

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA
Certified copy of portion of proceedings, Meeting of June 4, 2019

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT 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 THE NON-STANDARD OPERATIONAL PERMIT REQUIREMENTS.

ORDINANCE NO. 2628

The Board of Supervisors of the County of Humboldt ordains as follows:

SECTION 1. Sections 615-1 through 651-9 of Chapter 5 of Division 1 of Title VI of the Humboldt County Code are hereby repealed as shown on the attached pages.

SECTION 2. Sections 615-1 through 651-11 of Chapter 5 of Division 1 of Title VI of the Humboldt County Code are hereby added as shown on the attached pages.

SECTION 3. Section 616-3 of Chapter 6 of Division 1 of Title VI is hereby amended as shown on the attached pages.

SECTION 4. This ordinance shall take effect and be in force thirty (30) days from the date of its passage. A summary shall be published at least five (5) days before the date set for adoption and again fifteen (15) days after passage of this ordinance. It shall be published once with the names of the Board of Supervisors voting for and against the ordinance in a newspaper of general circulation published in the County of Humboldt, State of California.

PASSED, APPROVED AND ADOPTED this 4th day of June, 2019 on the following vote, to wit:

AYES: Supervisors Fennell, Bohn, Bass, Wilson, Madrone
NOES: Supervisors --
ABSENT: Supervisors --



Rex Bohn, Chair
Board of Supervisors of the County of
Humboldt, State of California

(SEAL)

ATTEST:

Kathy Hayes, Clerk of the Board of Supervisors
of the County of Humboldt, State of California

By: 

Ryan Sharp, Deputy

TITLE VI – WATER AND SEWAGE

DIVISION 1

SEWAGE AND ONSITE WASTEWATER TREATMENT

CHAPTER 5

EXPERIMENTAL DISPOSAL SYSTEM PROGRAM

Sections:

- § 615-1. — Purpose.
- § 615-2. — General Requirements.
- § 615-3. — Applicants' Qualifications.
- § 615-4. — Permits.
- § 615-5. — Information Sharing.
- § 615-6. — Waterless Toilet Systems.
- § 615-7. — Prototype Experimental Systems.
- § 615-8. — Inspections.

615-1.

Purpose.

These regulations are intended to provide alternatives to conventional sewage treatment systems by permitting the use of experimental on-site disposal systems. The purpose of the experimental disposal system program is to allow volunteers to install viable, innovative experimental disposal systems while protecting public health and water quality. (Ord. 1647, § 1, 7/24/1984; Ord. 2584, § 7, 11/7/2017)

615-2.

General Requirements.

~~(a) Experimental disposal systems ("EDS" or "system") generally require ongoing, periodic maintenance which extends for the life of the system. Therefore, experimental systems will be allowed in any one or more of the following limited and controlled circumstances: (Ord. 2584, § 7, 11/07/2017)~~

~~(1) The site on which the EDS is proposed to be installed has an approved conventional sewage treatment system currently in operation and the experimental system would be an accessory thereto. (Ord. 2584, § 7, 11/7/2017)~~

~~(2) The site has a failing sewage treatment system that cannot be corrected due to local conditions, such as soil percolation value, high groundwater, insufficient area, and the experimental system would attempt to reduce the existing negative impact upon the environment. (Ord. 2584, § 7, 11/7/2017)~~

~~(3) The site is beyond the reasonably projected availability of community services and has suitable area approved for the installation of a standard individual sewage treatment system and reserve area. In addition, an EDS existing prior to January 1, 1984, where testing has established that a suitable area approved for the installation of a conventional sewage treatment system and reserve area does not exist, may participate in the EDS program. (Ord. 2584, § 7, 11/7/2017)~~

~~(4) The site is within a specially created maintenance district designed to monitor and maintain all sewage treatment systems within the district. (Ord. 2584, § 7, 11/7/2017)~~

~~(b) Experimental disposal systems may be allowed for single family dwellings located on owner-occupied property, subject to the provisions of these regulations. (Ord. 1747, § 1, 8/5/1986)~~

615-3.

Applicants' Qualifications.

~~Applicants for an EDS shall demonstrate their knowledge regarding the health concerns, composting, wastewater treatment, and design, installation, maintenance and operation of experimental on-site disposal systems. The Experimental Disposal Systems Manual may be obtained at the Department of Health and Human Services, Division of Environmental Health. Applicants must successfully complete a written examination at the Division of Environmental Health. (Ord. 1647, § 1, 7/24/1984; Ord. 2584, § 7, 11/7/2017)~~

615-4.

Permits.

