

**ORDINANCE AMENDING SANTA BARBARA COUNTY CODE**

**CHAPTER 18 – HEALTH AND SANITATION,**

**CHAPTER 18C – ENVIRONMENTAL HEALTH SERVICES,**

**CHAPTER 24A – ADMINISTRATIVE FINES, and**

**CHAPTER 29 - STORM DRAINS AND SANITARY SEWERS**

**ORDINANCE NO. 14-\_\_\_\_\_**

**An ordinance of the County of Santa Barbara amending Chapter 18 - *Health and Sanitation*, Chapter 18C - *Environmental Health Services*, Chapter 24A - *Administrative Fines* and Chapter 29 - *Onsite Sewage Disposal Systems* to revise standards for the implementation and monitoring of onsite wastewater treatment systems and repeal outdated sections with County Code.**

**WHEREAS**, the Public Health Department’s Environmental Health Services (EHS) is the county agency responsible for the regulation of existing and future onsite wastewater treatment systems to protect the health, safety and general welfare of the people of Santa Barbara County; and

**WHEREAS**, the ordinance proposed herein, regarding onsite wastewater treatment systems, is intended to achieve the same policy purpose as the California State Onsite Wastewater Treatment System Policy, adopted June 19, 2012, which is to protect water quality and public health; and

**WHEREAS**, EHS is proposing changes to update Chapter 18, Chapter 18C, Chapter 24A and Chapter 29 of the Santa Barbara County Code to reflect the current standards and administrative practices involved in the ongoing monitoring and regulation of onsite wastewater treatment systems; and

**WHEREAS**, the proposed changes to Chapter 18, Chapter 18C, Chapter 24A and Chapter 29 will provide an updated ordinance for regulating onsite wastewater treatment systems as well as an associated administrative clean-up of related County Code; and

**WHEREAS**, the Board of Supervisors finds that the amendments set forth in this ordinance are exempt from the California Environmental Quality Act (CEQA) review pursuant to 14 CCR §15307 and §15308; and

**WHEREAS**, the County of Santa Barbara has, in connection with proposed changes to Chapter 18, Chapter 18C, Chapter 24A and Chapter 29 of the County Code, held a public hearing as part of a regularly scheduled meeting and published notice of the meeting, including a general description of the matter to be considered, in accordance with Government Code § 6062a;

**NOW THEREFORE**, the Board of Supervisors of the County of Santa Barbara ordains as follows:

**SECTION 1. *Concerning Chapter 18 – HEALTH AND SANITATION***

Article I entitled *In General* of Chapter 18, sections 18-2, 18-4, 18-7 and 18-7.1 is hereby repealed.

The repeal of said Article I of Chapter 18, sections 18-2, 18-4, 18-7 and 18-7.1 of the Santa Barbara County Code shall not have any effect on any criminal or civil litigation or claims, including claims for fees, arising under said Article and shall not operate as an abatement of any criminal or civil action or proceeding arising under said Article I, whether pending before or filed after the effective date of this ordinance.

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## **SECTION 2. Concerning Chapter 18C – ENVIRONMENTAL HEALTH SERVICES DIVISION**

There is added to Chapter 18C of the Santa Barbara County Code to read as follows:

### **CHAPTER 18C – ENVIRONMENTAL HEALTH SERVICES**

#### **ARTICLE I. Onsite Wastewater Treatment Systems**

- Sec. 18C-1. Purpose and Intent
- Sec. 18C-2. Definitions
- Sec. 18C-3. General Provisions
- Sec. 18C-4. Permits
- Sec. 18C-5. New System Standards
- Sec. 18C-6. Repair, Upgrades, Evaluation, Modification and Abandonment Standards
- Sec. 18C-7. Servicing, Inspections and Reporting
- Sec. 18C-8. Violations and Conflicting Provisions
- Sec. 18C-9. Right of Entry
- Sec. 18C-10. Remedies
- Sec. 18C-11. Powers and Duties of the Administrative Authority

#### **ARTICLE I. Onsite Wastewater Treatment Systems**

##### **Sec. 18C-1. Purpose and Intent**

The purpose of this article is to regulate onsite wastewater treatment systems as defined herein. It is the intent of the Board of Supervisors, in adopting this article, to ensure that onsite wastewater treatment systems are constructed, modified, repaired, abandoned, maintained, inspected and serviced in a manner that prevents environmental degradation and protects the health, safety and general welfare of the people of Santa Barbara County. This article is intended to achieve the same policy purpose as the California State Onsite Wastewater Treatment System Policy, adopted June 19, 2012 and as may be amended, which is to protect water quality and public health.

##### **Sec. 18C-2. Definitions**

The definitions set forth in this section shall govern the construction of this article.

- (A) “Accessible” means being readily reached and located and opened for purposes of servicing, inspection, repair, upgrade or modification, as defined in this article.
- (B) “Accessory Structure” is any structure, which is subordinate to a main structure. Examples include, but are not limited to, residential second units, guesthouses, decks, cabanas, pools, tennis courts, greenhouses and paved or impervious driveways.
- (C) “Adequate Access” means an unobstructed tank port with a minimum of a twenty inch inside diameter.
- (D) “Administrative Authority” is the Director of the Environmental Health Services division of the Santa Barbara County Public Health Department, or a duly authorized representative.
- (E) “Alluvium” means unconsolidated rock and/or soil that has been redeposited and typically lies above consolidated bedrock.

- (F) “Alternative Wastewater Treatment System” is an onsite wastewater dispersal field that consists of components other than a conventional or supplemental treatment system as defined in this article. Examples include, but are not limited to, “mound”, “evapotranspiration”, and “at grade” systems.
- (G) “ANSI” means the American National Standards Institute.
- (H) “Bedroom” is any room in a dwelling that has a door for privacy, a closet and an egress window.
- (I) “Bedrock” is any consolidated rock, either weathered or not, which usually underlies alluvium. Bedrock would include sedimentary rocks excluding alluvium. Examples include, but are not limited to, Rincon Formation, Sespe Formation, Coldwater Formation, Sisquoc Formation, and Monterey Formation.
- (J) “Cesspool” is an excavation with permeable sides and/or bottom that receives sewage, wastewater, or drainage and is designed to retain organic matter or solids but permits liquids to seep through the bottom or sides.
- (K) “Community System” is a residential wastewater treatment system for more than five units or more than five parcels; or commercial, industrial or institutional systems that treat 2,500 gallons or more of domestic/sanitary wastewater per day (peak daily flow).
- (L) “Conventional Onsite Wastewater Treatment System” is an onsite wastewater treatment system composed of a septic tank and a dispersal field that uses leach lines, a leaching bed or seepage pits, a shallow drip or pressurized drain field and does not include alternative onsite wastewater treatment systems.
- (M) “Dispersal Area” is the location of a dispersal field and expansion area.
- (N) “Dispersal Field” means a location used for discharge of liquid sewage effluent from a septic tank, dosing tank or treatment tank. Standard dispersal fields include, but are not limited to, leach lines, leach beds, and seepage pits.
- (O) “Drywell” is synonymous with the term “Seepage Pit”.
- (P) “Dual Dispersal Field” consists of two dispersal fields, connected by a diverter valve, each of which is designed to accommodate the full volume of effluent received from other components of an onsite wastewater treatment system.
- (Q) “Effluent” means the partially treated wastewater discharge from an onsite wastewater treatment system.
- (R) “Emergency Repair” is a repair that is intended to immediately remedy a failing onsite wastewater treatment system where wastewater has surfaced and is a threat to health and safety or creates a nuisance as defined in this article.
- (S) “Expansion Area” means an undeveloped area designated as a location for an additional dispersal field.
- (T) “Failing Onsite Wastewater Treatment System,” is any onsite wastewater treatment system where wastewater is no longer safely treated or discharged and presents a health risk to humans or adversely impacts the environment, as determined by the Administrative Authority. Evidence of a failing system includes, but may not be limited to:

- (1) A backup of sewage into a structure which is caused by a septic tank or dispersal area problem other than a plumbing blockage;
  - (2) A discharge of sewage or onsite wastewater treatment system effluent to the surface of the ground that creates a health and safety concern, creates a nuisance, or contaminates the waters of the state;
  - (3) A septic tank that requires pumping more frequently than once a year in order to provide adequate dispersal of sewage;
  - (4) Inability to use the system as intended.
- (U) “Graywater System” means an onsite wastewater treatment system as defined by the California Plumbing Code.
- (V) “Groundwater” is water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.
- (W) “Inspection” means checking, observing, testing, and/or evaluating an onsite wastewater treatment system to determine the condition of the onsite wastewater treatment system.
- (X) IAPMO means the International Association of Plumbing and Mechanical Officials.
- (Y) “Inspection Port” is a pipe installed directly into a leaching trench, mound system and/or other dispersal field to monitor the performance of the system through visual inspection and collection of samples.
- (Z) “LAMP” is an acronym for a “Local Agency Management Program” used for implementation of the Tier 2 standards in the State Water Resources Control Board’s Policy for Siting, Design, Operation and Management of Onsite Wastewater Treatment Systems.
- (AA) “Leach Line,” is a subsurface soil absorption wastewater dispersal system installed in a trench, usually consisting of a perforated distribution pipe placed over gravel or other media and backfilled with native material.
- (BB) “Limiting Conditions” are geological, hydrological or soil conditions that restrict the ability of the soil in a dispersal field to eliminate effluent. Examples of limiting conditions may include but are not limited to: impervious material, bedrock, high groundwater, fractured rock, consolidated rock, and extreme percolation rates (less than one minute per inch or greater than 120 minutes per inch).
- (CC) “Low Pressure Distribution” means a wastewater dispersal system of small diameter pipes equally distributing effluent throughout a trench or bed at greater than atmospheric pressure.
- (DD) “Maintenance” means work related to the upkeep of a wastewater treatment system. Examples include, but are not limited to, any installation, repair or replacement of septic tank baffles, risers, tees, ells, tops, access port lids, pumps and blowers.
- (EE) “Modification” means replacement or enlargement of any component of an onsite wastewater treatment system, not defined as maintenance or repair in this article, which results in a change in flow, capacity or design of the system.

