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Humboldt County Onsite Wastewater Treatment System (OWTS) Regulations and Technical Manual

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List of Acronyms

APMP	Advanced Protection Management Program
BOS	Humboldt County Board of Supervisors
DEH	Humboldt County Division of Environmental Health
HCC	Humboldt County Code
IAPMO	International Association of Plumbing and Mechanical Officials
LAMP	Local Agency Management Program
NCRWQCB	North Coast Regional Water Quality Control Board
NSF	National Sanitation Foundation
NSOWTS	Non-Standard Onsite Wastewater Treatment System
OWTS	Onsite Wastewater Treatment System
OWTS Policy	Water Quality Control Plan for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems
RTM	Humboldt County Onsite Wastewater Regulations and Technical Manual
VPA	Variance Prohibition Area

Introduction

California Water Code section 13140 directs the State Water Resources Control Board (State Water Board) to formulate and adopt state policy for water quality control. Water Code sections 13290-13291.7 requires the State Water Board to adopt and implement regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS).

On June 19, 2012, the State Water Board adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy). The policy took effect on May 13, 2013.

Humboldt County Code (HCC) Title VI Division 1 Water and Sewage provides the local authority for management of OWTS. HCC 611-1 presents the Board of Supervisors findings that the dispersal field (leach field) method of sewage treatment is the most appropriate for rural lands and is to be considered a permanent means. HCC 612-1 directs the Health Officer to issue regulations to carry out the provisions of Division 1.

Humboldt County *Onsite Wastewater Treatment System Regulations and Technical Manual* (RTM) replaces *Humboldt County Sewage Disposal Regulations* and is prepared and adopted in accordance with HCC 612-1. Terms used throughout the RTM are defined in HCC 611-2 and in the OWTS Policy. Where a definition differs, the definition in HCC applies.

The Humboldt County Department of Health and Human Services, Division of Environmental Health (DEH) is the authorized representative of the Health Officer in matters pertaining to onsite wastewater treatment system (OWTS) management in Humboldt County.

Eligibility

A site that is greater than 300 feet from a public sewer can be evaluated for OWTS use. Suitable soil conditions and land form features are necessary for an OWTS to perform in a manner which protects public health and the environment. In some cases, parcels lacking public sewer service may not support the use of an OWTS due to poor soil conditions and/or other unsuitable features as determined by the Health Officer.

A particular building situation may not be allowed to utilize an OWTS because of:

1. Lack of suitable soil depth; or impervious or saturated soil conditions.
2. Steep slopes (greater than thirty percent slope).
3. History of failures in area.
4. Other factors that may be identified by the Health Officer.

HCC 614-1 authorizes the Board of Supervisors to declare a moratorium on the issuance of OWTS permits in areas of existing or potential community contamination problems. There are no areas in Humboldt County subject to such moratorium at the date of this document.

Prohibitions

The following practices and conditions are prohibited in Humboldt County:

1. Cesspools of any kind or size.
2. Holding tanks as a permanent means of sewage management except as specified in HCC 613-4.
3. OWTS receiving a projected flow over 10,000 gallons per day unless permitted through the Regional Water Quality Control Board (RWQCB).
4. OWTS that utilize any form of effluent dispersal that discharges on or above the post installation ground surface such as sprinklers, exposed drip lines, free-surface wetlands, or a pond.
5. OWTS installed on slopes greater than 30 percent without a slope stability report approved by a registered professional.
6. Decreased leaching area for IAPMO certified dispersal systems.
7. New OWTS installation without 100% reserve area for a replacement system.
8. OWTS utilizing supplemental treatment without periodic monitoring or inspections.
9. Less than two (2) feet of separation between the bottom of dispersal system to seasonal groundwater.

Variance Prohibition Areas

Variance Prohibition Areas (VPA) respond to the OWTS Policy's Tier 2 and Tier 3 requirement to provide special consideration to protect public health and water quality in areas which exhibit challenging conditions including high groundwater elevations, extremely coarse or restrictive soils, and high OWTS or water well density. VPAs are generalized areas of Humboldt County where one or more challenging conditions are known to exist (see Appendix H of this document).

Additionally, surface water bodies listed in Attachment 2 of the OWTS Policy are included as VPAs. They are further addressed through an Advance Protection Management Program (APMP) described in Tier 3 of the Humboldt County Local Agency Management Program (LAMP). An APMP, required by the State OWTS Policy, implements protective measures near impaired surface water bodies listed by the State. Other than APMP areas, VPAs are not specifically delineated or mapped.

New OWTS design proposals within VPAs must strictly adhere to these regulations. Variances (formerly known as waivers) cannot be granted for new OWTS construction. DEH must be on site for all site evaluations performed in the VPAs. The Variance Prohibition Areas are:

- The Eureka Plain Hydrologic Unit (includes the Jacoby Creek, Freshwater, and Elk River watersheds);
- Westhaven and Fieldbrook;
- The Pacific Manor subdivision in Arcata;
- The Trinidad Hydrologic Unit (covering the areas from Big Lagoon south the Little River);
- Fairhaven;
- Van Duzen River Hydrologic Unit (cover the area from Bridgeville to and including Hydesville);
- Alton;
- Petrolia;
- Benbow and Shelter Cove;
- All parcels located less than 200' from surface water drainage courses upgradient of beach shorelines between Clam Beach and Trinidad State Beach (e.g. Little River, Strawberry Creek, Mill Creek, and Luffenholtz Creek watersheds).

