

ORDINANCE NO. 10918 (NEW SERIES)

ORDINANCE AMENDING CHAPTER 3 DIVISION 8 OF TITLE 6 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATING TO ONSITE WASTEWATER TREATMENT SYSTEMS AND IMPROPER DISPOSAL OF SEWAGE

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. Purpose.

This ordinance provides for the safe disposal of sewage using onsite wastewater treatment systems (OWTS) and other authorized sanitation facilities and provides for the abatement of surfacing sewage and spills. The ordinance provides for the implementation and enforcement of minimum standards for the siting, design, operation, and maintenance of OWTS in a Local Agency Management Program (LAMP), developed in accordance with the California State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy), which became effective in 2012. The standards proposed in a LAMP must be approved by the Regional Water Quality Control Board (RWQCB). The existing LAMP authorized by this ordinance was approved by the RWQCB in 2015. This ordinance is incorporating changes associated with recent updates to the LAMP, including new definitions to clarify technical terms, additional language to provide clarity where needed, modified enforcement procedures, provisions for greater flexibility related to alternative toilets and sanitation facilities, temporary connections to trailers under certain circumstances, and modified sections to clarify requirements for subdivisions and lot line adjustments. The updates also include the removal of information relating to specific standards that are duplicative of information provided in the LAMP.

Section 2. Chapter 3 Section 68.301 of the San Diego County Code is hereby amended to read as follows:

CHAPTER 3. ONSITE WASTEWATER TREATMENT SYSTEMS AND IMPROPER DISPOSAL OF SEWAGE*

***Note**--Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 10136 (N.S.), effective 4-15-11.

SEC. 68.301. PURPOSE AND SCOPE.

In addition to authority afforded to counties in Article XI, section 7 of the California Constitution to protect public health and safety, and in Government Code section 25845 to abate nuisances, the County's local onsite wastewater treatment systems (OWTS) program is based on section 5410 et seq. of the California Health and Safety Code, sections 13002, 13290 to 13291.7 of the California Water Code and on California Code

of Regulations, Title 23, Sections 2924 and 3991.1 implementing regulations. Those regulations adopt the State Water Resources Control Board's Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy), set baseline requirements for OWTS statewide, and provide for the implementation of those regulations by qualified local agencies. In accordance with the OWTS Policy, the County has prepared a Local Agency Management Program (LAMP) for OWTS permitting and regulation within the jurisdiction of San Diego County, and that program has been approved by the California Regional Water Quality Control Board for the San Diego Region.

This chapter is applicable to OWTS in the unincorporated areas of San Diego County, and within a jurisdiction where authority has been delegated through specific municipal ordinance, memorandum of understanding, or another appropriate mechanism.

Water Code section 14877.2 allows a county to approve installation of a graywater system if that county determines the graywater system meets the standards of the State Department of Water Resources. Water Code section 14877.3 allows a county to adopt more restrictive standards for graywater systems.

The purpose of this chapter is to implement these State laws and regulations and implement additional standards for septic systems and graywater systems that are necessary to protect the health and safety of the San Diego County community. This chapter also prohibits the improper disposal of sewage and provides regulations authorizing the Director of Environmental Health, responsible for environmental health services and programs transferred from the local health officer for the County pursuant to Health and Safety Code section 101275, to protect public health from threats from sewage.

This chapter shall apply to the siting, design, construction, and permitting of new and replacement OWTS and to existing individual systems confirmed as defective that receive a maximum of 3,500 gallons per day of domestic strength sewage.

(Added by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10389 (N.S.), effective 7-24-15; amended by Ord. No. 10709 (N.S.), effective 1-15-21)

Section 3. Section 68.302 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.302. DEFINITIONS.

The following definitions shall apply to this chapter:

(a) "Abandoned OWTS or other sanitation facilities" means an OWTS or component thereof, including a septic tank or seepage pit, holding tanks, or other sanitation facilities that has been disconnected from the drainage system or otherwise taken out of use for a period of 30 days or more shall be deemed abandoned.

(b) "Alternative toilet" means a holding tank, vault, composting, chemical toilet, or other approved means of sewage disposal for non-residential uses in isolated areas, such as campsites, parks or trails, when no public sewer is available and it is

impracticable to connect water to the area where the toilet is to be located, or for temporary or occasional uses authorized by this chapter or other County Code.

