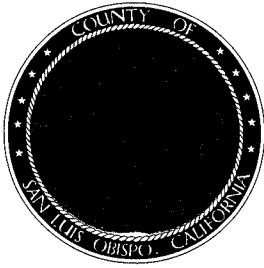


**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building		(2) MEETING DATE September 9, 2008		(3) CONTACT/PHONE Cheryl Journey / 781-1314 Barry Tolle / 781-5628	
(4) SUBJECT Amendments to Title 19 of the County Code to adopt advanced septic treatment regulations per requirements of the Regional Water Quality Control Board.					
(5) SUMMARY OF REQUEST This ordinance is being introduced on your September 9, 2008 agenda in order to hold a public hearing and take action on your September 16, 2008 meeting.					
(6) RECOMMENDED ACTION That the Board of Supervisors: Introduce the attached ordinance (Exhibit A) adopting advanced septic treatment regulations and direct the Clerk to set for public hearing and action on September 16, 2008.					
(7) FUNDING SOURCE(S) Department Budget		(8) CURRENT YEAR COST N/A		(9) ANNUAL COST N/A	
(10) BUDGETED? <input type="checkbox"/> No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A					
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): None					
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____					
(13) SUPERVISOR DISTRICT(S) <input type="checkbox"/> 1st, <input type="checkbox"/> 2nd, <input type="checkbox"/> 3rd, <input type="checkbox"/> 4th, <input type="checkbox"/> 5th, <input checked="" type="checkbox"/> All			(14) LOCATION MAP <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(15) Maddy Act Appointments Signed-off by Clerk of the Board
(16) AGENDA PLACEMENT <input checked="" type="checkbox"/> Consent <input type="checkbox"/> Hearing (Time Est. _____) Presentation <input type="checkbox"/> Board Business (Time Est. _____)			(17) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input checked="" type="checkbox"/> N/A		
(18) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A			(19) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A		
(20) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) _____			(21) W-9 <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		(22) Agenda Item History <input checked="" type="checkbox"/> N/A Date _____
(23) ADMINISTRATIVE OFFICE REVIEW <i>Vince M...</i>					



SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

TO: BOARD OF SUPERVISORS

FROM: CHERYL JOURNEY, CHIEF BUILDING OFFICIAL *CJ*

VIA: KAMI GRIFFIN, ASSISTANT PLANNING DIRECTOR *Kef*

DATE: SEPTEMBER 9, 2008

SUBJECT: Amendments to Title 19 of the County Code to adopt advanced septic treatment regulations per requirements of the Regional Water Quality Control Board

**RECOMMENDATION**

That the Board of Supervisors:

Introduce the attached ordinance (Exhibit A) adopting advanced septic treatment regulations and direct the Clerk to set for public hearing and action on September 16, 2008.

**DISCUSSION**

This ordinance is being introduced on your September 9, 2008 agenda in order to hold a public hearing and take action on your September 16, 2008 meeting.

The following ordinance is recommended for introduction today for hearing on September 16, 2008:

LRP2006-00018 – Amendments to Title 19 of the County Code to adopt requirements to provide for advance septic treatment regulations to be in conformance with revised Regional Water Quality Control Board Basin Plan.

To permit onsite wastewater systems, commonly known as *septic systems*, the County is required to follow the guidelines established by the Regional Water Quality Control Board (RWQCB) through the Water Quality Control Plan - Central Coast Basin (Basin Plan). The Central Coast Basin document was recently amended by the RWQCB and is anticipated to be effective January 1, 2009. In the interim, many lots in the County are prohibited from installing a standard septic system due to high groundwater, impermeable strata or other restrictive site constraints. Lots with these types of constraints will require advanced treatment septic systems to develop them. To facilitate the installation of advanced septic systems building division staff and RWQCB staff have conferred and agreed that the County should move forward with an advanced treatment system plan with the understanding that a county wide management plan would be ready to implement when the revised Basin Plan becomes effective.

### Background

It was anticipated that the Central Coast Basin Plan would be updated regularly with guidance towards protecting the groundwater's of the basin. This process has been delayed for many years as the local water board has been waiting for the final regulations in accordance with AB885. Passage of AB885 in 2002 required the State to adopt minimum standards for septic system regulations. The adoption of these regulations has been controversial and ongoing for over 8 years as it traverses numerous environmental reviews and public comments. With no statewide regulation adoption in sight the local RWQCB has updated and revised the Central Coast Basin Plan. The updated plan includes changing many of the current Basin Plan recommendations to requirements. On May 9, 2008, the local RWQCB approved the revised Central Coast Basin Plan unanimously.

Although the revised Basin Plan still has to be reviewed by the SWQCB and ratified by the Office of Administrative law the anticipated effective date is January 1, 2009. It is prudent for the County to move forward with this ordinance as we are not currently authorized by RWQCB to permit or approve advanced septic treatment systems. Currently lots with high groundwater, impermeable soils, or shallow bedrock are considered un-buildable. The RWQCB will not allow the County to permit these advanced treatment systems as we do not have a mechanism to monitor the systems to verify they remain operational. The RWQCB requires a standard that not only provides for the proper design/installation but also requires the county to permit and inspect the systems annually. Furthermore, the RWQCB wants the county to provide regulations that will require the system owners to maintain their equipment and to assure there is no failure of the advanced system.

The updated ordinance provides guidance on proper design and construction of advanced treatment systems. The ordinance sets standards for maintenance and inspection procedures. The ordinance sets lot restrictions towards maintaining performance standards and establishes enforcement and penalties for failure to comply with the ordinance.