- (FF) "NSF" means the National Sanitation Foundation or NSF International, a not-for-profit, non-governmental organization that develops health and safety standards and performs product certification.
- (GG) "Nuisance" is an onsite wastewater treatment system that has created an obnoxious situation such as, but not limited to, unpleasant odors, saturated surface soils or surfacing effluent.
- (HH) "Onsite Wastewater Treatment System" (OWTS) is a system composed of a septic tank and a dispersal field and related equipment and appurtenances. Onsite wastewater treatment systems are also referred to as septic systems, onsite sewage disposal systems, individual sewage disposal systems or private sewage disposal systems and may include alternative and supplemental treatment systems.
- (II) "Operating Permit" is a written authorization to operate an onsite wastewater treatment system issued by the Administrative Authority.
- (JJ) "Parallel Distribution" means a dispersal field in which the onsite wastewater treatment system effluent is distributed simultaneously through a distribution box.
- (KK) "Percolation Test" means a subsurface test conducted to measure the absorption rate of water in soil strata. The test is conducted after initial presaturation and is usually expressed as minutes per inch.
- (LL) "Performance Test" means a test conducted to determine the absorptive capacity of a seepage pit by measuring the maximum rate of water absorption after initial presaturation usually expressed as gallons per day.
- (MM) "Person" means any individual, firm, partnership, association, corporation, estate, trust, joint venture, receiver, county, or other political subdivision, or any other group or combination acting as a unit.
- (NN) "Primary Treatment" means temporary holding of wastewater in a septic tank where heavy solids can settle to the bottom while oil, grease and lighter solids float to the surface.
- (OO) "Qualified Contractor" means a contractor holding a license that is current and active from the Contractors State License Board for Plumbing (C-36), Sanitation System (C-42), or General Engineering Contractor (A). A contractor holding a license as a General Building Contractor (B) shall be considered a qualified contractor when constructing, modifying or abandoning an onsite wastewater treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.
- (PP) "Qualified Inspector" means a Registered Environmental Health Specialist, Professional Engineer, or Qualified Contractor or an individual that meets the requirements of the State OWTS Policy.
- (QQ) "Qualified Professional" means an individual licensed or certified by a State of California agency to design onsite wastewater treatment systems and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a Registered Environmental Health Specialist certificate or is currently licensed as a Professional Engineer or Professional Geologist.

- (RR) "Registered Pumper" is a firm or person that pumps and/or hauls septage or wastewater from chemical toilets and has been issued a registration by the Administrative Authority.
- (SS) "Repair" means restoration, replacement, or alteration of any malfunctioning or damaged component of an onsite wastewater treatment system except those defined in this article as maintenance. The alteration of a hollow seepage pit to a rock filled seepage pit for the purposes of this article shall be considered a repair.
- (TT) "Secondary Treatment" means wastewater treatment which removes dissolved and suspended biological matter. Secondary treatment is typically performed by indigenous, water-borne micro-organisms in a septic tank or treatment tank.
- (UU) "Seepage Pit" means an excavation, typically cylindrical in shape and filled with rock, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.
- (VV) "Septic Tank" means a water tight, compartmentalized, covered receptacle designed and constructed to: receive the discharge of sewage; separate the solids from the liquid; digest organic matter; store digested solids for a period of retention; and allow the resultant effluent to discharge from the tank to the dispersal field.
- (WW) "Serial Distribution" means the distribution of septic tank effluent by gravity flow that progressively loads one section of a dispersal system to a predetermined level before overflowing to the succeeding section.
- (XX) "Servicing," means inspection pumping and cleaning of a septic tank, dispersal field, or other system components.
- (YY) "Severely Constrained Lot" is a lot of record that contains limiting conditions that prevent the installation of an onsite wastewater treatment system that conforms to the provisions of this article.
- (ZZ) "Sewage" is any and all waste substance, liquid or solid, associated with human habitation, or which contains or may contain human or animal excreta or excrement, offal or any feculent matter. Industrial wastewater shall not be considered as sewage.
- (AAA) "Shallow Drip System" means a treated wastewater dispersal system using filters, flexible tubing, drip emitters and a flushing mechanism to disperse directly to the soil without stone aggregate or chambers.
- (BBB) "Special Problems Area" is an area designated by the Board of Supervisors, in Chapter 10, Article XV of the Santa Barbara County Code as having severe constraints to development that include, but are not limited to, access, drainage and wastewater disposal.
- (CCC) "Subdrain" is an underground passage for the re-direction of water, typically made by filling a trench with loose stones and/or a perforated pipe and covering with earth. Subdrains are also called curtain drains, rubble drains or French drains.
- (DDD) "Supplemental Treatment System" is an onsite wastewater treatment system that utilizes engineered designs and/or technology to treat effluent to reduce one or more constituents of concern in wastewater. It may also be referred to as an Advanced Treatment System or Enhanced Treatment System. Examples include, but are not limited to, sand filters, textile filters and aerobic treatment units but do not include composting or incinerating toilets.

(EEE) "Tertiary Treatment" means wastewater that has already undergone primary and secondary treatment and will be disinfected prior to discharge.

(FFF) "Treatment Tank" is a tank other than a septic tank in which wastewater is acted on either by chemical or biological means, to reduce the concentrations of constituents of concern.

### **Sec. 18C-3. General Provisions**

#### **(A) Requirement for Adequate Wastewater Treatment and Dispersal**

- (1) Any structure, regardless of use, that produces wastewater shall have adequate wastewater treatment and dispersal as required by the California Plumbing Code, as amended and adopted by the County of Santa Barbara in Chapter 10, Article IV. Wastewater dispersal shall either be accomplished by means of an approved onsite wastewater treatment system or connection to a public sewer.
- (2) The minimum daily design flow for residences shall be three hundred-seventy five gallons per day for up to three bedrooms. Each additional bedroom above three shall increase the daily design flow by seventy-five gallons per day.
- (3) Where feasible, permanent venues to serve scheduled events shall dispose of wastewater via an approved onsite wastewater treatment system or public sewer. Chemical toilets shall be used only as a temporary expedient for one or two events per year and not be used as a permanent method of wastewater disposal.
- (4) A supplemental treatment system for new or replacement onsite wastewater treatment systems shall be required under any one of the following conditions:
  - a) The following shall apply to areas designated by the Board of Supervisors as a "Special Problem Area" for the use of onsite wastewater treatments systems due to treatment and dispersal constraints:
    - i) If the existing onsite wastewater treatment system is found to no longer meet minimum standards to serve a proposed project that requires a Land Use Permit, Coastal Development Permit, or Building Permit, then a supplemental treatment system shall be installed.
    - ii) If the existing onsite wastewater treatment system dispersal field has failed, then a supplemental treatment system shall be installed. Replacement of tanks and repairs not requiring permits do not trigger the requirement for supplemental treatment.
    - iii) For projects that require onsite wastewater treatment system modifications, including but not limited to, bedroom additions, intensification of use and major remodels, then supplemental treatment shall be installed. Projects and uses that add development area but not additional flow will not be required to install supplemental treatment.
    - iv) If the project is located within the designated Special Problems Area on a parcel with the AG-I, AG-II, RR, 3-E-1, 5-E-1, 10-E-1, or 3.5-EX-1 zone district, and the parcel is equal to or greater than 2.5 gross acres, the project will need to meet minimum state and county standards but will not be required to install supplemental treatment.
  - b) Areas identified by the Regional Water Quality Control Board as having groundwater basins experiencing significant groundwater degradation due to onsite wastewater treatment systems.



