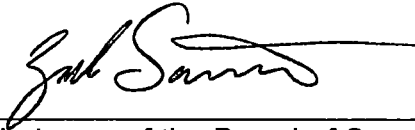


ORDINANCE NO. G-8682

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN, STATE OF CALIFORNIA, ADDING CHAPTER 8.62 TO TITLE 8, OF THE KERN COUNTY ORDINANCE CODE CONCERNING ONSITE WASTEWATER TREATMENT SYSTEMS

The following ordinance, consisting of two sections, was duly and regularly passed and adopted by the Board of Supervisors of the County of Kern, State of California, at a regular meeting of the Board of Supervisors held on the 14<sup>th</sup> day of February, 2017, by the following vote:

AYES: Gleason, Scrivner, Maggard, Couch, Perez  
NOES: None  
ABSENT: None



Chairman of the Board of Supervisors of the County of Kern, State of California

(SEAL)

ATTEST:

KATHLEEN KRAUSE  
Clerk of the Board of Supervisors

By , Deputy Clerk



THE BOARD OF SUPERVISORS OF THE COUNTY OF KERN ORDAINS AS FOLLOWS:

Section 1. This ordinance shall be published in accordance with Government Code Section 25124 and it shall take effect and be in full force on and after the 17<sup>th</sup> day of March 2017.

Section 2.  
read as follows:

Chapter 8.62 is added to Title 8 of the Kern County Ordinance Code to

## **Chapter 8.62**

### **ONSITE WASTEWATER TREATMENT SYSTEMS**

#### **Sections:**

<b>8.62.010</b>	<b>Purpose.</b>
<b>8.62.020</b>	<b>Definitions.</b>
<b>8.62.030</b>	<b>Applicability.</b>
<b>8.62.040</b>	<b>Administration and Enforcement.</b>
<b>8.62.050</b>	<b>County Not Responsible for Damage.</b>
<b>8.62.060</b>	<b>Standards, Guidelines, and Onsite Systems Manual.</b>
<b>8.62.070</b>	<b>Connection to Sanitary Sewer.</b>
<b>8.62.080</b>	<b>Prohibited acts.</b>
<b>8.62.090</b>	<b>Building Permit Approval.</b>
<b>8.62.100</b>	<b>OWTS Installation Permits Required.</b>
<b>8.62.110</b>	<b>Permit Duration and Extension.</b>
<b>8.62.120</b>	<b>Permits Nontransferable.</b>
<b>8.62.130</b>	<b>Application and Fees.</b>
<b>8.62.140</b>	<b>Denial, Suspension, or Revocation of OWTS Permit.</b>
<b>8.62.150</b>	<b>Appeals.</b>
<b>8.62.160</b>	<b>Siting Criteria.</b>
<b>8.62.170</b>	<b>Site Evaluation.</b>
<b>8.62.180</b>	<b>Plans.</b>
<b>8.62.190</b>	<b>Operation and Maintenance.</b>
<b>8.62.200</b>	<b>Cumulative Impacts.</b>
<b>8.62.210</b>	<b>Director Review and Approval.</b>
<b>8.62.220</b>	<b>Installation.</b>
<b>8.62.230</b>	<b>Installation Inspection and Approval.</b>
<b>8.62.240</b>	<b>Conventional OWTS.</b>
<b>8.62.250</b>	<b>Cesspools Prohibited.</b>
<b>8.62.260</b>	<b>Holding Tanks.</b>
<b>8.62.270</b>	<b>Alternative OWTS.</b>
<b>8.62.280</b>	<b>Operating Permits.</b>
<b>8.62.290</b>	<b>Abandoned Onsite Wastewater Treatment Systems.</b>
<b>8.62.300</b>	<b>Variances.</b>
<b>8.62.310</b>	<b>Abatement.</b>
<b>8.62.320</b>	<b>Violations.</b>
<b>8.62.330</b>	<b>Penalty.</b>

### **8.62.010 Purpose.**

The purpose of this Chapter is to establish standards for the approval, installation, and operation of onsite wastewater treatment systems (OWTS) within Kern County, consistent with plans, policies, and standards of the California State Water Resources Control Board (CRWQCB) and applicable Regional Water Quality Control Boards. The standards are adopted to prevent the creation of health hazards and nuisance conditions and to protect surface and groundwater quality.

