

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
CENTRAL VALLEY REGION

RESOLUTION R5-2018-0039

APPROVING THE LOCAL AGENCY MANAGEMENT PROGRAM
FOR
YUBA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT

WHEREAS, on 19 June 2012, the State Water Resources Control Board (State Board) adopted Resolution No. 2012-0032, which in part approves the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy); and

WHEREAS, the OWTS Policy allows Local Agencies to propose Local Agency Management Programs (LAMPs) for California Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) approval, as conditional waivers of Waste Discharge Requirements; and

WHEREAS, the OWTS Policy requires Central Valley Water Board staff (staff) to solicit comments from the State Board, Division of Drinking Water (DDW) regarding a LAMP's proposed setbacks and notifications to water purveyors; and

WHEREAS, on 13 May 2016 the Yuba County Environmental Health Department (EHD) submitted a formal draft LAMP, along with a preliminary completeness checklist (checklist) per staff's request; and

WHEREAS, on 23 May 2016 staff sought DDW's comments on the formal draft and on that date DDW concurred with the proposed setbacks and notifications; and

WHEREAS, on 6 May 2016 staff and Yuba County EHD completed discussions on the draft and checklist; and

WHEREAS, on 2 March 2018 the Central Valley Water Board notified Yuba County EHD and interested parties of its intent to approve the LAMP, and provided them with an opportunity for public hearing, and an opportunity to submit comments and recommendations, both on the draft LAMP and checklist; and

WHEREAS, on 31 May 2018, the Central Valley Water Board, in a public meeting, heard and considered all comments pertaining to this action:

Therefore, be it RESOLVED, that the Central Valley Water Board hereby approves the Local Agency Management Program submitted by the Yuba County Environmental Health Department.

I, PATRICK PULUPA, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of a Resolution adopted by the Central Valley Water Board, on 31 May 2018.

--signed by--

PATRICK PULUPA, Executive Officer

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF YUBA

IN RE:)
)
 RESOLUTION AUTHORIZING THE COUNTY OF YUBA) Resolution No. 2016-40
 TO SUBMIT THE LOCAL AGENCY MANAGEMENT)
 PLAN (LAMP) TO THE CENTRAL VALLEY REGIONAL)
 WATER QUALITY CONTROL BOARD)
 _____)

WHEREAS, THE ENACTMENT OF THE Porter-Cologne Water Quality Control Act in 1971 resulted in the formation of the California State Water Resources Control Board (SWRCB) and nine Regional Water Quality Control Boards (RWQCB); and

WHEREAS, under the California Water Code, the RWQCBs are vested with the authority to require individuals or entities to obtain Waste Discharge Requirements (WDRs) from the appropriate RWQCB if such individuals or entities intend to dispose of wastewater that has the potential to pollute waters of the state, both surface water and groundwater; and

WHEREAS, WDRs are designed to ensure that the beneficial uses of waters of the state are not impaired by wastewater discharges; and

WHEREAS, the SWRCB has determined that subsurface discharge of effluent from onsite wastewater treatment systems (OWTS) constitutes a discharge that could affect the quality of waters of the state and are therefore subject to compliance with WDRs; and

WHEREAS, on June 19, 2012, the State Water Resources Control Board (hereafter State Board) adopted Resolution No. 2012-0032, which in part approves the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (hereafter the OWTS Policy); and

WHEREAS, the OWTS Policy establishes statewide, risk-based, tiered approach for the regulation and management of OWTS installations and replacements and sets the level of performance and protection expected from OWTS; and

WHEREAS, the OWTS Policy allows the local enforcement agencies (hereafter Local Agencies) to continue to implement a local OWTS program, either under conservative, largely prescriptive low risk Tier 1 standards, or alternative, largely performance-based Tier 2 standards in a Local Agency management Program (hereafter Tier 2 LAMP); and

WHEREAS, a local OWTS program under Tier 1 standards would severely limit the ability of Yuba County to issue permits for new and replacement OWTS in many areas of the county due to various site constraints and conditions, and alternate methods from Tier 1 standards are required; and

WHEREAS, the OWTS Policy allows Yuba County to propose standards for new and replacement OWTS as a Tier 2 LAMP to the Central Valley Regional Water Quality Control Board (hereafter Central Valley Water Board) for approval, to provide an alternate method from Tier 1 programs with a water quality assessment program to achieve the same overall level of protection of the water quality and public health; and

WHEREAS, the Yuba County Environmental Health Department (hereafter EHD) prepared a draft Tier 2 LAMP and submitted an informal draft to the Central Valley Water Board staff for initial review; and

WHEREAS, the revised draft Tier 2 LAMP includes a proposed ordinance, a guidance manual, and a LAMP Completeness Checklist with any resolved Central Valley Water Board staff comments; and

WHEREAS, EHD has conducted public outreach efforts, including, requesting and incorporating stakeholder comments, recommendations from the Central Valley Water Board, and published information on the Yuba County website and this LAMP is now ready for review and submission by the Yuba County Board of Supervisors to the Central Valley Water Board; and

WHEREAS, the Yuba County LAMP must be submitted for approval to the Central Valley Water Board; and

WHEREAS, the Yuba County LAMP must be submitted to the Central Valley Water Board no later than May 13, 2016, and must be implemented prior to May 13, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Yuba, that:

1. It approves the submission of the LAMP along with the preliminary completeness checklist and other supporting documents, attached as Exhibit A and incorporated herein by this reference, to the Central Valley Water Board.
2. It agrees to implement the LAMP submission once approval from the Central Valley Water Board is received no later than May 13, 2018.