- c) When the seepage pit method of wastewater dispersal is used on parcels of five acres or less or where the seepage pit has a maximum absorptive capacity greater than or equal to 8,000 gallons per day or absorptive rates between 500 and 1000 gallons per day.
  - d) On previously developed severely constrained lots where a repair is required but no conforming onsite wastewater treatment system can be constructed.
  - e) For the creation of parcels of 1-2 ½ acres in size irrespective of the type of dispersal field. A Notice to Property Owner shall be recorded with the map indicating that an OWTS utilizing a supplemental treatment system shall be required when development occurs.
- (5) Composting and incinerating toilets may only be utilized with written permission from the Administrative Authority where site constraints preclude standard wastewater treatment and dispersal or use of supplemental treatment. Composting and incinerating toilets shall conform to the standards of NSF/ANSI Standard 41 and NSF P157 respectively.
  - (6) Graywater systems are allowed as per the requirements of the California Plumbing Code.
  - (7) For OWTS utilizing parallel distribution for wastewater dispersal, each trench line shall be of equal length to the maximum extent practical. For dispersal systems using serial distribution, trenches shall be maintained at the shallowest depth possible and no deeper than five feet below ground surface. Seepage pits must be connected in a manner that balances the volume of effluent received not to exceed the required application rate.
- (B) Protection of Onsite Wastewater Treatment Systems
- (1) Onsite wastewater treatment systems shall be located so as to be accessible for servicing, inspection, upgrades, modification and repairs.
  - (2) Designated expansion areas shall not be developed in a manner that precludes their availability for the new dispersal field.
  - (3) Each onsite wastewater treatment system shall be designed, installed and maintained so as to prevent infiltration and exfiltration.
  - (4) If subdrains discharge diverted water to subsurface soils, the minimum upslope separation from any dispersal field shall be twenty feet and the minimum down slope separation shall be fifty feet. If the subdrain is provided for the sole purpose of protecting the integrity of a structure, such as a retaining wall, then the Administrative Authority may modify the separation requirements provided above.

(C) Permit Issuance Does Not Allow Continued Violation

The issuance of a permit or approval of plans shall not be deemed or construed to allow a violation of any of the provisions of the Santa Barbara County Code or California State Law. The issuance of a permit or approval of plans shall not prevent the Administrative Authority from requiring the correction of errors in said permit or approved plans when a condition allowed in the approval is found to be in violation of the Santa Barbara County Code or California State Law. Continued violation may result in administrative fines assessed to the responsible party pursuant to Chapter 24A.

(D) Prohibitions

- (1) Discharges from new onsite sewage treatment systems are prohibited if they could result in noncompliance with state and county regulations.
- (2) Hollow seepage pits and any form of cesspool are prohibited. Upon discovery, cesspools shall be properly abandoned and replaced with an onsite wastewater treatment system that meets the requirements of this article. Hollow seepage pits shall be properly abandoned or rock filled.
- (3) Holding tanks are prohibited as a permanent method of sewage disposal unless specifically approved in writing by the Building Official and Environmental Health Services has been notified.
- (4) Sewage dispersal shall not be permitted in fill material unless it is specifically designed by a Registered Civil Engineer to accommodate the discharge without creating a nuisance or public health hazard as approved by the Administrative Authority.
- (5) Discharge from an onsite wastewater treatment system that exceeds peak design flow or maximum permitted capacity is prohibited.
- (6) Dispersal fields are prohibited in roadways but may be allowed in designated parking areas only if they are designed to withstand vehicle load ratings and are covered with a permeable surface with prior approval of the Administrative Authority.

(E) Industrial Operations

- (1) Any industrial operation which generates wastewater other than, or in addition to, domestic wastewater shall have separate onsite wastewater treatment systems for the domestic and the industrial wastewater unless a single system is approved by the Regional Water Quality Control Board. Separate applications, plans and specifications must be submitted for each system.
- (2) Industrial wastewater may be subject to regulation by the Regional Water Quality Control Board.

(F) Inspections

- (1) Inspections shall be scheduled with the Administrative Authority a minimum of two working days in advance of the time requested. Inspections are required prior to final covering of any components of the system.
- (2) A qualified professional shall conduct periodic inspections of onsite wastewater treatment systems after excavation and prior to the placement of any rock or fill material. Prior to final approval, a signed report shall be submitted to the Administrative Authority confirming that the OWTS installation has been completed in accordance with the approved design. This does not preclude the normal inspection process associated with any building permit.
- (3) When the system is installed outside the permitted/approved area, additional testing will be required, or approved by the qualified professional that designed the OWTS. The previously approved plans shall be revised to reflect the new location or design change.

(G) Permit Suspension and Revocation.

- (1) The Administrative Authority may suspend or revoke a permit whenever it is determined that the permittee has violated any provisions of this article; has misrepresented any material fact in the permit application or supporting documents for such permit; and/or performed any work under the permit that has resulted in a nuisance.
- (2) No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until, in the case of a suspension, the permit has been reinstated by the Administrative Authority. The permit shall not be reinstated until the violation causing the suspension has been abated.
- (3) Upon suspension or revocation of any permit, if any work already done by the permittee has left an onsite wastewater treatment system in such a condition as to constitute an emergency, the Administrative Authority may order the permittee to perform any work reasonably necessary to protect the health and safety of the public. No permittee or person who has held any permit issued pursuant to this article shall fail to comply with any such order.

(H) Professional Qualifications, Signatures and Stamps

- (1) An onsite wastewater treatment system shall be designed by a qualified professional as defined by this article.
- (2) In order to construct, modify, repair, abandon or replace any onsite wastewater treatment system, a person must be a qualified contractor as defined by this article. However, a property owner may construct, repair or modify a system on his/her own property provided the owner complies with all the provisions of this article.
- (3) A qualified inspector, qualified contractor or professional engineer shall perform inspection, maintenance and servicing required by this article.
- (4) Prior to approval by the Administrative Authority, percolation and performance test reports and final onsite wastewater treatment system plans, shall have an original signature and stamp of the professional engineer or the Registered Geotechnical Engineer who performed the tests, wrote the reports and designed the onsite sewage treatment system.

**Sec. 18C-4. Permits**

No person shall construct, reconstruct, repair, modify, destroy or abandon any onsite wastewater treatment system or graywater system, or any portion thereof, without having first obtained a permit from the Administrative Authority. It shall be unlawful for any person to cover, abandon, destroy, modify, repair, conceal, or put into use an onsite wastewater treatment system or graywater system, or any portion thereof, without having first obtained a permit and final approval from the Administrative Authority.

Alternative systems and systems with supplemental treatment require an operating permit in conformance with section 18C-5(l) of this code which shall be issued by the Administrative Authority prior to the final approval of the construction of the system.

(A) Applications

- (1) An onsite wastewater treatment system permit application shall be submitted on a form approved by the Administrative Authority for new construction, repair, abandonment or modification of an onsite wastewater treatment system, alternative system or graywater system. The application shall be accompanied by plans and specifications submitted in a

format prescribed by the Administrative Authority. The approved application shall be deemed a permit to construct and 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.

- (2) When an evaluation of an existing onsite wastewater treatment system is required, an application shall be completed and submitted to the Administrative Authority.

(B) Fees

- (1) Submission of an application shall be accompanied by payment of all appropriate fees. The Board of Supervisors may, by resolution, adopt such fees as are allowed under § 101325 of the California Health and Safety Code and may prescribe such terms and conditions as may be necessary to enable the County of Santa Barbara to recover the reasonable and necessary costs incurred by the County in administering this article.
- (2) The Board of Supervisors shall determine fees for operating permits.

(C) Expiration

Construction permits shall expire by limitation and become null and void if the work authorized is not commenced within one year from the date of issuance of the permit. If the work authorized by such permit is started and then suspended or abandoned for a period of one year or longer, the work shall not be recommenced until a new permit is obtained. Upon written request from the applicant the Administrative Authority may renew the permit for a maximum of one year beyond the initial expiration date if the plans, specifications, and site conditions have not changed for a maximum of two renewals. The renewal request must be received by the Administrative Authority prior to the expiration of the previously approved permit. When such renewal is authorized the work must comply with current requirements. Upon the expiration of a permit no further work shall be performed unless a new permit is issued.

(D) Exemption for Routine Maintenance and Servicing

Onsite wastewater treatment system maintenance and servicing, as defined in this article, may be performed by a Qualified Contractor without a permit as long as a written report of work performed is submitted to the Administrative Authority and such work complies with all codes, regulations and procedures applicable in Santa Barbara County at the time the maintenance is performed. The written report shall be submitted on a form approved by the Administrative Authority within thirty days of completion of the maintenance. If the report is not received by the Administrative Authority within 30 days of the completion of the maintenance or servicing the qualified contractor may be subject to administrative fines.

(E) Transfers

An onsite wastewater treatment system operation, construction, modification, repair, abandonment or evaluation permit is not transferable. If there is a sale or transfer of a property upon which a permit has been issued and the work authorized in the permit has not been completed the new property owner must submit a new application.

(F) Zoning Clearance

A Land Use Permit or a Coastal Development Permit shall be issued by the Santa Barbara County Planning and Development Department for any new structure utilizing an onsite wastewater treatment system prior to the issuance of a permit to construct the onsite wastewater treatment system.

(G) Administrative Fines and Penalties

Any person who commences work on an onsite sewage treatment system for which a permit is required, without first having obtained a permit, shall be required to obtain a permit and pay double the permit application fee established by the Board of Supervisors and may be subject to administrative fines as provided in chapter 24A of the Santa Barbara County Code.