### **8.62.020 Definitions.**

a. The following terms used in this Chapter have the same definition as in the SWRCB OWTS Policy, which is available on the Kern County Environmental Health Services Department website: Basin Plan, Beneficial Uses, Cesspool, Domestic Wastewater, Groundwater, Major Repair, Onsite Wastewater Treatment System (OWTS), Regional Water Quality Control Board, Replacement OWTS, Seepage Pit, Septic Tank, Site Evaluation, Soil, Supplemental Treatment, and Waste Discharge Requirement (WDR).

b. The following terms used in this Chapter are defined as follows:

1. "Alternative OWTS" means any OWTS that does not meet the criteria of a conventional OWTS, but is allowed under conditions prescribed in this Chapter and approved by the director.

2. "Community system" means an OWTS that provides for the collection, treatment and dispersal of wastewater from multiple discharges under separate ownership. Community systems are subject to review and approval of the applicable CRWQCB.

3. "Conventional OWTS" is a type of OWTS consisting of a septic tank for primary treatment of sewage followed by a system of dispersal trenches or seepage pit for subsurface dispersal of effluent into the soil. A conventional OWTS may utilize gravity flow or a pump system to convey effluent from the septic tank to the drainfield.

4. "Cumulative impacts" means the persistent and/or increasing effect of OWTS resulting from the density of such discharges in relation to the assimilative capacity of the local environment. Examples include, but are not limited to: (a) nitrate or salt additions to ground water or surface water; and (b) rise in groundwater levels ("mounding of the water table") that interferes with the performance of an OWTS, causes drainage problems or results in other adverse hydrological or soil conditions affecting public health, water quality or public safety.

5. "Director" means the Director of the Environmental Health Services Division or his/her designated representative.

6. "Dispersal system" means a series of trenches, beds, subsurface drip lines, seepage pit, or other approved method for subsurface infiltration and absorption of wastewater effluent, including all component parts, such as piping, valves, filter material, chambers, dosing pumps, siphons and other appurtenances.

7. "Failure" means the ineffective treatment and dispersal of waste resulting in the surfacing of raw or inadequately treated sewage effluent and/or the degradation of surface or groundwater quality.

8. "Holding tank" means a watertight receptacle used to collect and store wastewater prior to it being removed from a property by means of vacuum pumping and hauling, or other approved method. The use of holding tanks in Kern County is authorized for limited circumstances, including, but not limited to, for the abatement of health hazards or for certain public use facilities.

9. "Installation permit" means a document issued by the EHD that conveys approval of and sets forth applicable conditions for the installation of an OWTS, or component thereof.

10. "Mountain and groundwater impact area" means areas of definite boundaries delineated by the EHD, after consultation with the appropriate Regional Water Quality Control Board, where additional or modified requirements for OWTS are deemed necessary for protection of public health and water quality due to environmental factors or/and land use conditions.

11. "Onsite wastewater maintenance provider" means a person capable of operating, monitoring and maintaining an OWTS in accordance with the requirements of this Chapter, and possessing minimum experience and qualifications as established by the EHD in the Onsite Systems Manual.

12. "Onsite Systems Manual" means the document developed, maintained, and amended by the Kern County Environmental Health Services Department containing policy, procedural and technical details for implementation of this Chapter, as prescribed by the director and approved by the appropriate CRWQCB, as applicable.

13. "Onsite wastewater treatment system" or "OWTS" means a system of pipes, tanks, trenches and other components used for the collection, treatment and subsurface dispersal of domestic wastewater at or near the building or buildings being served. The short form of the term may be singular or plural. For the purposes of this Ordinance, OWTS do not include "graywater" systems pursuant to Health and Safety Code Section 17922.12. Wastewater systems that discharge effluent above ground (e.g., via surface irrigation, percolation/evaporation pond) are not covered within the definition of an OWTS and are not authorized under this Chapter.

14. "Operating permit" means the administrative document issued by the EHD authorizing the initial and/or continued use of an alternative OWTS in conformance with the provisions of this Chapter, intended to aid in verification of the adequacy of alternative OWTS performance, and that may contain both general and specific conditions of use. An operating permit may also be issued for circumstances other than alternative OWTS, such as in connection with holding tank exemptions or where, in the opinion of the EHD, the type, size, location, or other aspects of a particular OWTS installation warrant the additional level of oversight provided by an operating permit.