(a) Any person who wishes to install an EDS on any parcel of land may do so only after applying for and obtaining a permit for that purpose from the Department of Health and Human Services, Division of Environmental Health. Any such permit may be issued only if the applicant qualifies for the permit under the provisions of this chapter. (Ord. 2351, § 21, 12/6/2005; Ord. 2584, § 7, 11/7/2017)

(b) Applicants who successfully complete the examination as indicated in § [615-3](#) shall be eligible for issuance of an operating permit for an EDS.

(c) Operating permits shall be valid for a period of five (5) years. Operating permits may be extended for a period of one (1) year provided that evidence is submitted which indicates that an extension is necessary to complete final testing of the unit. A maximum of three (3) such extensions may be granted.

(d) Permits shall be issued for experimental design proposals which indicate that the system can be operated without violating the revocation conditions listed below or the provisions of § [615-6](#). (Ord. 2584, § 7, 11/7/2017)

(e) Operating permits and extensions granted pursuant to the provisions of these regulations may be revoked during the experimental period under any of the following conditions:

(1) An unsanitary condition caused by the system exists.

(2) There is improper use or disposal of the system end product.

(3) The dwelling which is served by the system is no longer occupied by the person to whom the permit is issued.

(4) The system is no longer being maintained by the permittee.

(5) The system is being operated in a manner resulting in groundwater or surface water contamination.

(6) The system is being operated in violation of conditions for approval of the operating permit.

(f) Before revocation of any operating permit, the permittee shall have an opportunity to be heard regarding the matter upon which a proposed revocation is based. The hearing shall be before a hearing officer designated by the County Health Officer. Any determination of the hearing officer may be appealed to the Board of Supervisors within thirty (30) days of such determination.

~~(g) It shall be the duty of the County Health Officer to cause to be filed with the Humboldt County Recorder a notice of each operating permit issued pursuant to these regulations. The notice shall refer to the provisions of this chapter, shall identify the locations of the site where the system is located by Assessor's parcel number or any other appropriate description. A notice form shall be prepared by the Department of Health and Human Services, Division of Environmental Health. An appropriate notice shall also be recorded by the Health Officer when the EDS is converted to a standard system. (Ord. 1647, § 1, 7/24/1984; Ord. 2351, § 21, 12/6/2005; Ord. 2584, § 7, 11/7/2017)~~

615-5.

~~Information Sharing.~~

~~(a) Each person who has obtained a permit to operate an EDS shall provide the Department of Health and Human Services, Division of Environmental Health, with a summary of his or her findings on a yearly basis at a time designated by the Division of Environmental Health. This summary shall include, but not be limited to, the following:~~

~~(1) A description of operational procedures used for the system during the test period. This description shall include initial operational and maintenance procedures and any changes to those procedures during the year.~~

~~(2) The result of any physical and biological testing conducted for the system.~~

~~(3) Methods of disposal of end product from the system.~~

~~(4) Any operational and maintenance problems which were encountered and the methods which were used to resolve the problems.~~

~~(5) Planned activities for operation of the system during the ensuing year.~~

~~(6) Any other information requested by the Department of Health and Human Services, Division of Environmental Health. (Ord. 1647, § 1, 7/24/1984; Ord. 2584, § 7, 11/7/2017)~~

~~(Ord. 2351, § 21, 12/6/2005; Ord. 2584, § 7, 11/7/2017)~~

615-6.

~~Waterless Toilet Systems.~~

~~Waterless toilet systems under the provisions of this experimental program shall be subject to the following requirements:~~

- ~~(a) Disposal of the end product from a disposal system shall be prohibited in the following areas:~~
- ~~(1) Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.~~
 - ~~(2) Area subject to seasonal runoff or areas seasonally inundated by water.~~
 - ~~(3) Areas within 50 feet (50') of ephemeral streams or 100 feet (100') of perennial streams.~~
- ~~(b) The following methods of end product disposal shall be acceptable:~~
- ~~(1) Direct burial with a minimum of 18 inches (18") of compacted soil is the preferred method of disposal of end product prior to final designation of an experimental unit as a prototype.~~
 - ~~(2) Disposal into an approved, conventional sewage disposal system.~~
 - ~~(3) Shallow, subsurface disposal by tilling or a similar technique may be acceptable when the applicant proposes to use the method as part of the treatment system. Final approval of this method shall be based upon the treatment method proposed and a field review of the site proposed.~~
- ~~Sites proposed for shallow subsurface disposal shall have access restricted to the operator of the waste disposal system. Surface distribution of end product prior to tilling shall be at a maximum thickness of one half inch (1/2"). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.~~
- ~~(4) End product disposal shall be carried out by methods 1 or 2 above whenever an individual using an experimental unit has a communicable disease which can be transmitted by human waste contamination of food or water.~~
- ~~(c) The proposed system shall include a monitoring and maintenance plan.~~
- ~~(d) The experimental unit shall be constructed using materials and methods which resist the corrosive effects of waste material and which will be structurally sound. (Ord. 1647, § 1, 7/24/1984)~~

615-7.

