

Code Compliance Division SEWAGE DISPOSAL REGULATIONS

CHAPTER VI: SEWAGE DISPOSAL ARTICLE 1. IN GENERAL

Section L-VI 1.1 Purpose

The purpose of this Chapter is protection of public health through establishment of minimum standards for design, construction, installation, operation, maintenance, replacement, alteration, enlargement, repair and abandonment of facilities for disposal of sewage within the unincorporated area of Nevada County. The procedural and regulatory framework is contained in this Chapter. All work shall be done pursuant to this Chapter with the applicable permits in compliance with accepted engineering practice. The Board of Supervisors, by separate Resolution, may adopt a "Sewage Disposal Regulations", and periodic amendments thereto, delineating in specific detail implementing standards and regulations reflecting acceptable practices and procedures.

Section L-VI 1.2 Definitions

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. BLACKWATER - Human or commercial kennel wastes including feces, urine, the carriage water generated through toilet usage, other extraneous substances of body origin, toilet paper and wastes discharged from kitchen sinks and dishwashers.
- B. BOARD OF SUPERVISORS - The Nevada County Board of Supervisors.
- C. CENTRALIZED SEWAGE DISPOSAL SYSTEM - Facilities for the collection, transportation, treatment and disposal of any sewage from two (2) or more sources by any method which meets State and local minimum standards.
- D. CONSULTANT - One of the following persons (exclusive of Department personnel):
 1. Certified Engineering Geologist,
 2. Certified Professional Soil Scientist,
 3. Registered Civil Engineer,
 4. Registered Environmental Health Specialist, or

5. Registered Geologist

E. CONTRACTOR - A person who possesses an active Class A, B-1, or C-42 contractor's license in accordance with the provisions of the California Business and Professions Code.

F. DEPARTMENT - The Nevada County Department of Environmental Health, its director and designated employees.

G. DIRECTOR - The Director of the Nevada County Department of Environmental Health, or his/her designated employee.

H. GRAYWATER: - Untreated wastewater that has not come into contact with toilet wastes. It includes used water from bathtubs, showers, bathroom wash basins, and from clothes washing machines and laundry tubs. It does not include wastewater from kitchen sinks, dishwashers or laundry water from soiled diapers.

I. OWNER - Any person who alone, or jointly, or severally with others:

1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
2. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or as the owner's authorized representative.

J. OWNER'S AUTHORIZED REPRESENTATIVE - A person authorized in writing by an owner or holder of an easement sufficient to authorize the work on the land on which the system is to be installed, to represent the owner's or easement holder's interests, (e.g., consultant, contractor, real estate agent, etc.)

K. PERSON - Any individual, corporation, association, firm, organization, partnership, or company.

L. PUBLIC ENTITY - A local agency, as defined in Government Code Section 53090 et seq. which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual sewage disposal systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal

of wastes pumped from individual sewage disposal systems and to conduct any monitoring of surveillance programs as required for water quality control purposes.

M. PUBLIC SEWER SYSTEM - Any sewer system constructed, installed, maintained, operated and owned by or for a municipality or taxing district established for sewage disposal purposes.

N. PUBLIC WATERS - Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or underground waters, natural or artificial, public or private, which are wholly or partially within or bordering the County of Nevada or within its jurisdiction.

O. PUBLIC WATER SYSTEM - A system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year.

P. SEWAGE - Blackwater, graywater, and/or any liquid contaminated with materials thereof.

Q. SEWAGE DISPOSAL REGULATIONS - The implementing standards and requirements of this Chapter developed by the Department and the community, and subsequent amendments thereto, adopted by the Board of Supervisors by Resolution. The Sewage Disposal Regulations include specific detail on acceptable sewage disposal systems and permitting.

R. SOURCE - Point of origin of a waste water discharge from any residential, commercial, or recreational building and/or establishment.

S. SYSTEM - A sewage disposal facility, including replacement area, commencing with the building sewer, designed for the collection, treatment and disposal of sewage, or sewage storage only, on a site.

Section L-VI 1.3 Applicability of This Chapter

The requirements of this Chapter, as supplemented by the Sewage Disposal Regulations, shall apply to all sewage disposal and for any division of land in Nevada County approved after the adoption of this Chapter.