- For systems with design flows exceeding 1500 gallons per day, a minimum groundwater clearance of 24 inches shall be maintained beneath the dispersal field trench bottom.

Nitrate Loading

Analysis of nitrate loading effects shall be based, at a minimum, on an estimate of annual chemical-water mass balance. Minimum values used for the total nitrogen concentration of septic tank effluent shall be: 40 mg/l as N (for average flow conditions) for residential wastewater, or as determined from sampling comparable systems or from acceptable scientific literature. OWTS shall not cause the groundwater nitrate concentration to exceed 10.0 mg/l as N at any source of drinking water on the property nor on any potential off-site drinking water source.

3.8.3 Variance Policy

If a proposed design cannot meet any standard contained in the Humboldt County OWTS Regulations and Technical Manual or applicable state policy, the application must identify the unmet standard. For DEH to consider a variance to any standard, the applicant must submit an OWTS Variance Application. Variances may be granted when the applicant can demonstrate that water quality will not be impaired and public health will not be impacted as a result of the variance. Variances cannot be granted to parcels within the Variance Prohibition Area(s).

3.8.4 Limitations

The following conditions are regulated by the RWQCB. Owners must notify the RWQCB via submittal of a Report of Waste Discharge, Form 200, available from the RWQCB.

- a. A new or replacement OWTS that does not meet the conditions and requirements set forth in these regulations;
- b. any OWTS, not under individual waste discharge requirements or a waiver of individual waste discharge requirements issued by a Regional Water Board, with the projected flow of over 10,000 gallons-per-day;
- c. any OWTS that receives high-strength wastewater, unless the waste stream is from a commercial food service building;
- d. any OWTS that receives high-strength wastewater from a commercial food service building: (1) with a BOD higher than 900 mg/L, or (2) that does not have a properly sized and functioning oil/grease interceptor.

APPENDIX E – OWTS SETBACK REQUIREMENTS

Minimum Setback Distance Requirements

Tanks and dispersal fields must be located to meet the minimum setback distances shown below. See page reverse for required OWTS horizontal setbacks to public water wells and surface water intakes.

Minimum Horizontal Distance (ft.)	Public Water Well	Private Water Well	Surface Intake Public Water	Perennial Stream, Wetland & Other Waters*	Ephemeral Stream or Drainage Swale*
Septic Tank	100	100		50	25
Pump Tank	100	100		50	25
Dispersal System	150	100	200-400 (see table below)	100	50

Minimum Horizontal Distance (ft.)	Property Lines Public Water	Property Lines (Private Water)	Buildings or Structures	Cut Banks Unstable Land Steep Slopes>30%	Large Trees
Septic Tank	5	25	5	25	10
Pump Tank	5	25	5	25	10
Dispersal System	10	50	10	25	10

* Setback distances from surface waters is determined based on the US Army Corps of Engineers' definition of Ordinary High Water Mark, 33 CFR 328.3(e).

APPENDIX E – OWTS SETBACK REQUIREMENTS

OWTS Horizontal Separation Distance to Public Water Wells & Surface Water Intake State OWTS Policy Section 9.4.10.1, .4, .5

	Public Water Well	Surface Water Intake
New OWTS	150 ft.	400 ft. from High Water mark of Water Body when: Dispersal system is within 1200 ft. of intake and, located within the catchment of the drainage such that it may impact the intake point.
New OWTS		200 ft. from High Water mark of Water Body when: Dispersal system is between 1200 ft. and 2500 ft. of intake and, located within the catchment of the drainage such that it may impact the intake point.
Replacement OWTS	150 ft.	400 ft. from High Water mark of Water Body when: Dispersal system is within 1200 ft. of intake and, located within the catchment of the drainage such that it may impact the intake point.
Replacement OWTS		200 ft. from High Water mark of Water Body when: Dispersal system is between 1200 ft. and 2500 ft. of intake and, located within the catchment of the drainage such that it may impact the intake point.

State OWTS Policy 9.4.11

For replacement OWTS that do not meet the above horizontal separation requirements, the replacement OWTS shall meet the horizontal separation to the greatest extent practicable. In such case, the replacement OWTS shall utilize supplemental treatment and other mitigation measures, unless the permitting authority finds that there is no indication that the previous system is adversely affecting the public water source, and there is limited potential that the replacement system could impact the water source based on topography, soil depth, soil texture and groundwater separation.

State OWTS Policy 9.4.12

For new OWTS installed on parcels of record existing as of May 13, 2013 that cannot meet the above horizontal separation requirements, the OWTS shall meet the horizontal separation to the greatest extent practicable and shall utilize supplemental treatment for pathogens as specified in section 10.8 (State OWTS Policy) and any other measures prescribed by the permitting authority.

CHAPTER 1

GENERAL REQUIREMENTS

Sections:

- § 611-1. **Purpose and Findings.**
- § 611-2. **Definitions.**
- § 611-3. **Approved Sewage Treatment System Required.**
- § 611-4. **Sewer Connection Required.**
- § 611-5. **Maintenance of Onsite Wastewater Treatment Systems.**
- § 611-6. **Abandoned Onsite Wastewater Treatment Systems.**
- § 611-11. **Site Evaluations.**
- § 611-12. **Subdivisions and Lot Line Adjustments.**

611-1. Purpose and Findings.

