From: Marvin Moskowitz
Sent: 3/30/2017 1:22:02 PM
To: Cass, Jehiel@Waterboards, Coony, Mike@Waterboards
cc:
Subject: Inyo County PWTS ordinance

Good Afternoon;

I just wanted to forward you the latest, and hopefully final, Inyo County OWTS Ordinance, which will go to our Board on May 2nd. The previous one did have a few errors and typos which I have corrected.

Also, do you require the LAMP checklist?

Thanks,

Marvin Moskowitz
Inyo County Environmental Health

Attachments
lampordinanceFINAL.docx

INYO COUNTY ORDINANCE NO. _____

AN ORDINANCE OF INYO COUNTY, STATE OF CALIFORNIA,
ADDING CHAPTER 7.12 TO THE INYO COUNTY CODE
PERTAINING TO ONSITE WASTEWATER TREATMENT SYSTEMS

The Board of Supervisors of the County of Inyo does ordain as follows:

Section 1. Chapter 7.12 is added to Title VII of the Inyo County Code as follows:

"Chapter 7.12 – Onsite Wastewater Treatment Systems

Onsite Wastewater Treatment Systems

Sec. 7.12.01 Purpose and Intent

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

Sec. 7.12.02 Definitions

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

a. "Administrative Authority" (AA) is the Director of the Environmental Health Services Department for Inyo County, or a duly authorized representative.

b. Alternative Onsite Wastewater Treatment System (OWTS): a type of OWTS that utilizes a wastewater treatment technology other than a conventional septic tank and/or a method of wastewater disposal other than a conventional drainfield trench/bed for the purpose of producing a higher quality effluent and improved performance of and siting options for effluent dispersal.
c. Basin Plan: means the same as "water quality control plan" as defined in Division 7 (commencing with Section 13000) of the California Water Code. Specifically, "Water Quality Control Plan for the Lahontan Region."
d. Bedrock: means the rock, usually solid, that underlies soil or other non-consolidated materials.
e. Cesspool: an excavation in the ground receiving domestic wastewater, designed to retain organic matter and solids, while allowing the liquids to seep into the soils.
f. Conventional Onsite Wastewater Treatment System (OWTS): a type of OWTS consisting of a septic tank for primary treatment of sewage followed by a series of drainfield trenches or beds for subsurface disposal of effluent into the soil. A conventional system may use gravity flow or a pump system to convey effluent from the septic tank to the drainfield.
g. Dispersal System: a series of trenches, beds, subsurface drip lines, or other approved method for subsurface infiltration and absorption of wastewater effluent, including all component parts such as piping, valves, filter material, chambers, dosing systems, siphons and other appurtenances.
h. Domestic Wastewater: wastewater with a measured strength less than high strength wastewater that is typically discharged from residential plumbing fixtures, appliances and other household fixtures including toilets, bathtubs, showers, laundry facilities, sinks, dishwashers and garbage disposals. Domestic waste may include wastewater from commercial buildings such as office buildings and retail stores but does not include industrial waste or recreational vehicle dump stations.
i. Drainfield: a system of trenches or beds that distribute treated sewage effluent for subsurface dispersal into the soil. A drainfield is also known as a "leachfield" or a "soil absorption area."
j. Failure: The ineffective treatment and dispersal of waste resulting in the surfacing of raw or inadequate treated sewage effluent and/or the degradation of surface or groundwater quality.
k. Groundwater: water below the land surface that is at or above atmospheric pressure.
l. Holding Tank: a watertight receptacle used to collect and store wastewater prior to it being removed from the property by vacuum pump or hauling, or other approved method. The use of holding tanks in Inyo County may only be allowed if specifically approved by the local enforcement agency, for the abatement of immediate health hazards or for certain public use facilities.
m. Intermittent Sand Filter: an alternative OWTS using a packed bad filter of medium grained sand used to treat septic tank effluent to an advanced level. The system may be

either with a bottom or bottomless. The wastewater is dosed to the surface of the sand via a pressure distribution network.