15. "Registered Septic Tank Pumper" means a person with an active liquid waste pumper permit issued by EHD in accordance with California Health and Safety Code, division 104, part 13, sections 117400 – 117450, as qualified to pump and haul septic tank sludge ("septage").

16. "Sanitary sewer" means a system for collecting residential or municipal wastewater and directing the collected wastewater to a treatment works prior to dispersal.

17. "Site evaluation" means an assessment of the characteristics of the site sufficient to determine its suitability for an OWTS to meet the requirements of this Chapter. Site evaluations shall be in accordance with procedures and criteria established by the EHD and contained in the Onsite Systems Manual.

18. "Sewage" or "sewage effluent" means waste as defined in Section 5410(a), California Health and Safety Code.

19. "SWRCB OWTS Policy" means the Water Quality Control Plan for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems adopted by the State Water Resources Control Board on June 19, 2012, which became effective May 13, 2013.

#### **8.62.030 Applicability.**

This Chapter is applicable to all existing and new OWTS in the unincorporated area of Kern County having a wastewater design flow of ten thousand (10,000) gallons per day (gpd) or less. If the amount of wastewater produced is more than ten thousand (10,000) gpd, or where a community system serving multiple discharges under separate ownership is proposed, the method of treatment and dispersal must be approved by the appropriate CRWQCB. Any proposed OWTS with a projected daily wastewater flow of more than ten thousand gallons per day (10,000 gpd) will be referred to the appropriate CRWQCB for review.

Where a governmental entity has entered into an agreement with the Board of Supervisors to assume responsibility for regulating or issuing permits to construct, alter, modify or replace OWTS, then the provisions of this Chapter shall not apply within the jurisdictional limits of that entity for the scope of responsibility assumed by the entity.

**8.62.040 Administration and Enforcement.**

The Director of Environmental Health Services Division, on behalf of the health officer, shall administer and enforce all provisions of this Chapter relative to installation, maintenance and operation of OWTS, including but not limited to septic tanks, cesspools, holding tanks, supplemental wastewater treatment systems, subsurface dispersal systems or other matters regulated or provided in this Chapter not expressly delegated to some other department or agency.

**8.62.050 County Not Responsible for Damage.**

The County, its officers, agents and employees are not liable or responsible for damage resulting from the defective construction of any OWTS as herein provided, nor will the County or any official or employee thereof be liable or responsible by reason of any inspection authorized hereunder.

**8.62.060 Standards, Guidelines, and Onsite Systems Manual.**

a. The director is authorized to issue standards and guidelines, including policies, procedures and technical details, to carry out the purposes of this Chapter, which shall be contained in a document titled the Onsite Systems Manual.

b. The Onsite Systems Manual shall be developed and maintained by the director, and shall provide a reasonable process for seeking input from the affected public and OWTS practitioners in connection with its development and when changes are made.

c. The Onsite Systems Manual and any amendments shall be subject to approval by the Central Valley and Lahontan Regional Water Quality Control Boards in accordance with applicable State requirements and policies for onsite wastewater treatment systems.

d. The type and manner of design and construction of OWTS shall conform to the standards as required by this Chapter and the Onsite Systems Manual.

e. The director shall maintain records pertaining to the permitting, installation, inspection, repairs and variances issued in regard to OWTS and prepare and submit applicable reports and information to the Regional Water Board in accordance with provisions of the State OWTS Policy.

**8.62.070 Connection to Sanitary Sewer.**

Every property where there is proposed a residence, place of business, or other building or place which people occupy, or where persons congregate, reside or are employed, and which proposed structures requiring sewage disposal are within two hundred (200) feet of an approved available sanitary sewer, must be connected to the sanitary sewer in the most direct manner possible, provided a right-of-way and any necessary approval from the appropriate sewer authority and the Kern County Local Agency Formation Commission (LAFCO) is first obtained.

On property where an OWTS exists, and which structures served by an OWTS are within two hundred (200) feet of an approved available sanitary sewer, connection to the available sanitary sewer will be required at the time of system failure or when major repair as defined in State OWTS, septic tank replacement, or addition to the OWTS is required or proposed, provided any necessary approval from the appropriate sewer authority and the Kern County LAFCO is first obtained.