The Board of Supervisors finds that in urban areas of the County the most appropriate means of sewage treatment is the public sewer system. The Board further finds that, in the rural lands of the County, the dispersal or leach field method of sewage treatment is the most appropriate means of sewage treatment and is to be considered a permanent means. (Ord. 945, § 1, 10/2/73; Ord. 2584, § 1, 11/07/2017)

The Board of Supervisors enacts this division for the management of sewage treatment systems in the County in order to promote the health, safety, and well-being of the inhabitants of this County by providing to them a means to prevent water pollution, nuisances, and threats to public health. (Ord. 2584, § 1, 11/07/2017)

In addition, this division is intended to bring Humboldt County into compliance with the Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems and applicable policies and regulations of the State Water Resources Control Board. (Ord. 2584, § 1, 11/7/2017)

This division shall apply to all territory embraced within the unincorporated area of the County of Humboldt, State of California. Ord. [2584](#), § 1, 11/07/2017)

611-2. Definitions.

(a) *Abandoned Onsite Wastewater Treatment System.* "Abandoned onsite wastewater treatment system" means an onsite wastewater treatment system of which use has been discontinued with the intent of never resuming such use. Nonuse of such a system for a period of one (1) year shall be prima facie proof of such intent. (Ord. 2584, § 1, 11/7/2017)

(b) *Building and Place.* "Building" or "place" means any residence, place of business, or other building or place where persons reside, congregate, or are employed. (Ord. 2584, § 1, 11/7/2017)

- (c) *Cesspool*. "Cesspool" means an excavation in the ground receiving domestic wastewater, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil. Cesspools do not have septic tanks. (Ord. 2584, § 1, 11/7/2017)
- (d) *Dispersal System*. "Dispersal system" means a leachfield, mound, at-grade, subsurface drip field or other type of system for final wastewater treatment and subsurface discharge. (Ord. 2584, § 1, 11/7/2017)
- (e) *Graywater*. "Graywater" means untreated wastewater that 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 wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Graywater as defined above has the same meaning as "gray water," "grey water," and/or "greywater." (Ord. 2584, § 1, 11/7/2017)
- (f) *Grease Interceptor*. "Grease interceptor" means a plumbing appurtenance or appliance that is installed in a sanitary drainage system to intercept non-petroleum fats, oils, and greases (FOG) from a wastewater discharge. (Ord. 2584, § 1, 11/7/2017)
- (g) *Health Officer*. "Health Officer" means the Humboldt County Health Officer or his/her authorized representative or designee. (Ord. 2584, § 1, 11/7/2017)
- (h) *Onsite Wastewater Treatment System or OWTS*. "Onsite wastewater treatment system(s)" or "OWTS" means a water-carried system for the sanitary, safe, and nuisance-free receipt and treatment of sewage and wastewater. OWTS may also be referred to or known as a septic system, sewage treatment system, or sewage disposal system. The short form of the term may be singular or plural. (Ord. 2584, § 1, 11/7/2017)
- (i) *Onsite Wastewater Treatment System Failure or OWTS Failure*. "Onsite wastewater treatment system failure" or "OWTS failure" includes, but is not limited to, the following: (Ord. 2584, § 1, 11/07/2017)
- (1) Surfacing of effluent with the bacteriological or chemical characteristics of sewage. (Ord. 2584, § 1, 11/7/2017)
 - (2) Sluggish or inoperative plumbing fixtures. (Ord. 2584, § 1, 11/7/2017)
 - (3) The flow or seepage of effluent from an onsite wastewater treatment system into surface or subsurface waters. (Ord. 2584, § 1, 11/7/2017)
- (j) *Pit Privy*. "Pit privy" means a self-contained waterless toilet used for disposal of non-water carried human waste; consists of a shelter built above a pit in the ground into which human waste falls. Also known as an outhouse or pit-toilet. (Ord. 2584, § 1, 11/7/2017)
- (k) *Public Nuisance*. "Public nuisance" means anything which:
- (1) Is injurious to health or well-being, or is indecent or offensive to the senses, or is an obstruction to the free use of the land space, or interferes with the comfortable enjoyment of life or environment; or (Ord. 2584, § 1, 11/7/2017)