n. Installation Permit: a document issued by the AA that conveys approval of and sets forth applicable conditions for the installation of an OWTS, or component thereof.
o. Mound: an alternative OWTS consisting of an above ground sand bed placed over a tilled native soil absorption area, on top of which is placed a bed of gravel for distribution of septic tank effluent, which is then covered by soil to stabilize the surface and support vegetative growth. Effluent is applied to the distribution bed using pressure distribution.
p. Onsite Wastewater Maintenance Provider: a person possessing the minimum education, training and experience, as defined by the system manufacturer, to operate, monitor and maintain an alternative OWTS.
q. Onsite Wastewater Treatment System (OWTS): a system of pipes, valves, trenches and other components used for the collection, treatment and subsurface dispersal of domestic wastewater on the subject lot, except in the case of clustered systems, where ultimate disposal may be on a nearby lot. For the purpose of this policy, OWTS do not include graywater systems pursuant to Health and safety Code Section 17922.12.
r. Operating Permit: a document issued by the AA that sets operating and maintenance requirements for owners of alternative OWTS constructed after the effective date of this LAMP.
s. Qualified Inspector: a Registered Environmental Health Specialist, Professional Engineer, or Qualified Contractor or an individual that meets the requirements of the State OWTS Policy.
t. Qualified Professional: an individual licensed or certified by a State of California agency to design onsite wastewater treatment systems and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a Registered Environmental Health Specialist certificate REHS) or is currently licensed as a Professional Engineer, a registered Geotechnical Engineer or Professional Geologist.
u. Qualified Contractor: a contractor holding a license that is current and active from the Contractors State License Board for Plumbing (C-36), Sanitation System (C-42), or General Engineering Contractor (A). A contractor holding a license as a General Building Contractor (B) shall be considered a qualified contractor when constructing, modifying or abandoning an onsite wastewater treatment system as part of a larger construction project involving a new structure or major addition to an existing structure.
v. Percolation Test: a method of evaluating water absorption of the soil. The test is conducted with clean water and test results are used in the design and sizing of the dispersal system.
w. Pressure Distribution: a method of wastewater dispersal utilizing a pump or automatic dosing siphon and distribution piping consisting of small diameter plastic pipe with small

perforations spaced uniformly along its length; it is used to achieve equal distribution of wastewater within a treatment unit, such as a sand filter, or a dispersal field.

x. Regional Water Quality Control Board: means the California Regional Water Quality Control Boards designated by Water Code Section 13200, which have authority for adopting, implementing and enforcing water quality control plans (basin plans) which set forth the State's water quality standards and the objectives or criteria necessary to protect those beneficial uses. The Lahontan RWQCB has jurisdiction over Inyo County.

y. Sanitary Sewer: a system for collecting residential or municipal wastewater and directing the collected wastewater to a treatment works prior to dispersal.

z. Septic Tank: a water tight covered receptacle designed and constructed for primary treatment to receive the discharge of sewage from a building sewer, separate solids from the liquid, digest organic matter and store digested solids through a period of detention, and allow the clarified liquids to discharge for supplemental treatment and/or final dispersal.

aa. Site: the land area occupied, or proposed to be occupied, by the OWTS, including any designated reserve areas.

bb. Soil: the naturally occurring body of porous mineral and organic materials on the land surface, which is composed of unconsolidated materials, including sands, silts and clays mixed with varying amounts of larger fragments and organic material.

cc. Supplemental Treatment: a device or system used in an OWTS to perform additional wastewater treatment functions, beyond primary treatment, and capable of reliably producing wastewater effluent of secondary quality or better, prior to discharge to the dispersal system. Secondary treatment is defined as producing effluent meeting 30 day average concentration limits of 30 mg/l for BOD and for total suspended solids.

dd. SWRCB OWTS Policy: the State 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 on May 13, 2013.

ee. Waste Discharge Requirements (WDR): an operation and discharge permit issued for the discharge of waste pursuant to California Water Code Section 13260.

ff. Watercourse: a defined channel with beds and banks within which water flows either perennially, ephemerally or intermittently, including overflow channels contiguous to the main channel. A watercourse may be either natural or man-made. For purposes of this policy, watercourse also includes water bodies such as ponds, lakes, marshes and seasonal wetlands

Sec. 7.12.03 General Provisions

a. Requirements For Adequate Wastewater Treatment

1. Any structure, regardless of use, that produces wastewater shall have adequate wastewater treatment as required by the California Plumbing Code. Wastewater treatment shall be accomplished by means of an approved OWTS or connection to a public sewer.

2. Chemical toilets may only be used on a temporary and/or occasional basis.

3. Cesspools will be considered only as a temporary expedient when the construction of a public sewer will occur within the next two years, or as a means of disposal for limited, minor or temporary uses, and with the prior approval of the AA.

4. Seepage pits will only be considered for replacement of an existing failing cesspool or seepage pit when there is no reasonable option to construct a standard or alternative system.

5. An alternative treatment system for new or replacement onsite wastewater treatment systems shall be required under any one of the following conditions:

   i. Horizontal setbacks cannot be met.

   ii. Percolation rates are not within the range designated for conventional systems

   iii. Insufficient depth to groundwater.

   iv. Insufficient or inadequate soils below leachpipe.

   v. Other conditions rendering site inadequate for conventional systems.

6. Composting and incinerating toilets may only be utilized with permission of the AA, and shall conform to ANSI/NSF Standard 41 and NSF P157 respectively.

7. Greywater systems are allowed as per the requirements of the California Plumbing Code.

8. Dispersal systems shall be constructed at the shallowest depth possible, but no less than 12 inches below grade.

b. Protection of Onsite Wastewater Treatment Systems

1. Onsite wastewater treatment systems shall be located so as to be accessible for servicing, inspection, upgrades, modifications and/or repairs.