Section L-VI 1.4 Sewage Disposal

A. It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to treat or dispose of sewage in any manner other than by a sewer, septic tank and leaching system, centralized sewage disposal system, public sewer system or other method of sewage disposal meeting the standards set forth in this Chapter and the Sewage Disposal Regulations.

B. A system shall be constructed, operated and maintained in compliance with all requirements of the permit allowing its installation and operation and so as not to permit sewage to rise to the ground surface or to discharge sewage onto the ground or into the groundwater or surface water.

Section L-VI 1.5 System Permit Required

It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to construct, install, replace, alter, enlarge, abandon or repair a system, or any portion thereof, in or upon any property in the County without first having obtained a permit to do so from the Department, except as provided in this Chapter.

Section L-VI 1.6 Department Fees

Fees for permits and other services of the Department required by this Chapter shall be established by resolution of the Board of Supervisors. The applicable fee shall be paid at the time of filing a permit application or in advance of the service. In the event that a permit application is denied in writing by the Department, fees will be charged when a new application is made.

Section L-VI 1.7 Connection To Public Sewer System

A. Connection to a public sewer system shall be required for all new construction when the public sewer system is within two hundred (200) feet of any boundary of an existing property or within five hundred (500) feet of any boundary of a proposed parcel map or tentative map, as measured in a straight line, so long as a connection can be legally and physically achieved. A system permit shall not be required in said instance so long as connection is made in accordance with the rules and regulations of the public entity operating the public sewer system.

B. In the event that an existing on-site waste water disposal system fails, the Department may compel connection to a public sewer system if the property boundary is within two hundred (200) feet of the public sewer system as measured in a straight line, so long as a connection can be legally and physically achieved.

Section L-VI 1.8 Site Evaluation Required

A site evaluation of the property, in conformance with the Sewage Disposal Regulations, shall be conducted by the Department and the applicant's consultant prior to issuance of a system permit in order to provide sufficient information to prepare the site approval report as required in Section L-VI 1.10 of this Chapter. The property owner or owner's authorized representative shall make application for a site evaluation to the Department and pay the required fee before applying for a system construction permit.

Sect. L-VI 1.9 Soil Testing Required

A. A minimum of two (2) soil test pits are required in an area proposed for sewage disposal prior to applying for a system permit, provided, however, that the Department may waive this requirement where sufficient information already exists. The soil test pits shall be witnessed by the Department and the applicant's consultant. All soil test pit excavations shall be adequately protected and backfilled following logging of the soil by a consultant.

B. "Wet weather testing" to determine the depth to water below the surface of the ground may be required by the Department prior to approving a site for a system. Wet weather testing will be performed during that time of year representative of soil saturation as determined by the Department according to the Sewage Disposal Regulations.

C. System sizing shall be based on percolation tests or soil type. Where percolation tests are utilized for sizing the system, a minimum of three (3) percolation tests shall be performed in the area where a system is to be located. Percolation tests shall be conducted by the applicant's consultant.

D. For parcels tested after the effective date of this chapter, the applicant's consultant shall prepare a site evaluation report for the site, including the results of all soil testing, in conformance with the Sewage Disposal Regulations. The

site evaluation report shall be submitted to the Department within sixty (60) days of the date the site evaluation is completed on the property.

Section L-VI 1.10 Site Approval Report

A site approval report in conformance with the Sewage Disposal Regulations shall be prepared by the Department after receipt of the site evaluation report from the consultant or owner. The site approval report shall specify the type(s) of system(s), if any, that can be approved for the parcel. (Exception: a site approval report is not required where soils testing was conducted prior to the adoption of this Chapter and the Department finds that the site and prior test results are acceptable.)

Section L-VI 1.11 Sewage Disposal System Construction Permit Application

A. The property owner, consultant, or contractor, shall make application for a system permit on a form provided by the Department for that purpose.

B. All information and documents required by the Sewage Disposal Regulations, including a consultant's design and certification where required, shall be provided and completed at the time of application and shall, at a minimum, include:

1. The required number of site plans;
2. Results of all soils testing, if not on file at the Department;
3. A site approval report, unless not required; and
4. System design work and calculations for systems which are designed by a consultant.