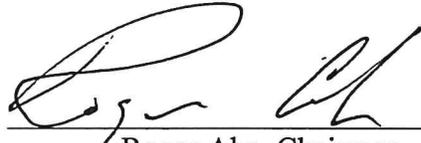
PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Yuba, State of California on the 24 day of May, 2016 by the following vote:

AYES: Supervisors Vasquez, Nicoletti, Abe, Fletcher

NOES: None

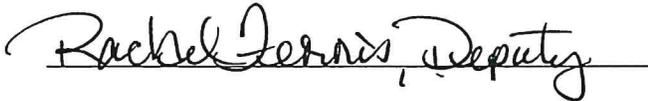
ABSENT: Supervisor Griego

ABSTAIN: None



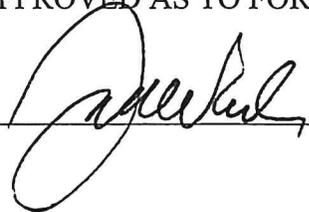
Roger Abe, Chairman

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS



Rachel Ferris, Deputy

ANGIL P. MORRIS-JONES
YUBA COUNTY COUNSEL
APPROVED AS TO FORM:



The foregoing instrument is a true and correct copy of the document on file in this office

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors of the County of Yuba, State of California.

BY: 
Date: May 24, 2016

ORDINANCE NO. 1571
AN ORDINANCE REPEALING AND REENACTING CHAPTER 7.07
SEWAGE DISPOSAL OF TITLE VII HEALTH AND SANITATION

The following ordinance was duly and regularly passed and adopted by the Board of Supervisors of the County of Yuba, State of California, at a regular meeting of the Board of Supervisors held on the 27 day of, February 2018 by the following vote:

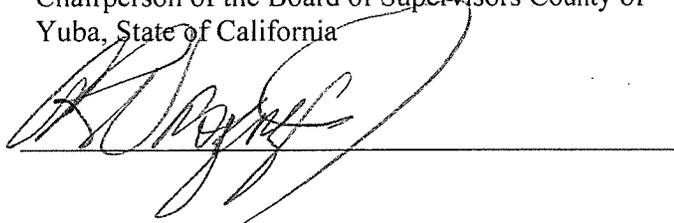
AYES: Supervisors Vasquez, Leahy, Lofton, Bradford, Fletcher

NOES: None

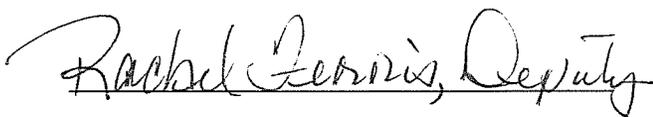
ABSENT: None

ABSTAIN: None

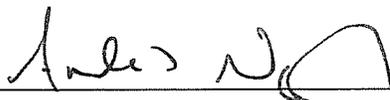
Chairperson of the Board of Supervisors County of
Yuba, State of California



ATTEST: Donna Stottlemeyer
Clerk of the Board of Supervisors



APPROVED AS TO FORM: Courtney Abril,
County Counsel

By: 

CHAPTER 7.07 SEWAGE DISPOSAL

ARTICLE 1 PURPOSE AND DEFINITIONS

7.07.101 Purpose

The purpose of this article is to:

- A. Protect public health and the environment,
- B. Establish an administrative framework allowing the adoption of science-based minimum standards for design, construction, installation, operation, maintenance, monitoring, replacement, alteration, enlargement, repair and destruction of on-site treatment, conveyance, and disposal systems,
- C. Provide for compliance and enforcement of a comprehensive onsite regulatory program,
- D. Ensure compliance with standards, laws, and guidelines as adopted, and/or modified by the State of California, Water Resources Control Board or Regional Water Quality Control Boards.

7.07.102 Legal Authority

The State of California Water Resources Control Board, through the Regional Water Quality Control Boards, requires local agencies to adopt Waste Discharge Requirements for all individual disposal systems or Community Collection and Treatment Systems that use subsurface disposal. The Central Valley Regional Water Quality Control Board provides that these Waste Discharge Requirements for Yuba County may be satisfied by an ordinance in compliance with the provisions of the Porter-Cologne Water Quality Control Act.

7.07.103 Definitions

The following words and terms, when used in this Article, have the following meanings, unless the context clearly indicates otherwise. Terms expressed in the singular shall be construed to incorporate the plural, and vice versa, unless the context otherwise requires.

Aerated Lagoon. (AL) means a basis of a specified depth to which oxygen is supplied and in which wastewater is treated on a flow-through basis.

Aerobic Treatment Unit. (ATU) means a wastewater treatment reactor which mechanically diffuses oxygen into a chamber containing wastewater and treats said wastewater aerobically.

An aerobic treatment unit may operate continuously or intermittently (i.e. batch) depending on design.

Advanced/Alternative System. Means any on-site sewage system consisting of a pre-treatment unit and disposal components other than a standard system which meets the requirements of this Article for a renewable operating permit.

Advanced/Standard System. Means any on-site sewage system consisting of a pre-treatment unit and disposal components other than a standard system which the department has determined as standard, and does not require an annual operating permit.

Appeal. Means the administrative process that allows the Department and/or the Appeals Board to consider relief from any provision or requirement of this ordinance or On-Site Sewage Manual.

Appeals Board. Means three members of the On-Site Wastewater Advisory Committee, selected by the Chairman of the Committee in each specific case, to consider relief from strict compliance with standards of this ordinance or On-Site Sewage Manual.

Applicant. Means a property owner or the property owner's Authorized Representative.