(H) Suspension and Revocation

- (1) The Administrative Authority may suspend or revoke any permit to construct, repair, modify, or abandon an onsite sewage treatment system, or any component of the system, issued pursuant to this article, whenever the permittee has violated any provisions of this article, misrepresented any material fact in the permit application or supporting documents for such permit, and/or performed any work that was not authorized under the permit or has created a nuisance.
- (2) Any permittee whose permit has been suspended or revoked shall discontinue work for which the permit was granted until such permit has been reinstated or reissued.
- (3) If the work halted by the suspension or revocation of a permit, has left an onsite wastewater treatment system in a condition that constitutes a safety hazard, a nuisance or threatens public health, the Administrative Authority may order the permittee to perform any work reasonably necessary to protect public health and safety or mitigate the nuisance as allowed by Section 18-3 of the County Code. If the permittee fails to mitigate the hazard or nuisance, the Administrative Authority may have the construction completed at the expense of the permit holder through the administrative fines process noted in chapter 24A of the Santa Barbara County Code.

(I) Right to a Hearing

Any person, whose application for a permit has been denied, suspended, or revoked, may submit a request for an office hearing to appeal the denial, suspension, or revocation, to the Administrative Authority. The request must be submitted in writing within fifteen working days after receiving notification of the permit denial, suspension, or revocation. The request must specify the grounds upon which the appeal is submitted and should contain documentation that substantiates the reason for the appeal. The Administrative Authority shall set an office hearing for such appeal within fifteen working days of receipt of the request and shall notify the appellant in writing, of the time and place of the hearing at least five days prior to the date of the hearing. The Environmental Health Services Director, or his designee, acting as the Hearing Officer shall notify the appellant of his/her decision in writing within ten working days after the hearing is concluded.

### **Sec. 18C-5. New System Standards**

The following requirements shall be met to ensure that all new onsite wastewater treatment systems are installed at locations that have been adequately evaluated and that methods used to conduct those evaluations meet specified minimum standards.

(A) General Site Evaluation

- (1) The Administrative Authority shall require the submission of all information necessary to thoroughly evaluate the suitability of a site for wastewater treatment and dispersal and to assess any limiting conditions. At a minimum, the site evaluation information shall include but is not limited to:
- a) The Administrative Authority may require a geologic report, prepared by a Certified Engineering Geologist, describing any soil or bedrock formations encountered and addressing slope stability when the proposed dispersal field is located on a slope greater than thirty percent.
  - b) The minimum separation from the bottom of the dispersal field to groundwater shall be confirmed by soil borings pursuant to §18C-5(B) and §18C-5(C) of this article. Where fluctuations in groundwater levels may impact the dispersal field, the highest recorded depth shall be utilized.
  - c) Minimum site requirements shall be those provided in the California Plumbing Code as amended and adopted by the County and/or the OWTS Policy, whichever are more stringent.

(B) Soil Evaluation for Leach lines and Seepage Pits

(1) Leach lines:

- a) At least one deep soil boring or trench shall be required within the primary dispersal area and expansion area. Deep borings or trenches shall be a minimum of ten feet beneath the proposed maximum depth of the dispersal field.
- b) When using percolation tests to determine site suitability, not less than three percolation tests shall be conducted in the primary dispersal field and expansion areas. Percolation tests shall be completed with adequate separation to characterize the primary dispersal field and the expansion area. The tests shall be performed at a depth corresponding to the bottom of the subsurface dispersal field.
- c) Percolation tests shall be valid for five years after completion. A professional engineer or soils engineer may recertify the tests for an additional term of five years. After ten years, the original percolation tests are no longer valid and must be repeated.

(2) Seepage Pits:

- a) Maximum absorptive capacity of each seepage pit shall be determined using a slug test such as a constant head type test after initial presaturation. Only the sidewall may be used for the purpose of calculating the absorption area using the following criteria:

Absorptive Capacity (gpd)	Application Rate (gpd/square foot)
<500 gallons per day	Discharge prohibited
500-1000 gallons per day	.4 (treatment required)
1000-8000 gallons per day	.8
>8000 gallons per day	1.2 (treatment required)

- b) Seepage pit testing shall be valid for five years. A qualified professional may recertify the test once for an additional term of five years.

- (3) Seepage pits may be utilized only if limiting conditions make leach lines infeasible, as determined by a qualified professional or registered geotechnical engineer with the concurrence of the Administrative Authority. A determination of leach line infeasibility must be provided and shall include a written statement that has been signed and stamped by the qualified professional or registered geotechnical engineer that specifies the unfavorable conditions, which render effluent dispersal using leach lines infeasible. A determination of leach line infeasibility shall be based on poor absorptive capacity or a lack of separation to a required setback. The encroachment of proposed accessory structures on otherwise suitable dispersal areas shall not be used to determine infeasibility for purposes of this article.
- (4) Leach beds may be installed only if leaching trenches are not feasible, as determined by a qualified professional or registered geotechnical engineer with concurrence from the Administrative Authority. A determination of leach line infeasibility must be provided and shall include a certified written statement by the qualified professional or registered geotechnical engineer, which specifies the unfavorable conditions that render leach lines infeasible.
- (5) Alternative systems may be utilized only if limiting conditions make leach lines infeasible, as determined by a qualified professional or registered geotechnical engineer with the concurrence of the Administrative Authority. A determination of leach line infeasibility must be provided and shall include a written statement that has been signed and stamped by the qualified professional or registered geotechnical engineer that specifies the unfavorable conditions, which render effluent dispersal using leach lines infeasible.

(C) Wet Weather Borings

- (1) Wet weather borings may be required by the Administrative Authority when available information indicates that variations in groundwater levels occur that may result in a failure to maintain the minimum separation required between the bottom of the dispersal field and groundwater. Wet weather borings may also be required when there is reasonable cause to believe that groundwater is less than sixty feet below the natural ground surface for seepage pits and twenty feet for leach lines and such information is required to confirm adequate separation to groundwater during wet seasons.
- (2) Additional requirements for wet weather borings:
  - a) The depth to groundwater shall be measured from the first encounter of water in the boring. A subsequent measurement shall be made within three days to determine if the water level is static or dynamic.
  - b) The boring shall be performed after seventy five percent of the average annual rainfall has occurred as determined by the County Water Agency.
  - c) In the event of a drought or the project is constructed in the dry times of the year, the Administrative Authority may accept additional hydrologic or geologic information provided by a professional engineer experienced in soil mechanics, a registered geotechnical engineer, a professional geologist, a certified engineering geologist, or a certified hydrogeologist that estimates the highest anticipated elevation of groundwater based on soil or historic data.

(D) Tank Requirements

- (1) Septic tanks and treatment tanks must be watertight. Water tightness shall be ensured prior to backfilling the excavation around the tank.
- (2) Septic tanks and treatment tanks shall be constructed of reinforced concrete, fiberglass, or other durable, corrosion resistant, synthetic material and shall conform to IAPMO, NSF or ASTM standards or similar criteria.
- (3) Septic tanks and treatment tanks installed beneath surfaces subject to vehicular traffic (e.g., driveways and vehicle turnarounds) shall be traffic rated or engineered to support the additional load. Septic tanks and treatment tanks placed in areas subject to vehicular traffic shall be provided with lids or risers that are rated for traffic loading.
- (4) Septic tanks shall have a minimum capacity of three times the peak daily flow.
- (5) All septic tanks for new systems and replacement tanks for existing systems shall be equipped with an effluent filter that is an American National Standards Institute (ANSI) listed. The filter must be accessible for cleaning, replacement and maintenance.
- (6) Septic tanks and treatment tanks shall be installed by a qualified contractor according to the manufacturer's specifications. Earth cover over the tank shall be clean fill material, free of debris and rock.
- (7) Septic tanks shall have a minimum of two compartments with access to each compartment and a lid with a minimum of twenty inches in diameter for each compartment. Access lids shall have a maximum separation of ten feet. Treatment tanks may consist of a single tank if required by the manufacturer of the approved supplemental treatment system.
- (8) Septic tanks and treatment tanks shall be installed so as to be accessible for servicing, inspection, maintenance, upgrades or replacement.
- (9) Septic tanks shall be installed with the top of the tank no deeper than twelve inches below finish grade. If it is demonstrated that the top of a septic tank must be deeper than twelve inches below grade, each compartment of a septic tank shall be provided with a watertight riser, capable of withstanding anticipated structural loads and extending to within twelve inches of finish grade. Septic tanks and treatment tanks shall be installed as shallow as practical and in no case at a depth greater than factory recommendations.
- (10) The qualified professional responsible for the approved design shall provide written certification that the installation has been completed per the approved plans.
- (11) Risers shall be installed within twelve inches of grade to enhance access for maintenance.
- (12) Distribution boxes, drop boxes, pump chambers and stilling chambers shall be watertight and commercially manufactured with corrosion resistant materials.
- (13) When necessary to extend septic tank risers to finish grade, access lids shall be gas-tight, securely fastened with stainless steel or other corrosion resistant fasteners and be resistant to vandals, tampering, and access by children.
- (14) Surface water shall be diverted away from the riser cover or septic tank lid by providing a sloping surface away from the riser, or extending the riser at least six inches above grade.