2. All onsite wastewater systems shall have a 100% dispersal field replacement area designated on the construction plans and no future improvements shall infringe upon this area.

c. Permit Issuance Does Not Allow For Continued Violations

The issuance of a permit or approval of plans shall not be deemed or construed to allow a violation of any of the provisions of the Inyo County Code or California State Law. The issuance of a permit or approval of plans shall not prevent the AA from requiring the correction of errors in said permit or approved plans when a condition allowed in the approval is found to be in violation of Inyo County Code or California State Law.

d. Prohibitions

1. Disposal systems shall be located outside of flood hazard areas. Exception: Where suitable sites outside of the flood hazard area are not available, disposal systems shall be permitted to be located in flood hazard areas where the effects of inundation under the conditions of the design flood are minimized.

2. Discharges from new onsite sewage treatment systems are prohibited if they could result in noncompliance with state and/or county laws.

3. Holding tanks are prohibited as a permanent method of sewage disposal unless specifically approved in writing by the AA.

4. Sewage dispersal shall not be permitted in fill material unless it is specifically designed by a Registered Civil Engineer to accommodate the discharge without creating a nuisance or public health hazard, and approved by the AA.

5. Discharge from an onsite wastewater treatment system that exceeds peak design flow or maximum permitted capacity is prohibited.

6. Dispersal fields are prohibited in roadways but may be allowed in designated parking areas only if they are designed to withstand vehicle loading ratings and are covered with a permeable surface with prior approval of the AA.

7. No private OWTS, or part thereof, shall be located in any lot other than the lot that is the site of the building or structure served by such OWTS. Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting lot to provide additional space for a private OWTS or part thereof when proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first lawfully established. The instrument recording such action shall clearly state and

show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership of said properties and shall be binding on all heirs, successors, and assigns to such properties.

8. When there is insufficient lot area or improper soil conditions for adequate sewage disposal for the building or land use proposed, and the AA so finds, no building permit shall be issued and no private OWTS shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the AA have been submitted and approved.

e. Industrial Operations

Any industrial operation which generates wastewater other than, or in addition to, domestic wastewater shall have separate OWTS's for the domestic and the industrial wastewaters unless a single system is approved by the Regional Water Quality Control Board. Separate applications, plans and specifications must be submitted for each system.

f. Inspections

1. A Qualified Professional will conduct periodic inspections of OWTS's at the following stages: (1) site inspection prior to any excavation, (2) construction inspection(s) of excavation prior to installing rock or pipe, after installation of pipe or rock, and prior to covering any components, and (3) final inspection.

2. Inspections shall be scheduled a minimum of forty eight hours in advance of the time requested. Inspections are required prior to final covering of any components of the system.

g. Professional Qualifications, Signatures and Stamps

1. An OWTS shall be designed by a Qualified Professional as defined by this chapter.
2. Only a Qualified Contractor may construct, modify, repair, abandon or replace any OWTS. However a property owner may construct, repair or modify a system on his/her own property provided the system is a conventional system and the owner complies with the provisions of this chapter.
3. Prior to the approval by the AA, percolation and performance test reports and final OWTS plans, shall have an original signature and stamp of the Professional Engineer or the Registered Geotechnical Engineer who performed the tests, wrote the reports and designed the system.

h. Building Permit Required

A building permit must be issued by Inyo County for any new structure utilizing an OWTS prior to the issuance of a permit to construct the OWTS.

Sec. 7.12.04 Permits

a. Permit Required

1. No person shall construct, reconstruct, repair, modify, destroy or abandon any OWTS or greywater system, or any portion thereof, without having first obtained a permit from the AA.

2. It shall be unlawful for any person to cover, abandon, destroy, modify, repair, conceal or put into use an OWTS or greywater system, or any portion thereof, without first having obtained a permit and final approval from the AA.

3. New alternative systems and systems with supplemental treatment require an operating permit in conformance with section 7.12.05g of this code which shall be issued by the AA prior to the final approval of construction of the system.

b. Applications

An OWTS permit application shall be submitted on a form approved by the AA for new construction, repair, abandonment or modification of an onsite wastewater treatment system, alternative system or greywater system. The application shall be accompanied by plans and specifications submitted in a format prescribed by the AA, depending on the level of sophistication of the proposed activity. Upon receipt of the application the site will be evaluated and, if the permit is complete and the site is acceptable, the application will be signed on the "site location/permit application approval" line and this document shall be deemed a permit to construct and may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. A copy of this permit shall be kept on hand at all times by the person doing the work.