### Technical Summary

The proposed ordinance will add Sections 19.07.015 Definitions, 19.07.023 Alternative and Supplemental Treatment Systems and 19.07.043 Enforcement, Penalties, and Public Nuisance Declaration. The ordinance will correct section 19.07.022, by adding the proper section for Percolation tests. The proposed ordinance amends Appendix B, by adding section d. Exploratory Borings, which was inadvertently omitted on the last submission. Staff recommends that previous amendments be carried over to the new codes. Exhibit A illustrates actual text changes for all proposed amendments to the various codes. There are no new initiatives in this code adoption process; shaded text is either a continuation of an existing amendment to an adopted code or the incorporation of existing county code text into the new adopted code.

**OTHER AGENCY INVOLVEMENT**

This ordinance revision is in response to Regional Water Quality Control Board Central Coast Basin Plan requirements.

**FINANCIAL CONSIDERATIONS**

Permit fees for advance septic treatment systems will be based on 100% cost recovery.

**INTENDED RESULTS**

Introduction of the amendments will allow them to be heard on September 16, 2008 and become effective October 16, 2008.

**ATTACHMENTS**

Exhibit A

Illustrated Text Changes for Proposed New Amendments

EXHIBIT "A"

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 19.07 OF TITLE 19 OF  
THE SAN LUIS OBISPO COUNTY CODE  
IN ORDER TO IMPLEMENT NEW PROCEDURES FOR  
SEWAGE DISPOSAL SYSTEMS

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

WHEREAS, California Health and Safety Code, Sections 18941.5 and 17958.5 authorizes the Board of Supervisors to make modifications or changes to the California Building Standards Code, including adopting more restrictive building standards, as it determines are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, California Health and Safety Code Section 17958.7 requires the Board of Supervisors to make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, the County of San Luis Obispo relies on local ground and surface water for its local water supplies; and

WHEREAS, drought conditions are common occurrences within the County of San Luis Obispo and the surrounding areas; and

WHEREAS, local geological conditions present unique geophysical hazards; and

WHEREAS, the Board of Supervisors finds that each of the changes or modifications to measures referred to herein are reasonably necessary because of local climatic, geological, or topographical conditions in the area encompassed by the boundaries of the County of San Luis Obispo, and the Board of Supervisors further finds that the following findings support the local necessity for the changes or modifications:

**FINDING**

**Geological:** San Luis Obispo County has areas that are considered un-buildable due to high groundwater or shallow bedrock. The features cause a problem for the installation of conventional sanitary sewage disposal systems. Modern technology has created many types of alternative septic systems to mitigate these problem areas. These systems are more complicated than a conventional septic system, but do provide an avenue for development and safely eliminate sewage. These systems all utilize mechanical devices that can clog, wear-out, or cease to function properly with time. All of these advanced systems require periodic inspection and maintenance to insure they are operating properly. If these systems are not maintained properly an eventual failure will create an unhealthy condition with sewage surfacing either in the residence or upon the ground. A

prescribed mechanism must be in place to ensure proper maintenance occurs on time. The above described situations support the imposition of alternative septic system requirements set forth in sections 19.07.015, 19.07.023, and 19.07.043 of the San Luis Obispo County Code.

The Board of Supervisors of the County of San Luis Obispo ordains as follows:

SECTION 1 Section 19.07.000 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended to read as follows:

## **CHAPTER 7: PLUMBING CODE**

### **Sections:**

19.07.010	Modifications of the California Plumbing Code
19.07.015	<u>Definitions</u>
19.07.020	Sewage Disposal Systems
19.07.022	Private Sewage Disposal Systems
19.07.023	<u>Alternative and Supplemental Treatment Systems</u>
19.07.024	Community Sewage Disposal Systems
19.07.030	Toilet Facilities for Workers Required
19.07.040	Minimum Water Supply for Single-family Dwellings
19.07.041	Verification of Water Supply Required
19.07.042	Water Conservation Provisions
19.07.043	<u>Enforcement, Penalties, and Public Nuisance Declaration</u>

**19.07.010 – Modifications of the California Plumbing Code.** The California Plumbing Code adopted in Section 19.01.040 is modified, amended and/or supplemented as follows:

a. Delete Appendix Chapters 1, F, and L, and Appendix Table 1-1. Administration of the Plumbing Code shall be as set forth in Appendix Chapter 1 of the California Building Code.

b. Add Section 601.1.1 to read as follows:

**601.1.1 Approval.** Water transported to a building site shall be deemed adequate only if approved as to source, transportation method and on-site storage by the County Health Department.

c. Amend Section 603.0 to read as follows:

**603.0 Cross-Connection Control.**

Cross-connection control shall be provided in accordance with the provisions of this chapter and Chapter 8.30 of the San Luis Obispo County Code (Cross-Connections Control and Inspections).

No person shall install any water-operated equipment or mechanism, or use any water-treating chemical or substance, if it is found that such equipment, mechanism, chemical or substance may cause pollution or contamination of the domestic water supply. Such equipment or mechanism may be permitted only with an approved backflow prevention device or assembly.

SECTION 2: Section 19.07. of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by adding Section 19.07.015 as follows.

**19.07.015- Definitions.**

- a. **Alternate Sewage treatment system:** An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Componentets that might be used in alternative systems include mounds and pressure and drip distribution systems.
- b. **Bedrock:** any consolidated rock, either weathered or not, which usually underlies alluvium, collovium, topsoil, residual soil or fill. Bedrock would include sedimentary rocks, metamorphic rock and igneous rocks.
- c. **Community Sewage Disposal System:** A residential wastewater treatment system for more than five units or more than five parcels; or commercial, industrial or institutional system that treats 2,500 gallons or more of domestic/sanitary wastewater per day (peak daily flow.)
- d. **Conventional Treatment System:** a wastewater treatment system consisting of a septic tank and subsurface wastewater infiltration system.
- e. **Engineered Design:** An onsite or cluster system that is designed to meet specific performance requirements for a particular site as certified by a licensed professional engineer or other qualified and licensed or certified person.
- f. **Groundwater:** 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.
- g. **Impervious Layer:** Soil that has a percolation rate slower than one hundred twenty minutes to the inch, or having a clay content of sixty percent or greater.