Section L-VI 1.12 Action on Permit Application

A. The Department will act on a system construction permit application to approve, conditionally approve, or deny it, based upon its compliance with the requirements of this Chapter and the Sewage Disposal Regulations.

B. The Department may issue a permit only when all of the requirements of this Chapter and the Sewage Disposal Regulations have been met. The permit may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. System construction permits shall expire and become void two (2) years from the date they are Issued. Upon written request, an unexpired permit may be renewed for a

maximum of two (2) years beyond the initial expiration date. An unexpired valid permit may be transferred to a new property owner. The new owner shall make a written request for transfer of the permit upon the change of ownership.

C. The Department shall deny any permit application that fails to comply in any regard with the requirements of this Chapter or the Sewage Disposal Regulations.

D. The applicant or any person interested in the permit application may appeal any decision of the Department pursuant to Section L-VI 1.18.

Section L-VI 1.13 Inspections

A. The system components and construction shall be inspected by the Department as required by the construction permit for compliance with permit conditions, this Chapter and the Sewage Disposal Regulations. Final approval of the construction permit shall only be granted after the Department has completed all necessary system inspections. Department inspection(s) of the system may be waived by the Department on a case-by-case basis for good cause as provided for in the Sewage Disposal Regulations.

B. All special design system installations shall also be inspected by the applicant's consultant who shall certify in writing to the Department that the installation has met the design as approved by the Department. The final approval of the system by the Department cannot be given until this certification is received.

C. The Department shall issue a Certificate of Satisfactory Completion for a system upon determination that the system as constructed and installed complies with the requirements of the permit and this Chapter, as supplemented by the Sewage Disposal Regulations. No system constructed after the effective date of this Chapter shall be placed into operation without a Certificate of Satisfactory Completion.

Section L-VI 1.14 System Monitoring and Maintenance

A. Any system identified in the Sewage Disposal Regulations or in conditions imposed upon permit approval as requiring ongoing monitoring and maintenance after being placed in operation shall be operated and maintained in compliance with all applicable requirements. All owners of such systems shall obtain and maintain a current annual operating permit for the system, issued by the Department. The Department may suspend or revoke an operating permit for

failure to comply with the applicable monitoring and maintenance requirements in which event further operation of the system shall cease until the suspension is lifted or a new annual operating permit issued.

B. Monitoring, inspection and maintenance of these systems shall be performed by persons who possess a current registration, license, or certification in a related field by the State of California under the Business and Professions Code, and who demonstrate current knowledge and competency in the requirements of this Chapter and the Sewage Disposal Regulations as provided for in the Sewage Disposal Regulations.

C. The Department may make periodic quality assurance checks to ensure that certified service providers are adhering to the requirements of the Sewage Disposal Regulations and specific permit conditions for monitoring and maintenance. The Department may suspend or revoke a person's certification for failure to comply with the sewage Disposal Regulations and this Chapter.

Section L-VI 1.15 Sewage Disposal System Abandonment

A system shall be abandoned if the Department has issued a notice or an order to abandon the system or shall be abandoned if the system will no longer be used because the facility served by the system has connected to another approved sewer system or the use requiring the system has permanently terminated. A system shall only be abandoned in accordance with the Sewage Disposal Regulations. An abandoned system shall no longer be utilized for sewage disposal.

Section L-VI 1.16 Variances

A. A variance from the requirements of this Chapter or the Sewage Disposal Regulations may be granted as provided therein on a case-by-case basis with written approval of the Director under the following circumstances:

1. Because of special circumstances applicable to the specific parcel (e.g. size, shape, topography, soil characteristics, location, surroundings), a strict application of this Chapter and the Sewage Disposal Regulations would otherwise cause the property owner to suffer unique hardship or deprivation of property privileges enjoyed for other property in the vicinity and zoning district in which such property is located;
2. The hardship was not intentionally caused by the action of the applicant;

3. Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
4. Reduction of requirements would not present a health hazard or the pollution or degradation of public waters.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district.

B. Applications for variances shall be made in writing on a form provided by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a variance should be granted under the provisions of this Section. After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying said variance.