c. Fees

Submission of an application shall be accompanied by payment of all appropriate fees. The Board of Supervisors may, by resolution, adopt such fees as permitted by law, including but not limited to CA Health & Safety Code section 101325, and may prescribe such terms and conditions as may be necessary to enable the County of Inyo to recover the reasonable and necessary costs incurred by the County in administering this chapter. The Board of Supervisors shall adopt by resolution fees for operating permits.

d. Expiration

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

e. Exemption for Routine Maintenance and Servicing

OWTS maintenance and servicing may be performed by a Qualified Contractor without a permit as long as a written report of work performed is submitted to the AA and such work complies with all codes, regulations and procedures applicable in Inyo County at the time the maintenance is performed. If the written report is not received by the AA within 30 days of the completion of maintenance or servicing the property owner may be subject to administrative fines of up to $100 per day.

f. Transfers

An OWTS operation, construction, modification or repair permit is not transferable. If there is a sale or transfer of a property upon which a permit has been issued the new owner is required to apply for new permits, unless authorized otherwise by the AA.

g. Suspension and Revocation

1. The AA may suspend or revoke a permit whenever the AA determines that the permittee has violated any provisions of this chapter; has misrepresented any material fact in the permit application or supporting documents for such permit; and/or performed any work under the permit that has resulted in a nuisance.
2. No person whose permit has been suspended or revoked shall continue to perform the work for which the permit was granted until the permit has been reinstated by the AA or a new permit has been issued. A suspended permit shall not be reinstated, and no new permit may be issued, until the violation causing the suspension or revocation is cured.
3. If any work performed by on behalf of the permittee left an onsite wastewater treatment system in such a condition as to constitute an imminent threat to the health & safety of the public and/or a nuisance, the County may order the permittee to perform any work reasonably necessary to protect the health and

safety of the public and/or cure the nuisance.

Sec. 7.12.05 New System Standards

The following requirements shall be met to ensure that all new OWTS's are installed at locations that have been adequately evaluated and that methods used to conduct those evaluations meet specified minimum standards:

a. General Site Evaluation

1. The AA shall require the submission of all information necessary to thoroughly evaluate the suitability of a site for wastewater treatment and dispersal and to assess any limiting conditions. At a minimum, the site evaluation information shall include:

i. The minimum separation from the bottom of the dispersal field to groundwater as determined by soil borings, profile trenching, and/or file reviews/historical records.

ii. Minimum site requirements shall be those provided in the California Plumbing Code as amended and adopted by the County and/or the Inyo County OWTS Policy, whichever are more stringent.

b. Soil Evaluations

1. At least one soil boring or profile trench shall be required for the primary dispersal area and expansion area. Borings or trenches shall extend to at least 8 feet below grade.

2. When using percolation tests to determine site suitability, at least two percolation holes shall be dug and tested in the primary dispersal filed and expansion areas. The tests shall be performed at a depth corresponding to the bottom of the subsurface dispersal field.

3. Soil evaluation requirements as listed above can be reduced, or eliminated by the AA if sufficient information regarding the subject soils is already known or can be determined via existing records.

c. Tank Requirements

1. Septic tanks and treatment tanks must be watertight. Water tightness shall be ensured prior to backfilling the excavation around the tank.

2. Septic tanks and treatment tanks shall be constructed of reinforced concrete, fiberglass or other durable, corrosion resistant, synthetic material and shall conform to International Association of Plumbing and Mechanical Officials (IAPMO), National Sanitation Foundation (NSF), American Society for Testing and Materials (ASTM) or similar criteria.

3. Septic tanks shall have a minimum capacity of three times the peak daily flow.

4. All septic tanks for new systems and replacement tanks for existing systems shall be equipped with an effluent filter that is American National Standards Institute (ANSI) listed. The filter must be accessible for cleaning, replacement and maintenance.

5. Septic tanks and treatment tanks shall be installed by a Qualified Contractor according to the manufacturer's specifications. Earth cover over the tank shall be clean fill material, free of debris and rock.

6 Septic tanks shall have a minimum of two compartments with access to each compartment and a lid with a minimum of twenty inches in diameter for each compartment. Access lids shall have a maximum separation of ten feet. Treatment tanks may consist of a single tank if required by the manufacturer of the approved supplemental treatment system.

7. Septic tanks and treatment tanks shall be installed so as to be accessible for servicing, inspection, maintenance, upgrades or replacement.

8. Septic tanks shall be installed with the top of the tank no deeper than twelve inches below finish grade. If it is demonstrated that the top of the septic tank must be deeper than twelve inches below grade, each compartment of the septic tank shall be provided with a watertight riser, capable of withstanding structural loads and extending to finish grade. Septic tanks and treatment tanks shall be installed as shallow as practical and in no case at a depth greater than factory recommendations.

9. Risers shall be installed to finish grade to enhance access for maintenance. Access lids shall be gas-tight, securely fastened with stainless steel or other corrosion resistant fasteners and be resistant to vandals, tampering and access by children.