(c) "Defective system" means an OWTS or other sanitation facilities that allows sewage, human excrement or other liquid wastes to be disposed of so that the waste is not confined underground or within its tank, or that constitutes a safety hazard. An OWTS that requires frequent pumping to remove accumulated wastes in order to confine sewage underground is also a defective system whether or not pumping the system allows waste to be confined underground. An OWTS that becomes inundated during a storm event such that wastewater rises to the surface is also a defective system. OWTS that are suspected of inundation, including based on nearby stormwater testing, are not considered defective until confirmed by testing of the individual OWTS. Testing may include dye testing, performance evaluation, or other approved methods.

(d) "Department" means the Department of Environmental Health and Quality.

(e) "Director" means the Director of the Department of Environmental Health and Quality and any person the Director hires or appoints to implement or enforce this chapter.

(f) "Drainage system" means the piping on property that connects all plumbing fixtures and appliances discharging sewage or other liquid wastes, to a public sewer or an on-site wastewater treatment system. The drainage system does not include the mains or laterals of a public sewer system.

(g) "Licensed installer" means a licensed General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Class C-36). Such licensed installer shall install all new and replacement OWTS in accordance with California Business and Professional Code Sections 7056, 7057, and 7058 and Article 3, Division 8, Title 16 of the California Code of Regulations.

(h) "Onsite wastewater treatment system" (OWTS) means a system on a property not connected to a public sewer, that treats and disposes of sewage and other wastes produced on the property where the system is located using a septic tank or other treatment component, subsurface, dispersal, and associated appurtenances.

(i) "Owner-Builder" means an individual or group of individuals who own the property on which they plan to construct, alter, repair, improve, or remodel a building or structure or appurtenance thereto in accordance with the requirements and limitations set forth in the Business and Professions Code, Section 7044. Business and Professions Code, section 7026.1 defines any person who acts as consultant to an owner-builder is a contractor.

(j) "Potable water" means water provided from a permitted public water system, as defined in section 116275(h) of the California Health and Safety Code, that meets state and federal standards for consumption, a state small water system, as defined in section 116275(n) of the California Health and Safety Code, that meets state standards for consumption, or groundwater from a permitted water well that is not part of a public

water system or state small water system and that meets the following minimum water quality monitoring requirements: 1) at least one water sample obtained from the well within three months of submittal to DEHQ for review shall be negative for the presence of total coliform bacteria and fecal coliforms or *Escherichia coli* (*E. coli*); 2) at least one water sample obtained from the well and analyzed for Nitrate (as nitrogen) shall be less than the maximum contaminant level as specified in the California Code of Regulations, section 64431 (10 mg/L); 3) other sampling that may be required by the Director of Environmental Health based on known or suspected sources of pollution in the area that may affect the water quality of the well. The samples shall be analyzed by a laboratory certified by the State Water Resources Control Board for that analysis pursuant to California Health and Safety Code, Division 101, Part 1, Chapter 4, Article 3, commencing with section 100825.

(k) “Qualified professional” means an individual licensed or certified by a State of California agency to design OWTS and practice as professionals for other associated reports, as allowed under their license or registration. Depending on the work to be performed and various licensing and registration requirements, this may include an individual who possesses a registered environmental health specialist certificate or is currently licensed as a professional engineer or professional geologist.

(l) “Qualified service provider” means a person capable of operating, monitoring, and maintaining an OWTS in accordance with the OWTS Policy and local requirements. The individual must also be certified and/or competently trained by the manufacturer of an OWTS with supplemental treatment to install, maintain, service, and repair the specific model/type of OWTS.

(m) “Sanitation facilities” means the method used to collect, store, or dispose of sewage, human excrement, or other liquid wastes associated with human habitation or activities. Sanitation facilities include but is not limited to holding tanks and alternative toilets.

(Added by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10709 (N.S.), effective 1-15-21)

Section 4. Section 68.303 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.303. DEPARTMENT OF ENVIRONMENTAL HEALTH AND QUALITY TO ENFORCE.

The Director shall implement and enforce this chapter. The Director of Environmental Health shall enforce the provisions related to the improper disposal of sewage in accordance with the provisions of Health and Safety Code section 5410 et seq. and this chapter.

(Added by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10389 (N.S.), effective 7-24-15; amended by Ord. No. 10709 (N.S.), effective 1-15-21)

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Section 5. Section 68.303.5 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.303.5. WATERSHED PROTECTION REQUIREMENTS.