Authorized Representative. Means person or persons authorized by the property owner to act on the property owner's behalf on matters pertaining to application for permits and services or holder of an easement sufficient to authorize the work on the land on which the system is to be installed, to represent the owner's or easement holder's interests.

Centralized Sewage Disposal System. Means the collection, transportation, treatment and disposal of any sewage from two (2) or more sources (source shall be defined as a wastewater discharge from any residential, commercial, or recreational building and/or establishment) by any method which meets State and local minimum standards.

Centralized Wastewater System. Means a system of conduits, treatment and disposal facilities in which wastewater is collected and transported to a central area where treatment and/or final disposal is affected:

TYPES:

(A) CLUSTER WASTEWATER COLLECTION, TREATMENT AND DISPOSAL SYSTEM (CWCTDS).

Means a system for the collection, transportation, treatment and disposal of any wastewater from at least two (2) but no more than five (5) sources (sources shall be

defined as a wastewater discharge from any single family residential, commercial unit, recreational institutional building and/or establishment with a maximum of two-thousand five hundred (2,500) gallons per day wastewater discharge) by any method that meets state and local standards.

(B) SMALL WASTEWATER COLLECTION, TREATMENT AND DISPOSAL SYSTEM.

Means a system for the collection, transportation, treatment, and disposal of any wastewater from at least six (6), but no more than ninety-nine (99) single family residential sources or the equivalent flow.

(C) LARGE WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL SYSTEM.

Means a system for the collection, transportation, treatment, and disposal of any wastewater from more than ninety-nine (99) single family residential sources or the equivalent flow.

Commercial project. Means any project other than those defined as residential.

Community Development Services Agency Director. Means the Director of the Community Development and Services Agency in the County of Yuba (CDSA Director).

Community Services District. Means any district formed in an unincorporated territory to construct and operate works for the collection, transportation, treatment, and disposal of sewage in accordance with procedures, rules and regulations of the California Government Code.

Consultant. Same as "Qualified Professional" in State OWTS Policy. Means one of the following persons (exclusive of Department personnel) retained to provide services under this Article:

For Design of Systems:

Registered Environmental Health Specialist

Certified Engineering Geologist

Registered Civil Engineer

Registered Geologist

For Soils Evaluations:

The above persons as well as Certified Soil Scientist.

Contractor. Means a person who possesses an active General Engineering A or Specialty C-36 or C-42 license and in some specific cases a B Specialty, per the requirements of the State of California Business and Professions Code.

County Sanitation District. Means a district organized within an incorporated or unincorporated territory empowered to build and operate sewers, and sewage disposal or treatment plants for the collection, transportation and disposal of wastewater within or without the district. Such district shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

County Service Area. Means an area in an unincorporated territory within the county that has been designated by the Board of Supervisors in accordance with the procedures, rules and regulations of the California Government Code for the collection, transportation, treatment, and disposal of sewage within the county service area.

Director. Means the Director of the Yuba County Environmental Health Department, or his/her designated employee.

Department. Means the Yuba County Department of Environmental Health, its Director and designated employees.

Effective Sidewall Area. Means that portion of the sidewalls of a leaching trench extending upward from the bottom of the trench to a point six (6) inches above the invert of the perforated pipe installed in the leaching trench.

Effective Soil. Means permeable, unsaturated soil providing sufficient aeration and retention for optimal treatment of sewage effluent.

Electro-Osmosis System. (EOS) means a process whereby dissimilar materials are buried on either side of a soil absorption system drain field and an electric potential is established in the soil water complex.

Environmental Health Department. Means the Environmental Health Department included in the Community Development and Services Agency (CDSA).

Equivalent Flow. Means an amount equal to that which would be produced by a single family residential source and shall be measured on the basis of gallons per day. Such measurements shall not be averaged out over any other period of time. For purposes of calculating equivalencies refer to the standards in the On-Site Sewage Manual.

Evapotranspiration-Absorption (ETA) Bed. Means an on-site wastewater treatment and disposal system which discharges effluent to both the atmosphere and soils. The ETA Bed contains: (1) a sand bed usually supporting plants; and (2) wastewater distribution piping.

Failing On-Site System. Means any system which discharges untreated or inadequately treated sewage or septic tank effluent directly or indirectly onto the ground surface, into protected waters or into a dwelling. Also, any system not operated in compliance with permit conditions including, but not limited to, operation, maintenance and monitoring requirements, use of unapproved components, or unapproved modifications to the originally permitted design.

Health Officer. Means the Health Officer of the County of Yuba.

Industrial Waste. Means any liquid, gaseous, radioactive, or solid waste substance or a combination thereof resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

Intermittent Sand Filter. (ISF) means a bed of granular material of a specific depth and usually underlain by graded gravel and collecting piping to which wastewater is applied intermittently for final treatment.

Land Application. (LA) means the disposal of treated wastewater effluents, of a specified quality, by application to land. Land application may be further defined as: (1) slow rate; (2) rapid infiltration; (3) overland flow; (4) spray irrigation, or (5) drip irrigation.

Land Use Project. Means any entitlement process, initiated through the Yuba County Planning Department including, but not limited to, tentative maps, parcel maps, use permits, certificates of compliance, and minor boundary adjustments. Requirements in this Article apply only to areas regulated by the Department. Other County departments will have separate processes and requirements.

Leaching Trench (Lines). Means the aggregate filled trenches designed to accept septic tank effluent discharged from perforated pipes laid in trenches.

Local Authority. Means a public entity, as defined in Government Code Section 53090 et seq. which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system. Additionally, the Local Authority is empowered to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of on-site sewage systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from on-site sewage systems and to conduct any monitoring or surveillance programs as required for water quality control purposes.