C. The Director shall approve, conditionally approve or deny the variance in writing within fifteen (15) working days from the date a completed application is received, unless that time period is waived by the applicant due to the uniqueness, length, or complexity of the application or the issues raised.

D. The applicant or any person interested in the variance may appeal any decision of the Director pursuant to Section L-VI 1.17 of this Chapter.

Section L-VI 1.17 Advisory Group Established

A. There shall be and is hereby created a Sewage Disposal Technical Advisory Group as established in Sewage Disposal Regulations by separate Resolution.

B. The purpose of the Sewage Disposal Technical Advisory Group shall be to review and recommend proposed revisions and additions to the sewage ordinance and Sewage Disposal Regulations in an advisory capacity; to review and recommend new methods, techniques and materials for on-site sewage disposal in an advisory capacity; and to serve as an appeal body pursuant to the provisions of Section L-VI 1.18 of this Article. The Group shall not be empowered to waive requirements of either this Article nor of the Sewage Disposal Regulations.

Section L-VI 1.18 Appeals

A. Any decision of the Department or the Director pursuant to this Chapter and the Sewage Disposal Regulations may be appealed to the Sewage Disposal Technical Advisory Group following the procedures set out in the Sewage Disposal Regulations. Any appeal shall be filed with the Department within twenty (20) working days of the date of the decision, on forms provided by the Department with the appropriate fee.

B. A hearing of the Sewage Disposal Technical Advisory Group shall be scheduled within twenty (20) working days of receipt of a completed appeal application and appropriate fee. The Sewage Disposal Technical Advisory Group shall provide a written decision on the appeal that may affirm, modify, or reverse the Department's decision, within twenty (20) working days of the hearing.

C. The decision of the Sewage Disposal Technical Advisory Group may be appealed to the Nevada County Board of Supervisors. The application and fee for the appeal shall be submitted to the clerk of the Nevada County Board of Supervisors within ten (10) calendar days from the date of the Group's decision. A hearing will be scheduled and a decision rendered according to the procedure established for land use appeals in Section L-II 5.12 of Article 5, Chapter II of this Code. The decision of the Nevada County Board of Supervisors is final.

Section L-VI 1.19 Requirements for Land Use Projects

A. Requirements of the Sewage Disposal Regulations shall be utilized in determining the suitability of the site for proposed land use projects. Unless otherwise approved by the Department, the site evaluation process of Section LVI 1.8 shall be used to demonstrate sewage disposal feasibility for all land use projects. The written site evaluation report prepared by the applicant's consultant shall be submitted to the Department concurrently with the project application to the Nevada County Planning Department.

B. For subdivisions, all proposed parcels shall have a site approval report as specified in Section L-VI 1.10 prior to recordation of the map. This requirement may be waived by the Department for creating parcels 40 acres or greater as provided for in the Sewage Disposal Regulations. For subdivisions with on-site systems proposed, a minimum usable disposal area shall be delineated on each

lot of the map to be recorded. Minimum usable sewage disposal area requirements for subdivisions proposing centralized systems will be considered on a case-by-case basis in accordance with the Centralized System Design Package and Article III of this Chapter.

C. An experimental system shall not be permitted for the creation of parcels or additional building sites and no variance may be granted to allow utilizing an experimental system.

Section L-VI 1.20 Centralized Sewage Disposal Criteria

Centralized systems shall be authorized only under the provisions of Article 3 of this Chapter.

Section L-VI 1.21 Violations, Nuisances and Abatement

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

Section L-VI 1.22 Severability

If any portion of this Chapter is held to be invalid for any reason, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Chapter, including any other section, subsection, sentence, clause, or phrase therein, or the Sewage Disposal Regulations supplementing those portions. Any invalid part of this Chapter shall be segregated from the remainder of the Chapter by the court holding such part invalid, and the remainder shall remain effective.

Ord. #192, 11/2/53; Ord. #347, 9/20/66; Ord. #493, 7/28/70; Ord. #703, 4/1/75; Ord. #819, 11/1/77; Ord. #859, 9/25/78; Ord. #1070, 2/8/82; Ord. #1616, 1/16/90; Ord. #1834, 7/6/93; Article repealed and reenacted by Ord. #1975, 5/26/98