- (2) Affects at the same time the occupants of one (1) or more habitable units of a community or neighborhood, or any considerable number of persons, although the extent of the annoyance, damage, injury, offense, obstruction or interference inflicted upon individuals may be unequal; or (Ord. 2584, § 1, 11/7/2017)
- (3) Any condition, action, or use defined in § [351-3](#). (Ord. 2584, § 1, 11/7/2017)
- (l) *Public Sewer*. "Public sewer" means a common sewer system operated by a public entity. (Ord. 2584, § 1, 11/7/2017)
- (m) *Public Water System*. "Public water system" means a water system regulated by the State Water Resources Control Board or a Local Primacy Agency pursuant to the California Safe Drinking Water Act, Chapter 12, Part 4, Section [116275\(h\)](#) of the California Health and Safety Code. (Ord. 2584, § 1, 11/7/2017)
- (n) *Qualified Professional*. "Qualified Professional" means a Registered Civil Engineer, Registered Environmental Health Specialist, Professional Geologist, or Certified Soil Scientist who has experience designing standard or non-standard onsite wastewater treatment systems. (Ord. 2584, § 1, 11/7/2017)
- (o) *Repair*. "Repair" means any alteration and/or replacement of any dispersal system component or tank of an onsite wastewater treatment system as a result of system failure. (Ord. 2584, § 1, 11/7/2017)
- (p) *Seepage Pit*. "Seepage pit" means a drilled or dug excavation, three to six feet in diameter, which receives the effluent discharge from a septic tank or other OWTS treatment unit for dispersal. (Ord. 2584, § 1, 11/7/2017)
- (q) *Septic Tank*. "Septic tank" means a watertight, covered receptacle designed for primary treatment of wastewater and constructed to: (Ord. 2584, § 1, 11/07/2017)
- (1) Receive wastewater discharged from a building; and
 - (2) Separate settleable and floating solids from the liquid; and
 - (3) Digest organic matter by anaerobic bacterial action; and
 - (4) Store digested solids; and
 - (5) Clarify wastewater for further treatment with final subsurface discharge.
- (r) *Sewage*. "Sewage" means any substance, liquid or solid, which is classified as a waste product of human occupation and may be injurious or dangerous to health, and which contains or may be contaminated with human or animal excrement, offal, or feculent matter. Sewage may be synonymous with "wastewater" and/or "liquid waste". (Ord. 2584, § 1, 11/7/2017)
- (s) *Sewage Treatment System*. "Sewage treatment system" means a system for the sanitary, safe, and nuisance-free receipt and treatment of sewage or waste other than a public sewer. (Ord. 2584, § 1, 11/7/2017)
- (t) *Vault*. "Vault" means an enclosed receptacle for the receipt and temporary storage of wastewater, such as, but not limited to, grease interceptors, grease traps, chemical toilets, vault toilets, and holding tanks. (Ord. 2584, § 1, 11/7/2017)

(u) *Waste*. "Waste" means any and all waste substances, liquid, solid or gaseous, associated with any producing, manufacturing, processing or commercial operation, of whatever nature, which substances are not further used by the entity producing, manufacturing, processing or commercial operation. (Ord. 2584, § 1, 11/7/2017)

(v) *Waste Well*. "Waste well" means any hole in the ground used or intended to be used for the disposal of sewage, liquid waste, or wastewater. (Ord. 945, § 2, 10/2/1973; Ord. 2584, § 1, 11/7/2017)

611-3. Approved Sewage Treatment System Required.

No person shall construct, reconstruct, repair, maintain, use or occupy any building or place which is not provided with a sewage treatment system approved by the Health Officer or with a connection to a public sewer. (Ord. 945, § 3, 10/2/1973; Ord. 2584, § 1, 11/7/2017)

611-4. Sewer Connection Required.

(a) *Connection Required*. Every building or place which is within 300 feet of an approved public sewer shall be connected to the public sewer by the owner in accordance with and subject to requirements and/or conditions set forth by the public sewer authority. A separate connection for each building or place may be required. The measurement of the 300 feet shall start at a point where the public sewer authority's jurisdiction terminates and continue to the nearest point of the property. The location of a structure upon the property shall not be a contributing factor unless the structure is located more than 1,000 feet from the public sewer line. (Ord. 2584, § 1, 11/7/2017)

(b) *Large Flow Situations*. Multiple family units, mobilehome park, commercial establishments, motels, hotels, subdivision and minor subdivisions, and other buildings or places creating a large flow of sewage or waste may be required by the Health Officer to connect from distances greater than 300 feet. In requiring connections from greater distances, the Health Officer shall consider for the long term the following:

- (1) The intent and purpose of this division.
- (2) Effect on the General Plan, the Zoning Title and the Open Space Plan.
- (3) Potential nuisance creation.
- (4) Quantity of sewage flow.
- (5) Cost and suitability of such connection relative to the cost and suitability of constructing and maintaining sewage treatment systems. (Ord. 2584, § 1, 11/7/2017)
- (6) Such other factors as the Health Officer deems appropriate.

(c) *Failed Systems*. In instances of an onsite wastewater treatment system failure as defined in § [611-2\(i\)](#), where site conditions preclude the installation of a reliable onsite wastewater treatment system replacement, the Health

Officer may require connection to an approved public sewer from a distance of up to 1,000 feet. (Ord. 2584, § 1, 11/7/2017)

(d) *Pump Required.* In the event a person required by this section to connect to a public sewer does not have gravity flow to the public sewer, he/she shall be required to install and maintain a sump pump at his/her own expense at the time of the hookup. Such installation shall be subject to the regulations of the entity operating the public sewer. (Ord. 2584, § 1, 11/7/2017)

(e) *Easements.* This Board will assist any individual required under this section to connect to a public sewer in attempting to acquire any easements which may be necessary to allow for the most direct connection to the public sewer. (Ord. 2584, § 1, 11/7/2017)

(f) *Permit Procedures.* Permit procedures, inspection procedures; and materials related to connection to a public sewer shall be in accordance with the specifications of the public entity operating the public sewer.