Minimum Useable Sewage Disposal Area. (MUSDA) means the amount of ground surface, expressed in square feet, that is required when creating new lots or parcels in the tentative or

parcel map process. The amount of land area is based on the percolation rate and the type of leach field distribution method.

Mound. Means an on-site wastewater treatment system that utilizes a permeable fill material and by dispersion or uniform application of wastewater improves absorption capabilities in areas containing soils of limited permeability. A mound contains the following parts: (1) the mound body fill material; (2) the distribution bed; (3) the distribution manifold and laterals; and (4) the topsoil cover.

Other Districts. Means any other lawful entity formed under California Law for the collection, transportation, treatment and disposal of sewage either as of the date of this chapter or in the future.

Operation, Maintenance and Monitoring (OM&M) Program. Means a program developed by the Department, as delineated in the On-Site Sewage Manual to insure the long-term viability of all on-site sewage systems. Depending upon the complexity of the system and/or the environmental sensitivity of the area of system placement, the program may range from educational support to performance review and preventive maintenance by certified maintenance providers.

On-Site Sewage Manual. Means the document containing implementing standards and requirements of this Article, including specific detail on acceptable on-site sewage treatment and disposal systems and processes, developed by the Department and the Wastewater Advisory Committee and adopted by resolution of the Board of Supervisor.

On-site Wastewater Advisory Committee. Means a committee consisting of the Health Officer, Director of Community Development, Director of Environmental Health , Registered Environmental Health Specialist (specializing in land-use).

On-Site Wastewater Treatment System (OWTS). Means any system of piping, treatment devices or other facilities that convey, store, treat, or dispose of sewage on the property where it originates where the system is not connected to a public sewer system.

Owner. Means any person who alone, or jointly, or severally with others:

1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility.
2. Has care, charge, or control of any real property as applicant, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title.

Person. Means any individual (owner or authorized representative), corporation, association, firm, organization, partnership, or company.

Pressure Distribution System. Means a system for the dispersion of wastewater after treatment into a soil absorption or filter reactor system by pressure so as to evenly distribute the flow.

Primary Treatment. Means initial treatment of wastewater by settling of solids in a tank type structure.

Protected waters. Means lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or underground waters, natural or artificial, public or private, which are within the jurisdiction of Yuba County or other state or federal agencies.

Public Sewer System. Means any sewer system constructed, installed, maintained, operated and owned by or for a municipality or public entity established for sewage disposal purposes.

Public Utility District. Means a district organized in an unincorporated territory, to acquire, construct, own or operate revenue producing utilities for the disposition of sewage in accordance with the procedures, rules and regulations of the California Public Utilities Code.

Public Water System. Means a system, regardless of type of ownership, for the provision of piped water to the public for domestic use if such system has at least five (5) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days of the year.

Regional Board. Means officials and personnel of the Central Valley Regional Water Quality Control Board. (CVRWQCB or Regional Board)

Registered Environmental Health Specialist. Means a Registered Environmental Health Specialist or an Environmental Health Specialist Trainee as allowed by the Health and Safety Code §541 working by authorization of the Health Officer.

Renewable Operating Permit (ROP). ROP means the administrative document issued by the Department authorizing the initial and/or continued use of Advanced Alternative systems, as specified in the On-Site Sewage Manual.

Sanitary District. Means a district organized within any territory empowered to acquire, construct and operate works for the collection, transportation, treatment and disposal of wastewater. Such district shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

Secondary Treatment. Means a secondary treatment of wastewater endeavoring to reduce solids, oxygen demand, chemical constituents and pathogenic micro-organisms.

Secondary Treatment – Pressure Distribution – Soil Absorption System (ST-PD-SAS). Means a wastewater treatment system where a conventional septic tank or other method is used for primary settling and treatment followed by distribution of effluent into filter by pressure to maintain even distribution through said media. Such systems may be further defined as shallow (less than thirty (30) inches below surface) relying on lateral or horizontal renovation or standard deep (more than thirty (30) inches below surface) relying on vertical renovation through the media.

Serial Distribution. Means a method of wastewater disposal which distributes all effluent flow into a series of leaching trenches which are connected one after another in such a manner that the first trench must fill before overflowing into the second and subsequent trenches.

Sewage. Means wastewater that is designated as either “*blackwater*” or “*graywater*.”

1. “Blackwater” means wastewater contaminated with human or kitchen wastes, generally originating from toilets and kitchen sinks. It includes, but is not limited to, wastewater discharges from kitchen sinks, garbage grinders, water closets, toilets, urinals or similar fixtures alone or in combination with other wastewater.

2. “Graywater” means wastewater, exclusive of blackwater or industrial waste, deposited into plumbing drain systems or exiting directly from wastewater generating appliances. It includes, but is not limited to, wastewater discharges from washing machines, bathtubs, showers, bathroom washbasins, and laundry tubs.

Sewage Entity. Means a public district or private organization responsible for the collection, transportation, treatment and disposal of sewage, under one (1) administrative authority.

Sewer. Means a pipe or conduit for carrying sewage.

Site Evaluation. Means the first step in obtaining an on-site sewage system construction permit or feasibility approval in the entitlement process. The evaluation consists of specific soils testing, such as soil pit profiling and percolation rate.

Standard System. Means an on-site sewage system comprised of a two (2) compartment septic tank for primary treatment and gravel or chamber treatment and disposal trenches. Effluent will flow to the trenches by gravity, or may be pumped to the first distribution box of the trenches.