Prototype Experimental Systems.

- ~~(a) An experimental disposal system may be designated as a prototype disposal system prior to the expiration of an experimental operation permit whenever it is demonstrated that the treatment process has effectively and reliably functioned during the experimental period.~~

~~(b) The following standards shall be met for designation of waterless toilets.~~

~~(1) The process must exclude disease vectors and must not spread communicable diseases.~~

~~(2) Waste materials, intermediate products, or finished product must not contaminate or pollute surface or groundwater or otherwise significantly degrade the environment.~~

~~(3) The process must result in a minimum reduction of volatile solids of 30 percent (30%) testing conducted at least twice annually.~~

~~(4) The process must result in a finished product with less than 500 fecal coliform bacterial per gram of sludge in tests conducted twice annually.~~

~~(c) The Health Officer shall review the standards listed above and make recommendations for changes to the Board of Supervisors within three (3) years after the adoption of this chapter. The Board of Supervisors shall appoint a citizens advisory committee to participate in the review. (Ord. 2584, § 7, 11/7/2017)~~

~~(d) Experimental units which meet the specified standards at the end of the five (5) year period and any extensions thereof granted shall be designated as a prototype. (Ord. 2584, § 7, 11/7/2017)~~

~~(e) Permit holders who have operated a designated prototype during the experimental period shall not be subject to semiannual inspections or fees for that prototype unit. (Ord. 2584, § 7, 11/7/2017)~~

~~(f) Persons applying for a permit to construct or operate a prototype who have not previously successfully operated that prototype under an operating permit shall obtain an operating permit and be subject to semiannual inspections for the first two years after the system is initiated. Thereafter, the applicant shall demonstrate the ability to successfully operate the prototype unit. (Ord. 2584, § 7, 11/7/2017)~~

~~(g) Review and designation of experimental units as prototype units shall be the responsibility of the Health Officer. (Ord. 1647, § 1, 7/24/1984; Ord. 2584, § 7, 11/7/2017)~~

615-8.

Inspections.

~~(a) All experimental installations shall be owner operated and subject to inspection by the Department of Health and Human Services, Division of Environmental Health, upon reasonable notice. Routine inspections shall be conducted upon two (2) weeks advance notice or prearranged appointment by the Division of Environmental two times yearly. Additional inspections may be made~~

if significant operational problems, health hazards, or nuisance conditions are noted during the routine inspections or upon receipt of a citizen's complaint. The holder of an experimental operation may request additional inspections. (Ord. 2351, § 21, 12/6/2005; Ord. 2584, § 7, 11/7/2017)

(b) The cost of all inspections shall be paid by the holder of an experimental operation permit. (Ord. 1647, § 1, 7/24/1984)

WATERLESS TOILET SYSTEMS

Sections:

- § 615-1. Purpose.
- § 615-2. Definitions.
- § 615-3. General Requirements.
- § 615-4. Construction Permits.
- § 615-5. Operational Permits and Reporting.
- § 615-6. Revocation of Operation Permits.
- § 615-7. Abatement.
- § 615-8. Operation and Maintenance Manual.
- § 615-9. End Product Testing.
- § 615-10. End Product Reuse and Disposal.
- § 615-11. Inspections.

615-1.

Purpose.

These regulations provide the requirements for the design and operation of waterless toilets used in combination with approved onsite wastewater treatment systems (OWTS) while protecting public health and water quality. (Ord. __, § __, __/__/2019)

615-2.

Definitions.

- (a) Agricultural Field Settings. "Agricultural Field Settings" means hand-labor operations at agricultural establishments as defined in California Code of Regulations, Title 8, Section 3457. Field Sanitation. (Ord. __, § __, __/__/2019)
- (b) Composting Toilet. "Composting Toilet" means a system designed to safely collect and process excreta and compost additives into Humus through aerobic decomposition. (Ord. __, § __, __/__/2019)
- (c) Composting Processor. "Composting Processor" means the site of aerobic decomposition transforming excreta and compost additives into Humus. (Ord. __, § __, __/__/2019)
- (d) Commode. "Commode" means the part of a Composting Toilet fixture for collecting, containing, or transporting excreta to the Compost Processor. (Ord. __, § __, __/__/2019)
- (e) Department. "Department" means the Department of Health and Human Services, Division of Environment Health. (Ord. __, § __, __/__/2019)
- (f) Diverted Urine. "Diverted urine" means urine that is collected and has not made contact with feces. (Ord. __, § __, __/__/2019)
- (g) Humus. "Humus" means the biologically decomposed, soil-like end product of the compost processor. (Ord. __, § __, __/__/2019)
- (h) Leachate. "Leachate" means liquid in contact with human excrement or sewage. (Ord. __, § __, __/__/2019)
- (i) NSF. "NSF" means National Sanitation Foundation. (Ord. __, § __, __/__/2019)
- (j) Owner. "Owner" means the Owner of record of the affected Property whose name and address appears on the last equalized secured property tax assessment roll, or in the case of any public entity, the representative thereof, as defined in section 351-4(k). (Ord. __, § __, __/__/2019)
- (k) RTM. "RTM" means Humboldt County Onsite Wastewater Treatment Regulations and Technical Manual. (Ord. __, § __, __/__/2019)
- (l) Secondary Composting. "Secondary Composting" means additional retention and continued decomposition of Humus. (Ord. __, § __, __/__/2019)