For installation and repair projects in the unincorporated portion of the County, the Director or designee shall coordinate with the authorized enforcement officials listed in section 67.802 (a) to ensure compliance with Chapter 8 of Division 7 of Title 6 of this code.

(Added by Ord. No. 10412 (N.S.), effective 2-26-16)

Section 6. Section 68.310 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.310. DRAINAGE SYSTEM TO BE CONNECTED TO PUBLIC SEWER IF AVAILABLE.

(a) The drainage system of every building constructed or reconstructed, except for a graywater system, shall be connected to a public sewer if: (1) the property on which the building is located abuts a public sewer or a public sewer is located within 200 feet of the building, (2) annexation to the sewer district has been completed and (3) no easements through adjacent property are necessary to complete the public sewer connection. This provision does not apply to replacement OWTS that meet the requirements of this chapter and the LAMP where the connection fees and construction costs are greater than twice the total cost of the OWTS repair.

(b) When a public sewer is not available, because one or more of the conditions of subsection (a) have not been satisfied, the drainage system of a building shall be connected to an approved OWTS, or other sanitation facilities approved by the Director. For purposes of this chapter, a drainage system or OWTS shall only be considered approved if the system received all permits required by this code at the time the system was installed or modified. The property owner shall install a system based on the Director's determination of the type of system that is required after considering the area, soil porosity, ground water level, and population density in the area. The OWTS shall be designed to receive and dispose of all sewage and liquid waste from the building served.

(Amended by Ord. No. 8007 (N.S.), effective 12-26-91; amended by Ord. No. 8458 (N.S.), effective 11-17-94; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 7. Section 68.311 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.311. IMPROPER DISPOSAL OF SEWAGE AND OTHER LIQUID WASTES PROHIBITED.

(a) It shall be unlawful for a person to cause or allow sewage, human excrement or other liquid wastes to be disposed of in any place or manner except through and by means of an approved drainage system into a public sewer system, an approved OWTS, or except as approved to other sanitation facilities authorized under this chapter, whichever is applicable, installed and maintained as provided in the County Plumbing Code and this chapter.

(b) It is unlawful for a property owner, tenant or other person to knowingly operate or allow to be operated an OWTS or other sanitation facilities that allows sewage, human excrement or other liquid wastes to be disposed of so that the waste is not confined underground or within an approved holding tank, alternative toilet, or other approved sanitation facilities.

(c) It is unlawful for any person to discharge sewage, human excrement, or other liquid wastes in any manner which will result in contamination or a nuisance.

(d) A property owner shall take the necessary actions to abate an immediate health or safety hazard and shall promptly repair a OWTS, holding tank, alternative toilet, or other sanitation facilities, or if public sewer is available, replace the OWTS, or other sanitation facilities, with a connection to the public sewer within the time period required by section the Director. No repair of a defective system shall be started without a permit from the Director. If a property owner elects to repair the defective system, the person shall complete the repairs within 30 days from the date the system became defective.

(e) It shall be unlawful for a person to connect a drainage line to an OWTS or other sanitation facilities unless the Director has approved that system.

(f) It shall be unlawful for a property owner or a person in control of a cesspool, septic tank, seepage pit, or other unsafe component used for sewage disposal, on premise of such person, to fail, refuse, or neglect to properly destroy under permit issued by the Director an unsafe or abandoned cesspool, septic tank, seepage pit or sanitation facility within 30 calendar days of disuse, disconnection from the drainage system, connection of drainage system to a public sewer, or notice by the Director. The property owner or person in control shall immediately secure any unsafe or hazardous sanitation facilities as soon as practicable.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 9665 (N.S.), effective 8-14-04; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 8. Section 68.312 of the San Diego County Code is hereby repealed.

Section 9. Section 68.313 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.313. CONNECTION OF EXISTING BUILDINGS TO PUBLIC SANITARY SEWER SYSTEMS.

The Director may require a property owner to connect to an available public sanitary sewer and discontinue using an OWTS or other sanitation facilities whenever the existing OWTS or other sanitation facilities becomes defective or whenever the Director determines that the public health and require connection to the public sanitary sewer.

(Amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 10. Section 68.314 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.314. DESTRUCTION OF ONSITE WASTEWATER TREATMENT SYSTEM.

A property owner shall obtain a permit and destroy any septic tank, holding tank seepage pit, or other sanitation facility within 30 days from the date the system or system component is deemed abandoned or is in violation of the requirements of this chapter and the LAMP.

