



COUNTY OF HUMBOLDT

For the meeting of: 5/28/2019

File #: 19-712

To: Board of Supervisors

From: DHHS: Public Health

Agenda Section: Departmental

SUBJECT:

Introduction of Ordinance Repealing Sections 615-1 through 615-9 of Chapter 5 of Division 1 of Title VI of Humboldt County Code relating to Experimental Disposal System Program; Adding Sections 615-1 through 615-11 to Chapter 5 of Division 1 of Title VI relating to Waterless Toilet Systems; and Amending Section 616-3(b) of Chapter 6 of Division 1 of Title VI of Humboldt County Code relating to Non-Standard Operational permit requirements

RECOMMENDATION(S):

That the Board of Supervisors:

1. Introduce the attached ordinance by title and waive the first reading;
2. Set the ordinance for adoption on June 4, 2019, or at least 1 week away;
3. Direct the Clerk of the Board of Supervisors to publish the pre-adoption summary of the ordinance and to post a certified copy of the full text of the ordinance in the office of the Clerk of the Board of Supervisors at least 5 days prior to the Board of Supervisors meeting at which the ordinance will be adopted [Government Code Section 25124(b)(1)];
4. Direct the Clerk of the Board, within 15 days after adoption of the ordinance, to publish a post-adoption summary of the ordinance with the names of the Supervisors voting for and against the ordinance and to post in the office of the Clerk of the Board of Supervisors a certified copy of the full text of the adopted ordinance along with the names of those Supervisors voting for and against the Ordinance [Government Code Section 25124(b)(1)]; and
5. Direct Department of Health and Human Services (DHHS), Public Health, Division of Environmental Health (DEH) staff to file the attached Notice of Exemption from California Environmental Quality Act as a Class 8, Categorical Exemption (14 CCR Section 15308), with the Humboldt County Clerk, in accordance with Public Resource Code Section 21152.

SOURCE OF FUNDING:

Public Health Fund

DISCUSSION:

DEH staff is presenting an ordinance intended to replace the existing Experimental Disposal System Program (EDSP). The Waterless Toilet Systems (WTS), the proposed replacement program, removes

deterrents to permitting, updates testing requirements, and moves the understanding of the technology from “experimental” to an accessible alternative, while maintaining the essential public health protections.

In 1984, the Board of Supervisors adopted Ordinance 1647 and created the Experimental Disposal System Program in Humboldt County Code (HCC) Title VI, Division 1, Chapter 5. The program allows owners of single family residential dwellings, with an approved permit, to install innovative disposal systems, such as composting toilets, to meet their domestic waste treatment needs, in addition to a traditional septic tank leach field system. Graywater systems were discussed in the original EDSP. The code was amended in 2017 (Ordinance No. 2584) to reflect the regulatory oversight now outlined in Chapter 16 of the California Plumbing Code (CPC).

The current General Plan assigns DHHS with the task of considering what is described as Alternative Sewage and Wastewater Disposal Methods (see H-IM33 and WR-P19). Some of the relevant revisions, such as regulations to graywater and other alternative technology, were completed with Board approval of the Local Agency Management Plan (Ordinance No. 2584). The proposed ordinance provides an updated permitting framework in alignment with the General Plan, the county Strategic Plan and provides necessary regulations to protect public health and the environment.

Following the suggestions provided by citizen stakeholders, staff incorporated guidance provided in recommended texts, such as *The Humanure Handbook* by Joseph Jenkins and *The Toilet Papers* by Sim Van der Rin, with components of the Water Efficiency and Sanitation Standard (WE-Stand: A Model Code for Permitting Composting Toilets, developed by the group Recodenow.org). Additional guidance was found in technical memorandums published by the U.S. Environmental Protection Agency (US-EPA) and National Sanitation Foundation (NSF) to develop the draft WTS ordinance.

Under the proposed ordinance, permits will be granted for WTS serving rural owner-occupied single family dwellings or for agricultural field operations in unincorporated Humboldt County. Acceptable designs must provide minimum separation to environmentally sensitive site features and include pre-manufactured units, non-proprietary site built designs, urine diverting systems or novel designs when approved by DEH.

Akin to the Non-Standard Onsite Wastewater Treatment Systems (OWTS) program, owners are required to obtain an operational permit upon completion of the WTS install. An operations and maintenance manual prepared and presented by the owner is required. The technology is effective when managed correctly. Confirmation of good management is confirmed on a 3- year cycle with certified lab results, provided in self-monitoring reports, that are more stringent than US-EPA Biosolids standards but in alignment with WE-Stand and NSF thresholds.

Moving away from the EDSP perspective, the proposed ordinance views WTS not as experimental, but as an accessory option to replace water carried toilets when paired with an approved OWTS. Families may save water by replacing or complimenting flush toilets with a permitted WTS. However, as WTS’s are designed to handle only human waste, wastewater generated from the kitchen sink and graywater, when contaminated with human waste, is required by the CPC and current Humboldt

County Code, to discharge to either the public sewer or the private permitted OWTS. As such, a readily accessible valve or diversion to sewer is required. Consistent with State requirements, staff could find no California counties that allowed WTS without the use of a permitted OWTS.

Active participation and maintenance by the homeowner is essential for effective sanitation. Owners are responsible for the maintenance, monitoring, and reporting of systems, and are ultimately responsible for the cleanup and abatement of mismanaged systems. The proposal includes inspections by the county in responding to nuisance-related complaints or investigations of systems for which no monitoring reports are received.

WTSs present a solution to human waste management that can reduce environmental impacts from occupied structures and can reduce the consumption of water. However, like all waste systems, without careful planning, diligent monitoring and regular maintenance, WTSs have risks, including spread of disease, contamination of surface water or ground water, and potential for odor and vector nuisances.

While there are public health risks associated with improper management of a WTS, the proposed framework for safe permitting satisfies the alternative sewage treatment goals of the Humboldt County General Plan. It provides clear requirements for permitting and minimizes risk to our community and environment.

FINANCIAL IMPACT:

There is no financial impact to the Public Health Fund or the county General Fund.

STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by streamlining county permit processes.

OTHER AGENCY INVOLVEMENT:

The construction or installation of a Waterless Toilet System may require approval by the local building official and shall meet all applicable zoning, structural, mechanical, electrical, and/or plumbing requirements. The draft ordinance was developed in collaboration with the Humboldt County Planning and Building Department.

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board may elect to dismiss the proposed ordinance and allow the existing Experimental Disposal System Program to persist. Staff strongly discourages this option as there has been no significant utilization of the program while unpermitted WTSs are installed without the benefit of a permit.

ATTACHMENTS:

1. Proposed Ordinance Repealing Sections 615-1 through 615-9 of Title VI, Division 1, Chapter 5, of Humboldt County Code, the existing Experimental Disposal System Program, Adding Sections 615-1 through 615-11 titled "Waterless Toilet Systems," and Amending Sections 616-3(b) of Title VI, Division 1, Chapter 6, of Humboldt County Code to update the Non-Standard

Operational permit requirements.

2. Pre-Adoption Summary of the Proposed Ordinance.
3. Post-Adoption Summary of the Proposed Ordinance.
4. Notice of Exemption under California Environmental Quality Act.
5. Summary of Public Outreach related to WTS.

PREVIOUS ACTION/REFERRAL:

Board Order No.: I-3

Meeting of: August 21, 2018

File No.: 18-1082; 19-712