- (m) Tier 0. "Tier 0" means an existing OWTS that is functioning properly and does not meet the conditions of failing systems or otherwise require corrective action (see California State Water Resources Control Board Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems June 19,2012, Tier 0- Existing OWTS). (Ord. __, § __, __/__/2019)
- (n) Waterless Toilet. "Waterless Toilet" includes composting and incinerating toilets. (Ord. __, § __, __/__/2019)

615-3.

General Requirements.

(a) Waterless Toilets will be permitted for Owner-occupied single family dwellings, Agricultural Field Settings, and research organizations with an agreement with the Department to install and operate a Waterless Toilet system(s) to evaluate their performance. In addition, one of the following conditions shall apply: (Ord. __, § __, __/__/2019)

(1) The site on which the Waterless Toilet is proposed to be installed has an existing, permitted OWTS with reserve area, and the Waterless Toilet system would be an accessory thereto. (Ord. __, § __, __/__/2019)

(2) The site on which the Waterless Toilet is proposed has an OWTS Failure that correction is not feasible due to local conditions, including but not limited to, soil percolation value, high groundwater, and insufficient area and the Waterless Toilet as a Repair will reduce the flow to the existing OWTS and reduce the negative impact to the environment. (Ord. __, § __, __/__/2019)

(3) The site is beyond the reasonably projected availability of community services and an approved OWTS, with designated reserve area, will be installed. (Ord. __, § __, __/__/2019)

(4) The site is within a specially created maintenance district designed to monitor and maintain all sewage treatment systems, including but not limited to, Waterless Toilets, within the district. (Ord. __, § __, __/__/2019)

(5) A Waterless Toilet and Graywater system existing prior to January 1, 1984, where testing can demonstrate a Tier 0 status for the primary and reserve OWTS, may be approved under this section. (Ord. __, § __, __/__/2019)

(b) Waterless Toilets may replace a flush toilet, and will be an accessory to and not a replacement for an approved OWTS. All other wastewater generated must be discharged to an approved system. (Ord. __, § __, __/__/2019)

(c) Waterless Toilet configurations will include a Commode(s) paired with a Composting Processor, and, or the use of a secondary Composting Processor. A Waterless Toilet system not addressed by the provisions of this chapter may be proposed for consideration by the Department for approval on a case by case basis. (Ord. __, § __, __/__/2019)

615-4.

Construction Permits.

(a) Permit Required. No person shall construct, modify, repair, replace, remove, excavate, or destroy any kind of Waterless Toilet system or any portion thereof without first having obtained a permit to do so from the Health Officer. (Ord. __, § __, __/__/2019)

(b) The construction or installation of a Waterless Toilet may also require approval by the local building official and shall meet all applicable zoning, structural, mechanical, electrical, and/or plumbing requirements. (Ord. __, § __, __/__/2019)

(c) Applications. Each application for a permit to construct, modify, repair, replace, remove, excavate, or destroy any type of Waterless Toilet shall be made on a form provided by the Health Officer. The submittal and review of the application and supporting documentation shall meet the requirements of Chapter 2 of this Division. The application shall also include the following: (Ord. __, § __, __/__/2019)

(1) Site map demonstrating compliance with the siting requirements, setbacks, and end product reuse or disposal areas. (Ord. __, § __, __/__/2019)

(2) Documentation on the sizing of the Waterless Toilet system demonstrating it will be appropriate for the number of users and intended demand. In support of the calculated sizing, applicant will provide the reference or the manufacturer's specifications, or public domain information supporting the design, construction, operation and maintenance. (Ord. __, § __, __/__/2019)

(3) Plans and specifications for the proposed Waterless Toilet system and Dispersal System(s) for the treatment and disposal of the remaining wastewater. (Ord. __, § __, __/__/2019)

(4) Operation and Maintenance Manual as required by section 615-8, including any manufacturer's Owner's manual. (Ord. __, § __, __/__/2019)

(5) A description for end product testing as required by section 615-9. (Ord. __, § __, __/__/2019)