(Added by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 11. Section 68.315 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.315. DIRECTOR MAY AUTHORIZE ALTERNATIVE TOILETS.

The Director may authorize use of an alternative toilet for use when no public sewer is available for a campsite, park, or trail, or for an approved temporary structure or use, or for occasional supplemental sewage disposal capacity for a commercial use, or for an extractive use or other industrial use in an isolated area, such as a facility that receives solid waste. Alternative toilets shall be approved, installed, and maintained in accordance with the standards in the LAMP. Alternative toilets shall not be approved where a water closet is required.

(Amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 12. Section 68.316 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.316. TEMPORARY OCCUPANCY PERMITS.

(a) The Director may issue an OWTS installation or repair permit for a specified period of time to a Qualified Installer or Owner-Builder property owner authorizing the installation or addition to an OWTS, or approve a connection to an existing OWTS, for sewage disposal from a building, structure, or vehicle issued a permit for temporary occupancy as authorized by the County Zoning Ordinance and section 52.201 et seq. of this code. The OWTS shall meet the requirements of this chapter and the standards in the LAMP.

(b) If the authorized need for the temporary occupancy ceases to exist, or if the property owner fails to maintain the permit issued for temporary occupancy or is in violation of the permit for temporary occupancy, the approval to discharge to an OWTS will terminate and such connection shall be removed by the owner.

(Amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 13. Section 68.317 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.317. TEMPORARY ON-SITE WASTEWATER SYSTEMS.

The Director may issue a permit for a specific period of time to a Qualified Installer or Owner-Builder authorizing construction of a temporary OWTS when the Director determines that it is highly probable that the property will have access to a public sewer within 24 months from the date of a permit application and owner is able to demonstrate the ability to install a permanent OWTS in accordance with provisions of this chapter.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 14. Section 68.320 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.320. TEMPORARY USE OF HOLDING TANKS.

The Director may issue a permit authorizing a property owner to temporarily install a holding tank in lieu of an on-site wastewater treatment system if: (a) public sewer is not available, (b) an OWTS is not practicable and (c) the Director determines that the property will be able to connect to a public sewer within 24 months of the permit application. The Director may issue a permit for a holding tank for up to 24 months and

may grant one extension for up to an additional 12 months if the Director determines the property owner has been unable to connect with the sewer through no fault of the property owner. An annual operating permit is required to ensure proper maintenance of the system.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 15. Sections 68.321 and 68.322 of the San Diego County Code are hereby repealed.

Section 16. Article 4 Section 68.325 of the San Diego County Code is hereby amended to read as follows:

ARTICLE 4. LAND DEVELOPMENT APPLICATIONS* AND PERMIT REQUIREMENTS

***Note**--Title amended by Ord. No. 9273 (N.S.), effective 12-15-00.)

SEC. 68.325. PERMIT REQUIRED TO CONSTRUCT, MODIFY, OR DESTROY AN ONSITE WASTEWATER TREATMENT SYSTEM.

No person shall install, construct, reconstruct, repair, add to, modify, connect to, or destroy an OWTS or other sanitation facilities authorized by this chapter without first obtaining a permit issued by the Director.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 17. Section 68.326 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.326. APPLICATION FOR PERMIT.

(a) A Qualified Installer or Owner-Builder may apply for a permit to install, rebuild, repair, or add on to, or destroy an OWTS or other proposed sanitation facilities by submitting an application for a permit on a form provided by the Director. A separate application and permit are required for each installation, modification, or destruction. The applicant shall submit with the application a diagram drawn to scale that shows the components of the system to be installed and their proposed location on the property. The application shall be completed with sufficient information to demonstrate that the proposed OWTS or other sanitation facilities meets the requirements of this chapter and the LAMP. The Director may also require that the applicant and any person providing

documentation of the site evaluation or OWTS siting or design to demonstrate their knowledge of San Diego County ordinances and the LAMP through a consultation with the Department.

(b) No permit shall be issued to install an OWTS unless the applicant provides proof that a site evaluation has been performed documenting the suitability of the site to support OWTS usage in accordance with the requirements of this chapter and the standards in the LAMP, that the applicant has potable water available from a public water purveyor or from an approved domestic water well, and the applicant has submitted an application for a building permit.

(c) No permit shall be issued for an OWTS until all grading on the property where the system is located or is to be located has been completed and the Director has inspected the grading.