(g) *Connection to Public Sewers.* All points of wastewater discharge from the building or place subject to the provisions of this section shall be connected to the public sewer. (Ord. 2584, § 1, 11/7/2017)

(h) *Waterless Toilet Permits.* Notwithstanding the above, the Health Officer may permit the installation and use of waterless toilets as described in Chapter [5](#) of this division. (Ord. 945, § 4, 10/2/1973; Ord. 1275, § 1, 9/12/1978; Ord. 1338, § 1, 7/10/1979; Ord. 2584, § 1, 11/7/2017)

611-5. Maintenance of Onsite Wastewater Treatment Systems.

(a) The owner of an onsite wastewater treatment system shall comply with the operational and maintenance requirements specified on the approved permit application. In addition, the owner of a non-standard onsite wastewater treatment system shall comply with Chapter [6](#) of this division. (Ord. 2584, § 1, 11/7/2017)

(b) The operator of a dual-field dispersal system shall alternate the field annually or at times specified by the Health Officer. (Ord. 2584, § 1, 11/7/2017)

(c) Unless otherwise specified by the Health Officer, septic tanks shall be pumped at least once every seven (7) years. (Ord. 945, § 7, 10/2/1973; Ord. 2584, § 1, 11/7/2017)

611-6. Abandoned Onsite Wastewater Treatment Systems.

(a) Every abandoned building sewer or part thereof shall be plugged or capped in an approved manner within five feet (5') of the property line.

(b) Every abandoned septic tank shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete or other approved material. The cover of the septic tank shall be removed before filling. The filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until an inspection has been completed by the Health Officer. After such inspection by the Health Officer, the septic tank shall be filled to the level of the top of the ground. (Ord. 2584, § 1, 11/7/2017)

(c) No person owning or controlling any septic tank shall fail, refuse, or neglect to comply with the provisions of this section upon receipt of notice from the Health Officer.

(d) Where an onsite wastewater treatment system is abandoned consequent to connecting with the public sewer, the property owner or his/her authorized representative making the connection shall fill the abandoned septic tank as required by the Health Officer within thirty (30) days from the time of connecting with the public sewer. (Ord. 945, § 10, 10/2/1973; Ord. 2584, § 1, 11/7/2017)

611-11. Site Evaluations.

(a) The Health Officer may make inspection of a site to determine the potential suitability of the property for an onsite wastewater treatment system or to verify site evaluation information submitted by a Qualified Professional. The Health Officer may require that he/she be present along with the Qualified Professional conducting a site evaluation. The Health Officer shall issue a report on the inspection findings to the property owner or his/her authorized representative. The report shall not constitute approval for the issuance of the onsite wastewater treatment system permit or guarantee of such issuance. (Ord. 2351, § 18, 12/6/2005; Ord. 2584, § 1, 11/7/2017)

(b) Each application for inspection of a site shall be accompanied by a fee set by resolution or ordinance of the Board of Supervisors in an amount sufficient to cover costs. When inspection of more than one site is requested, the fee shall be charged for each site. (Ord. 945, § 15, 10/2/1973; Ord. 2351, § 18, 12/6/2005; Ord. 2584, § 1, 11/7/2017)

611-12. Subdivisions and Lot Line Adjustments.

(a) For any proposed subdivision or applicable lot line adjustment which will not be connected to a public sewer, the Health Officer shall require site specific onsite wastewater treatment system designs for each proposed parcel before recommendations are presented to the Planning Commission. The onsite system design for each proposed parcel shall be prepared from a site evaluation conducted by a Qualified Professional as defined in [§ 611-2\(n\)](#). (Ord. 2584, § 1, 11/7/2017)

(b) Such designs shall recognize that the onsite wastewater treatment demands of any particular subdivision cannot be analyzed without reference to the onsite wastewater treatment demands of the land surrounding the subdivision. (Ord. 2584, § 1, 11/7/2017)

(c) Such designs shall recognize that the proposed onsite wastewater treatment systems of the subdivision must be viewed as a single system for purposes of analysis. The Health Officer may require that a cumulative impact study of the effects of wastewater discharge be conducted. (Ord. 2584, § 1, 11/7/2017)

(d) Such designs shall be consistent with all the provisions of this division and regulations issued by the Health Officer. (Ord. 2584, § 1, 11/7/2017)

(e) Such designs shall include provisions to meet sewage treatment demands over the long term. (Ord. 2584, § 1, 11/7/2017)

- (f) Such designs shall require the approval of the Health Officer. (Ord. 2584, § 1, 11/7/2017)
- (g) The designs shall be accompanied by a fee estimate to cover the expenses incurred by the County in reviewing the designs. The fee shall be set by resolution or ordinance of the Board of Supervisors. In the event that the actual costs are less than the fee deposited, the balance shall be returned. In the event the actual costs are greater than the fee deposited, the subdivider shall pay to the County the excess of the actual costs over the amount of the fee deposited. (Ord. 945, § 16, 10/2/1973; Ord. 2351, § 14, 12/6/2005; Ord. 2584, § 1, 11/7/2017)

The Humboldt County Code is current through Ordinance 2620, passed December 18, 2018.

Disclaimer: The Office of the County Counsel has the official version of the Humboldt County Code. Users should contact the Clerk of the Board's office for ordinances passed subsequent to the ordinance cited above.

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CHAPTER 2

REGULATIONS AND ADMINISTRATION

Sections:

- § 612-1. Regulations.**
- § 612-2. Permits.**
- § 612-3. Appeals.**
- § 612-4. Investigation and Abatements.**
- § 612-5. Declaration of Public Nuisance.**
- § 612-6. Penalty.**
- § 612-7. Responsibility for Damage.**

612-1. Regulations.