**8.62.080 Prohibited acts.**

It is unlawful for any person to do any of the following:

- a. Construct, alter, repair or replace an OWTS or a component element thereof, which system is subject to the provisions of this Chapter, without first obtaining a permit from the EHD in accordance with the provisions of this Chapter and standards established hereunder;
- b. Construct, rebuild, use, occupy or maintain any residence, place of business or other structure where persons reside, congregate or are employed, which is not provided with a means of disposal of sewage by connection to a public sewer system or an individual sewage disposal system, without first obtaining approval and/or a permit from the EHD;
- c. Construct, use, or maintain any privy, cesspool, septic tank, sewage treatment works, chemical toilet, composting toilet, sewer pipes or conduits, or system(s) components in a manner where sewage, impure water or any other matter or substance will discharge upon the surface of the ground, become injurious or dangerous to health or will empty, flow, seep, or drain into or affect any river, stream, creek, spring, lake, pond, reservoir, marsh, water supply, water system, groundwater, culvert, or drainage within the County of Kern.
- d. Install or place a chemical toilet in or upon any property for any purpose other than temporary use in connection with the construction of a building or other structure during the period of such construction, or a special event on the list established and updated periodically by the EHD, without first obtaining a permit.

Any OWTS constructed, operated or maintained in violation of this Chapter is hereby declared to be a public nuisance and may be abated according to provisions of the law.

**8.62.090 Building Permit Approval.**

No building permit, as required by this Code shall be issued for any building which is not to be connected to an approved sanitary sewer or an OWTS, without the approval of the director.

**8.62.100 OWTS Installation Permits Required.**

No person may construct, build, rebuild or remodel any residence, place of business, or other building or place where persons reside, congregate or are employed which is not to be connected to an approved sanitary sewer without first submitting plans of the OWTS to the EHD for approval and either: (1) obtaining approval of the proposed construction, building, rebuilding or remodeling to be served by an existing OWTS; or (2) obtaining an OWTS installation permit pursuant to this Chapter. Failure to obtain an approval or permit from the EHD is a violation of this Chapter.

**8.62.110 Permit Duration and Extension.**

Permits that authorize construction of OWTS shall remain valid for a period of one (1) year from the date initially issued. Renewal procedures shall be as set forth in the Onsite Systems Manual if additional time is required to complete construction.

**8.62.120 Permits Nontransferable.**

No permit or approval issued pursuant to this Chapter shall be transferred from one person, contractor, or site to another person, contractor, or site. A new application must be submitted with all relevant new information and the appropriate fee paid.

**8.62.130 Application and Fees.**

All applications for OWTS permits shall be submitted in writing to the Kern County of Environmental Health Services Division, on a form supplied by the EHD. The application shall be accompanied by fees as specified in the current resolution approved by the Board of Supervisors establishing fees for environmental health services.

**8.62.140 Denial, Suspension, or Revocation of OWTS Permit.**

EHD may deny, suspend or revoke a permit or approval issued hereunder in the case of any false statement, or misrepresentation of fact in the application or on the plans on which the permit approval was based, or if he or she determines that in any other way the permittee is acting in violation of State law, the provisions of this Chapter, or the conditions of the permit.

**8.62.150 Appeals.**

Any applicant may appeal the decision of the EHD in denying, suspending or revoking the permit for an OWTS or in relation to an abatement order. The appeal shall be made to the Board of Supervisors by submitting to the EHD a completed application for appeal and the appropriate fees as specified in the current resolution, approved by the Board of Supervisors establishing fees for Environmental Health Services. The appeal application must be submitted within ten (10) calendar days from the date of the EHD's decision to deny, suspend, or revoke the permit. The Board of Supervisors may reject, affirm, or modify EHD's decision.

**8.62.160 Siting Criteria.**

Siting criteria defining the location and environmental conditions under which OWTS may be permitted shall be developed by the director and included in the Onsite Systems Manual. Such siting criteria shall be consistent with applicable State and Regional Water Board OWTS policies and requirements, and shall be subject to review and approval by the Regional Water Quality Control Board. At a minimum, siting criteria shall cover following:

- a. Soil depth and percolation characteristics.
- b. Vertical separation to groundwater.
- c. Ground slope.
- d. Horizontal setback distances.