(d) No permit shall be issued pursuant to this section if the Director determines that the location, area, soil porosity, ground water level, density of population in the area, the number of persons to be served or other conditions are not suitable for OWTS usage or would cause the operation of the OWTS or other sanitation facilities described in the application to contaminate an underground water supply or to create an unsanitary condition endangering public health.

(Amended by Ord. No. 2603 (N.S.), effective 10-17-63; amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 3436 (N.S.), effective 1-1-70; amended by Ord. No. 4531 (N.S.), effective 7-31-75; amended by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 8007 (N.S.), effective 12-26-91; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 18. Section 68.327 of the San Diego County Code is hereby repealed.

Section 19. Section 68.328 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.328. PERCOLATION TEST; PROFESSIONAL QUALIFICATIONS.

(a) Prior to issuance of an OWTS installation permit, the Director may require the applicant to furnish a site evaluation report with results of soil profiles, groundwater testing, and soil percolation tests performed on the site of the proposed OWTS, including the results of the tests. The Director may require additional testing, as needed to determine the site is suitable for OWTS usage. A permit for percolation testing is required.

(b) Whenever the Director requires a site evaluation report, soil percolation testing, or other testing, the testing and the preparation of all plans or drawings required by this

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chapter shall be done by a Qualified Professional as allowed under their license or registration. The Director may also require that the Qualified Professional demonstrate their knowledge of San Diego County ordinances and the LAMP through consultation with the Department

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 20. Section 68.329 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.329. EXPIRATION OF PERMIT.

Unless issued for a specified shorter period of time, a permit issued pursuant to this chapter shall expire one year from the date it was issued. If a person has not completed the work before the expiration date, the person shall obtain a new permit before resuming work on the system.

(Amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 21. Section 68.331 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.331. INSPECTION AND APPROVAL REQUIRED BEFORE BACKFILLING.

(a) As soon as a permittee installs, rebuilds, repairs or adds on to, connects to, or destroys an OWTS or other sanitation facilities pursuant to the permit and is ready to backfill the work, the permittee shall notify the Director that the system is ready for inspection before the work is covered.

(b) No person shall backfill or cause another person to backfill an OWTS or other sanitation facilities that has been installed, rebuilt, repaired, added on to, or destroyed before the Director inspects and approves the work, as provided in subsection (a). This subsection shall not prevent a property owner, engineer, contractor, or other person responsible for the work from taking actions to secure or abate unsafe conditions or protecting persons from injury at the site.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 22. Section 68.332 of the San Diego County Code is hereby repealed.

Section 23. Section 68.333 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.333. REINSPECTIONS.

A property owner whose OWTS or other sanitation facilities installation, rebuild, repair, connection, destruction, or addition does not pass inspection shall promptly correct the deficiency and have the system reinspected. The property owner shall be responsible for paying all reinspection fees. If the property owner fails to correct the deficiency or request reinspection within a reasonable period of time, the Director may revoke the permit and/or take other enforcement action pursuant to section 68.336.

(Amended by Ord. No. 3061 (N.S.), effective 5-11-67; amended by Ord. No. 3436 (N.S.), effective 1-1-70; amended by Ord. No. 4531 (N.S.), effective 7-31-75; amended by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 7428 (N.S.), effective 2-4-88; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 24. Section 68.334 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.334. ANNUAL OPERATING PERMIT FOR ONSITE WASTEWATER TREATMENT SYSTEMS REQUIRING MONITORING.

(a) Where a property owner of an OWTS or other sanitation facilities is required to monitor the system, the property owner shall obtain an annual operating permit from the Director and have a valid operating permit in effect at all times.

(b) No person shall use or allow another person to use an OWTS or other sanitation facilities for which an annual operating permit is required if no operating permit is in effect at the time the system is used. A system that requires an annual operating permit, that is being operated without the permit being in force, shall be considered in violation of this chapter and subject to enforcement action pursuant to section 68.336.

(c) The Director may enter property during normal business hours to inspect an OWTS or other sanitation facilities that was approved subject to an annual operating permit requirement.

(d) The property owner shall comply with all conditions of a permit to install an OWTS subject to monitoring, including, but not limited to, obtaining an annual operating permit and any monitoring, maintenance, operation, and notification requirements.

(e) Prior to the issuance of the installation permit for an OWTS subject to monitoring, or a reserve OWTS subject to monitoring, the property owner shall record with the County Recorder's Office a Covenant and Agreement, or other equivalent document, with an acknowledgement of and promise to comply with the conditions of the installation permit for the OWTS. This document shall run with the land and shall be binding on any future owners, encumbrances, their successors, heirs, or assigns and shall continue in effect until DEHQ approves its termination. Termination shall occur

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when the use of the OWTS subject to monitoring has ceased in compliance with all applicable laws and regulations.

