement OWTS consistent with the OWTS Policy adopted by the State Water Resources Control Board on June 19, 2012.
- L) **“Major Repair”** shall mean OWTS improvements or corrective work where such improvements involve the replacement, enlargement, or modification of a septic tank,

treatment unit, or dispersal system (excluding non-perforated distribution pipes), regardless of whether or not a failure condition exists. Such repairs shall require a construction permit from the Department.

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

N) **"Operating permit"** shall mean an annual permit issued by the Department authorizing the permittee to operate an OWTS.

O) **"Permit"** shall mean either a construction permit or operating permit as defined within this section.

P) **"Person"** shall mean any individual, firm, association, organization, partnership, business trust, corporation, company, State agency or department, or unit of local government.

Q) **"Professional of Record"** or **"PR"** means an individual certified by the State of California as a Professional Engineer (PE), Professional Geologist (PG) or Registered Environmental Health Specialist (REHS) who has accepted responsibility for the design of the OWTS including any required grading. The Professional of Record will have affixed his/her signature and stamp to the system plans and plan proposal.

R) **"Qualified Service Provider"** or **"QSP"** is a California State Licensed Contractor with knowledge and competency in OWTS design, construction, operation, maintenance and monitoring through experience and/or education. A qualified service provider must meet certification requirements as established by the Director and be currently registered with the Department as a QSP.

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

T) **"Sewage"** or **"Sewage Effluent"** shall mean waste as defined in Section 5410(a), California Health and Safety Code.

U) **"Sewage Facilities"** shall mean OWTS, sanitary sewer connections, holding tanks, alternative systems or other methods of disposing of sewage as approved by the Director.

V) **"System Certification"** is an expression of professional opinion that the OWTS, or its components, meet industry standards that are the subject of the certification but do not constitute a warranty or guarantee, either expressed or implied. System certifications shall be performed by a Qualified Service Provider using forms and procedures established or approved by the Director.

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

SECTION 3. GENERAL REQUIREMENTS FOR OWTS APPROVAL AND CONSTRUCTION PERMIT.

A) No person shall erect, construct, rebuild, convert or alter any plumbing system designed for the discharge or disposal of sewage or sewage effluent unless he has first obtained a written approval for such purpose from the Director. In designated areas of Riverside County, this approval shall also constitute a construction permit.

B) OWTS design, installation, construction and operation shall be in compliance with the LAMP and the minimum standards of the most recent edition of the Uniform Plumbing Code. Such requirements may be amended from time to time.

- C) No OWTS will be approved nor application for OWTS processed where connection to a sanitary sewer is a practical option.

SECTION 4. APPLICATION REVIEW PROCESS FOR OWTS APPROVAL

A) Any person desiring approval of an OWTS shall submit an application on a form to be provided by the Department. Such application shall be accompanied by a fee as required in Riverside County Ordinance No. 640 and as amended. The application shall contain the following information:

- 1) Name and address of applicant.
- 2) Location of the proposed installation or reconstruction.
- 3) A scaled, engineered contoured plot plan describing the proposed construction or alteration in sufficient detail to enable the Director to determine whether the proposed installation or alteration is in compliance with the LAMP and this Ordinance. All drawings must be made on a scale not less than 1"=40'.
- 4) Percolation test results, if required, as described in the LAMP.
- 5) A groundwater/bedrock evaluation, if required, as described in the LAMP.

B) Initial Application Review

- 1) All applications for conventional OWTS shall be approved or denied, in whole or in part, within fifteen (15) working days after the date of filing.
- 2) Applications for Alternate OWTS shall be approved or denied, in whole or in part, within thirty (30) working days after the date of filing.
- 3) If an application is denied, in whole or in part, the applicant may amend the application and submit the amended application within 1 year of the original submittal date. Resubmittals received after one year shall be considered a new application and subject to new application fees.

C) Revocations of Approvals or Permits

- 1) An approval or permit may be revoked by the Director for failure of the applicant to provide proper, complete and accurate information regarding site conditions for a proposed OWTS.
- 2) An approval or permit previously granted may be rescinded if soil conditions change significantly prior to construction in a manner that would affect the proper operation of an OWTS or the Director determines that exigent circumstances exist which demonstrate a threat to the public health or safety.