Tertiary Treatment. Means a third phase of wastewater treatment in which dissolved material suspended, organic constituents and inorganic constituents are separated from the wastewater.

Vertical Separation. Means the depth of effective soil that exists beneath the bottom of a subsurface soil absorption system and some restrictive or limiting layer or feature such as a water table, bedrock, hardpan, unacceptable fine textured soils, or excessively permeable material.

ARTICLE 2 GENERAL REQUIREMENTS

7.07.201 Applicability

The requirements of this Article shall apply to all on-site sewage treatment, conveyance, and disposal systems in Yuba County. For on-site systems approved under permit from the Department prior to the adoption of this Article, the conditions for system siting, design, construction, operation, maintenance, and monitoring approved at that time shall apply.

7.07.202 On-Site Sewage Manual

A. The Yuba County On-Site Sewage Manual shall govern the siting, design, installation, component quality, operation, monitoring, and maintenance of on-site sewage systems in Yuba County. Copies will be maintained and made available to the public at the Department's office and on the Department's website.

B. The Yuba County On-Site Sewage Manual shall become effective upon the date of adoption of this Ordinance Chapter 7.07 Onsite Sewage Disposal by the Yuba County Board of Supervisors (Board). The Department, based on observed need or on recommendation by the Wastewater Advisory Committee, may propose modifications to the On-Site Sewage Manual. Minor administrative changes to the On-Site Sewage Manual can be made by the Wastewater Advisory Committee. When technical changes are proposed to the On-Site Sewage Manual, the changes shall be presented to the Board for adoption as an amending resolution.

C. If there is a conflict between the On-site Sewage Manual and the Ordinance, the Ordinance shall take precedence.

7.07.203 Sewage Disposal

1. No person shall treat or dispose of sewage in any manner other than by an approved on-site sewage system, cluster system, public sewer system or other method meeting the standards set forth in this Article or the On-Site Sewage Manual (Manual).

2. Every standard OWTS approved after the effective date of this Article shall be sited and designed so as to have a minimum vertical separation of forty-eight (48) inches of defined effective soil with a percolation rate between six (6) minutes per inch and sixty (60) minutes per inch. For sites that do not meet these criteria, acceptable alternative systems designs are identified and described in the Manual.

3. Advanced/Alternative OWTS approved after the effective date of this article shall be subject to the Operation, Maintenance, and Monitoring Program as specified in the Manual.

4. No person after the effective date of this Article shall construct, operate or maintain an OWTS or cluster system that does not comply with the requirements of this Article, the conditions specified in the On-Site System Construction Permit, and the requirements outlined in the Manual.

5. No person shall operate a failing OWTS.

6. No person shall connect any structure to an existing OWTS where the total projected sewage flow would be greater than the design flow specified in the original On-Site System Construction Permit or where, in the opinion of the Department, the connection of a new and/or replacement structure to an existing system would not meet the standards contained in this Article or the Manual, unless an Authorization Notice is obtained as set out in the Manual.

7. No person shall discharge anything other than what is specifically described as sewage, in this Article, into any OWTS.

8. No person shall operate a system constructed after the effective date of this Article without a completed (finalized) Septic System Construction permit.

9. No person shall maintain or operate a system for which the Department has issued an order to abandon the system.

10. An area where the soil and site conditions are acceptable for installation of an OWTS shall be maintained for the purpose of system replacement also known as the Repair Area. Except when otherwise authorized by the Department, it shall consist of one hundred (100) percent of the normally needed area. For any OWTS servicing a commercial facility the area required for system replacement or Repair Area shall consist of two hundred (200) percent of the normally needed area.

11. No person shall operate an OWTS which receives substantial wastes from Recreational Vehicles.

12. No person shall operate an OWTS discharging more than ten thousand (10,000) gallons per day (gpd) without a Waste Discharge Reporting permit from the CVRWQCB. OWTS with a

planned discharge between five thousand (5,000) and ten thousand (10,000) gpd may be referred to the CVRWQCB on a case-by-case basis.

7.07.204 Sewage Disposal Permit Required.

A. Permitting Requirements

1. The applicant shall make application for a system construction permit on a form provided by the Department. An application shall be deemed complete when it contains all plot plans and designs, as described in the Manual, and all applicable fees have been paid. However, a permit shall not be required for servicing or replacing an approved system's components with mechanical or electrical parts of the same type, size or capacity; pumping of septage; or making minor structural corrections to a septic tank.
2. When required under the OM&M program, the Department shall require the person to obtain a Renewable Operating Permit.
3. The Department may take action on the construction permit application to approve, conditionally approve, or deny, based upon compliance with the requirements of this Article and the Manual. Any permit conditions shall be binding upon the property owner and successive property owners for the life of the system.
4. Permits that authorize construction of on-site sewage systems shall remain valid for a period of two (2) years from the date initially issued. Renewal procedures shall be as set forth in the Manual if additional time is required to complete construction.
5. An applicant may transfer a valid permit to a new property owner upon submitting a written request for the transfer. Transfer of applicant may include an administrative fee.
6. The Department may deny any system construction permit application that fails to comply with the requirements of this Article or the Manual for primary or replacement system.

B. Abandonment/Destruction Requirements

Any person abandoning/destroying an OWTS or system component shall obtain a permit and do so in accordance with the procedures specified in the Manual.

C. Construction Inspection Requirements

The applicant shall grant the Department access to the property for purposes of inspecting the system in accordance with the requirements of this Article, the Manual, and with any conditions specified on the construction permit.

D. Appeal

An applicant may appeal a decision on a permit application using the provisions set forth in 7.07.402.