(Amended by Ord. No. 3436 (N.S.), effective 1-1-70; repealed by Ord. No. 4531 (N.S.), effective 7-31-75; new Section 68.334 added by Ord. No. 9322 (N.S.), effective 5-4-01; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 25. Section 68.335 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.335. ANNUAL OPERATING PERMIT REVOCATION.

(a) Property owners of OWTS or other sanitation facilities that have not returned to compliance after being provided a notice of a violation of this chapter may be subject to the revocation of the annual operating permit for a system that requires monitoring by the Director. In addition to the revocation of the annual operating permit for an OWTS in violation of this chapter, the property owner may be subject to enforcement action pursuant to section 68.336.

(b) The Director may reinstate a permit that has been revoked under this section if the Director determines that the permittee has presented a plan for adequate repair, alteration, or maintenance of the system that will allow the system to operate properly. The Director may also allow a permit that was revoked for failure to comply with the terms of the permit, including the failure to allow inspection, if the Director receives adequate assurance from the permittee that the permittee will comply with terms of the permit. As a condition of the reinstatement process the permittee shall pay all of the Director's costs and expenses incurred to investigate and process the revocation and reinstatement of the permit, in addition to paying all fees established by the Board.

(Added by Ord. No. 9322 (N.S.), effective 5-4-01; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 26. Section 68.336 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.336. ABATEMENT; ENFORCEMENT; APPEALS.

(a) Any violation of this chapter or the standards in the LAMP shall constitute a public nuisance subject to nuisance abatement under the provisions of Title 1, Division 6, Chapter 2 of this Code.

(b) In addition to the authority to abate nuisances, the Director may institute any other legal remedies available to the County, including the provisions of Title 1, Division 8 of this Code.

(c) The Director or authorized designee may inspect premises subject to this chapter at reasonable times and in a reasonable manner to carry out the purposes of this chapter. If entry for a regulatory inspection is refused by the owner or other person in

control of the property, or by the occupant of a residence, an inspection warrant shall be obtained prior to inspection.

(d) Inspection may include all actions necessary to investigate and determine whether an OWTS or other sanitation facilities are installed, used, operated, maintained, destroyed, or functioning in compliance with this chapter and the standards in the LAMP. The Director may require the property owner to conduct testing of the OWTS or other sanitation facilities to determine the operational status of the system.

(e) The Director shall recover all time, services, and materials costs associated with the abatement of violations of this chapter in accordance with fees established in Section 65.107 of this Code.

(f) The permit fee for any work conducted without obtaining the required permit or for failing to obtain or renew a required annual operating permit, shall be charged at two times the cost of the regular permit fee.

(g) Appeal of Enforcement Action. A person subject to enforcement action by the Department may appeal the enforcement action in accordance with the applicable procedures for the specific enforcement action being taken provided in Title 1, Division 6, and Division 8. If the violation poses an immediate threat to health and safety, the request for hearing shall be made within the number of days allowed in the Notice and Order to Abate.

(h) Appeal of Administrative Decision. An owner or septic professional who disagrees with an administrative decision by the Department may submit a request for a review hearing with the required fee on a form provided by the Department within 14 days of receiving an administrative decision related to an onsite wastewater treatment system, layout, permit or other requirement of this chapter. The Director shall schedule a hearing with a Department employee, at the supervisor level or higher, who was not involved in the decision. If the departmental review hearing does not resolve the issue, the person subject to the administrative decision by the Department may appeal to the Hearing Officer within 14 days of receiving notice of the decision of the Department review, in accordance with the procedures provided in Title 1, Division 6, Chapter 1 of this code.

(Added by Ord. No. 9322 (N.S.), effective 5-4-01; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 27. Article 5 Section 68.340 of the San Diego County Code is hereby amended to read as follows:

ARTICLE 5. SPECIFICATIONS AND STANDARDS

SEC. 68.340. STANDARDS FOR ONSITE WASTEWATER TREATMENT SYSTEMS.

Standards for the siting and design of OWTS and other sanitation facilities authorized by this chapter shall be as set forth in the County of San Diego's Local Agency Management Program for Onsite Wastewater Treatment Systems (LAMP). The Director

shall maintain an official copy of the LAMP on the Department of Environmental Health and Quality website.