(6) A description for end product reuse or disposal as required by section 615-10. (Ord. __, § __, __/__/2019)

(d) Structural Requirements. The Waterless Toilet system shall be designed to accept, hold and adequately treat liquid and solid human waste by microbial digestion. The design and installation shall meet the following: (Ord. __, § __, __/__/2019)

(1) Waterless Toilet system will exclude disease vectors, including but not limited to, insects and rodents, and will prevent the spread of communicable disease. (Ord. __, § __, __/__/2019)

(2) Provide ventilation to eliminate odors and prevent the escape of gases in the dwelling or occupied space. (Ord. __, § __, __/__/2019)

(3) Materials and construction practices shall be structurally sound, reinforced, watertight, and be able to withstand the loading weight. (Ord. __, § __, __/__/2019)

(4) All contact materials and components shall comply with applicable standards and shall be constructed of corrosion resistant materials. (Ord. __, § __, __/__/2019)

(5) Waste materials, intermediate products, will not contaminate or pollute surface or groundwater, or otherwise significantly degrade the environment. Human contact with raw materials shall be minimized. (Ord. __, § __, __/__/2019)

(e) Setbacks. Setbacks for Waterless Toilets, Compost Processors and end product disposal/reuse sites shall be the same as Septic Tanks and Dispersal Fields as described in Appendix E of the RTM. (Ord. __, § __, __/__/2019)

(1) Contained Compost Processors with no leachate discharge shall meet the setbacks for parcels two and one half (2 ½) acres or larger, a thirty feet (30 ft.) setback from all property lines, and for parcels less than two and one half (2 ½) acres, a twenty feet (20 ft.) front yard setback, a five feet (5 ft.) side yard, and a ten feet (10 ft.) rear yard. (Ord. __, § __, __/__/2019)

(2) Compost Processors without a watertight vessel containing intermediate and finished end product shall meet the setbacks for Dispersal Fields. (Ord. __, § __, __/__/2019)

(3) End product disposal/reuse sites shall meet the setbacks for Dispersal Fields. (Ord. __, § __, __/__/2019)

(f) Leachate. Any excess liquid waste or accumulated Leachate from a Compost Processor shall be recirculated within the processor or drained to the approved OWTS. (Ord. __, § __, __/__/2019)

(g) Premanufactured Waterless Toilet systems shall be certified and listed by the NSF under NSF/ANSI Standard 41, unless otherwise approved by the Department. (Ord. __, § __, __/__/2019)

(h) Custom site built Waterless Toilet systems with supporting public domain documentation on design and operation, may be accepted after approval by the local building official and the Department. (Ord. __, § __, __/__/2019)

(i) Incinerating Toilets

(1) Incinerating toilets will be designed and installed in accordance with all applicable federal, state, and local air pollution requirements and manufacturer's instructions. (Ord. __, § __, __/__/2019)

(2) Incinerating toilets will meet the requirements of NSF Protocol P157 and bear the seal of approval of NSF or an equivalent third-party testing and certification program and will be operated according to the manufacturer's specifications. (Ord. __, § __, __/__/2019)

(j) Urine Diverting Toilets

(1) Plumbing and components of diversion will meet current applicable California Plumbing Code standards. (Ord. __, § __, __/__/2019)

(2) Discharge of Diverted Urine will be contained in an approved tank or discharge to an approved OWTS. (Ord. __, § __, __/__/2019)

(3) A maintenance plan will address a pump out schedule, or planned onsite treatment and dispersal. (Ord. __, § __, __/__/2019)

(4) Onsite reuse of Diverted Urine shall be treated using one of the following methods: (Ord. __, § __, __/__/2019)

i. Retention without addition for six months before dispersal. (Ord. __, § __, __/__/2019)

ii. Treatment through the compost processor. (Ord. __, § __, __/__/2019)

iii. Other method approved by the Department. (Ord. __, § __, __/__/2019)

(k) Upon issuance of final construction approval for a Waterless Toilet system, the Department shall cause a notice to be recorded on the property title indicating that a Waterless Toilet system has been installed on the parcel and that an operational permit is required. The cost for staff time for

recordation and recordation fees shall be borne by the Owner and will be included in the construction permit fee. This notice is intended to alert subsequent property Owners of the existence of the Waterless Toilet system. New Owners shall contact the Department for assistance with the requirements of this chapter. (Ord. __, §, __/__/2019)

(l) If the Waterless Toilet is no longer in use, the Owner is required, after obtaining an approved permit(s) from the Department and Building Official, to remove or destroy the Waterless Toilet and install all required plumbing fixtures and piping, including connection to an approved OWTS, in accordance with applicable requirements. (Ord. __, §, __/__/2019)

615-5.

Operational Permit and Reporting.