- (a) The Health Officer shall issue such regulations as he/she deems necessary to carry out the provisions of this division.
- (b) Any such regulations issued by the Health Officer shall:
- (1) Comply with current State laws, regulations, and policies. (Ord. 2584, § 2, 11/7/2017)
 - (2) Be consistent with the intent and purpose of this division. (Ord. 2584, § 2, 11/7/2017)
 - (3) Recognize the most current technical information relevant to the provisions of this division. (Ord. 2584, § 2, 11/7/2017)
 - (4) Provide for exceptions where a strict application of this division or local regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question. (Ord. 2584, § 2, 11/7/2017)
 - (5) Be designed to minimize and eliminate public nuisance hazards or the potential thereof. (Ord. 2584, § 2, 11/7/2017)
 - (6) Recognize that any single onsite wastewater treatment system is in reality a subunit of a larger wastewater treatment system comprised of numerous subunits. (Ord. 2584, § 2, 11/7/2017)
- (c) Regulations issued by the Health Officer under this division shall become effective when filed with the County Clerk.
- (d) Regulations issued under this division may be amended by the Health Officer from time to time by filing such amendments with the County Clerk; amendments shall become effective when filed.

(e) Regulations issued under this division shall be available to the public on-line free of charge or in booklet form for a fee to be determined by the Board of Supervisors. (Ord. 945, § 18, 10/2/1973; Ord. 2584, § 2, 11/7/2017)

612-2. Permits.

(a) *Permit Required.* No person shall construct, modify, repair, replace, abandon, or excavate for any kind of onsite wastewater treatment system or any portion thereof without having first obtained a permit to do so from the Health Officer. (Ord. 2584, § 2, 11/7/2017)

(b) *Applications.*

(1) Each application for a permit to construct, modify, repair, replace, abandon, or excavate for any kind of onsite wastewater treatment system is to be made on a form provided by the Health Officer. (Ord. 2584, § 2, 11/7/2017)

(2) A separate application is required for each onsite wastewater system proposed. In cases where multiple OWTS are proposed for the same parcel, a separate application is required for each. (Ord. 2584, § 2, 11/7/2017)

(3) The information which the applicant is required to present includes, but is not limited to, the following information: (Ord. 2584, § 2, 11/07/2017)

(A) Name, address and telephone number(s) of the applicant and the owner of the property, and their agents, if any, on which the building or place to be served by the onsite wastewater treatment system is located. (Ord. 2584, § 2, 11/7/2017)

(B) Location of the property, the Assessor's parcel number, directions to the site, and any site accessibility restrictions. (Ord. 2584, § 2, 11/7/2017)

(C) A scale map of the lot showing: Appropriate landmarks; steep slopes; roads; surveyor's landmarks; lot dimensions; existing and proposed easements for road or utility purposes; wells, waterbodies or drainage swales; and existing, proposed, or abandoned onsite wastewater treatment systems. (Ord. 2584, § 2, 11/7/2017)

(D) A scaled site plan or detail of the proposed project showing the area of the work, the average cross slope, the structure(s) served, and all items in C (above) within one hundred fifty feet (150') of the project. (Ord. 2584, § 2, 11/7/2017)

(E) The intended use or uses of the property.

(F) The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided.

(G) Soils testing information from a site evaluation performed by a Qualified Professional, including wet weather ground water elevations and percolation test results as required by the regulations issued by the Health Officer, as referenced in [§ 612-1\(a\)](#). (Ord. 2584, § 2, 11/7/2017)

(H) The source or purveyor of domestic water.

(I) Plans and specifications for the proposed onsite wastewater treatment system as specified by the regulations issued by the Health Officer. (Ord. 2584, § 2, 11/7/2017)

(J) Other information which the Health Officer may deem to be necessary to the making of an informed and professional decision on the application. (Ord. 2584, § 2, 11/7/2017)

(4) The Health Officer may specify the time of year during which water table determinations are to be made.

(5) Any tests, data gathering, or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.

(6) Any tests, data gathering, or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or performed by individuals authorized by the Health Officer to carry out such testing, data gathering, or analysis. (Ord. 2584, § 2, 11/7/2017)

(7) Any tests, data gathering, or analysis which the Health Officer may require as a part of the application process shall be performed in accordance with regulations issued by the Health Officer.

(8) Each application for a permit shall be accompanied by a filing fee in an amount sufficient to cover costs, as set by resolution or ordinance of the Board of Supervisors. No part of the permit filing fee shall be refundable. (Ord. 2351, § 19, 12/6/2005; Ord. 2584, § 2, 11/7/2017)

(d) *Inspections.*

(1) Prior to approval of any onsite wastewater treatment system permit application, the Health Officer shall conduct a site inspection and review other information as needed to determine the suitability of the site for the proposed system installation. (Ord. 2584, § 2, 11/7/2017)

(2) Periodic inspections may be made by the Health Officer during the installation process. A final inspection of each installation shall be made by the Health Officer prior to the time the system is backfilled or covered. In the event that the Health Officer determines that there has been an improper installation, a stop work order or Notice of Violation may be posted on the job site. No further work may be performed until the Health Officer has determined that the improper installation has been corrected. (Ord. 2584, § 2, 11/7/2017)