7.07.205 Sewage Disposal Permit Fee

For each sewage disposal permit application, a fee, set by resolution of the Board, shall be charged. Such fee shall be paid at the time an application for a sewage disposal permit is filed at the Department. In the event that an application and design review is extensive or is not approved and requires modifications and resubmittal, additional fees as outlined in the Yuba County fee ordinance may be incurred.

7.07.206 Applicability of this Chapter

The requirements of this chapter shall apply to all sewage disposal and for any division of land in Yuba County approved as a tract or parcel map and other land use projects the Director determines appropriate after adoption of this Chapter.

7.07.207 Location of Septic Tank and Leach Fields

Minimum distances from all waste water disposal systems shall be maintained as shown on Table 1:

Table 1. Setbacks

Distance Required From	Minimum Horizontal Distance (in feet)			
	To Septic Tank	To Building Sewer Pipe	To Leach field	To Seepage Pit
Well	100	50 ^a	100	150
Public Well	100	50 ^a	150 ^d	200 ^d
Reservoir, lake or flowing water body with a public surface water intake (as measured from the high water mark).	100	--	400 ^e 200 ^f	--
Stream, Body of Water, or ditch (as measured from the high water mark)	50 ^b	25	100 ^b	100

Seasonal Stream	25	10	25	50
Water Pipe	5	5	10	10
Property Line ^c	25	--	50	75
Property Line (when domestic water on adjacent parcels is provided by a Public Water System)	10	--	10	10
Cut or Fill Bank (where h=height of cut of fill)	10	10	4h or 50' max	

NOTE: ^a This distance may be reduced to not less than 25 feet when the drainage piping is constructed of materials approved for use within a building.

^b When the installation is below the bottom of such body of water the Environmental Health Specialist may reduce the required setback to no less than 25 feet.

^c Property line setback waiver may be approved by the Director under special circumstances.

^d 150 ft. from public water well with trenches under 10 ft in depth. 200 ft from public water systems (PWS) between 10 and 20 ft. Dispersal systems greater than 20 ft. that are within 600 ft. of a public water well, the horizontal setback is required to achieve a two year travel time, and shall be evaluated by a qualified professional.

^e Where the effluent dispersal system is within 1,200 feet from a PWS' surface water intake point.

^f Where the effluent dispersal system is between 1,200 feet and 2,500 feet from a PWS' surface water intake point.

Areas which are not acceptable for the location of sewage disposal systems include:

- (1) Areas within any easement that is dedicated for surface or subsurface improvement.
- (2) Paved areas and driveways.
- (3) Areas occupied or to be occupied by structures.
- (4) Rock outcroppings.

7.07.208 Site Evaluation Requirements

A. Unless waived by the Department, a site evaluation, as described in the Manual, shall be required on every existing or proposed lot or parcel prior to obtaining an OWTS permit or any approval for the feasibility of OWTS capability.

B. When required, the site evaluation shall be conducted by the applicant's consultant and coordinated with the Department so that Department personnel may be present for any facet of testing in the evaluation process.

C. The site evaluation will examine several factors for approval of on-site sewage disposal including, but not limited to, ground slope, soil textural characteristics, effective soil depth, percolation rate, horizontal setbacks, and available area for one hundred percent system replacement.

D. The Department may require that the site evaluation be conducted during high rainfall periods of the year as described in the Manual in order to determine the maximum fluctuation of depth to water below the surface of the ground prior to approving a site for feasibility or construction of an OWTS.

E. The Department may require a new site evaluation or other soils testing if it determines that prior site evaluation approvals were based on testing and/or reporting that was incomplete, insufficient, or incompatible with known information of a given area.

7.07.209 Soils Studies Required for Land Use Projects.

A. An applicant initiating a land use project shall utilize the Department's site evaluation process as described in this Article and the Manual in determining the suitability of on-site sewage disposal for all such projects.

B. The applicant shall be responsible for initiating soils testing that includes soil profile pits and percolation rate determination for every proposed lot or parcel in any subdivision that relies on OWTS.

C. No subdivision map shall be recorded unless all proposed lots or parcels which rely on an individual OWTS have approved site evaluation reports that comply with the requirements of the Manual.

D. No subdivision map shall be recorded unless all proposed lots or parcels which rely on an individual sewage disposal system have approved site evaluation reports that specify the required minimum useable sewage disposal area (MUSDA) in accordance with the area requirements shown on Table 2.

Table 2. MUSDA Requirements

Percolation (Minutes/Inch)	MUSDA (sq feet)	
	Gravity Distribution	Pressure Distribution
1-5*	NOT ALLOWED AS OPTION	8,000
6-20	10,000	
21-40	12,000	
41-60	16,000	
61-90	NOT ALLOWED AS OPTION	20,000
91-120		

*Sand-filter or equivalent required

E. Prior to any commercial project being given final Department approval, the applicant shall be responsible for establishing that all on-site sewage treatment and disposal issues have been satisfactorily addressed by applicable site evaluation and/or permitting.

F. No new lot or parcels shall be created if effective soil does not extend to the following depths beyond the bottom of the disposal trench:

- a. 4 (four) feet for standard system,
- b. 3 (three) feet for pressure dosed,
- c. 2 (two) feet for advanced alternative systems.

G. No new lot or parcels shall be created where the parcel relies on an OWTS which cannot be sited within the boundaries of the proposed lot or parcel.

H. The Department may consider authorizing use of a cluster system and specification of MUSDA requirements on a case-by-case basis under the requirements of this Article and the Manual.

I. Decisions made by the Development Review Committee (DRC) and Zoning Administrator may be appealed through the Planning Department appeal process set out in the Yuba County Development Code.