10. Distribution boxes, drop boxes, pump chambers and stilling chambers shall be watertight and commercially manufactured with corrosion resistant materials.

11. Surface water shall be diverted away from the riser cover or septic tank lid by providing a sloping surface away from the riser, or extending the riser at least six inches above grade.

d. Leach Line Construction

1. For standard pipe and rock leach line systems, the adsorption area shall be calculated using the bottom width of the trench plus the two sidewalls depths from one foot below the pipe to the bottom of the trench, per linear foot of leach line.

2. For chamber system leach lines, adsorption area is calculated using the width of the bottom of the trench. No sidewall credit is given, but a 0.70 factor towards required adsorption area is allowed.

3. Application rates shall conform to Table 3 in the State Water Resources Control Board OWTS policy.

4. Dispersal systems shall not be located under impermeable surfaces such as concrete or asphalt.

5. Inspection ports shall be installed at the end of each trench and at other locations as required by the AA. The inspection ports shall have removable caps and may either extend above grade or set to grade if enclosed in a service box with removable lid. The boxes shall be made of non-degradable materials such as PVC, fiberglass or concrete.

6. Solid, non-perforated pipe shall be utilized to connect the septic tank effluent to the leach field or to the distribution box. The line shall be installed at a slope (fall) of at least one eight of an inch (1/8") per horizontal foot. There shall be a minimum of five linear feet of solid line between the septic tank and the leach field and between the distribution box and the leach field.

7. Leach line trenches shall be from 18 inches to 36 inches wide, with leveled bottom. From 6 inches to 36 inches of crushed stone or gravel, free of fines and dirt, sized from three quarters of an inch to two and one half inches, shall be installed below the perforated leach pipe. Four inch drain (sewer) pipe shall be placed level on top of the crushed rock or gravel, with the perforations facing down. A minimum of two inches of rock or gravel shall be placed on top of the perforated pipe. Three inches of straw or hay, or a layer of untreated building paper shall be placed over the rock or gravel to keep the backfill from infiltrating the crushed rock or gravel. A minimum of twelve inches of backfill shall be placed over the straw, hay or building paper.

8. If two or more leach lines are used, a distribution box shall be placed at the head of the leach lines. Unless specified, the distribution box shall be constructed so that each leach line is fed simultaneously and equally. Connections between the septic tank, distribution pipe, and leach lines shall be watertight. Distribution boxes shall be built on a level concrete slab installed in natural or compacted soil. A flow divider may be used in place of a distribution box, if prior approval is given by the REHS.

9. Chamber systems are allowed and do not require any rock base. Installation shall be per the manufacturer's specifications.

10. The maximum length of any one leach line shall be 100 feet. The separation between one or more leach lines shall be as listed below (from centerline to centerline):

Depth of Rock Under Leach Line (up to)	**Required Separation**
1.5 ft.	6 ft.
2.0 ft.	6 ft.
3.0 ft.	8 ft.
4.0 ft.	10 ft.
5.0 ft.	12 ft.

e. Pressure Dosed Systems

1. When required by site conditions, onsite wastewater treatment system effluent may be distributed to a dispersal field under pressure. Dispersal using pressure distribution shall meet the following requirements:

i. Pressure distribution systems shall be fully engineered. A qualified professional shall submit a stamped and signed letter to the AA stating that the pressure distribution system has been constructed per the previously submitted plans.

ii. The pump chamber shall include a visual and audio high water alarm.

iii. Emergency storage capacity shall be required equal to six hours of peak flow or three hundred seventy five gallons, whichever is greater.

iv. The pressure field shall be dosed in accordance with design requirements.

v. The leach lines shall be accessible for inspection, testing, flushing and adjustment prior to final approval..

f. Alternative OWTS's

1. Where the site evaluation documents that adverse or unacceptable conditions exist, or where setbacks cannot be met, an alternative OWTS may be utilized. An alternative OWTS employs various methods to decompose and disperse sewage effluent under circumstances which would compromise the functioning ability of a standard septic system (septic tank and leaching field.) Examples of alternative technology include:

- mound systems
- sand filters
- aerobic systems
- package plants

2. The AA may adopt design standards for Alternative OWTS's after consultation with the Regional Water Quality Control Board.

3. Alternative OWTS's shall be designed by a Qualified Professional.

4. Alternative OWTS's and their components shall be certified by a third party testing agency such as IAPMO, ANSI or NSF.

5. A notice of the installation of an Alternative OWTS shall be recorded with the Inyo County Clerk-Recorder's Office. Said recording shall run with the land and serve as constructive notice to any future owners, heirs, executors, administrators or successors that the OWTS serving the subject property is an Alternative OWTS subject to an operating permit, regular monitoring, maintenance and reporting requirements.