(e) *Approval.*

(1) *Design Approval.* If the Health Officer finds that the proposed onsite wastewater treatment system conforms to the requirements of this division, regulations issued by the Health Officer, and other relevant state laws, regulations, and policies, he/she shall approve the permit application. Application approval by the Health Officer signifies design approval only. The granting of design approval by the Health Officer shall be

made subject to any terms and conditions attached thereto and made a part thereof. Installation of new onsite wastewater treatment systems may commence after the Health Officer has approved the application and after the applicant has obtained a building construction permit from the County Building Official. Installation of repairs to existing systems does not require a building construction permit and may commence after the Health Officer has approved the application. If the onsite wastewater treatment system requires major repair, the permit shall require the entire system to conform as closely as is possible to this division, the regulations issued by the Health Officer, and any other relevant state laws, regulations, and policies. (Ord. 2584, § 2, 11/7/2017)

(2) *Construction Approval.* The Health Officer shall conduct a final inspection upon completion of the construction of the onsite wastewater treatment system for final approval. This final approval does not guarantee that the system will function satisfactorily. Final approval means only that the system has been installed in a manner consistent with the approved design and the terms and conditions of the permit. (Ord. 2584, § 2, 11/7/2017)

(f) *Denial.*

(1) The Health Officer shall not approve an application if he/she finds that the proposed onsite wastewater treatment system does not conform to all the requirements of this division, regulations issued by the Health Officer, or other pertinent laws, regulations, policies, and Code sections. The Health Officer shall not approve an application if he/she finds the proposed design inadequate to the sewage demands of the situation or may constitute or result in a public nuisance. (Ord. 2584, § 2, 11/7/2017)

(2) The Health Officer shall give written notice to the applicant of the decision to deny the application. Such notice shall include the reasons for denial. Written notice shall be sent to the applicant by certified mail, return receipt requested. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. (Ord. 2584, § 2, 11/7/2017)

(g) *Expiration of Design Approval.*

(1) *New Construction or Modification Permits.* Onsite wastewater treatment system design approvals for new construction or modification shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one (1) year following the issuance of the building construction permit by the County Building Official. Prior to the expiration of the one (1) year period, the Health Officer may extend the term of the Design Approval for up to an additional one (1) year period if presented with evidence that the work authorized can reasonably be expected to be completed during the extension period. (Ord. 2584, § 2, 11/7/2017)

(2) *Repair and Abandonment Permits.* Onsite wastewater treatment system design approvals for repairs and abandonments shall expire and become null and void if the work authorized thereby has not been completed and passed final inspection within one (1) year following the issuance of the design approval by the Health Officer. (Ord. 2584, § 2, 11/7/2017)

(h) *Revocation.*

(1) Any onsite wastewater treatment system permit or application approval may be revoked or suspended by the Health Officer if he/she determines that a violation of this division or regulations issued by the Health Officer exists; or that the permit or approval was obtained by fraud, misrepresentation, or material omission; or for any other reason that conflicts with state or local laws. Prior to revoking or suspending the permit or approval, the Health Officer must cause written notice to be mailed to the permittee or applicant and the owner of the property. The notice shall specify the violation(s) and the work to be done and shall allow thirty (30) days to complete the work. The notice shall inform the permittee or applicant of the right to an optional informal hearing before the Health Officer. (Ord. 2584, § 2, 11/7/2017)

(2) If a permittee or applicant fails to comply with the pre-revocation or pre-suspension notice, the Health Officer shall send to the permittee or applicant and owner of the property a notice of revocation or suspension. The notice shall be sent by certified mail, return receipt requested. Notice shall be effective upon actual receipt or refusal as shown on the receipt obtained pursuant to the foregoing. The notice shall inform the permittee or applicant of his/her right to file an appeal to the Board of Supervisors as set forth in [§ 612-3](#). (Ord. 2584, § 2, 11/7/2017)

612-3. Appeals.

(a) Any person affected by an approval, denial, suspension, or revocation of a permit by the Health Officer may appeal to the Board of Supervisors by filing a notice of appeal with the Department of Health and Human Services, Division of Environmental Health, within thirty (30) days of the action of the Health Officer or receipt of written notice by the Health Officer, whichever is later. The notice of appeal shall be accompanied by a filing fee set by resolution or ordinance of the Board of Supervisors in an amount sufficient to cover costs. The appeal shall stay the effect of the action of the Health Officer. However, no appeal may be taken concerning any action of the Health Officer which such officer is required to take pursuant to state or federal law, including the provisions of the State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. (Ord. 2067, § 1, 4/25/1995; Ord. 2351, § 19, 12/6/2005; Ord. 2584, § 2, 11/7/2017)

(b) The appeal shall be in writing and addressed to the Department of Health and Human Services, Division of Environmental Health. The applicant shall also file a copy of the appeal with the Clerk of the Board of Supervisors on the same day of filing with the Division of Environmental Health. In the notice of appeal, the appellant shall specifically identify the action taken by the Health Officer that the appellant is challenging and the date of the action, as well as state in full the facts and circumstances which make the action of the Health Officer unreasonable, including citations to any applicable laws or regulations. Failure to comply with these appeal procedures will render the notice of appeal invalid and will not toll the time allotted to file a notice of appeal. (Ord. 2584, § 2, 11/7/2017)