J. This Article and/or the Manual shall not nullify or supersede any provisions for on-site sewage disposal in the County General Plan, any Community Plan, or any other applicable plan of any agency or government having jurisdiction. Where there is a discrepancy between the Article and/or Manual and any applicable plan, statute, or ordinance, the stricter standard shall apply.

7.07.210 Connection to Public Sewer System Required

A. When a public sewer system is available in a city, town, sanitary district or sewer maintenance district, it is required that a sewer connection be made to that system for all new construction.

B. When a public sewer system is available in a County sanitation district in accordance with the rules and regulations of that entity, the Health Officer may compel a connection be made to that system in accordance with Health and Safety Code § 5463. Said public sewer system must be within one hundred (100) feet of a property line. In the event that an existing OWTS fails within a district the Health Officer may compel connection to a public sewer system if available in any city, town, County sanitation district, sanitary district or sewer maintenance district.

7.07.211 Cesspool and Sewer Wells Prohibited

It shall be unlawful to use a cesspool or sewer well for disposal of human excreta.

7.07.212 Deviations

A. Any deviation from the requirements of this Article shall be granted only with written approval of the Director; however, no deviation shall be granted if reduction of requirements would present a health hazard.

B. Applications for deviations shall be made in writing on a form prescribed by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a deviation should be granted under the provisions of Subsection (A) above. After conclusion of the investigation, the Director shall prepare a written order of specific findings of fact and reasons for granting or denying said deviation.

C. If the Director should deny the application for deviation, the applicant may file a written appeal to the Health Officer within fifteen (15) calendar days after the denial. A written response will be given within thirty (30) calendar days.

D. If the Health Officer should deny the appeal for a deviation, the applicant may file a subsequent appeal with the Clerk of the Board of Supervisors within fifteen (15) calendar days after the denial.

7.07.213 Health Officer's Responsibility

In individual cases, the Health Officer may be required to make more stringent requirements than the standard required by this Article where such higher requirements are essential to maintain and protect public health and safety.

7.07.214 Inspections

- A. A pre-issue inspection may be made prior to the issuance of a sewage disposal permit to ascertain the suitability of the site. A permit application will be denied when the Director determines the OWTS will not function in a sanitary manner.
- B. An open trench inspection may be required if in the Environmental Health Specialist's opinion the disposal site has extremely variable soil conditions.
- C. Engineered systems may require an operations (squirt) test to determine the functionality of the system.
- D. An inspection of each installation shall be made by an Environmental Health Specialist before the system is backfilled or covered. Should the system not pass inspection the Environmental Health Specialist shall leave a signed and dated notice stipulating the deficiencies.
- E. Engineered systems with shallow trenches may require an inspection of the final cover soil.
- F. An as-built site plan shall be provided to the Environmental Health Specialist at the time of final inspection. As-built drawings require measurements to all major system components from two (2) property lines, distances of pipes between components, and from the house to each component. Locations of wells shall be placed on as-built drawings with the appropriate required setback radius shown.

7.07.215 Violations, Nuisances, Abatement

The disposal of sewage in violation of the terms of this Article and standards constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by state or county law.

7.07.216 Acknowledgement of Owners Responsibility

Whenever the installation, repair or any other work is to be performed on an OWTS, other than by a contractor licensed by the State of California to do such work, the owner at the time of securing the sewage disposal permit, shall sign an acknowledgement which shall be in the following form:

“In securing a sewage disposal permit for the above-identified property, I acknowledge that I am fully responsible for insuring that the sewage disposal system complies with all requirements of the County of Yuba’s sewage disposal ordinance (Chapter 7.07 of the Yuba County Ordinance Code). I further understand that should the sewage disposal system fail to comply with any of the provisions of the County’s ordinance, I may be denied the use of my property until full compliance is made.”

ARTICLE 3 ADVANCED ALTERNATIVE SYSTEMS

7.07.301 On any parcel created prior to the adoption of this Article, and where conditions on said parcel do not meet the standards for a conventional or special design system as set forth by Article 2 of this Chapter, the Director may allow innovative alternative/advanced design wastewater treatment and disposal systems. This applies to repairs of failing OWTSs of existing dwellings or small commercial establishments where replacement with a conventional septic tank-soil absorption system either standard or special systems is not feasible. This shall also apply to new construction of single family dwellings or small commercial establishments under one ownership. Such systems shall be limited as to number and type. The Director shall adopt and modify, as conditions warrant, a Manual to accomplish the purpose of this Article and to ensure the protection of public health and safety.

7.07.302 Advanced Alternative systems shall require special application and permit provisions. Such systems shall require performance monitoring and sampling. The additional cost of design review, monitoring, and sampling shall be borne by the owner of the parcel and monitoring stipulations shall be recorded on the deed for said parcel. Requirements for design review, permitting, installation, inspection and monitoring of advanced/alternative systems shall be listed in the Manual.

7.07.303 Monitoring of any Advanced Alternative OWTS will be required for the entire useful life of the system.

7.07.304 The owner of any Advanced Alternative OWTS will be required to obtain a renewable permit to operate that system.

a. Billing for the permit to operate shall be coordinated and administered by the Department in accordance with the requirements of Yuba County Ordinance Code, Chapter 13. All charges shall become delinquent if not paid within 30 days. Past due fees shall be assessed in accordance with Yuba County Ordinance, Chapter 13.

b. Delinquency billings shall notify the owner of the fees imposed and the process for collection of delinquent fees.