6. A maintenance contract for the subject Alternative OWTS shall be in place prior to final approval of the system and shall remain in force for the life of the system.

g. Alternative OWTS Operating Permits

1. An operating permit issued by the AA is required for the operation of an Alternative OWTS. All OWTS's requiring operating permits shall be operated, maintained and monitored pursuant to the requirements of this chapter and the permit. The operating permit shall be renewed every five years following the review of satisfactory annual reports submitted to the AA. The AA may suspend or revoke an operating permit for failure to comply with any monitoring, maintenance or other requirements of the permit. If a permit is suspended or revoked, operation of the system shall cease until the suspension or revocation is lifted or a new permit issued.

2. Operation, maintenance and monitoring specifications shall be provided for review and approval for any Alternative OWTS.

3. The property owner shall ensure that a Qualified Contractor, Qualified Professional, REHS or manufacturer's representative conducts a visual and operating inspection of the system at the frequency specified by the manufacturer or a minimum of once every three years to determine if the system is functioning properly.

4. The property owner shall be responsible for the submittal of a report for every inspection within thirty days of inspection, said report being prepared by a Qualified Contractor, Qualified Professional, REHS or manufacturer's representative. The report shall include the inspection results, analysis of the wastewater from the inspection ports for total suspended solids, biochemical oxygen demand, and nitrogen series, and any other requirements specified by the AA.

Sec. 7.12.06 Repairs, Upgrades, Evaluation, Modification and Abandonment Standards

a. Failed Onsite Wastewater Treatment Systems

1. A Qualified Contractor as defined in this chapter shall perform all repairs. If a conventional OWTS, the owner-builder may perform the work in lieu of the Qualified Contractor but all repairs shall meet the requirements of this chapter.

2. Upon failure of an OWTS, the system shall be repaired and shall conform to the requirements of this chapter. Failures resulting in surfacing sewage shall be repaired immediately.

3. If a dispersal system fails a new dispersal system shall be installed in the area reserved for the replacement dispersal system. If no dispersal field replacement area has been designated, a new replacement area is required and must be approved by the AA.

4. OWTS's that have failed and were not constructed under a valid permit or were legal non-conforming, shall be replaced with a system that meets all the requirements of this chapter for a new OWTS.

b. Upgrades

1. Upon discovery, all existing hollow seepage pits, cesspools and bottomless septic tanks shall be properly abandoned, repaired or replaced in conformance with this chapter. Abandonment or repair shall be completed under permit and inspection within thirty days of discovery.

2. OWTS's without adequate dispersal fields shall install a dispersal field approved by the AA.

3. Upon discovery, any septic tanks made of wood , metal or brick with cracked or missing mortar, must be replaced in accordance with the requirements of this chapter.

4. Replacement septic tanks and treatment tanks shall meet the standards required by this chapter.

5. Septic tanks and treatment tanks and all components must be constructed to provide adequate access so that all compartments can be inspected and pumped.

6. Septic or treatment tanks constructed of concrete shall be replaced or structurally modified when the narrowest section of the lid or wall is found to have a remaining thickness of 2-1/2" or less at its narrowest point or if the remaining concrete is less than half the original thickness. Risers shall be removed and reinstalled after the tank top is repaired.

7. Septic tanks shall be repaired or replaced when the height of the baffle between compartments is equal to the water depth within the tank or when the baffle between compartments deteriorates to the point where it no longer provides compartment separation as designed.

8. Any septic tank or treatment tank which is uncovered for purposes of servicing, repair or modification shall be retrofitted with access risers extending to grade if not already in place. If the septic tank or treatment tank is located at greater than five feet below grade, then the riser shall be a minimum of thirty inches in diameter. Risers must be installed to allow for the measurement of the thickness of the tank top.

9. Septic tanks or treatment tanks that are found to be located within the require setback distance from a structure shall be evaluated for adequate access. If it is determined that the septic tank or treatment tank is inaccessible, they shall be relocated to provide the proper setback.

10. Missing, deteriorated or damaged components, including but not limited to, tees, ells, risers and lids, must be repaired or replaced.

11. Single compartment septic tanks requiring repair or modification must be replaced, with a tank that meets the requirements of this chapter.

12. Fiberglass or plastic tanks which have warped, collapsed, deflected or have a damaged baffle, shall be replaced.

c. Onsite Wastewater Treatment System Evaluation

An OWTS evaluation is required for projects that remodel the interior of a structure served by the OWTS, changes the footprint of the said structure or changes the use of a the structure. An

evaluation can only be approved when it is determined by the AA that the proposed improvements or change in use will not encroach into required setbacks or the one hundred percent replacement area and the existing system will accommodate the proposed changes.

d. Modification

1. Modification of an existing OWTS shall be required by the AA when:

i. Improvements to a property intrude upon the physical location of the system or expansion area;

ii. The existing septic system does not meet required setbacks;

iii. The septic tank or treatment tank does not meet the minimum capacity requirements contained in this chapter;

iv. The dispersal area, including the 100 percent replacement area is not adequately sized or functioning properly;

v. A project increases flow to the dispersal field.

vi. A bedroom is added to a residential structure or the number of plumbing fixtures in a non-residential structure is increased.