(Amended by Ord. No. 6049 (N.S.), effective 6-11-81; amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 9495 (N.S.), effective 9-13-02; amended by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10389 (N.S.), effective 7-24-15; amended by Ord. No. 10709 (N.S.), effective 1-15-21)

Cross reference(s)--Excavations, fills, and obstructions, § [71.301](#) et seq.

Section 28. Section 68.341 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.341. REQUIREMENTS FOR ONSITE WASTEWATER TREATMENT SYSTEM INSTALLATION, EXPANSION, LAND DEVELOPMENT PROJECTS DIVISION OF PROPERTY, BUILDING PERMITS, AND GRADING.

(a) An applicant for an OWTS or other sanitation facilities shall install a system authorized by this chapter that the Director determines meets the requirements in this chapter and the standards in the LAMP.

(b) No part of an OWTS shall be located on any lot other than the lot that is the site of the building or structure that will be served by the OWTS.

(c) Building Permits and Changes of Use and Occupancy. A property owner who is required to obtain: (1) a building permit for a new building structure, a building addition, or other remodeling of an existing building or to add another stand alone building on property, or (2) the building official's approval for a change of use or occupancy of an existing building, where an OWTS or other sanitation facilities authorized by this chapter is used or proposed to be used as the means for sewage disposal shall also obtain the Director's approval before a building permit or other approval shall be issued. If the addition, remodeling, or change of use or occupancy will likely result in a greater amount of sewage or other waste to flow into an OWTS, the property owner shall obtain a permit from the Director to expand the system to accommodate the additional waste that will exceed the capacity of the existing system.

(d) A property owner in subsection (c), as a requirement for the Director's approval, shall also demonstrate as part of the permitting or approval process, that the property has an OWTS that meets the current requirements of this chapter and the standards in the LAMP.

(e) Land Development Projects or Use Permits. A person applying for a project, such as a major or minor use permit, or a land development project, or to modify an existing use permit on property with an OWTS shall obtain the Director's approval as part of the application process. No use permit modification shall be granted without the Director's approval. The person shall submit an application requesting the Director's review on a form provided by the Director and shall submit any additional information or documents the Director requests. The application shall not be considered complete until the

applicant submits all required documents. The Director shall notify the applicant in writing whether or not the Director approves the application and if the application is disapproved, the notice shall state the reasons for the disapproval.

(f) If the use permit's modification will result in a change in the wastewater characteristics or a greater amount of sewage or other waste to flow into an OWTS the applicant shall also be required to obtain a permit from the Director to expand the system to accommodate the additional waste and shall demonstrate as part of the approval process that the property has an OWTS that meets the current requirements of this chapter and the standards in the LAMP.

(g) Subdivisions of Land. A person applying to subdivide property shall demonstrate that an OWTS that complies with the requirements of this chapter and the standards in the LAMP is feasible to install on each lot proposed in the subdivision prior to the approval of the tentative map or the tentative parcel map. Where minimum lot sizes for a subdivision have been reduced based on the proposal to utilize OWTS with supplemental treatment for nitrogen reduction, the developer shall include a statement on the final map or parcel map acknowledging only OWTS with supplemental treatment for nitrogen reduction are approved to be installed on each lot. Where alterations to the design or location of an OWTS are proposed that differ from the design or location previously approved by the Director, the person applying to subdivide property shall demonstrate that the new design or location meets the requirements of this chapter and the standards in the LAMP is feasible to install on each lot prior to the approval of a final map or a parcel map. A person proposing to subdivide property where individual water wells are proposed shall provide proof to the Director that there is an adequate potable well water supply available to each lot or parcel before a final map or a parcel map is approved.

(h) Lot Line Adjustments. A person applying for a lot line adjustment shall demonstrate that the existing or a proposed OWTS on each lot proposed for adjustment complies with this chapter and the standards in the LAMP as part of the application process. Where an existing OWTS does not conform to the requirements of this chapter and the standards in the LAMP, the lot line adjustment shall not result in an expansion of the existing nonconformity of the OWTS.

(i) Grading Permits. An applicant for a grading permit to grade property where there is an existing or approved, but not installed, OWTS, shall obtain the Director's approval as part of the grading plan approval process prior to the issuance of the grading permit and shall demonstrate the proposed grading does not result in the elimination of features required to meet the requirements of this chapter and the standards in the LAMP or in the reduction of area needed for required water supply well or OWTS and reserve area.