(E) Dual Dispersal Area Requirements for Onsite Wastewater Treatment Systems

- (1) For new onsite wastewater treatment systems serving commercial projects installation of dual dispersal fields connected with a diverter valve is required. A third area of adequate size shall be set aside for future expansion of the onsite wastewater treatment system.
- (2) Residential OWTS shall have dual fields installed with a 100% set aside if the project is located on a parcel equal to or less than 2.5 gross acres. If the project is located within the AG-I, AG-II, RR, 3-E-1, 5-E-1, 10-E-1, or 3.5-EX-1 zone district, and on a parcel equal to or greater than 2.5 gross acres the OWTS will need to meet minimum state and county standards but will not be required to install dual fields. The Administrative Authority may require that dual fields be installed and have a 100% expansion area set aside if the dispersal field area is found to be severely constrained irrespective of parcel size or zoning designation.

(F) Seepage Pit Construction

- (1) Seepage pits shall be cylindrical in shape with a diameter of not less than four feet or more than six feet. Construction of a seepage pit with a diameter less than four feet or greater than six feet may be permitted with written approval of the Administrative Authority.
- (2) Seepage pits shall have a centrally located four inch diameter perforated pipe which extends from the inlet to the bottom of the pit and the space around the pipe shall be filled with washed gravel which may vary in size from 3/4 inch to 2-1/2 inches. A smaller gravel size may be used if the design engineer can provide justification for its use and written approval is obtained from the Administrative Authority. When necessary to meet minimum slope setback requirements, the upper portion of the central pipe shall be unperforated.
- (3) Rock fill in seepage pits shall be covered with building paper or equivalent, and backfilled with a minimum of eighteen inches of clean earth cover, free of debris and rock.
- (4) Seepage pits shall have an effective dispersal depth of at least ten feet. Effective dispersal depth is defined as total depth minus the distance below the grade to the uppermost dispersal pipe perforation.
- (5) The maximum depth of a seepage pit shall be sixty feet, unless the Administrative Authority provides written approval for a greater depth.
- (6) Multiple seepage pit installations shall receive septic tank effluent via an approved distribution method.

(G) Leach Line Construction

- (1) Four square feet of absorption area per lineal foot of trench shall be the maximum allowable absorption area for systems without supplemental treatment. Seven square feet per lineal foot of trench may be allowed for systems using supplemental treatment and the dispersal fields are constructed using pipe and rock.
- (2) Application rates shall be in conformity with Table 3 in State Water Resources Control Board OWTS policy.

- (3) Inspection ports shall be installed at the end of each trench and at other locations if required by the Administrative Authority. Inspection ports shall extend to the bottom of the trench or bed and must be anchored to prevent disturbance or removal. The portion of the inspection port within the rock filter material shall be perforated to permit the free flow of liquid. The inspection ports shall have removable caps and may either extend above grade or set to grade if enclosed in a service box with removable lid. The boxes shall be made of non-degradable material such as PVC, fiberglass or concrete.

(H) Low Pressure Distribution

- (1) When required by site conditions, onsite wastewater treatment system effluent may be distributed to a dispersal field under pressure. Dispersal utilizing pressure distribution shall meet the following requirements:
  - a) Pressure distribution systems shall be fully engineered. A qualified professional shall submit a stamped and signed letter to the Administrative Authority stating that the pressure distribution system has been constructed per the previously submitted plans.
  - b) The pump chamber shall include a visual and audible high water alarm.
  - c) Emergency storage capacity shall be required equal to six hours of peak flow or three hundred seventy-five gallons whichever is greater.
  - d) The dispersal field shall be dosed in compliance with design requirements.
  - e) The distribution network shall be accessible for inspection, testing, flushing and adjustment.

(I) Shallow Drip Systems

- (1) Shallow Drip Systems shall conform to the following requirements:
  - a) Drip lines shall be installed in native soil. The minimum depth to a limiting soil condition shall be in conformity with State standards.
  - b) Up to twelve inches of fill may be placed above the drip line to satisfy minimum soil cover requirements. The soil cover may be reduced to six inches when the wastewater has been treated to a tertiary level.
  - c) Measures shall be taken to avoid collection or ponding of rainfall or runoff in the dispersal field area. Soil erosion in the drip field shall be minimized.
  - d) All subsurface drip system dispersal fields shall be preceded by a supplemental treatment system that meets the requirements of §18C-5(K) of this article.
  - e) Drip lines shall be installed as level as possible and parallel to elevation contours.
  - f) Drip field design shall be fully engineered and in accordance with manufacturer recommendations. Within thirty days of the completion of the construction of the subsurface drip irrigation system, a qualified professional shall submit a stamped and signed letter to the Administrative Authority stating that the system was installed per the previously approved plans.

(J) Alternative Wastewater Treatment Systems

- (1) Onsite wastewater treatment systems utilizing an alternative dispersal field that may be approved for installation include mound, evapo-transpiration and at-grade systems. The Administrative Authority may approve other types of systems.
- (2) The Administrative Authority may adopt design standards for alternative systems after consultation with the Regional Water Quality Control Board.
- (3) Alternative dispersal fields shall be engineered in conformance with the *Guidelines for Evapotranspiration Systems* published by the State Water Resources Control Board. Upon completion of the installation and prior to final approval, a qualified professional shall submit a stamped and signed letter to the Administrative Authority stating that the alternative dispersal field has been constructed per the previously approved plans.
- (4) Operation, maintenance and monitoring specifications shall be provided for review and approval for any alternative dispersal system
- (5) A notice of the installation of an alternative onsite sewage dispersal field shall be recorded with the Santa Barbara County Clerk-Recorder's office. Said notice shall run with the land and serve as constructive notice to any future owner, heirs, executors, administrators or successors that the onsite wastewater treatment system serving the subject property has an alternative dispersal field for wastewater dispersal and is subject to an operating permit, regular monitoring, maintenance and reporting requirements.
- (6) The property owner shall ensure that a qualified inspector, acceptable to the Administrative Authority, conducts a visual and operational inspection of the system once every year to ensure that the system is functioning properly.
- (7) The property owner shall submit a report a minimum of once a year, prepared by a qualified contractor or qualified professional in a form prescribed by the Administrative Authority. The report shall include the results of any inspections, a check of the high water alarm, and any other requirements specified by the Administrative Authority. Reports shall be submitted within 30 days of the completion of the inspection.

(K) Supplemental Treatment Systems

- (1) The Administrative Authority shall review and approve the method of supplemental treatment proposed prior to construction. Treatment systems and their components shall be tested and certified by an independent testing agency, such as IAPMO, ANSI or NSF or similar, and shall be tested for the removal of total suspended solids, bio-chemical oxygen demand (BOD) and total nitrogen.
- (2) A notice of the installation of a Supplemental Treatment System shall be recorded with the Santa Barbara County Clerk-Recorder office. Said notice shall run with the land and serve as constructive notice to any future owner, heirs, executors, administrators or successors that the onsite wastewater treatment system serving the subject property has supplemental treatment and is subject to an operating permit with monitoring, reporting and maintenance requirements.
- (3) A maintenance contract between the property owner and the supplier of the supplemental treatment system or their representative shall be in force for the supplemental treatment unit and dispersal field prior to installation. The maintenance agreement shall be in force for the life of the supplemental treatment system.

(L) Operating Permits

- (1) An operating permit issued by the Administrative Authority is required for the operation of alternative and supplemental treatment systems. All onsite wastewater treatment systems requiring operating permits shall be operated, maintained and monitored pursuant to the requirements of this article and the permit. The operating permit shall be renewed every five years following the review of satisfactory annual reports submitted to the Administrative Authority. The Administrative Authority may suspend or revoke an operating permit for failure to comply with any monitoring, maintenance or other requirements of the permit. If a permit is suspended or revoked, operation of the system shall cease until the suspension or revocation is lifted or a new permit issued. Continued use of an OWTs where the operating permit has expired or has been suspended may cause the responsible party be subject to administrative fines as provided in chapter 24A of the Santa Barbara County Code.
- (2) Operation, maintenance and monitoring specifications shall be provided for review and approval for any supplemental treatment.
- (3) The property owner shall ensure that a qualified contractor, qualified professional, Registered Environmental Health Specialist or manufacturer's representative conducts a visual and operational inspection of the system at the frequency specified by the manufacturer or a minimum of once per year to determine if the system is functioning properly.
- (4) The property owner shall submit a report for every inspection or a minimum of once a year, within thirty days of inspection, prepared by a qualified contractor, qualified professional, Registered Environmental Health Specialist or manufacturer's representative in a form prescribed by the Administrative Authority. The report shall include the inspection results, analysis of the wastewater from the inspection ports for total suspended solids, biochemical oxygen demand and nitrogen series, and any other requirements specified by the Administrative Authority.