- h. Maintenance:** The work related to the upkeep of the septic system. Examples include but are not limited to: pumping of the septic tank, any installation, repair or replacement of septic tank baffles, risers, ells, tops, access ports, pumps or blowers.
- i. On-Site Wastewater Treatment System (OWTS):** A system relying on natural processes and/or mechanical components that is used to collect, treat, and disperse/discharge wastewater from single dwellings or buildings.
- j. Operating Permit:** A renewable and revocable permit to operate and maintain an onsite or cluster treatment system in compliance with specific operational or performance requirements.
- k. Qualified Contractor:** Is any contractor holding a license in good standing 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 General Building Contractor (B) shall be considered a qualified contractor when constructing, modifying, or abandoning an on-site sewage treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.
- l. Qualified Inspector:** Is any Registered Environmental Health Specialist, Registered Civil Engineer, Contractor holding a license classification from the California Contractors State License Board for Plumbing (C-36), Sanitation Systems (C-42), or General Engineering Contractor (A), or an individual who has satisfactorily completed training in an on-site sewage system inspection and certification program approved by the building official.
- m. Qualified Professional:** Any individual who possesses a current Registered Environmental Health Specialist (REHS) certificate or is currently licensed as a professional engineer or professional geologist.
- n. Qualified Service Provider:** Any person capable of operating, monitoring and maintaining an OWTS consistent with the requirements of this section and the Operation and Maintenance manual or capable of inspecting an OWTS in accordance with this section, or has a current certificate from an approved training program, or is approved by the building official.
- o. Registered Environmental Health Specialist (REHS):** An Environmental Health Specialist currently registered by the State of California.
- p. Registered Pumper:** Is any person or firm that pumps and or hauls septage and has been issued a registration by the director of Environmental Health.
- q. Reservoir:** A pond, lake, basin, or other space, either natural or created, in whole or in part, by the building of engineered structures other than sealed storage tanks constructed of impervious metal or synthetic materials, which is used for storage, regulation, and control of water, for recreation, power, flood control or drinking.



For the purposes of this chapter, the term reservoir does not include small and shallow structures or basins for the temporary detention of storm water runoff from on-site roof drains and paved areas, provided there is no flow at any time between the structure or basin and any sewage disposal system.

- r. **Supplemental Treatment System (Also referred to as Enhanced Treatment Systems):** An onsite sewage treatment system that utilizes engineered design and / or technology to treat effluent and to reduce one or more constituents of concern in wastewater.
- s. **Surface Waters:** A concentration of freshwater or seawater, the surface of which is in direct contact with the atmosphere, including reservoirs and watercourses as defined in this section, as well as wetlands and ocean bays.
- t. **Watercourse:** A natural or artificial channel for passage of water. There must be a stream usually flowing in a particular direction (though it need not flow continuously) usually discharging into some stream or body of water.

**19.07.020 - Sewage Disposal Systems.** The design and installation of sewage disposal systems within the unincorporated areas of San Luis Obispo County are subject to the provisions of the following sections:

- 19.07.022 Private Sewage Disposal Systems
- 19.07.024 Community Sewage Disposal Systems

SECTION 3 Section 19.07.022 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended to read as follows:

**19.07.022 - Private Sewage Disposal Systems.** The use of a private, on-site sewage disposal system is allowed only within the rural areas of the county and within urban and village areas where no community sewage collection, treatment and disposal system exists. Private sewage disposal systems shall be designed and constructed as provided by this section, in addition to satisfying all applicable requirements of the California Plumbing Code. In the event of any conflict between the provisions of this section and the California Plumbing Code, the most restrictive shall govern.

- a. **Legislative findings.** These regulations are enacted in part to implement the requirements of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board. To the extent that these regulations change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary because of local geological and topographic conditions which change applicable provisions of the California Health and Safety Code and California Code of Regulations as they would otherwise apply to local construction, the Board of Supervisors finds that the changes herein are necessary because of local

geological and topographic conditions which involve limitations on the capability of soils in the unincorporated areas of San Luis Obispo County to effectively handle sewage effluent disposal from private sewage disposal systems. Such limitations include high groundwater, soils with poor percolation capability and steep slopes.

**b. General requirements.**

- (1) **Percolation tests.** Percolation tests may be required by the building official pursuant to Appendix K of the California Plumbing Code B of this section.
- (2) **Minimum site area with well.** As required by the Land Use Ordinance, Title 22 of this code, or the Coastal Zone Land Use Ordinance, Title 23 of this code. An existing parcel that contains a water well may be approved for a private sewage disposal system only if the parcel is one acre or larger. A parcel smaller than one acre may use a private sewage disposal system only where the well serving the parcel is a public water supply or is located on another parcel that is one acre or larger. The minimum site area for a new parcel where a well and septic system are both proposed is determined by the Land Use Ordinance, Title 22 of this code, and the Coastal Zone Land Use Ordinance, Title 23 of this code.
- (3) **Minimum site area in reservoir watershed.** Within any domestic reservoir watershed, all private sewage disposal systems shall be located on individual parcels of at least 2-1/2 acres or within subdivisions with a maximum density of 2-1/2 acres or more per dwelling unit. No land within a horizontal distance of 200 feet from a reservoir, as determined by the spillway elevation, shall qualify for computing parcel size or density, or for septic system siting.

**b. Septic tank and leach area systems.** On-site sewage disposal systems that utilize a buried tank for the processing of solids, and leaching areas, trenches or seepage pits for the disposal of liquid waste through soil infiltration shall be located, designed and constructed in accordance with all of the following standards:

- (1) **Minimum site characteristics.** Septic tank and leach area systems shall be used only where the proposed site can maintain subsurface disposal, and satisfy the following standards on a continuous basis, unless an exception is approved as set forth in subsection d of this section.
  - (i) **Subsurface geology.** The proposed site for a soil absorption disposal area shall be free from soils or formations containing continuous channels, cracks or fractures, unless a setback distance of at least 250 feet to any domestic water supply well or surface water is assured.