The operational permit and reporting requirements outlined below shall demonstrate the safe operation of the Waterless Toilet system. (Ord. __, §, __/__/2019)

(a) No person, firm, corporation or other entity shall use, or cause or allow the use of any Waterless Toilet system within the unincorporated area of Humboldt County without first obtaining a valid operational permit for that system. This permit shall be applied for and issued on an application form provided by the Department. Use of a Waterless Toilet system without a valid permit is a violation of this chapter, and subject to all the remedies authorized by law including, but not limited to, Chapter 2 Administrative Civil Penalties of Division 5 of Title III. (Ord. __, §, __/__/2019)

(b) Operational permits are non-transferable and may only be issued to the property Owner of record. (Ord. __, §, __/__/2019)

(c) The Board of Supervisors shall establish a fee or schedule of fees for operational permits to be collected by the Department. (Ord. __, §, __/__/2019)

(d) Upon payment of all fees and submission of an application which demonstrates to the Department's satisfaction that the system will not have an adverse effect on ground or surface waters or upon public health, an Operational Permit may be issued. (Ord. __, §, __/__/2019)

(1) Operational Permits are valid for a period of three years from the date of issuance unless revoked by the Department. (Ord. __, §, __/__/2019)

(2) Operational Permits may be renewed in accordance with the terms of the permit, upon submittal of a complete application, payment of the required fee(s), and submittal of

Operational Report demonstrating continued proper maintenance and operation of the system as designed and constructed. (Ord. __, § __, __/__/2019)

(3) Operational Permits will be renewed at the time of any property transfer or change of use. (Ord. __, § __, __/__/2019)

(4) Operation of a Waterless Toilet system prior to issuance of an Operational Permit, or without a currently valid Operational Permit, or after revocation of permit, shall be deemed a violation of the provisions of this chapter. (Ord. __, § __, __/__/2019)

(e) The Owner of a parcel on which a Waterless Toilet system has been installed shall provide access, during business hours, to inspect the property to assure compliance with the provisions of this chapter. The Owner shall make all components of the system, manuals, and any records, including test results, accessible during the inspection. (Ord. __, § __, __/__/2019)

(f) Operational Report. At the end of each three year cycle, the property Owner that obtains a permit to operate a Waterless Toilet shall provide the Department with a summary of his or her findings on the effectiveness of the system. This summary shall include, but not be limited to, the following: (Ord. __, § __, __/__/2019)

(1) Self certification by the Owner that the Waterless Toilet system remains in use and is operating safely, in accordance with the Operations and Maintenance Manual and the requirements of this chapter. (Ord. __, § __, __/__/2019)

(2) Occupancy load of habitation served the Waterless Toilet system. (Ord. __, § __, __/__/2019)

(3) The result of any physical and biological testing conducted for the system. (Ord. __, § __, __/__/2019)

(4) Methods of disposal, or reuse of end product from the system, including a clear record of the quantity, location, and date of placement. (Ord. __, § __, __/__/2019)

(5) Any operational or maintenance problems which were encountered and the methods which were used to resolve the problems. (Ord. __, § __, __/__/2019)

(6) Planned activities for operation of the system during the ensuing three year cycle. (Ord. __, § __, __/__/2019)

(7) Any other information requested by the Department. (Ord. __, § __, __/__/2019)

(g) The Health Officer is authorized to inspect the Waterless Toilet system for compliance with this section, should the property Owner fail to provide the required self-certification, laboratory testing or operational report. (Ord. __, § __, __/__/2019)

615-6.

Revocation of Operational Permit.

(a) Conditions for revocation. If the Department determines that a permitted Waterless Toilet system may have an adverse effect upon water quality, public health, or the environment, then the permits granted pursuant to the provisions of this chapter may be revoked. Examples of conditions that may lead to permit revocation include but are not limited to any of the following: (Ord. __, § __, __/__/2019)

(1) The system causes an unsanitary condition. (Ord. __, § __, __/__/2019)

(2) There is improper use or disposal of the system end product. (Ord. __, § __, __/__/2019)

(3) The system is no longer being used, or maintained by the person to whom the permit is issued or the property changes ownership. (Ord. __, § __, __/__/2019)

(4) The system is being operated in a manner resulting in groundwater or surface water contamination. (Ord. __, § __, __/__/2019)

(5) The system is being operated in violation of conditions for approval of the operational permit. (Ord. __, § __, __/__/2019)

(b) An operational permit may be revoked by the Department after notice of the proposed action has been personally served or sent by first class and certified mail to the Owner, and the Owner has been given 15 days to request a hearing before a hearing officer to respond to the matter upon which the revocation is based, at a time and place specified by the Department. The notice of the hearing will be personally served or sent by first class and certified mail to Owner. (Ord. __, § __, __/__/2019)