7.07.305 Agreements, rules and regulations The Board of Supervisors may, by agreement with the Department or by separate resolution, implement rules and regulations to carry out and promote the provisions of this Chapter.

ARTICLE 4 VIOLATIONS AND SEVERABILITY

7.07.401 Violations, Nuisances, Abatement

The disposal of sewage in violation of the terms of this Chapter and/or the standards established in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law as defined in County Property Maintenance Ordinance Chapter 7.36, Article 3 Public Nuisance, Section 7.36.310 – Conditions creating (5).

7.07.402 Appeal

Any person whose application for a permit under Section 7.204 has been denied or granted conditionally may appeal to the Appeals Board. The Appeals Board shall consist of five members appointed by the Board and holding office at its pleasure to wit: a contractor licensed to install private sewage disposal systems in California; a Registered Environmental Health Specialist; a Medical Doctor; a Registered or Professional Civil Engineer; and a member of the public. The Appeals Board shall designate one of these members as its chairman.

1. To be effective, an appeal must be written and delivered to the Yuba County Environmental Health Department within 30 calendar days after the date of the action being appealed. Appeals that do not comply with this paragraph (1) will be rejected. Filing of an appeal that is rejected will not toll the time within which an appeal must be filed.

2. The written appeal shall include a statement explaining the grounds for appeal. Only the following grounds will be considered: (a) disputed issues of fact; and (b) disputed interpretations of statutes, ordinances, and other laws and regulations so long as appellant's

interpretation does not waive the requirements of this Chapter or, of any regulations properly issued if such waiver would result in a violation of mandatory state laws or regulations. The written appeal shall also include a copy of the plans and specifications for the proposed septic system; a site-evaluation report describing the location and physical characteristics of the site (e.g., soil type, water table) for the proposed system; and the appellant's name, phone number, and mailing address.

3. At the hearing, the appellant may present any written, oral, or physical evidence that bears on the issues set forth in the written appeal. The appellant may appear personally or be represented by an appropriate and qualified consultant.

4. The Appeals Board shall adopt reasonable rules and regulations for its investigations, meetings, and hearings. These rules and regulations shall include the following minimum provisions:

A. A hearing on an appeal shall begin within 30 calendar days and conclude within forty-five (45) calendar days after the appeal is received by the Department.

B. Notice of hearing shall be mailed to the appellant and his or her representative at least ten (10) calendar days before the scheduled hearing.

C. At any time before the hearing begins, the appellant may move, orally or in writing, to disqualify an Appeals Board member from participating. The challenged member shall be disqualified if the remaining members find by a majority that a fair and impartial hearing cannot be had because of the challenged member's bias or conflict of interest, and the remaining members shall proceed with the appeal. If more than two (2) members are disqualified, the Board shall appoint temporary replacements who have the same general qualifications as the disqualified members. The replacements shall hear only the appeal for which they are appointed.

D. The Appeals Board shall not hear an appeal unless at least three (3) members are present. After the hearing, the Appeals Board shall do one or more of the following: affirm the action under appeal, in whole or in part; reverse the action under appeal, in whole or in part; or modify the action under appeal, in whole or in part. Any action by the Appeals Board shall be by vote of at least a majority of the members who hear the appeal.

E. The Appeals Board shall prepare a written decision, which shall include findings of fact, and shall provide both the Director and appellant with a copy of the decision within twenty (20) calendar days after the hearing.

F. The Director shall serve ex officio as secretary of the Appeals Board.

G. The Appeals Board may, at their discretion, visit the site for the proposed septic system before rendering its decision.

5. All decisions by the Appeals Board are final. There is no right of appeal to the Board.

6. The Appeals Board shall not waive the requirements of this chapter or, of any properly issued regulations if such waiver would result in a violation of mandatory state laws or regulations.

7. When hearing and deciding an appeal, the Appeals Board shall give priority to protecting public health and the quality of ground and surface waters within the County.

The foregoing instrument is a true and correct
copy of the document on file in this office

ATTEST: DONNA STOTLEMEYER

Clerk of the Board of Supervisors of the
County of Yuba, State of California

By: Monica Miller

Date: 02-28-2010

Central Valley Regional Water Quality Control Board

8 June 2018

Clark Pickell
Environmental Health Director, Yuba County
915 8th Street, Suite 123
Marysville, CA 95901

CERTIFIED MAIL
91 7199 9991 7039 7041 3046

**NOTICE OF ADOPTION
OF
ORDER R5-2018-0039
RESOLUTION TO APPROVE LOCAL AGENCY MANAGEMENT PROGRAM
FOR
YUBA COUNTY ENVIRONMENTAL HEALTH DEPARTMENT
YUBA COUNTY**

Order R5-2018-0039 was adopted by the Central Valley Regional Water Board on 31 May 2018 approving the Local Agency Management Program (LAMP) for Yuba County Environmental Health Department.

To conserve paper and reduce mailing costs, a paper copy of the Order has been sent only to the County. Interested parties are advised that the full text of this Order is available at: http://www.waterboards.ca.gov/centralvalley/water_issues/owts/lamp_reviews/index.shtml. Anyone without access to the Internet who needs a paper copy of the Order can obtain one by contacting Central Valley Water Board staff.

If you have any questions concerning the Onsite Wastewater Treatment System Local Agency Management Program, please contact Eric Rapport at (530) 224-4998 or at eric.rapport@waterboards.ca.gov.



SCOTT ARMSTRONG, P.G., C.HG.
Senior Engineering Geologist
Waste Discharge to Land Permitting Unit

encl: Order R5-2018-0039

cc w/o encl: Tim O'Brien, SWRCB, Sacramento