- (ii) **Site flooding.** No sewage disposal system shall be allowed within an area subject to inundation by a 10-year flood.
- (iii) **Minimum percolation required.** A percolation rate from 0 to 30 minutes per inch of fall is sufficient to permit the use of leaching systems. Such systems shall not be used where percolation rates are slower than 120 minutes/inch unless the parcel is at least 2 acres. Such systems shall not be used where soil percolation rates are slower than 60 minutes/inch unless the effluent application rate is 0.1 gallon per day/square foot or less, using a minimum flow rate of 375 gpd/dwelling unit, or as provided by Appendix K of the California Plumbing Code for commercial uses. Percolation rates of more than 30 minutes per inch of fall may be approved only where the system is designed and certified to have been installed as designed by the design engineer.
- (iv) **Site slope.** Septic tanks or leaching systems installed on slopes of 20 percent or more shall be designed and installation certified by a registered engineer. Design shall minimize grading disruption associated with access for installation and maintenance. No soil absorption sewage disposal area shall be located where the natural slope is 30 percent or greater.
- (v) **Separation from impermeable strata.** A minimum distance of 10 feet shall be maintained from the bottom of leaching systems to impermeable strata. This distance shall be verified by test borings pursuant to the California Plumbing Code where required by the building official.
- (vi) **Groundwater separation.** Depth from the bottom of the leach area to usable groundwater (including usable perched groundwater) shall be as follows, based upon the percolation rate found at the site:

<u>Percolation rate, minutes per inch</u>	<u>Minimum distance to groundwater in feet</u>
less than 1 min./in.	50 feet*
1-4	20 feet*
5-29	8 feet
30+	5 feet

\* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the percolation rate is less than one minute/inch, and eight feet when the percolation rate is one to four minutes/inch.

The building official may require a piezometer test or other appropriate documentation to verify the groundwater separation required by this section.

- (2) **System location.** A private sewage disposal system shall be located on the parcel it serves. Soil absorption disposal systems, including but not limited to leach areas and seepage pits, shall be located in accordance with the setbacks in the following table, except that where disposal system location is proposed with less groundwater separation than required by subsections b(1)(vi) or b(3)(ii) of this section, the increased setbacks required by those subsections shall be provided.

<u>Setback from</u>	<u>Distance in Feet</u>
-Domestic water supply wells in unconfined aquifer.	100
-Watercourse where geologic conditions permit water migration.	100
-Natural spring or any part of man-made spring.	100
-Reservoir, spillway elevation.	200
-Public water supply wells.	100

- (3) **Seepage pit standards.** The following standards apply only to seepage pit disposal facilities, in addition to all other applicable standards of this section.

(i) **Soil particle size.** Seepage pits shall be used only where soils or formations at the pit location contain less than 60 percent clay (a soil particle less than 2 microns in size) in the percolation zone used for seepage calculation, unless the parcel is at least two acres.

(iii) **Groundwater separation.** Seepage pits shall be used only where distances between pit bottom and useable groundwater (including perched groundwater) is equal to or greater than the following minimum separations, based upon the soil type found at the site as follows:

<u>Soil Type</u>	<u>Minimum Distance to Groundwater in feet</u>
Gravels	50 feet*
Gravels with few fines	20 feet*
Other	10 feet

\* Unless a minimum horizontal separation of 250 feet between the disposal area and any domestic water supply well or surface water is assured, in which case minimum groundwater separation shall be 20 feet when the soil type is gravels and 10 feet when the soil type is gravels with few fines.

The building official may require a piezometer test or other appropriate documentation to verify the groundwater separation

required by this section.

**(4) System design and sizing.**

- (i) Replacement area required.** Individual systems on new land divisions, and commercial, institutional, and sanitary industrial systems shall be designed and constructed to either reserve sufficient site area for dual leach fields (100 percent replacement area), or construct the dual leach fields with a diverter valve at the time of initial septic system installation. Installation of dual leachfields will be required if site access for installation of the expansion area could be limited after initial site development.
- (ii) Non-residential systems.** Commercial, institutional, or sanitary industrial systems shall be designed based upon the daily peak flow estimate for the proposed use.
- (iii) Residential systems.** A minimum leaching area of 125 square feet per bedroom shall be provided for sewage disposal systems serving residential uses.

**(5) Replacement of failed private sewage disposal systems.** Where an existing private sewage disposal system has failed and a replaced system cannot be installed to meet the criteria of this section, the building official may approve a replacement system that meets all of the following minimum standards and is designed to satisfy as many of the other requirements of this section as possible:

- (i)** The system is designed by a registered engineer.
- (ii)** The proposed system is approved by the County Health Department.
- (iv)** The installation of the approved system is inspected and certified to be installed as designed by the design engineer.

**d. Use of non-standard engineered systems.** Systems proposed under Section K1(J), Appendix K of the California Plumbing Code, including mound and evapotranspiration systems shall be designed as provided by the "Water Quality Control Plan, Central Coastal Basin", adopted and as amended by the California Regional Water Quality Control Board, by an engineer or sanitarian registered by the State of California competent in sanitary engineering, and shall be approved by the building official and the Regional Water Quality Control Board.

**e. Relief from standards.** Any applicant for a permit to install, repair or replace a private sewage disposal system who is aggrieved by the administration of the

requirements of this section by the building official may appeal the matter to the Board of Appeals as provided in Section 19.02.020. In cases where an exception is requested to any provision of this section that prohibits use of a private sewage disposal system under specified conditions, no exception granted by the Board of Appeals shall be effective unless the California Regional Water Quality Control Board has also approved an "Exemption to Basin Plan Prohibitions" for the proposed exception.