(c) The hearing shall be heard by the Health Officer or his/her designee. Any determination of the hearing officer may be appealed to the Board of Supervisors within thirty (30) days of such determination by giving written notice to the Department. (Ord. __, § __, __/__/2019)

(d) Upon a determination by the Department that immediate action is required to prevent an adverse effect upon public health or upon surface or ground waters, the operational permit may be summarily revoked. Summary revocation shall be followed within seven (7) days by notice of the

action mailed to the Owner, setting a time and place for response within ten (10) days of the date of mailing. The notice of the hearing will be personally served or sent by first class and certified mail to Owner. (Ord. __, § __, __/__/2019)

(e) A revoked permit may be reinstated if the Department determines that a plan has been established for adequate repair, alteration and/or maintenance of the system, and all costs of enforcement, including attorney fees, violation reinspection fees and any of the costs described in section 615-7 have been paid. (Ord. __, § __, __/__/2019)

615-7.

Abatement.

In any action, judicial or administrative, to enforce any provision of this Code relating to the provisions of this chapter, the County may recover all of its costs of enforcement, including, but not limited to, sewage treatment system repair, replacement, and/or maintenance, any administrative overhead, salaries, and expenses incurred by the following departments: Department of Health and Human Services, Planning and Building Department, County Counsel, Code Enforcement, District Attorney, and/or Public Works Department. Cost recovery shall be pursuant to all the remedies authorized by law including, but not limited, to Chapter 1 Public Nuisance Abatement Procedures of Division 5 of Title III. (Ord. __, § __, __/__/2019)

615-8.

Operations and Maintenance Manual

Owners of Waterless Toilet systems shall be knowledgeable of best management practices in methods for pathogen reduction/elimination and composting processes to prevent potential adverse impact to public health or the environment. An approved Operation and Maintenance Manual shall be maintained and available for reference on the premises. The Operation and Maintenance Manual shall at a minimum contain all the following information: (Ord. __, § __, __/__/2019)

- (1) Potential health risks from improper use of maintenance of the Waterless Toilet. (Ord. __, § __, __/__/2019)
- (2) Schedule for addition of necessary compost additives. (Ord. __, § __, __/__/2019)
- (3) Source or provider of necessary compost additives. (Ord. __, § __, __/__/2019)
- (4) Schedule and instructions for all regular maintenance tasks. (Ord. __, § __, __/__/2019)
- (5) Description for container transfer and cleaning where used. (Ord. __, § __, __/__/2019)

- (6) Expected schedule for removing end product - Humus from Composting Processors. (Ord. __, § __, __/__/2019)
- (7) Description for onsite disposal, reuse, or professional removal as required by section 615-10. (Ord. __, § __, __/__/2019)
- (8) Description for managing Leachate as required by section 615-4(f). (Ord. __, § __, __/__/2019)
- (9) Description for microbial and physical testing as required by section 615-9. (Ord. __, § __, __/__/2019)
- (10) Specifications, information, and manufacturer's manual, if using a premanufactured Waterless Toilet. (Ord. __, § __, __/__/2019)
- (11) Description for the storage, treatment and reuse or disposal of Diverted Urine, if using a urine diverting toilet, as required by section 615-4(j). (Ord. __, § __, __/__/2019)
- (12) Other information as requested by the Department. (Ord. __, § __, __/__/2019)

615-9.

End Product Testing

Owners of Waterless Toilet systems shall verify adequate pathogen reduction through testing. The test samples shall be from the first treatment period of biologically active conditions after a minimum of one year before removal of the Humus – end product from the Composting Processor. Testing must be completed by a certified laboratory. Where multistage composting is in use, the sample shall be collected from the Secondary Composting processor. (Ord. __, § __, __/__/2019)

- (a) The sample shall be tested in accordance with EPA/625/R-92/013, Appendix F, Section 1.2. (Ord. __, § __, __/__/2019)
- (b) Results from physical and biological testing are to be included in the Operational Report and Self-certification provided to the Department, as required in section 615-5(g). (Ord. __, § __, __/__/2019)
- (c) Test results shall not have a moisture content exceeding seventy five percent (75%) by weight and shall not exceed two hundred (200) fecal coliforms/gram. (Ord. __, § __, __/__/2019)

615-10.