(Amended by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10389 (N.S.), effective 7-24-15)

Section 29. Section 68.342 of the San Diego County Code is hereby repealed.

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Section 30. Section 68.343 of the San Diego County Code is hereby repealed.

Section 31. Section 68.344 of the San Diego County Code is hereby repealed.

Section 32. Section 68.345 of the San Diego County Code is hereby repealed.

Section 33. Section 68.346 of the San Diego County Code is hereby repealed.

Section 34. Section 68.347 of the San Diego County Code is hereby repealed.

Section 35. Section 68.348 of the San Diego County Code is hereby repealed.

Section 36. Section 68.349 of the San Diego County Code is hereby repealed.

Section 37. Section 68.350 of the San Diego County Code is hereby repealed.

Section 38. Section 68.351 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.351. DIRECTOR MAY MODIFY REQUIREMENTS.

(a) The Director may exercise discretion to modify the requirements of this chapter for an OWTS that could not otherwise be issued a permit if one of the following circumstances applies, and if the requirements in subsections (b), (c), and (d) of this section are met. The applicant shall pay any fees required for such a review.

(i) The applicant proposes a smaller size system than required that will have only limited or occasional use and the proposed system is adequate to accommodate the sewage flows the buildings on the lot will produce.

(ii) It is impracticable for an applicant to comply with requirements as to the length of leach trenches or chambers, but the proposed system is able to achieve the same practical effect as the requirements by modifying leach trenches or chamber dimensions.

(iii) It is impracticable for an applicant to comply with certain requirements related to the location of system components, but the applicant is able to prevent any adverse effects by the manner in which the applicant installs the system.

(b) The Director determines that modifying the requirements will not result in any adverse effects on an underground source of water or on the public health and safety.

(c) If the Department of Environmental Health and Quality is the lead agency for the project under the California Environmental Policy Act (CEQA), the Director determines that the project is exempt from CEQA and files a Notice of Exemption; or the Director determines that approval of the project will not have a significant effect on the environment, and adopts a Negative Declaration or a Mitigated Negative Declaration.

(d) If the Department of Environmental Health and Quality is a responsible agency for the project, the lead agency has determined that the project is exempt from CEQA or has adopted a Negative Declaration or Mitigated Negative Declaration for the project, and the Department has complied with the responsible agency requirements under CEQA.

(e) The Director may deny a permit for an OWTS that meets the requirements of this chapter if the Director determines that the system will have any adverse effects on an underground source of water or on the public health and safety.

(Amended by Ord. No. 9273 (N.S.), effective 12-15-00; amended by Ord. No. 10136 (N.S.), effective 4-15-11; amended by Ord. No. 10389 (N.S.), effective 7-24-15; amended by Ord. No. 10709 (N.S.), effective 1-15-21)

Section 39. Section 68.352 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.352. GRAYWATER SYSTEMS.

The Director shall issue a permit for the installation and operation of a graywater system in the unincorporated area of the county that complies with any Regional Water Quality Control Board Basin Plan requirements, and the standards contained in the County Plumbing Code.

(Added by Ord. No. 8007 (N.S.), effective 12-26-91; amended by Ord. No. 8458 (N.S.), effective 11-17-94; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 40. Section 68.353 of the San Diego County Code is hereby repealed.

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Section 41. Section 68.361 of the San Diego County Code is hereby amended to read as follows:

SEC. 68.361. FEES.

A person submitting an application pursuant to this chapter shall submit the fee established by the Board in section 65.107 for that application. An application shall not be considered complete until the applicant has paid the fee. If this chapter requires an inspection, re-inspection, consultation, examination, re-examination, test, re-test, or any other action by the Director for which the Board has established a fee in section 65.107, the person requesting the action shall submit the fee to the Director at the time the person requests the Director take the action.

(Added by Ord. No. 10136 (N.S.), effective 4-15-11)

Section 6. Effective Date. This Ordinance shall take and be in force thirty (30) days after the date of its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

APPROVED AS TO FORM AND LEGALITY
CLAUDIA G. SILVA, County Counsel
By: Regan Savalla, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 11th day of September 2024.



NORA VARGAS
Chair, Board of Supervisors
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Montgomery Steppe, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 11th day of September 2024.

ANDREW POTTER
Clerk of the Board of Supervisors

By 
Janelly Valdivia, Deputy



Ordinance No.: 10918 (N.S.)
Meeting Date: 09/11/2024 (02)