SECTION 4: Section 19.07. of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by adding Section 19.07.023 as follows.

**19.07.023 – Alternative and Supplemental Treatment Systems**

- a. **Alternative Systems.** An on-site treatment system that includes components different from those used in a conventional septic tank and drain field system. An alternative system is used to achieve acceptable dispersal/discharge of wastewater where conventional systems may not be capable of meeting established performance requirements to protect public health and water resources. (e.g., at sites where high ground water, low permeability soils, shallow soils, or other conditions limit the infiltration and dispersal of wastewater). Componentets that might be used in alternative systems include mounds and pressure and drip distribution systems.
- b. **Supplemental Treatment System.** An onsite sewage treatment system that utilizes engineered design and/or technology to treat effluent and reduce one or more constituents of concern in wastewater. supplemental treatment systems include, sand filters, aerobic treatment units, and disinfection devices. A supplemental treatment system shall be required in each of the following locations:
- (1) On a site where geologic conditions permit water migration.
  - (2) In any area determined by the Regional Water Quality Control Board, County Environmental Health or the Board of Supervisors to be experiencing surface or groundwater degradation caused in part by on-site wastewater treatment systems.
- c. **Permit Required for Alternative and Supplemental Treatment Systems.** Alternative systems, systems providing supplemental treatment and systems in specific areas of concern as identified by the Board of Supervisors or the Regional Water Quality Control Board (RWQCB), shall require an operating permit, which shall be issued by the building official subsequent to the final inspection approval of the system. All on-site wastewater treatment systems requiring operating permits shall be operated, maintained and monitored pursuant to the requirements of this section and conditions of the operating permit. The operating permit shall be renewed every year. A report containing all the information specified in the operating permit shall be submitted to the building official annually. The building

official may suspend or revoke an operating permit for failure to comply with any requirement 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. Upon change of ownership, the operating permit shall be terminated and the new owner shall obtain an operating permit within sixty days.

d. **Recorded Notice Required for Alternative and Supplemental Treatment Systems.** Prior to final inspection approval of an on-site system with alternative components or supplemental treatment, a "Notice of Installation of an Alternative or Supplemental On-Site Wastewater Treatment System" shall be recorded with the San Luis Obispo County Clerk-Recorder's office and shall be placed with the deed of record. This notice shall inform future owners, heirs, executors, administrators or successors that the subject property is served by an alternative or supplemental treatment system and shall bind current and future owners to maintain an operating permit and comply with all established monitoring, reporting, inspection, and maintenance requirements of that operating permit.

e. **Operation and Maintenance Manual Required for Alternative and Supplemental Treatment Systems.** The owner of a site on which a new Alternative or Supplemental OWTS is installed or an existing OWTS is replaced or significantly repaired with an Alternative or Supplemental treatment system, shall have an Operation and Maintenance manual prepared by a Qualified Professional. The Operation and Maintenance manual shall include, at a minimum:

- (1) The name, address, telephone number, business and professional license of the OWTS designer;
- (2) The name, address, telephone number, business and professional license, where applicable, of the OWTS installer;
- (3) The name, address, and telephone number of the Qualified Service Provider, where applicable;
- (4) Instructions for the proper operation and maintenance and a protocol for the assessing the performance of the OWTS;
- (5) A copy of the as-built (accurate) plans for the OWTS and a inspection report by the Qualified Professional that the system complies with all applicable regulations;
- (6) The design flow and performance requirements for the OWTS;
- (7) A list of substances that could inhibit performance if discharged into the OWTS, including any biocide and;

- (8) A list of substances that could cause a condition of pollution or nuisance if discharged to the OWTS, including but not limited to pharmaceutical drugs and water softener regeneration brines.

f. **Alternative Systems.** The following general requirements apply to all alternative systems.

- (1) All OWTS systems in which pumps are used to move effluent shall be equipped with a visual and audible alarm. Telemetric alarm systems which alert the owner or service provider in the event of pump failure are also recommended. All pump systems shall, at a minimum, provide for storage in the pump chamber during a 24-hour power outage or pump failure and shall not allow an emergency overflow discharge. All pumped systems shall be designed by a qualified professional.
- (2) The building official and the RWQCB shall adopt and periodically update design standards for alternative systems.
- (3) The owner shall monitor and maintain the system under the direction of a Qualified Service Provider, as required by the Operation and Maintenance manual.
- (4) Proposed operation, maintenance and monitoring specifications shall be submitted along with proposed plans and permit application for alternative systems.
- (5) The property owner shall submit a County of San Luis Obispo Septic Tank Inspection Report, prepared by the Qualified Service Provider, a minimum of once a year. The report shall include: The results of the annual inspection, a check of the alarm system, and any other requirements specified by the building official. Reports shall be submitted within 30 days of the completion of the inspection.
- (6) Alternative systems shall be designed in conformance with currently adopted state guidelines or other guidelines jointly approved by the Regional Water Quality Control Board and the building official. The county shall inspect each system during the construction phase as described in this section. In addition, the Qualified Professional who designed the system shall submit to the building official a letter indicating the Alternative system has been constructed per the approved plans.

g. **Supplemental Treatment Systems.** Supplemental treatment systems shall comply with the following:

- (1) The building official shall review and approve the method of supplemental treatment proposed prior to construction. Treatment systems shall be



listed by an independent testing agency, such as IAPMO, ANSI, NSF, or similar and shall conform to the standards adopted by the county.