End Product Reuse and Disposal

Waterless Toilet systems have been shown to be capable of deactivating and/or killing pathogens through the internal processes. Due to external conditions or operational irregularities, the conditions in the system may not always be optimal for pathogen destruction. Improper handling and disposal of the end product could adversely impact public health by allowing transmission of a variety of enteric disease and parasitic illnesses. The end product of composting, must therefore, be transported and disposed or reused in a manner that does not create a public health nuisance, and is in accordance with the requirements of the Operation and Maintenance Manual and the following requirements. (Ord. __, § __, __/__/2019)

(a) Onsite disposal of the end product from a Waterless Toilet system shall be prohibited in the following areas: (Ord. __, § __, __/__/2019)

(1) Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

(Ord. __, § __, __/__/2019)

(2) Area subject to seasonal runoff or areas seasonally inundated by water. (Ord. __, § __,

__/__/2019)

(3) Areas within fifty feet (50 ft.) of ephemeral streams or one hundred feet (100 ft.) of perennial streams. (Ord. __, § __, __/__/2019)

(b) The following methods of end product disposal/reuse are acceptable: (Ord. __, § __, __/__/2019)

(1) Direct burial onsite with a minimum of eighteen inches (18 in) of compacted soil with a five feet (5 ft.) separation to seasonal high ground water. (Ord. __, § __, __/__/2019)

(2) Disposal into an approved OWTS. (Ord. __, § __, __/__/2019)

(3) Transportation by a licensed Septage Hauler to an approved wastewater treatment facility capable of accepting human waste. (Ord. __, § __, __/__/2019)

(4) End product may be permitted to be used onsite around ornamental shrubs, flowers, trees, or fruit trees and shall be mixed with soil, or mulch and covered with no less than three inches (3") of cover material. Depositing end product from a Waterless Toilet system around any edible vegetable or vegetation is prohibited. (Ord. __, § __, __/__/2019)

(5) End product disposal shall be carried out by methods 1, 2, or 3 above whenever an individual using a waterless toilet has a communicable disease which can be transmitted by human waste contamination of food or water. (Ord. __, § __, __/__/2019)

(c) All the above reuse methods except section 615-10(b) (3) shall be limited to the site on which the Humus is generated and processed. (Ord. __, § __, __/__/2019)

615-11.Inspections.

All Waterless Toilet systems shall be made available for inspection by the Department, upon request and with reasonable notice. (Ord. __, § __, __/__/2019)

(a) The cost of all inspections shall be paid by the holder of a Waterless Toilet Operation Permit.
(Ord. __, § __, __/__/2019)

(b) An inspection by the Department may be required for the following: (Ord. __, § __, __/__/2019)

(1) The Owner did not submit the operational report and/or self-certification as required in section 615-5(g). (Ord. __, § __, __/__/2019)

(2) To investigate a nuisance complaint, communicable illness, or documented failure resulting from the operation of a Waterless Toilet system. (Ord. __, § __, __/__/2019)

TITLE VI – WATER AND SEWAGE

DIVISION 1

SEWAGE AND ONSITE WASTEWATER TREATMENT

CHAPTER 6

616-3.

Operational Permit Required for Non-Standard Systems.

(a) No person, firm, corporation or other entity shall use, or cause or allow the use of any non-standard system within the unincorporated area of Humboldt County unless a valid operational permit is in effect for that system. This permit shall be applied for and issued on an application form provided by the Department. Use of a non-standard system without a valid permit is a violation of this chapter, and subject to all of the remedies authorized by state law or this Code. (Ord. 2374, § 1, 12/5/2006; Ord. 2584, § 9, 11/7/2017)

(b) ~~Experimental Disposal Systems~~ Waterless Toilet Systems as regulated in Chapter 5 of this Code shall not be subject to the provisions of this chapter. (Ord. 2584, § 9, 11/7/2017) (Ord. __, § __, __/__/2019)

(c) The Board of Supervisors shall establish a fee as or schedule of fees for operational permits, to be collected by the Department. (Ord. 2159, § 2, 2/10/1998; Ord. 2374, § 1, 12/5/2006; Ord. 2584, § 9, 11/7/2017)

(d) Upon payment of all fees and submission of an application which demonstrates to the Department's satisfaction that the system will not have an adverse effect on ground or surface waters or upon public health, an Operational Permit shall be issued. The Health Officer may issue such regulations as are necessary to carry out the provisions of this chapter. (Ord. 2159, § 2, 02/10/1998; Ord. 2374, § 1, 12/05/2006; Ord. 2584, § 9, 11/07/2017)

(1) Operational Permits are valid for a period of three (3) years from the date of issuance unless revoked by the Department. (Ord. 2374, § 1, 12/5/2006; Ord. 2584, § 9, 11/7/2017)

(2) Operational Permits may be renewed in accordance with the terms of the permit, upon submittal of a complete application, payment of the required fee, and submittal of inspection results demonstrating continued proper maintenance and operation of the system as designed and constructed. (Ord. 2374, § 1, 12/5/2006)

(3) Operational Permits must also be renewed at the time of property sale or, in the case of commercial properties, upon change in occupants or change of use. (Ord. 2374, § 1, 12/5/2006)