**Sec. 18C-6. Repair, Upgrades, Evaluation, Modification and Abandonment Standards**

(A) Failed Onsite Wastewater Treatment Systems

- (1) A qualified contractor as defined in this article shall perform all repairs. An owner-builder may perform the work in lieu of the qualified contractor but all repairs shall meet the provisions of this article.
- (2) Upon failure of an onsite wastewater treatment system, the system shall be repaired and shall conform to the provisions of this article. Failures in which there is surfacing of effluent shall be repaired immediately.
- (3) If the onsite wastewater treatment system to be repaired was constructed under a valid permit and the approved expansion area is known, then the replacement dispersal field shall be of equal or larger size. The permittee shall verify the size, type and location of the existing dispersal field. This information shall be submitted to the Administrative Authority as part of the repair application.
- (4) If the replacement dispersal field was previously approved, an adjacent "like for like" or larger dispersal field shall be installed under permit and inspection of the Administrative Authority.

- (5) Onsite wastewater treatment systems that have failed and for which a replacement dispersal field that cannot meet current standards, shall meet the requirements of section 18C-5(K) of this article.
- (6) Onsite wastewater treatment systems that have failed and were not constructed under a valid permit or were legal non-conforming, shall be replaced with a system that meets all the requirements of this article for a new onsite wastewater treatment system to the maximum extent feasible.
- (7) Unless specifically required by the Administrative Authority, a statement of infeasibility of leach lines is not required for a new seepage pit that conforms to the standards of this article, and is constructed to replace an existing seepage pit.
- (8) It is the intent of this code that when a dispersal field is repaired, a dual field consisting of two new dispersal fields be installed. However, if the existing dispersal field is serviceable and does not create a nuisance or a health and safety hazard, it may be utilized as one of the dual fields with concurrence from the Administrative Authority.

(B) Upgrades

- (1) Upon discovery, all existing hollow seepage pits shall be properly abandoned or repaired, to conform to the construction standards for seepage pits included in this article. Abandonment or repair shall be completed under permit and inspection within thirty days of discovery. However, an application to abandon an existing seepage pit must meet the provisions specified in section 18C-6(E)(2) of this article.
- (2) Upon discovery, all cesspools and bottomless septic tanks or otherwise non-watertight tanks shall be properly abandoned and replaced with a septic tank that conforms to the provisions of this article.
- (3) Cesspools or onsite wastewater treatment systems without adequate dispersal fields shall install a dispersal field approved by the Administrative Authority.
- (4) Upon discovery, septic tanks made of wood, metal or brick tanks with cracked or missing mortar, must be replaced with a septic tank that meets the requirements specified in section 18C-5(D) of this article.
- (5) Replacement septic tanks and treatment tanks shall meet the standards noted in section 18C-5(D) of this article.
- (6) Septic tanks and treatment tanks and all components must be constructed to provide adequate access so that all compartments can be inspected and pumped.
- (7) Septic or treatment tanks constructed of concrete shall be replaced or structurally modified when the narrowest section of the lid or wall is found to have a remaining thickness of 2-1/2" or less at its narrowest point or if the remaining concrete is less than half the original thickness. Risers shall be removed and reinstalled after the tank top is repaired.
- (8) Septic tanks shall be replaced or repaired when the height of the baffle between compartments is equal to the water depth within the tank or when the baffle between compartments deteriorates to the point where it no longer provides compartment separation as designed.

- (9) Any septic tank or treatment tank, which has more than two feet of cover and is uncovered for purposes of servicing, repair or modification shall be retrofitted with risers that have a minimum inside diameter of twenty inches and manhole covers as specified in this article.
- (10) If the septic tank or treatment tank is located at greater than five feet beneath ground surface, then the riser shall be a minimum of thirty inches in diameter. Risers must be installed to allow for the measurement of the thickness of the tank top.
- (11) Septic tanks or treatment tanks that are found to be located within the required setback distance from a structure shall be evaluated for adequate access. If it is determined that the septic tank or treatment tank is inaccessible, they shall be relocated to provide the required setback.
- (12) Missing, deteriorated or damaged components, including but not limited to, tees, ells, risers, and lids, must be repaired or replaced.
- (13) Single compartment septic tanks requiring repair or modification must be replaced, with a tank that meets the requirements of section 18C-5(B) of this article.
- (14) Fiberglass or plastic tanks which have warped, collapsed, deflected or have a damaged baffle, shall be replaced.

(C) Onsite Wastewater Treatment System Evaluation

An OWTS evaluation permit is required for projects that remodel the interior of a structure, changes the footprint of the structure or changes the use of a structure. An evaluation can only be approved when it is determined by the Administrative Authority that the proposed improvements or change in use will not encroach into required setbacks or the one hundred percent expansion area and the existing system will accommodate the proposed changes.

(D) Modification

- (1) Modification of an existing onsite wastewater treatment system shall be required by the Administrative Authority when:
  - a) Improvements to a property intrude upon the physical location of the system or the expansion area;
  - b) The existing septic system does not meet required setbacks;
  - c) The septic tank or treatment tank does not meet the minimum capacity requirements contained in this article;
  - d) The dispersal area including the 100 percent expansion area is not adequately sized or functioning properly;
  - e) A project increases flow to the dispersal field.
- (2) The modification permit approval shall be based on field testing, engineering calculations and other information deemed necessary by the Administrative Authority in order to determine the adequacy of the dispersal project.

- (3) Modifications that require replacement or expansion of the dispersal field shall meet the requirements for a new system to the maximum extent feasible.
  - (4) A modification permit is required when the proposed construction or change in use:
    - a) Adds a bedroom as defined in this chapter to a residential structure;
    - b) Increases peak daily design flow or the number of plumbing fixture units to a non-residential structure.
  - (5) A modification shall not be required if adequate information, as determined by the Administrative Authority, is provided to confirm that the existing system meets current requirements for the proposed project.
- (E) General Abandonment Standards
- (1) An existing onsite wastewater treatment system, or portion thereof, shall be properly abandoned under permit and inspection by the Administrative Authority within thirty days of the occurrence of any of the following:
    - a) The discovery of a hollow seepage pit not modified to meet the criteria for seepage pits, as provided in this article;
    - b) Connection of the served structure(s) to the public sewer;
    - c) Removal or demolition of the served structure(s), unless the owner demonstrates his/her intent to use the system to serve a replacement structure and demonstrates to the satisfaction of the Administrative Authority that the system can be maintained in a safe and secure manner until completion of the replacement structure.
  - (2) Prior to abandonment of any onsite wastewater treatment system or portion thereof, the property owner shall identify the replacement method of sewage treatment and dispersal or specifically identify the structure(s) to be demolished.
  - (3) The abandonment of the OWTS shall not occur prior to obtaining the required permit from the Administrative Authority.
  - (4) During abandonment of an onsite wastewater treatment system, the property owner shall provide evidence of the type of sewage dispersal field present on the property.
  - (5) All sewage plumbing lines leading to and from the septic tank shall be removed or capped with watertight fittings.
  - (6) Abandonment standards for septic tanks, treatment tanks, cesspools and seepage pits are as follows:
    - a) Prior to abandonment, a registered septic tank pumper shall pump the septic tank, treatment tank, cesspool or hollow seepage pit to remove any standing wastewater;
    - b) The top of the septic tank, treatment tank, cesspool or hollow seepage pit shall be removed;
    - c) The bottom of the tank shall be cracked or perforated, or at least one wall of the tank shall be removed, prior to inspection;

- d) The tank, cesspool or hollow seepage pit shall be filled with clean earth, sand, gravel, concrete or other material approved by the Administrative Authority. In the event the abandoned septic tank is filled with concrete or cement slurry, perforation of the bottom or removal of a wall shall not be required;
  - e) The Building Official shall be consulted regarding the abandonment of a septic tank, treatment tank or hollow seepage pit located within the setback distance of a structure.
- (7) Abandonment standards for dispersal fields are as follows:
- a) Seepage pits shall be excavated to a minimum depth of two feet below grade and the inspection / vent pipe cut a minimum of eighteen inches below grade. The perforated pipe and the excavation shall be backfilled with clean earth or other fill material approved by the Administrative Authority.
  - b) Gravel-filled leach lines may be abandoned in place without structural modification. Leach lines utilizing hollow chambers shall have the chambers removed and the trench backfilled with clean fill, or be evaluated by a qualified professional or geotechnical engineer, with the concurrence of the Administrative Authority, if the chambers are to be abandoned in place.

**Sec. 18C-7. Servicing, Inspections and Reporting**

(A) Servicing and Pumping

- (1) Any individual who inspects onsite wastewater treatment systems shall be a qualified inspector as defined by this article. Inspections shall include a visual evaluation of the system to detect any deficiencies and a review of any documents in the files of the qualified inspector to identify previous inspections, servicing, or work performed on the system.
- (2) Whenever an onsite wastewater treatment system is serviced, the qualified inspector shall inspect the system in accordance with procedures adopted by the Administrative Authority. Such procedures shall include, but not be limited to:
  - a) A registered pumper shall pump the contents of all compartments of the septic tank;
  - b) The septic tank or treatment tank shall be inspected for signs of deterioration, corrosion, elevated liquid level or damage and the dispersal field examined for failure;
  - c) Ascertain the existence of a hollow seepage pit or cesspool if the structure is served by a substandard septic tank (e.g. made of wood, steel or bottomless).
  - d) The onsite wastewater treatment system inspection report shall be fully completed, legible and submitted to the Administrative Authority and in conformity with section 18C-7(B) of this article.