**8.62.170 Site Evaluation.**

a. For all locations where an OWTS is proposed to be installed, a site evaluation shall be conducted prior to permit approval to verify conformance with applicable soils, groundwater, ground slope, and horizontal setback requirements as prescribed in the Onsite Systems Manual.

b. Site evaluation methods shall include soil profiles, percolation tests and other exploratory tests, as necessary, to verify adequate depth and permeability of soil, and vertical separation between dispersal field and groundwater for both primary and reserve dispersal areas.

c. Testing shall be conducted in accordance with standards and guidelines provided in the Onsite Systems Manual.

d. Where the EHD has been provided adequate evidence to demonstrate suitable soil conditions and groundwater separation, testing requirements may be waived.

e. For new divisions of land, soil profiles, percolation tests and groundwater determinations will be required on every parcel unless the EHD determines, on a case-by-case basis, that such testing is not necessary due to the availability of sufficient information to demonstrate conformance with applicable siting criteria for all proposed OWTS locations.

#### **8.62.180 Plans.**

No person may construct, add to, repair or alter any existing OWTS without first submitting plans to the EHD for approval and obtaining a permit pursuant to the requirements of this Chapter.

Plans shall include the site evaluation results, other relevant site and project information, scaled drawing(s) of proposed OWTS, supporting basis of design, and other information as specified in the Onsite Systems Manual.

#### **8.62.190 Operation and Maintenance.**

Every OWTS shall at all times be maintained and operated in a sanitary condition and state of good repair. Operation and maintenance guidelines for each OWTS installation shall be provided by the designer and/or the installer, with a copy provided to the EHD as well as to the system owner. Final approval of system installation shall be contingent upon confirmation by the EHD that required operation and maintenance guidelines have been provided.

#### **8.62.200 Cumulative Impacts.**

Where OWTS may have cumulative impacts on groundwater and/or watershed conditions due to such factors as the constituent levels (e.g., nitrogen content) in the wastewater, the volume of wastewater flow, the density of OWTS discharges in a given area, and/or the sensitivity and beneficial uses of water resources in the discharge area, the EHD may require additional technical studies (also termed "cumulative impact studies") or other information demonstrating to the satisfaction of the EHD, that use of the proposed OWTS will not create adverse cumulative effects on water quality or public health. Cumulative impact studies shall be mandatory for any OWTS with wastewater flows of 2,500 gpd or more and any OWTS proposed within the Lahontan Regional Water Quality Control Boards jurisdiction. In all cases, such cumulative impact studies will be conducted in accordance with guidelines provided in the Onsite Systems Manual.

#### **8.62.210 Director Review and Approval.**

If, after review, the EHD determines that the proposed OWTS is in accordance with the terms of this Chapter and applicable requirements in the Onsite Systems Manual, and will not be injurious to the public health and water quality, he or she shall approve or conditionally approve the application. Such approval may be made subject to such conditions as the EHD deems necessary to insure compliance with this Chapter. Any change in the OWTS plans after the issuance of a permit must first be approved by the EHD. Failure to obtain approval from the EHD will invalidate the permit.

#### **8.62.220 Installation.**

a. No person may install, construct, alter, enlarge, reconstruct, replace, improve, recondition or repair an OWTS pursuant to this Chapter unless: the person possesses a general engineering contractor's license (class A) as defined in section 7056 of the Business and Professions Code, or a Class C-42 sanitation system contractor's license or Class C-36 plumbing contractor's license from the Contractors State License Board of the State of California.

b. In the case of a conventional OWTS, the property owner may construct or repair an OWTS on his/her own property, provided: (1) persons hired by the owner to do the subject work must comply with (a) above; or (2) persons hired by the owner must be hired as employees of the owner and the owner must provide workman's compensation insurance, as required by law; and (3) an OWTS permit is obtained.