2. The modification approval shall be based on field testing, engineering calculations and other information deemed necessary by the AA in order to determine the adequacy of the dispersal project.

3. Modifications that require replacement or expansion of the dispersal field shall meet the requirements of this chapter.

4. A modification shall not be required if, as determined by the AA, the existing system meets current requirements for the proposed project.

e. General Abandonment Standards

1. An existing onsite wastewater treatment system , or portion thereof, shall be properly abandoned under permit and inspection of the AA within thirty days of any of the following:

i. The discovery of a hollow seepage pit not modified to meet the criteria for seepage pits, as provided in this chapter;

ii. Connection of the served structure(s) to the public sewer;

iii. Removal or demolition of the served structures, unless the owner demonstrates his/her intent to use the system to serve a replacement structure and demonstrates to the satisfaction of the AA that the system can be maintained in a safe and secure manner until completion of the replacement structure.

2. Prior to abandonment of any OWTS or portion thereof, the property owner shall identify the replacement method of sewage treatment and dispersal or specifically identify the structure(s) to be demolished.

3. The abandonment of the OWTS shall not occur prior to obtaining the required permit from the AA.

4. During abandonment of an OWTS, the property owner shall provide evidence of the type of sewage dispersal field present on the property.

5. All sewage lines leading to and from the septic tank shall be removed or capped with watertight fittings.

6. Abandonment procedures for septic tanks, treatment tanks, cesspools and seepage pits are as follows:

i. Prior to abandonment a registered septic tank pumper shall pump the septic tank, treatment tank, cesspool or hollow seepage pit to remove any standing wastewater;

ii. The top of the septic tank, treatment tank, cesspool or hollow seepage pit shall be removed;

iii. The bottom of the tank shall be cracked or perforated, or at least one wall of the tank shall be removed, prior to inspection;

iv. The tank, cesspool or hollow seepage pit shall be filled with clean earth, sand, gravel, concrete or other material approved by the AA. In the event the abandoned septic tank is filled with concrete or cement slurry, perforation of the bottom or removal of a wall shall not be required;

v. Alternatively, with the permission of the AA, the septic tank may be crushed and covered with clean native soil and compacted;

vi. The Building Official shall be consulted regarding the abandonment of a septic tank, treatment tank or hollow seepage pit located within the setback distance of a structure.

7. Abandonment standards for dispersal fields are as follows:

i. Seepage pits shall be excavated to a minimum depth of two feet below grade and the inspection/vent pipe cut a minimum of eighteen inches below grade. The perforated pipe and the excavation shall be backfilled with clean earth or other fill material approved by the AA.

ii. Gravel filled leach lines may be abandoned in place without structural modification. Leach lines utilizing hollow chambers shall have the chambers removed and the trench filled with clean fill, or be evaluated by a qualified professional or geotechnical engineer, with the concurrence of the AA , if the chambers are to be abandoned in place.

Sec. 7.12.07 Servicing, Inspecting and Reporting

a. Servicing and Pumping

1. Any individual who insects OWTS shall be a Qualified Inspector. Inspections shall include a visual evaluation of the system to detect any deficiencies and a review of any documents in the files of the Qualified Inspector to identify previous inspections, servicing, or work performed on the system.

2. Whenever an OWTS is serviced, the Qualified Inspector shall inspect the system in accordance with procedures adopted by the AA. Such procedures shall include, but are not limited to:

i. A registered pumper shall pump the contents of all compartments of the septic tank;

ii. The septic tank, or treatment tank shall be inspected for signs of deterioration, corrosion, elevated liquid level or damage and the dispersal field examined for failure;

iii. The OWTS inspection report shall be completed, legible and submitted to the AA .

b. Reporting

1. A report on forms or in a manner approved by the AA shall be submitted by Qualified Inspectors to the AA and the property owner no later than thirty days following inspection, servicing or maintenance of an OWTS. If an inspection has determined that an OWTS has failed, as defined in this chapter, the written report shall be provided within twenty four hours of servicing or maintenance. The report shall include:

i. The name, address and telephone number of the property owner as well as the street address and APN of the property on which the onsite wastewater treatment system is located.

ii. The name, address and phone number of the company that provided the service and conducted the inspection.

iii. A description of the system including the type and size of the septic tank, treatment tank, other system components as well as the type and location of the dispersal field.

iv. A description of the maintenance performed including the date of service, the volume of material pumped from the septic and/or treatment tank(s), an assessment of the condition of the tank(s) and other system components and a description of any repairs, modifications or upgrades provided.

v. A description of any uncorrected deficiencies in the OWTS. Reported deficiencies shall include, but not be limited to, damaged, corroded, deteriorated septic tank components, failed dispersal field, backflow of effluent from the dispersal field back into the septic tank or treatment tank, lack of access risers or other upgrades required by this chapter, or other condition determined to be a significant deficiency or not in compliance with the provisions of this chapter.

c. Property Owner Notification

1. Upon receiving an inspection report identifying an uncorrected deficiency or required maintenance, repair, or upgrade of an onsite wastewater treatment system, the AA shall notify the property owner in writing of the corrections required to comply with the applicable standards in this chapter.