- (2) A supplemental treatment system shall be capable of removing a minimum of 85% of Total Suspended Solids (TSS), Biochemical Oxygen Demand (BOD), and Total Nitrogen (TN). In addition, the residual concentration of TSS and BOD, shall not exceed 30 mg/L. and TN shall not exceed 15 Mg/L. The listing agency shall certify that the system can continually meet these performance standards over a thirty day period.
- (3) Operation, maintenance and monitoring specifications shall be provided for review and approval for any supplemental treatment system. The manufacturer's maintenance requirements shall be incorporated into the mandatory conditions of the operating permit.
- (4) The property owner shall comply with all maintenance requirements of the manufacturer and shall ensure that a Qualified Service Provider, Qualified Professional or manufacturer's representative conducts a visual and operational inspection of the system a minimum of once a year or more frequently if required by the manufacturer to determine if the system is functioning properly.
- (5) The property owner shall submit a report, prepared by a Qualified Professional, or Manufacturer's Representative, a minimum of once a year, and within thirty days of inspection. The report shall include: verification that all manufacturer's maintenance requirements have been completed, the results of all inspections, analysis of the wastewater from the inspection ports for TSS, BOD, and TN, a concluding statement that the system is functioning properly, and if not, what needs to be repaired or replaced and when it should be completed.

**19.07.024 - Community Sewage Disposal Systems.** Community sewage disposal systems may be reviewed and approved by the county Health and Engineering Departments only when a proposed system is designed and constructed as follows, and is approved by the California Regional Water Quality Control Board.

- a. Public agency operation required.** Sewerage facilities shall be operated by a public agency unless the County Engineer or the Regional Water Quality Control Board finds that an existing agency is unavailable and formation of a new agency is unreasonable. If such finding is made, a private entity shall be established with adequate financial, legal and institutional resources to assume responsibility for waste discharges.
- b. Minimum number of users served.** A community sewage disposal system may be approved only where at least 50 dwelling units will be served by the proposed system, unless fewer hookups are authorized by the County Engineer.

- c. **Disposal system design and performance.** Community sewage disposal systems shall be designed and shall discharge effluent of a quality pursuant to the provisions of the "Water Quality Control Plan, Central Coastal Basin", adopted by the California Regional Water Quality Control Board.

**19.07.025 – Appendices.** Appendix A and B are hereby added. All applications shall be in conformity with the following appendices, and any amendment thereto, in addition to any requirements as set forth in Title 19 of the County Code. The following appendices are hereby incorporated by reference herein as through set forth in full.

**APPENDIX A. ON-SITE WASTEWATER TREATMENT SYSTEM REQUIREMENTS FOR SECONDARY DWELLING UNITS ON PARCELS LESS THAN TWO ACRES IN SIZE**

The Regional Water Quality Control Board criteria for a new septic system specifies a maximum density of one residence per acre unless soil and other constraints for sewage disposal are found to be "particularly favorable". Septic system density may then be increased to one residence per half acre.

- a. Separate treatment systems shall be used for each dwelling. An application, plans and a site evaluation report meeting the requirements of this title shall be submitted for each system.
- b. All other technical requirements of this title, and Titles 22 and 23 shall be met.

SECTION 5: Chapter 19.07.000 of Title 19 of the San Luis Obispo County code, Building and Construction, is hereby amended by adding to Appendix B to read as follows:

**APPENDIX B. PERCOLATION TEST AND BORING PROCEDURES**

Percolation and boring tests shall be performed by or under the supervision of a licensed qualified engineer.

**a. Percolation Test Procedure**

- (1) Test hole openings shall have an 8-12 inch diameter, or be 7-11 inches on the side, if square. The walls should be vertical.
- (2) The bottom of the test hole should correspond with the bottom of the proposed trench and shall be covered with 2 inches of gravel.
- (3) Presoak the test hole overnight, prior to testing. For sandy soils, presoak until water level stabilizes, see b(1) below.

- (4) The height of the water shall be re-filled to initial height of between 8 and 10 inches over the gravel after each reading.
- (5) The surface of the hole shall be uncompacted: any cobbles protruding from the surface shall be left in place.

**b. Measurements**

- (1) In sandy soils in which two consecutive measurements show that six inches of water seeps away in less than 25 minutes, the test shall be run for an additional hour with measurements taken every ten minutes, making sure to re-fill the hole after each measurement. The drop that occurs during the final ten minutes shall be used to calculate the percolation rate. Field data shall show the two 25 minute readings, along with the six-10 minute readings.
- (2) In all other than sandy soils, pre soak (fill) and wait overnight. If necessary, refill the hole the next day. Obtain at least 12 measurements per hole over at least 6 hours with a precision of at least 0.25 inch. Intervals between readings shall be approximately thirty minutes. The drop that occurs during the last 30 minutes is used to calculate the percolation rate. Field data shall show the twelve 30 minute readings.

**c. Testing Procedure for Dry Wells (Seepage Pits) Performance Test**

- (1) The hole diameter shall be between 6 and 8 inches. The test depth shall be equal to the depth of the proposed dry well, plus sufficient depth to prove proper setback to groundwater and impervious material.
- (2) Carefully fill the hole with clear water to a maximum depth of 4 feet below the surface of the ground, or if cuts are anticipated, to the depth of the assumed inlet.
- (3) All holes shall be pre-soaked for 24 hours unless the site consists of sandy soils containing little or no clay. In sandy soils where the water on two consecutive readings seeps away faster than half the wetted depth in 25 minutes or less, re-fill the hole with water, and pre-soak for an additional two hours. After the two hour pre-soak, the test may then be run. The time interval between measurements shall be taken at ten minutes and the test run for one hour. Refill to original depth after each reading.
- (4) For all other soils, the percolation rate measurement shall be made on the day following pre-soak as described above. After 24 hours have elapsed, refill the hole to the proposed inlet depth. The fall of water should be measured every half hour over a five hour period. Refill the hole after each half-hour reading. During the last or the sixth hour, do not refill the

hole after the half hour reading. Be sure to check the total hole depth every half hour as well to see if any caving has occurred.