(B) Reporting

- (1) A report on forms or in a manner approved by the Administrative Authority shall be submitted by qualified inspectors to the Administrative Authority and the property owner no later than thirty days following inspection, servicing or maintenance of an onsite sewage treatment system. If an inspection has determined that an onsite wastewater treatment system has failed, as defined in this article, the written report shall be provided within twenty-four hours of servicing or maintenance. The report shall include:



- a) The name, address and telephone number of the property owner as well as the street address of the property on which the onsite wastewater treatment system is located.
- b) The name, address and telephone number of the company that provided the service and conducted the inspection.
- c) A description of the system including the type and size of the septic tank, treatment tank, other system components as well as the type and location of the dispersal field.
- d) A description of the maintenance performed including the date of the service, the volume of material pumped from the septic and or treatment tank(s), an assessment of the condition of the tank(s) and other system components and a description of any repairs, modifications or upgrades provided;
- e) A description of any uncorrected deficiencies in the onsite wastewater treatment system. Reported deficiencies shall include, but not be limited to, damaged, corroded deteriorated septic system components, failed dispersal field, backflow of effluent from the dispersal field back into the septic tank or treatment tank, lack of access risers or other upgrades required by this article, or other condition determined to be a significant deficiency or not in compliance with the provisions of this article.

(C) Property Owner Notification

- (1) Upon receiving an inspection report identifying an uncorrected deficiency or required maintenance, repair or upgrade of an onsite wastewater treatment system, the Administrative Authority shall notify the property owner in writing of the corrections required to comply with the applicable standards in this article.
- (2) All corrective actions necessary to comply with the standards of this article shall be completed within thirty days of the date that a notification has been sent, unless otherwise directed by the Administrative Authority.

(D) Registered Pumper Requirements

- (1) Septage haulers shall register with the Administrative Authority.
- (2) Septage haulers shall have vehicles that meet the following minimum standards, which shall be verified at the Administrative Authorities request:
  - a) The pumper vehicle, its holding tank(s) and all related appurtenances shall be watertight, functional and maintained in good operating condition;
  - b) Each pumper vehicle shall be identified with the business name and phone number with letters and numbers of at least three inches in height;
  - c) Holding tanks shall be constructed of durable, corrosion resistant material and shall meet the following criteria:
    - i) All hoses and related equipment shall be stored in covered containers or otherwise secured to the vehicle or holding tank;
    - ii) Man-ways and cleanouts shall be covered with secured, tight fitting lids;
  - d) Appropriate safety equipment is to be provided and shall include, but not limited to, a fire extinguisher, heavy-duty rubber gloves, bleach, disinfectant and eye protection;

- e) The current registration decal shall be posted in the rear of the vehicle in a conspicuous location.
- (3) The Administrative Authority may suspend or revoke a septage hauler's registration issued pursuant to this article and California Health & Safety Code Section 117445 whenever it finds that the registrant or its employees performing the work has done any of the following:
  - a) Violated any provision of this article;
  - b) Misrepresented any material facts in the application or supporting documents for such a registration;
  - c) Misrepresented facts in reports or failed to submit reports to the Administrative Authority as required by this article.
- (4) No hauler whose registration has been suspended or revoked shall continue to perform the work for which the registration was granted until such time that the Administrative Authority reinstates the registration.
- (5) Any hauler whose registration has been suspended or revoked may appeal the denial or suspension to the Environmental Health Services Director or the appointed representative in writing within 10 working days after notification of the imposition of suspension or revocation. Such an appeal must specify the grounds upon which it is taken. The Administrative Authority shall set the appeal hearing at the earliest practicable time and shall notify the appellant, in writing of the established date and time at least 10 days prior to the hearing date.

## **Sec. 18C-8. Violations and Conflicting Provisions**

### **(A) Violations**

- (1) In the event of a violation of the provisions of this article, the property owner of the parcel where the violation exists shall be given notice of such violation and a reasonable time for its correction. In the event that all required corrections are not completed in the time noted on the notice of violation, the property owner shall be subject to administrative fines as provided in chapter 24A of the Santa Barbara County Code.
- (2) If the Administrative Authority performs an inspection after notice of violation has been given and the violation has not been corrected, the property owner shall be subject to a violation reinspection fee at a rate approved by the Board of Supervisors.

### **(B) Conflicting Provisions**

- (1) If any of the provisions of this article conflict with any of the provisions of other codes adopted by the County of Santa Barbara, the provisions of this code shall control unless expressly stated to the contrary
- (2) If any part of this article or its application is deemed invalid by a court of competent jurisdiction, the Board of Supervisors intend that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this article are severable.

## **Sec. 18C-9. Right of Entry**

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions or perform any duty imposed by this article or by the County Codes adopted by reference hereby or other applicable law, the Administrative Authority is hereby authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the Administrative Authority by this article or other applicable law, provided that if such property be occupied, the Administrative Authority shall first present proper credentials to the occupant and request entry, explaining the reasons therefore. If such entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence, the Administrative Authority shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.
- (B) Notwithstanding subsection (a) of this section, if the Administrative Authority has reasonable cause to believe that the onsite sewage dispersal system or premises is so unsafe, offensive, or dangerous as to require immediate inspection to safeguard the public health or safety, the Administrative Authority shall have the right to immediately enter and inspect such property and use any reasonable means required to effect such entry and make such inspection, whether such property be occupied or unoccupied and whether or not permission to inspect has been obtained. If the property is occupied, the Administrative Authority shall first present proper credentials to the occupant and demand entry, explaining the reasons therefore and the purpose of the inspection.

## **Sec. 18C-10. Remedies**

- (A) Any violation of the provisions of this article by any person is subject to administrative fines as provided in chapter 24A of the Santa Barbara County Code. These remedies are not exclusive of any other remedies available under other federal, state or local laws and it is within the discretion of the Administrative Authority to seek cumulative remedies.
- (B) The County Health Officer or his designee may order the public water supply to any premises or property to be discontinued upon finding by the County Health Officer or his designee that the continuation of such supply may endanger the public health. These may include but are not limited to:
  - (1) When sewage is overflowing or being discharged on the ground surface, the Director of Environmental Health Services may order the occupant or occupants thereof who contribute to such overflow or discharge to abate the same forthwith.
  - (2) If such occupant or occupants fail to abate such overflow or discharge as ordered, the County Health Officer may order such occupant or occupants to vacate the premises within 24 hours.

## **Sec. 18C-11. Powers and Duties of the Administrative Authority**

- (A) The Administrative Authority may adopt policies and procedures to implement and administer this article.
- (B) Within the unincorporated area of Santa Barbara County, the Administrative Authority is authorized and directed to enforce the provisions of this article. It is authorized to consult with qualified experts in any matter concerning the construction, operation, maintenance and repair of onsite wastewater treatment systems to the extent that it deems it necessary to assist in carrying out its duties under this article. The Administrative Authority may request and shall

receive the assistance and cooperation of other officials of the County of Santa Barbara, so far as may be necessary in the discharge of its duties.

- (C) The Administrative Authority may approve requests for variances from the provisions of this article if it is determined that complete compliance with the prescribed standards is not possible or practical and that the variance is not counter to the purposes and intent of this article.

### **SECTION 3. Concerning Chapter 24A – ADMINISTRATIVE FINES**

Chapter 24A, entitled *Administrative Fines*, sections 24A-1, 24A-2, 24A-3, and 24A-7 shall be amended as follows:

The amendment of said Chapter 24A, sections 24A-1, 24A-2, 24A-3, and 24A-7 of the Santa Barbara County Code shall not have any effect on any criminal or civil litigation or claims, including claims for fees, arising under said sections and shall not operate as an abatement of any criminal or civil action or proceeding arising under said sections, whether pending before or filed after the effective date of this ordinance.

#### **Sec. 24A-1. Administrative fines or penalties in addition to other remedies—Authority, definitions.**

In addition to any other remedy allowed by this Code or applicable law, any violation of the provisions of Santa Barbara County Code chapters 6 (article III), 7, 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (article IV), 34A, 34B, 34C, 35, 37 and 44, shall be subject to an administrative fine or penalty, enforcement and collection proceedings, as set forth in this chapter and authorized by California Government Code Section 53069.4. For purposes of this article, "director" shall include the treasurer-tax collector, the director of animal services, the director of planning and development, the agricultural commissioner, the fire chief, the director of public works, the director of environmental health services, the director of community services, and their designees. Unless otherwise specified, "owner" shall include the owner of property upon which a violation of this article exists, the occupant of that property and any other party responsible for the violation.