D) Appeals Process

- 1) Any person whose application for an approval or permit has been denied, in whole or in part, or entire approval or permit has been revoked may appeal this action to the Director. The person shall file with the Department a written request for a hearing setting forth the grounds for the request within ten (10) working days from the date the permit application was denied or revoked. Failure to submit the request within the timeframe specified will be deemed a waiver of the right to such hearing.
- 2) Hearing Procedure. The Hearing Officer shall be the Director or the Director's designee. The hearing shall be set for a date within ten (10) working days from the date the written request is received by the Department unless extended at the request of the petitioner. At the time and place set for the hearing, the Hearing Officer shall give the petitioner and other interested persons, adequate opportunity to present any facts pertinent to the matter at hand and to show cause why the permit or application should not be denied. The Hearing Officer may, when deemed necessary, continue any hearing by setting a new time and place and by giving notice to the petitioner of such action. At the close of the hearing, or within ten (10) working days thereafter, the Hearing Officer shall provide a written notice of disposition of the permit application or permit, notifying the petitioner of the Hearing Officer's final determination.

- E) OWTS Installation
 - 1) The installation shall be performed in a manner that is consistent with the approved plan design. In the event that conditions on site prevent the installation or function of the OWTS as designed, a revised design plan must be submitted to and approved by the Department prior to installation.
 - 2) Construction Inspection. All OWTS shall require a construction inspection and final approval by either the Department or the Department of Building and Safety prior to use.

SECTION 5. OPERATING PERMITS FOR ALTERNATIVE OWTS.

- A) All new Alternative OWTS shall require a QSP maintenance agreement and an annual operating permit.
- B) Alternative OWTS shall be inspected yearly by a QSP, unless otherwise specified by the manufacturer or the Department.
- C) Renewal of subsequent operating permits shall be completed by the property owner or agent on or before the expiration date and shall include evidence of a current QSP maintenance agreement and annual evaluation/inspection report.
- D) Within 60 days of a change of ownership, the new owner or owners must transfer the operating permit into his, her or their names, using forms provided by the Department.
- E) Every alternative OWTS subject to this Section shall be subject to inspection by the Department to assure it is operating in a satisfactory manner.

SECTION 6. PROFESSIONAL OF RECORD AND QUALIFIED SERVICE PROVIDER REGISTRATION.

- A) Only those individuals who are registered as a PR with the Department may perform percolation tests or other specialized testing as described in the LAMP.
- B) Only those individuals who are registered as a QSP with the Department may certify an OWTS as described in the LAMP.
- C) Revocation of Registration. PR and QSP registration may be revoked for cause by the Director. Examples of reasons for revocation include but are not limited to the following:
 - 1) Failure to maintain the required professional registrations in good standing.
 - 2) Failure to conduct business in a manner consistent with the ethics of the profession and this Department.
 - 3) Failure to conduct activities in a manner consistent with the LAMP.
 - 4) Failure to pay the required registration fee.
- D) Appeal of revoked registration. An appeal for reinstatement of registration may be made in writing to the Director. The appeal must state why the registration should be reinstated and provide facts showing that all reasons for the revocation have been remedied. Upon receipt of the written appeal, the Director shall schedule a hearing with the appellant within 20 working days to review the facts and hear reasons why the registration should be reinstated. At the conclusion of the hearing, or within 10 working days, the Director shall issue a written decision to the appellant.

SECTION 7. FEES.

- A) The fees required to obtain an approval under the provisions of this Ordinance shall be as specified in Riverside County Ordinance No. 640. Such fees may be waived in cases where corrective or replacement work is being undertaken to replace property damaged or destroyed in a disaster recognized in a resolution adopted by the Board of Supervisors.
- B) Annual Operating Permit Fees. Prior to the issuance or annual renewal of an operating permit, fees shall be paid as specified in Riverside County Ordinance No. 640.
- C) Qualified Service Provider and Professional of Record Registration Fees. Prior to issuance or annual renewal of a QSP or PR, registration fees shall be paid as specified in

Riverside County Ordinance No. 640. Registration is non-refundable, non-transferable, and shall expire on December 31st of each year. Any change or lapse in registration shall require the completion of a new QSP or PR registration application and fee.