2. All corrective actions necessary to comply with the standards of this chapter shall be completed within thirty days of the date that a notification has been sent out, unless otherwise directed by the AA.

d. Registered Pumper Requirements

1. Septage haulers shall have a valid permit with the AA.

2. Septage haulers shall have vehicles that meet the following minimum standards, which shall be verified at the AA's request:

i. The pumper vehicle, it's holding tank(s) and all related appurtenances shall be watertight, functional and maintained in good operating condition;

ii. Each pumper truck shall be identified with the business name and phone number with letters and numbers of at least three inches in height;

iii. Holding tanks shall be constructed of durable, corrosion resistant material and shall meet the following criteria:

1) All hoses and related equipment shall be stored in covered containers or otherwise secured to the vehicle or holding tank;

2) Man-ways and cleanouts shall be covered with secured, tight fitting lids;

3. Appropriate safety equipment is to be provided and shall include, but not limited to, a fire extinguisher, heavy-duty rubber gloves, bleach/disinfectant and eye protection;

4. A copy of the current septic haulers current permit shall be kept in each permitted vehicle.

5. The AA may suspend or revoke a septage hauler's permit pursuant to this chapter and California Health & Safety Code section 117445 whenever it finds the permittee or its employees performing the work has done any of the following:

i. Violated any provision of this chapter;

ii. Misrepresented any material facts in the application or supporting documents for such permit application.

iii. Misrepresented facts in reports or failed to submit reports to the AA as required by this chapter.

6. No hauler whose permit has been revoked or suspended shall continue to perform the work for which the permit was issued until such time that the AA reinstates the permit.

7. Any hauler whose registration has been suspended or revoked may appeal the denial or suspension to the AA or the appointed representative in writing within ten working days after notification of the imposition of a suspension or revocation. Such an appeal must specify the grounds upon which it is taken. The AA shall set the appeal hearing at the earliest practical time and shall notify the appellant, in writing, of the established date and time at least ten days prior to the hearing date. The AA or approved representative shall make the determination on the appeal, which shall be final and binding.

Sec. 7.12.08 Violations and Conflicting Provisions

a. Violations

1. In the event of a violation of the provisions of this chapter, the property owner of the parcel where the violation exists shall be given notice of such violation and a reasonable time for its correction. In the event that all required corrections are not completed in the time noted on the notice of violation, the property owner shall be subject to administrative fines as provided in Chapter 1.20 of the Inyo County Code.

2. If the violation has not been corrected in the specified amount of time, the property owner shall be subject to a re-inspection fee at a rate approved by the Board of Supervisors.

b. Conflicting Provisions

1. If any of the provisions of this chapter conflict with any of the provisions of other codes adopted by the County of Inyo, the provisions of this code shall control unless expressly stated to the contrary

2. If any part of this chapter or its application is deemed invalid by a court of competent jurisdiction, the Board of Supervisors intend that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this chapter are severable.

Sec. 7.12.09 Remedies

a. This ordinance may be enforced pursuant to Title 22 of the Inyo County Code as may be amended.

b. The AA or his designee may order the public water supply to any premises or property to be discontinued upon finding by the AA or his designee that the continuation of such supply may endanger the public health. These findings may include but are not limited to when sewage is overflowing or being discharged on the ground surface. In such instances the AA may order the property owner, and/or occupant(s) thereof who contribute to such overflow or discharge, to abate the same forthwith.

2. If the overflow or discharge is not abated as ordered, the AA may order all occupants to vacate the property within 24 hours.

Sec. 7.12-10. Powers and Duties of the Administrative Authority

a. The AA may adopt policies and procedures to implement and administer this chapter.

b. Within the unincorporated area of Inyo County, the AA is authorized and directed to enforce the provisions of this chapter. It is authorized to consult with qualified experts in any matter concerning the construction, operation, maintenance and repair of onsite wastewater treatment systems to the extent that it deems it necessary to assist in carrying out its duties under this chapter. The AA may request and shall receive the assistance and cooperation of other officials of the County of Inyo, so far as may be necessary in the discharge of its duties.

c. The AA may approve requests for variances from the provisions of this chapter if it is determined that complete compliance with the prescribed standards is not possible or practical and that the variance is not counter to the purposes and intent of this chapter.