**8.62.230 Installation Inspection and Approval.**

- a. OWTS must be installed in accordance with the plans approved by the EHD. Any changes in the installation plans must be reviewed and approved by the EHD prior to installation.
- b. Inspection(s) of each OWTS installation shall be made by the EHD to ensure compliance with all applicable requirements of this Code and the Onsite Systems Manual. In the event the EHD determines there has been an improper installation, a stop-work order may be posted on the jobsite. Before any further work is done on a posted system, clearance from the EHD must be obtained.
- c. An as-built drawing shall be completed by the OWTS designer or contractor upon completion of the OWTS installation, a copy of which shall be supplied to the EHD and the system owner.

**8.62.240 Conventional OWTS.**

- a. A conventional OWTS shall, at a minimum, consist of a septic tank and subsurface dispersal system for absorption and leaching of the effluent into the soil. The septic tank and subsurface effluent dispersal system must be so constructed as to meet the requirements prescribed by this Chapter and the standards and guidelines contained in the Onsite Systems Manual.
- b. The conventional dispersal method approved for use in Kern County shall be either a gravel-filled trench system or a seepage pit, sized, designed and installed in accordance with standards prescribed in the Onsite Systems Manual. A dispersal trench system is the preferred option, and a seepage pit shall only be considered if a trench system is deemed infeasible.
- c. Trench system designs utilizing chambers or other filter material in place of gravel may be approved by the EHD and addressed with specific criteria in the Onsite Systems Manual as a conventional dispersal system design option.
- d. At a minimum, all dispersal systems shall include a primary (installed) field, and a reserve area with suitable conditions and sufficient area for 100-percent replacement of the primary field.

**8.62.250 Cesspools Prohibited.**

Cesspools are declared to be a public nuisance and are not authorized for use in Kern County. Upon discovery, cesspools shall be abated in accordance with the provisions of this Chapter and in a manner approved by the EHD.

**8.62.260 Holding Tanks.**

- a. All holding tanks are hereby declared a public nuisance and are prohibited, except for the following instances as may be approved by the EHD:
  - 1. If it is necessary to use a holding tank to abate a nuisance or health hazard caused by a failing OWTS; or
  - 2. For a publicly-owned nonresidential facility necessary for the public health, safety or welfare, where installation of an OWTS is not feasible and a holding tank is determined by the EHD to provide the safest and most acceptable method of sewage disposal.
- b. Where exceptions are granted and holding tank(s) approved, an operating permit issued by the EHD (as provided for in this Chapter) will be required, which will provide for approval of the tank pumper, maintenance schedule, tank/sewage level monitoring, and reporting requirements.

### **8.62.270 Alternative OWTS.**

The use of alternative OWTS in Kern County will be permitted in accordance with the following:

a. Uses. Alternative OWTS may be permitted by the EHD for the repair or upgrading of any existing OWTS and for new construction on any legally created parcel where: (a) it is determined that sewage cannot be disposed of in a sanitary manner by a conventional OWTS; (b) the EHD determines that an alternative OWTS would provide equal or greater protection to public health and the environment than a conventional OWTS; or (c) necessary to comply with requirements adopted for Mountain and Groundwater Impact Areas.

b. Types of alternative OWTS. Types of alternative OWTS permitted are limited to those identified in the Onsite Systems Manual, and which have been approved by the EHD and the appropriate CRWQCB.

c. Designer and installer qualifications. All alternative OWTS must be designed by a qualified professional (California Registered Civil Engineer, Registered Environmental Health Specialist, or Professional Geologist), and must be installed by a contractor duly licensed by the Contractors State License Board of the State of California to install OWTS (A, C-42 or C-36).

d. Operating permit. All alternative OWTS require the issuance of a renewable operating permit, which is in addition to the permit issued for system installation. Operating permits are intended to serve as the basis for ensuring proper maintenance and system performance; associated work is required to be performed by a qualified professional or onsite service provider.

e. Monitoring and reporting. Monitoring and reporting requirements to verify adequate performance of alternative OWTS shall be included as conditions of the operating permit. Monitoring requirements will vary depending upon the specific type of alternative OWTS in accordance with guidelines in the Onsite Systems Manual.