SECTION 8. OWTS FAILURE.

- A) It shall be unlawful for any person to discharge or deposit or cause or permit to be discharged or deposited any sewage, sewage effluent or non-hazardous waste whether treated or untreated in or upon any unincorporated territory of the County of Riverside, including any deposit or discharge of sewage into streams or bodies of water above or below the ground. When sewage is overflowing or being discharged upon the surface of any premises, the Director may order the owner of the premises or occupants thereof who contribute to such overflow or discharge to abate the same forthwith.
- B) It shall be unlawful for any person to install or alter plumbing facilities or drainage systems for the discharge or deposit of any sewage, sewage effluent, or non-hazardous waste from any dwelling, house or building or appurtenance thereof in or upon unincorporated territory of the County of Riverside, or into streams or bodies of water above or below the surface where the same is, or may be carried through, or upon, unincorporated territory of said County, without first securing an approval and permit from the Department.
- C) It shall be unlawful for any person to install any structure or paving in the areas identified for OWTS tank access or the primary and expansion dispersal area.
- D) In the event an OWTS is determined to be in failure by the Director, an order shall be given to abate the failure.
- E) The property owner, agent or occupant shall be given a notice and reasonable time to abate the stated failure. If the OWTS failure is contributing to an immediate hazard or contamination to a public access or body of water, immediate remedy shall be required.
- F) If the determination is made that connection to sanitary sewer is an option, the property owner shall be required to connect to sewer within a timeframe as determined by the Director.
- G) If a determination of an immediate hazard is made by the Director, which could potentially contaminate a body of water or public area, such as but not limited to sewage effluent flow onto a public roadway, culvert, drainage ditch, dry or active stream or river bed, the property owner, agent and/or occupant must take measures to abate the failure immediately.
- H) When reasonable effort to contact the owner, agent, or occupant is unsuccessful, or upon refusal to abate the OWTS failure, the Director may designate it an imminent hazard to health and safety and may abate the failure. Those remedies include, but are not limited to, the Department contracting to pump a septic tank to eliminate discharge; shutting off water to eliminate sewage discharge; providing alternate means of waste disposal, such as portable toilets or other means deemed necessary to abate the nuisance. Further, the Department may recover the cost for abating the nuisance and its enforcement activities as provided for in Riverside County Ordinance No. 725.
- I) The property owner, agent, or occupant may be required to secure a System Certification by a Qualified Service Provider as part of the abatement process.
- J) Any and all component failures, deficiencies, or malfunctions identified by the System Certification shall be repaired. Any and all major repairs are subject to the approval process as described in Section 3.

SECTION 9. ENFORCEMENT AND ADDITIONAL REMEDIES, PENALTIES, AND PROCEDURES.

- A) It shall be the duty of the Director or his agents to enforce the provisions of this Ordinance.

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

SECTION 10. VIOLATIONS.

A) Any person violating any provision of this Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted. Any person convicted of a violation of this ordinance shall be: (1) guilty of an infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a second violation on the same site. The third and any additional violations on the same site shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or six (6) months in jail, or both.

B) Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor. Payment of any penalty herein shall not relieve any person from the responsibility for correcting the violation.

SECTION 12. PUBLIC NUISANCE DECLARATION.

In addition, any violation of this Ordinance is hereby declared to be a public nuisance and may be abated by the Director or his duly authorized agent irrespective of any other remedy hereinabove provided.

SECTION 13. SEVERABILITY.

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

This Ordinance shall take effect 30 days after the date of adoption.

Adopted: 650 Item 9.1 of 02/02/1988 (Eff: 04/03/1988)

Amended: 650.1a Item 3.7 of 06/13/1989 (Eff: 07/13/1989)

650.1 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)

650.2 Item 3.4 of 03/20/1990 (Eff: 04/19/1990)

650.3 Item 3.11 of 06/26/1990 (Eff: 07/26/1990)

650.4 Item 3.1 of 12/07/1993 (Eff: 12/07/1993)

650.5 Item 16.1 of 05/16/2006 (Eff: 06/15/2006)

650.6 Item 3-13 of 11/01/2016 (Eff: 12/01/2016)