*(Ord. No. 4296, § 1; Ord. No. 4454 § 1; Ord. No. 4493; Ord. No. 4654, § 3; Ord. No. 4783, § 1, 4-5-2011; Ord. No. 4792, § 1, 7-5-2011)*

#### **Sec. 24A-2. - Procedures.**

(a) The treasurer-tax collector or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 6 (article III). The director of animal services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 7. The director of planning and development or his or her designee shall be responsible for implementing the procedures, set forth in this chapter with respect to violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and 35 of the Santa Barbara County Code. The agricultural commissioner or designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations involving native oak tree removal under chapter 14 and violations of the weights and measures registration requirements under chapter 34C of the Santa Barbara County Code.

The fire chief or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 15 and 18 (articles III, IV and V). The director of environmental health services or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 16, 18 (article I), 18C, , 34A and 34B of the Santa Barbara County Code. The director of public works or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapters 17, 23 (article III) and 29 (article IV) of the Santa Barbara County Code. The director of

community services, or his or her designee shall be responsible for implementing the procedures set forth in this chapter with respect to violations of chapter 26, 37 and 44.

(b) Upon determining that a violation of any provision of chapters 6 (article III), 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (article IV), 34A, 34B, 34C, 35, 37 or 44 of this Code exists with respect to any property, the director shall transmit a notice of violation to the owner by certified mail or by personal service by a public officer, or other service methods in accordance with California Code of Civil Procedure Section 415.20, as amended. The notice of violation shall specify:

- (1) The conditions constituting violations;
- (2) A specified time period not less than thirty days from receipt of the notice of violation within which the violation must be abated;
- (3) That the conduct, activity or circumstances constituting the violation must be stopped immediately or immediate steps must be taken to make the correction;
- (4) That, in the event the violation is not corrected by the expiration of the specified time period ("effective date of the notice of violation"), the owner shall be subject to an administrative fine under this chapter; and
- (5) That the owner may submit in writing, to the director, any information relating to a determination of the existence of a violation or the amount of the fine to be imposed. If the director determines that an effort is being made to correct the violation, he or she may grant an additional period of time for correction of the violation.

(c) Notwithstanding subsection (b) of this section, the director may require immediate correction of a violation if the violation creates an immediate danger to the health and safety of persons or property.

(d) The director may condition any building permit, grading permit or land use permit issued to remediate a violation to require that the work or project described in the permit be completed by a certain date or in a certain period of time. Failure to complete the work or project by the date or within the time stated in a permit condition shall be good cause in the discretion of the director to:

- (1) Issue a stop work order; and/or
- (2) Suspend or revoke the permit; and/or
- (3) Impose administrative fines for the permit violation.

*(Ord. No. 4296, § 1; Ord. No. 4454, § 2; Ord. No. 4493; Ord. No. 4654, § 4; Ord. No. 4741, § 1, 2-2-2010; Ord. No. 4783, § 1, 4-5-2011; Ord. No. 4792, § 1, 7-5-2011; Ord. No. 4862, § 1, 7-2-2013)*

### **Sec. 24A-3. Amount of fine—General.**

Any person who violates any provision of chapters 6 (article III), 7, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 15, 16, 17, 18 (articles I, III, IV and V), 18C, 23 (article III), 25, 26, 29 (article IV), 34A, 34B, 34C, 35, 37 or 44 of this Code, or any person who owns property upon which a violation exists, irrespective of whether that person caused the violation, shall be subject to an administrative fine up to the maximum amounts as set forth below.

Notwithstanding any other provision of law, a violation of local building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding five hundred dollars for a second violation of the same ordinance within one year; (3) a fine not exceeding one thousand dollars for each additional violation of the same ordinance within one year of the first violation.

*(Ord. No. 4296, § 1; Ord. No. 4454 § 3; Ord. No. 4493; Ord. No. 4654, § 5; Ord. No. 4783, § 1, 4-5-2011; Ord. No. 4792, § 1, 7-5-2011; Ord. No. 4862, § 1, 7-2-2013)*

## **Sec. 24A-7. Appeals.**

(a) Any person upon whom an administrative fine is imposed by the director may appeal such fine pursuant to the procedures set forth in this section. The appellant must file a written appeal with the director within ten working days of personal service or the date of mailing of the notice of determination of fine. The written appeal shall contain:

- (1) A brief statement setting forth the interest the appealing party has in the matter relating to the imposition of the penalty;
- (2) A brief statement of the material facts which the appellant claims supports his or her contention that no administrative penalty should be imposed or that an administrative penalty of a different amount is warranted;

(b) An appeal of an administrative fine imposed for violations of chapter 6, (article III) shall be heard by the treasurer-tax collector as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 7 of this Code shall be heard by the director of animal services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 9A, 10, 11, 14 (excluding the "potential for significant environmental damage" clause of section 14-8(c)(8)), 14C, 25 and/or chapter 35 of this Code shall be heard by the director of planning and development as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 14 involving native oak tree removal or violations of the weights and measures registration requirements under Chapter 34C shall be heard by the agricultural commissioner as the hearing examiner. An appeal of an administrative fine imposed for violations of chapter 15 and chapter 18 (articles III, IV and V) of this Code shall be heard by the fire chief as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 16, 18 (article I), 18C, 34A and/or 34B of this Code shall be heard by the director of environmental health services as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 17, 23 (article III) and/or 29 (article IV) of this Code shall be heard by the director of public works as the hearing examiner. An appeal of an administrative fine imposed for violations of chapters 26, 37 and/or 44 shall be heard by the director of community services. The above-specified hearing examiner may, at his or her discretion, appoint an alternate hearing examiner. The administrative fine appeal hearing shall be set no sooner than twenty days and no later than forty-five days following a request for an appeal hearing, unless otherwise waived by the appellant in writing. Notice of the appeal hearing shall be mailed at least twelve calendar days before the date set for the hearing. Failure to appear timely will cause the administrative fine to become a final order or decision.

(c) In reviewing the fine, the hearing examiner shall consider the factors set forth in subsection (a) of this section, and shall uphold the fine imposed by the director or his or her designee, eliminate the fine, or modify it. The decision of the hearing examiner shall constitute the final administrative order or decision of the local agency within the meaning of Government Code Section 53069.4(b)(1) and (c). The

hearing examiner shall serve a copy of his or her written decision on the appellant by first class mail to the address provided by appellant in the written notice of appeal.

(d) Alternate Hearing Examiner. Should the specified hearing examiner deem it appropriate to appoint an alternate hearing examiner, such alternate hearing examiner shall have the experience, subject matter expertise and/or knowledge of administrative procedure to properly perform those duties. An experienced public agency employee, licensed professional (attorney, engineer, accountant, health professional, etc.) or qualified administrative law judge may, as deemed appropriate by the specified hearing officer, be appointed to such duties.

*(Ord. No. 4296, § 1; Ord. No. 4454 § 4; Ord. No. 4493; Ord. No. 4654, § 5; Ord. No. 4759, § 1, 9-21-2010; Ord. No. 4783, § 1, 4-5-2011; Ord. No. 4792, § 1, 7-5-2011; Ord. No. 4862, § 1, 7-2-2013)*

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**SECTION 4. Concerning Chapter 29 – STORM DRAINS AND SANITARY SEWERS**

Article II entitled *On-Site Sewage Disposal Systems* of Chapter 29, sections 29-6 through 29-12, section 9-13 [sic], and sections 29-14 through 29-20, is hereby repealed.

The repeal of said Article II, sections 29-6 through 29-12, section 9-13 [sic], and sections 29-14 through 29-20, of the Santa Barbara County Code shall not have any effect on any criminal or civil litigation or claims, including claims for fees, arising under said Article and shall not operate as an abatement of any criminal or civil action or proceeding arising under said Article II, whether pending before or filed after the effective date of this ordinance.

**SECTION 5. Concerning Adoption of Ordinance**

Within 15 days after passage and adoption, the County Clerk shall cause this ordinance to be published one time in a newspaper of general circulation within the city. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_, 2014 and finally adopted on \_\_\_\_\_, 2014 to become effective thirty days thereafter and shall become operative and be in full force upon approval of the Local Agency Management Program by the Central Coast Regional Water Quality Control Board or the State Water Resources Control Board.

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**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of the County of Santa Barbara, State of California, this \_\_\_\_\_ day of \_\_\_\_\_ 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

COUNTY OF SANTA BARBARA

\_\_\_\_\_  
Chair, Board of Supervisors

Date: \_\_\_\_\_

ATTEST:  
MONA MIYASATO, COUNTY EXECUTIVE OFFICER  
CLERK OF THE BOARD

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM:  
MICHAEL C. GHIZZONI  
COUNTY COUNSEL

APPROVED AS TO ACCOUNTING FORM:  
ROBERT W GEIS, CPA  
AUDITOR-CONTROLLER

By: \_\_\_\_\_  
Deputy County Counsel

By: \_\_\_\_\_  
Deputy

APPROVED  
TAKASHI WADA, MD, MPH  
DIRECTOR  
PUBLIC HEALTH DEPARTMENT

By: \_\_\_\_\_  
Director