- (5) Readings will be in min/inch just like they are for leachlines. Rates are set by the Regional Water Quality Control Board. Utilize 0.3 gallons per square foot per day for disposal rate, and 375 gallons per day average daily flow per household, up to four bedrooms.
- (6) Seepage pits will not be allowed when percolation rates are slower than 55 minutes per inch.

d. **Exploratory Borings.** An exploratory boring is a hole excavated or drilled in the area where the disposal field is proposed in order to determine the type of soil, moisture content, and depth of the seasonal high water table or impervious material.

- (1) All borings must extend to a minimum depth of ten feet below the bottom of the proposed disposal system so as to determine the depth of the water table, bedrock, and all impervious material within ten feet of the bottom of the disposal system. Minimum depth of any boring is 15 feet or stated refusal.
- (2) When percolation results are faster than 1 minute an inch, the exploratory boring shall be drilled to a depth of 50 feet below the depth of the proposed disposal system. For percolation results between 1-4 minutes an inch, the boring shall be drilled to a depth of 20 feet below the proposed disposal system.
- (3) A log of the soil profile shall be conducted and included as part of the written percolation test.
- (4) All borings used to check for groundwater shall stay open a minimum of 24 hours prior to the final reading and groundwater check. Water levels are to be recorded at the highest discovered level following the 24 hour period. If any groundwater is encountered that may affect the subsurface sewage disposal, an evaluation by a qualified professional, shall be given in the conclusion section of the percolation report.
- (5) Measurements of depth to seasonal high groundwater shall be conducted from November 1<sup>st</sup> to April 1<sup>st</sup> unless otherwise specified by the building official.
- (6) In areas with seasonal high groundwater, a groundwater level monitoring well shall be installed to a minimum depth of ten feet in the area of a proposed wastewater dispersal system. Groundwater monitoring wells shall be a minimum of 3 inch PVC pipe and shall have a removable cap.

The top 18 inches around the pipe shall be sealed with Bentonite or other suitable sealer to prevent surface pollutants from intruding into the well. Below 18 inches, the pipe shall be perforated. Monitoring wells shall not be deeper than 15 feet, unless required by the building official. If an impermeable layer is present at a depth of less than ten feet below the ground surface, the depth of the groundwater level monitoring well shall be decreased to the depth of the impermeable layer.

SECTION 6. Section 19.07.030 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended to read as follows:

**19.07.030 Toilet Facilities for Workers Required.**

- a. Suitable toilet facilities shall be provided and maintained in a sanitary condition for the use of workers during construction. Portable toilet facilities shall conform to ANSI Z4.3
- b. The number of toilet facilities to be provided shall be in accordance with Table 19.07.030(b). It shall be the responsibility of each employer to provide toilet facilities sufficient for the number of his own employees.

**TABLE 19.07.030(b)**

Number of employees	Minimum number of toilet facilities
1-10	1
11-20	2
21-30	3
31-40	4
Over 40	1 additional facility for each 10 additional employees

- c. It shall be the responsibility of the employer to ensure that all toilet facilities are maintained in a clean and sanitary condition. If toilet facilities are of the type that require a periodic servicing, it shall be the responsibility of the employer to provide sufficient toilet facilities and servicing to prevent the stated capacity of those facilities from being exceeded; the employer shall also assure ready access to the toilet facilities by the required servicing equipment.
- d. Toilet facilities shall be located so as to be readily accessible to the employees for whom they are furnished.

**19.07.040 - Minimum Water Supply for Single-family Dwellings.** All dwellings shall be provided a potable water supply system as required by this section. Such system shall also satisfy all applicable requirements of the California Plumbing Code and the San Luis Obispo County Health Department.

- a. **Community system or on-site well.** Subject to the approval of the building official, a dwelling may be supplied potable water from either:
  - (1) A public water supply or domestic water system approved by the Health Department or operated by a state-licensed water purveyor; or
  - (2) An on-site well, water storage and delivery system in accordance with this section.
  
- b. **On-site wells.** When an on-site well is the proposed potable water supply, a building permit may be issued only where the building site is located outside the service boundary of a community water system, and where the well, together with any on-site water storage, satisfies all the following requirements:
  - (1) **Health Department approval.** All water wells shall be designed, constructed and shall obtain Health Department approval as required by Chapter 8.40 of this code.
  - (2) **Minimum capacity.** A domestic well shall provide a minimum capacity of 5 gallons-per-minute (GPM) in order to be approved for use as a source of potable water for a single-family dwelling. Use of a well with a minimum capacity of 2.5 gallons-per-minute may be approved by the building official where 1000 gallons of approved on-site water storage is also provided. (Note: on-site water storage for fire protection may also be required by the Land Use Ordinance or, where applicable, the Coastal Zone Land Use Ordinance regardless of the requirements of this section.) A building permit may be issued where use of a well with less capacity than 2.5 gpm is proposed only where authorized by the director of environmental health.
  - (3) **Testing of capacity.** The capacity required by subsection b(2) of this section for a domestic well shall be verified by a minimum four-hour pump test with drawdown and recovery data by a licensed and bonded well driller or pump testing company. The pump test shall not be more than five years old.
  - (4) **Potability.** All domestic water wells intended to provide potable water to habitable buildings shall meet the requirements of the Health Department for potability.
  - (5) **Testing for potability.** All new domestic water wells shall be tested for potability as required by the Health Department. A report of the potability

test shall be submitted and approved by the Health Department prior to granting temporary or permanent occupancy or final inspection approval of a project

**19.07.041 - Verification of Water Supply Required.** No grading, building or plumbing permit application or plans for a project which will require new service with potable water shall be issued unless:

- a. The building official is provided a written statement from the operator of a community or domestic water system that the purveyor will provide potable water service to the dwelling and that the water purveyor has sufficient water resource and system capacity to provide such service; or
- b. The building official is provided evidence that a permit or other authorization has been granted by the water purveyor for the proposed project to connect to and use the community or domestic water system; or
- c. An on-site well is installed, tested, and is certified to satisfy the requirements of Section 19.07.040b, or the building official is provided evidence showing that potable water adequate to satisfy the standards of Section 19.07.040b is available on-site. Evidence provided to prove availability of potable water shall include:
  - (1) Existing county data; or
  - (2) A report submitted by a registered hydrologist, geologist; or
  - (3) Satisfactory evidence from a test well drilled on the parcel.