### **8.62.280 Operating Permits.**

In addition to an installation permit, an operating permit is required for: (a) all alternative OWTS; (b) any OWTS with a design flow of 2,500 gpd or more; (c) holding tank exemptions; and (d) where, in the opinion of the EHD, the type, size, location or other aspects of a particular OWTS installation warrant the additional level of oversight provided by an operating permit. Requirements pertaining to operating permits are as follows:

a. The operating permit will be issued by the EHD following: (a) completion of construction of the alternative OWTS; (b) satisfactory compliance with the installation permit requirements; and (c) payment of applicable fees. Operating permits are non-transferable.

b. After initial issuance, the operating permit is required to be renewed periodically, the standard renewal period being one year. EHD may establish conditions allowing the time period between renewals to be extended for certain types of OWTS based on a record of favorable performance or other factors warranting a reduction in system oversight by Environmental Health Services Department. Operating permits must also be renewed at the time of change in property ownership.

c. Operating permits are intended to serve as the basis for verifying the adequacy of OWTS performance and ensuring on-going maintenance. Permit conditions shall include monitoring and inspection requirements, permit duration, and other provisions as prescribed by the EHD in the Onsite Systems Manual or as deemed appropriate by the director on a case-by-case basis.

d. Renewal of an operating permit requires: (a) payment of the applicable fees, upon receipt of notice from the EHD; and (b) submission of the results of required system inspection and monitoring.

e. Failure to pay the required fee or submit the specified monitoring and inspection information, or failure to undertake any required corrective work specified by the EHD may be cause for issuance of a citation, penalty fees, non-renewal and/or revocation of the operating permit by the EHD. EHD may place a lien on the property for recovery of any associated abatement costs and unpaid fees.

f. A certified copy of the following shall be recorded against the property in the office of the County Recorder of Kern County: (a) initial operating permit issued for the system; (b) reissuance of operating permit to new owners; and (c) notices of withdrawal of any operating permit.

#### **8.62.290 Abandoned Onsite Wastewater Treatment Systems.**

Every OWTS that has been abandoned or has been discontinued from further use or to which no waste or waste discharge pipe from a plumbing fixture is connected must:

- a. Have the sewage removed from, and disposed of, in an approved manner.
- b. Have the tank top and bottom crushed, backfilled and compacted with material approved by the EHD or be removed and disposed of in an approved manner.

Completion of the above-described work shall require that the property owner obtain a septic tank abandonment permit from the EHD as provided in the Onsite Systems Manual.

#### **8.62.300 Variances.**

Variance from the terms of this Chapter and requirements as prescribed the Onsite Systems Manual may be granted by the EHD under the following conditions:

- a. The variance will not harm the public health, safety and welfare of the people of Kern County;
- b. Due to special conditions or exceptional characteristics of the property, its location or surroundings, a literal enforcement of this Chapter and the Onsite Systems Manual would result in unnecessary hardship;
- c. The hardship was not caused with the intent to avoid the requirements of this Chapter or the Onsite Systems Manual;
- d. The variance will not have any adverse environmental effect on the use of the adjoining property.

#### **8.62.310 Abatement.**

Any existing OWTS in a state of failure or which, based on inspection or evaluation by the EHD, is considered a hazard to safety or health by reason of inadequate maintenance, dilapidation, or obsolescence is hereby declared to be a public nuisance and shall be abated by repair or rehabilitation per order and adequate notice from the EHD.

Failing OWTS must be brought into substantial compliance with this Code to the greatest extent practicable. If not corrected within a time designated by the EHD, the director may order or cause corrections to be made and bill the property owner for the costs and may place a lien on the property for the abatement costs. EHD may also order the premises to be vacated if no safe manner of abatement is possible.

#### **8.62.320 Violations.**

No person, firm or corporation that is purchasing or that owns, controls, leases, lets, hires or occupies any lands, premises or habitations in the unincorporated area of Kern County shall construct, reconstruct, place or suffer or permit to exist thereon any installation referred to in this Chapter in violation of any of the provisions hereof or to perform any act or suffer or permit any act to be performed in violation of any of the provisions hereof.

**8.62.330 Penalty.**

Any person, firm or corporation who does any act declared unlawful in this Chapter or who violates or contributes in any way to the violation of any of the provisions of this Chapter shall be deemed guilty of an infraction. Every violation of any of the provisions of this Chapter shall be construed as a separate offense for each day during which such violation continues.

<b>COPIES FURNISHED:</b>
<i>Public Health;</i>
<i>CAO; Co-Counsel</i>
<i>2/17/2017</i> <i>(1)</i>