(c) Upon receipt of a timely notice of appeal, the Board of Supervisors shall cause the matter to be set for hearing not earlier than twenty (20) calendar days after the notice of appeal has been filed with the Division of Environmental Health and the Clerk of the Board. The Board of Supervisors, in its discretion and upon stipulation of the Health Officer and appellant, may set the hearing on an expedited schedule. The Division of Environmental

Health shall cause notice to be mailed to all affected persons at least ten (10) calendar days prior to the hearing. (Ord. 2584, § 2, 11/7/2017)

(d) At the time and place set for the hearing, the Board shall proceed to hear the testimony of the Health Officer, the testimony of the owner or his/her representatives, and the testimony of other competent persons concerning the conditions upon which the action of the Health Officer is based and other matters which the Board may deem pertinent. Any person affected may be present at such hearing, may be represented by counsel, may present testimony, and may cross-examine the Health Officer and other witnesses. The hearing may be continued from time to time at the discretion of the Board of Supervisors. (Ord. 2584, § 2, 11/07/2017)

The Health Officer may cross-examine the appellant and other witnesses and may be represented by counsel. At the request of the Health Officer, the County Counsel shall represent the Health Officer.

(e) "Any person affected" shall include, but not be limited to, the applicant or his/her agent, the owner of the affected property or his/her agent, and the owners or their agents of all adjoining properties to the property against which the action of the Health Officer is directed.

(f) The Board may, upon the appeal, either affirm the action of the Health Officer or grant a variance to the provisions of this division or regulations issued by the Health Officer upon which the action under appeal is based. No variance may be granted with respect to any requirement established pursuant to state or federal law, regulation, or rule, including requirements of the State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems. The decision of the Board of Supervisors upon an appeal shall be based upon the facts presented to it. (Ord. 945, § 6, 10/2/1973; Ord. 2067, § 1, 4/25/1995; Ord. 2584, § 2, 11/7/2017)

(g) Failure to challenge the Board's decision within 45 days shall be deemed to be a waiver of any objection to the Board's decision. (Ord. 2584, § 2, 11/7/2017)

612-4. Investigation and Abatements.

(a) Whenever it is necessary to make an inspection to determine compliance with the provisions of this division, the Health Officer may enter any buildings or place at all reasonable times to inspect the same or to perform any duty imposed upon the Health Officer by this division; provided that, if such building or place be occupied, he/she shall first present proper credentials and demand entry; and, if such building or place be unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or place and demand entry. If such entry is refused, the Health Officer shall have recourse to every remedy provided by law to secure entry. (Ord. 2584, § 2, 11/7/2017)

(b) In the event a sewage or wastewater treatment system subject to this division is operated, constructed, or repaired contrary to the terms of this division or regulations issued by the Health Officer, the Health Officer may send written notice to the owner of the land as shown on the most recent equalized assessment roll, at his/her address listed on said roll. Said notice shall state the manner in which the system is in violation, what corrective measures must be taken, the time within which such corrections must be made, and, that if the land owner fails to

make corrections within the period provided, the corrections may be made by the County and the land owner shall be liable for the costs thereof. (Ord. 2584, § 2, 11/7/2017)

(c) If the corrections listed on the notice are not made as required in said notice, the Health Officer shall abate the nuisance or violation pursuant to §§ [351-1](#) et seq. The notice permitted by this subsection need not be given prior to abating the nuisance or violation pursuant to §§ [351-1](#) et seq. (Ord. 945, § 8, 10/2/1973; Ord. 2584, § 2, 11/7/2017)

612-5. Declaration of Public Nuisance.

The following are hereby declared to be a public nuisance:

- (a) The presence of sewage upon the surface of the ground. (Ord. 2584, § 2, 11/7/2017)
- (b) A sewage treatment system which creates a public nuisance as defined in § [611-2\(k\)](#). (Ord. 2584, § 2, 11/7/2017)
- (c) A sewage treatment system which empties, flows, seeps, or drains into any surface waters or can reasonably be expected to do so. (Ord. 2584, § 2, 11/7/2017)
- (d) A sewage treatment system which now does or may reasonably be expected to empty, flow, or drain into or adversely affect any subsurface water which is used or is suitable for use by any inhabitants of the State.

This declaration of public nuisance is not intended to be an exclusive definition of public nuisance or a limitation upon the authority of the Health Officer to declare other circumstances to be a public nuisance. (Ord. 945, § 9, 10/2/1973; Ord. 2584, § 2, 11/7/2017)

(Ord. 2584, § 2, 11/7/2017)

612-6. Penalty.

It shall be unlawful for any person, firm, or corporation to violate, refuse or fail to comply with any of the provisions of this division. (Ord. 945, § 20, 10/2/73; Ord. 2584, § 2, 11/07/2017)

Failure to comply with any of the provisions of this division may result in an abatement proceeding, as set forth in § 351 et seq. of the Humboldt County Code, and/or the imposition of civil administrative penalties, as set forth in § 352 et seq. of the Humboldt County Code. (Ord. 2584, § 2, 11/7/2017)

612-7. Responsibility for Damage.

This division shall not be construed as imposing upon the County of Humboldt any liability or responsibility for damage resulting from the defective installation of any sewage treatment system as herein provided, nor shall the

County of Humboldt or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized thereunder. (Ord. 945, § 13, 10/2/1973; Ord. 2584, § 2, 11/7/2017)

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