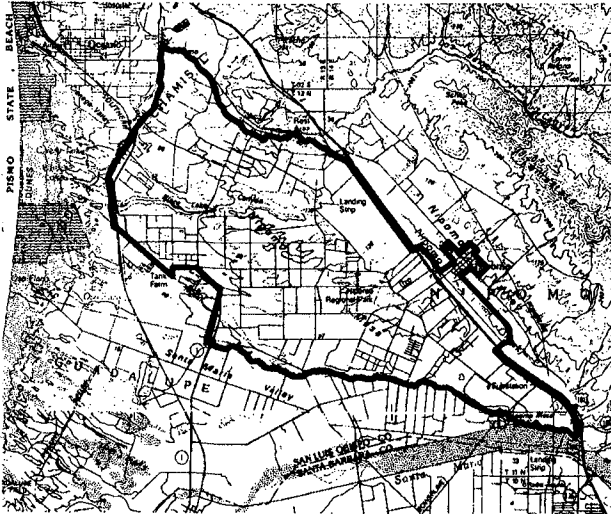
No final building inspection for a dwelling shall be approved until the dwelling is connected to an operating water supply approved pursuant to this section.

**19.07.042 – Water Conservation Provisions.** The requirements in this section shall apply to all new installations and, where specifically required, to existing structures.

- a. **Water fixtures.** Water fixtures shall comply with current requirements of the California Energy Commission and Department of Water Resources.
- b. **Existing structures.** In existing buildings, replacement water fixtures shall conform to the above requirements. In addition, all fixtures in an existing building shall be brought into conformance with these requirements when an alteration of that building meets either of the following criteria:
  - (1) A bathroom is added;
  - (2) The floor area is increased by 20 per cent or more.
- c. **Other requirements:**

- (1) Spas, hot tubs, fountains and other decorative bodies of water shall be equipped with recirculating systems and shall be designed to operate without a continuous supply of water.
  - (2) Vehicle wash facilities shall have approved water reclamation systems which provide for reuse of a minimum of 50 percent of the wash water. Hoses, pipes, and faucets for manual application of water to vehicles at such facilities shall be equipped with positive shut-off valves designed to interrupt the flow of water in the absence of operator applied pressure.
  - (3) Water supply piping shall be installed so that each dwelling unit may be served by a separate water meter.
- d. **Nipomo Mesa Water Conservation Area.** In addition to the requirements in Section 19.07.042, all new installations in the Nipomo Mesa Water Conservation Area shown in Figure 20-1 shall include sink faucets in all bathrooms and kitchens equipped with automatic shut-off devices. In-lieu of faucets with automatic shut-off devices, a minimum of two high efficiency toilets (1.2 gallons maximum per flush) shall be installed.

Figure 20-1 - Nipomo Mesa Water Conservation Area



SECTION 7: Section 19.07 of Title 19 of the San Luis Obispo County Code, Building and Construction, is hereby amended by adding new section 19.20.043 to read as follows.

**19.07.043 - Enforcement, Penalties and Public Nuisance Declaration:** It shall be the duty of the building official to enforce the provisions of this Ordinance.



- a. **Violations:** Any person violating any provision of this section shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted. Any person convicted of a violation of this section shall be:
- (1) Guilty of an infraction offense and punished by a fine not exceeding two hundred dollars (\$200.00) for a first violation;
  - (2) Guilty of an infraction offense and punished by a fine not exceeding three hundred dollars (\$300.00) for a second violation on the same site.
  - (3) The third and any additional violations shall be charged as a misdemeanor and punished by a fine not exceeding one thousand dollars (\$1,000.00) or six (6) months in jail, or both.
- b. **Public Nuisance Declaration:** Any violation of this section is hereby declared to be a public nuisance and may be abated by the building official irrespective of any other remedy hereinabove provided.

SECTION 8. That the Board of Supervisors has considered the initial study prepared and conducted with respect to the matter described above. The Board of Supervisors has, as a result of its consideration, and the evidence presented at the hearings on said matter, determined that the proposed negative declaration as heretofore prepared and filed as a result of the said initial study, is appropriate, and has been prepared and is hereby approved in accordance with the California Environmental Quality Act and the County's regulations implementing said Act. The Board of Supervisors, in adopting this ordinance, has taken into account and reviewed and considered the information contained in the negative declaration approved for this project and all comments that were received during the public hearing process. On the basis of the Initial Study and any comments received, there is no substantial evidence that the adoption of this ordinance will have a significant effect on the environment.

SECTION 9: If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

SECTION 10: This ordinance shall take effect and be in full force on and after 30 days from the date of its passage hereof. Before the expiration of 15 days after the adoption of this ordinance, it shall be published once in a newspaper of general

circulation published in the County of San Luis Obispo, State of California, together with the names of the members of the Board of Supervisors voting for and against the ordinance.

INTRODUCED at a regular meeting of the Board of Supervisors held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and PASSED AND ADOPTED by the Board of Supervisors of the County of San Luis Obispo, State of California, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

\_\_\_\_\_  
Chairman of the Board of Supervisors,  
County of San Luis Obispo,  
State of California

ATTEST:

\_\_\_\_\_  
County Clerk and Ex-Officio Clerk  
of the Board of Supervisors  
County of San Luis Obispo, State of California

[SEAL]

ORDINANCE CODE PROVISIONS APPROVED  
AS TO FORM AND CODIFICATION:

R. WYATT CASH  
County Counsel

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

Dated: \_\_\_\_\_

DRAFT 7/31/08