

ORDINANCE NO. 04754
BOARD OF SUPERVISORS, COUNTY OF SAN MATEO,
STATE OF CALIFORNIA

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**AN ORDINANCE AMENDING CHAPTER 4.84 OF TITLE 4 – SANITATION AND
HEALTH OF THE SAN MATEO COUNTY ORDINANCE CODE AND
SECTIONS 9300 THROUGH 9340 OF CHAPTER 4 (SAN MATEO COUNTY
ORDINANCE NO. 03740)**

The Board of Supervisors of the County of San Mateo, State of California,

ORDAINS as follows

SECTION 1. Sections 4.84.010 through 4.84.130 of Chapter 4.84 of Title 4 and Sections 9300 through 9340 of Chapter 4 (Ordinance No. 03740) of the San Mateo County Ordinance Code are hereby repealed and replaced in their entirety with new Sections 4.84.010 through 4.84.195 to be entitled and to read as follows:

ARTICLE 1: DEFINITIONS AND GENERAL PROVISIONS

4.84.010 - Purpose and Authority.

The purpose of this Chapter is to establish standards for the siting, design, installation, and operation of Onsite Wastewater Treatment Systems (OWTS) in San Mateo County, consistent with the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems, adopted by the State Water Resources Control Board on June 19, 2012, which became effective May 13, 2013 (SWRCB OWTS Policy), and with California Regional Water Quality Control Board (CRWQCB) standards and basin plans. These standards are adopted to prevent the creation of health hazards and nuisance conditions and to protect surface and Groundwater quality from threats of sewage.

4.84.015 - Administration and Enforcement.

This Chapter shall be administered and enforced by Environmental Health in San Mateo County. Environmental Health shall coordinate the permitting of OWTS within incorporated cities with each city.

4.84.020 - Onsite Systems Manual.

- a. Policy, procedural and technical details for implementation of this Chapter shall be contained in a document titled the Onsite Systems Manual, available on the San Mateo County Environmental Health Services Division website.
- b. The Onsite Systems Manual shall be developed and maintained by Environmental Health, and shall provide a reasonable process for seeking input from the affected public and OWTS practitioners, such as OWTS designers and installers, regarding its development and any changes made to it.
- c. The Onsite Systems Manual and any amendments to it shall be subject to approval by Environmental Health and the San Francisco Bay and Central Coast Regional Water Quality Control Boards in accordance with applicable State requirements and policies for onsite wastewater treatment.
- d. The type and manner of design and construction of OWTS shall conform to the standards as required by this Chapter and the Onsite Systems Manual.

4.84.025 - Definitions.

- a. The following terms used in this Chapter have the same definition as in the SWRCB OWTS Policy, which is available on the San Mateo County Environmental Health Services Division website: Cesspool, Domestic Wastewater, Groundwater, Impaired Water Body, Onsite Wastewater Treatment System (OWTS), Replacement OWTS, Seepage Pit, Septic Tank, Site Evaluation, Soil, Supplemental Treatment, Total Maximum Daily Load (TMDL), and Waste Discharge Requirement.
- b. The following terms used in this Chapter are defined as follows:
 1. "Alternative OWTS" is a type of OWTS that utilizes either a method of wastewater treatment other than a conventional Septic Tank for the purpose of producing a higher quality wastewater effluent and/or a method of wastewater dispersal other than a gravity-fed trench Dispersal System for effluent dispersal.
 2. "Conventional OWTS" means a type of OWTS consisting of a Septic Tank for primary treatment of sewage followed by gravity flow to a Dispersal System of drainfield trenches for subsurface dispersal of effluent into the soil.

3. "Cut" or "Embankment" means any area of land surface having a distinctly greater slope than the adjacent natural ground surface, greater than 36 inches in vertical height, and any part of which is lower in elevation than the ground surface at the nearest point of the OWTS. Cuts supported by retaining walls or similar structures shall be included in this definition, as shall steep natural ground surfaces where a sharp break in the ground slope is discernible.
4. "Dispersal System" means a series of trenches, beds, subsurface drip lines, or other approved method for subsurface infiltration and adsorption of wastewater effluent, including all component parts, such as piping, valves, filter material, chambers, dosing pumps, siphons and/or other appurtenances.
5. "Drainage Swale" means any course of concentrated drainage water that has formed over time by either natural or man-made forces and where the flow of water is either at or near ground surface with no significant subsurface flow component. Also included in this definition are facilities used for the treatment and/or dispersal of roof runoff or other site drainage, such as vegetated swales and infiltration/percolation trenches or basins.
6. "Environmental Health" means the Director of Environmental Health Services Division of San Mateo County or his/her designee.
7. "Holding Tank" means a watertight receptacle used to collect and store wastewater prior to it being removed from a property by means of vacuum pumping and hauling or another approved method.
8. "Operating Permit" means the administrative document issued by Environmental Health authorizing the initial and/or continued use of an Alternative OWTS in conformance with the provisions of this Chapter and the Onsite Systems Manual. An Operating Permit may also be issued in connection with Holding Tank exemptions, Portable Toilet installations, or where Environmental Health determines that the type, size, location or other aspects of a particular OWTS installation warrant an additional level of oversight provided through the issuance of an Operating Permit.
9. "OWTS Failure" means the ineffective treatment and/or dispersal of waste resulting in the surfacing of raw, or inadequately treated sewage effluent, or the degradation of surface or Groundwater quality as it creates a potential public health hazard. For a Dispersal System, signs of OWTS Failure may include surfacing wastewater effluent from the dispersal field or wastewater backed up into plumbing fixtures, including Septic Tank, because the Dispersal System is not able to percolate the design flow of wastewater associated with the structures served. For a Septic Tank,

signs of OWTS Failure may include compartment baffle buckling or failure or tank structural integrity failure such that either wastewater is exfiltrating or Groundwater is infiltrating.

10. "Portable Toilet" means an enclosed unit intended for temporary use at a given location. Portable Toilets may also be referred to as "chemical toilets" in other County ordinances or California statute or regulation.
11. "Pressure-Dosing Distribution" means a method of wastewater dispersal used to achieve equal distribution of wastewater within a dispersal field by employing a pump or automatic dosing siphon and distribution piping with small diameter holes or perforations spaced uniformly along its length.
12. "Qualified OWTS Design Professional" means an individual licensed or certified by a State of California agency to design OWTS and practice as a professional as allowed under their license or registration. An individual who certifies OWTS designs must be a State of California Registered Environmental Health Specialist, Professional Geologist, or Professional Civil Engineer.
13. "Soil Percolation Testing" is 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.
14. "Unstable Land Mass" means land prone to subsidence, erosion, or mass land movement as indicated by historical landslide events, published maps or reports, or evidence of characteristics such as surface rupture, scarps, creep or other irregularities in ground slope conditions.
15. "Watercourse" means a definite channel with bed and banks within which water flows either perennially, ephemerally or intermittently, including overflow channels contiguous to the main channel. A Watercourse may be either a natural or man-made channel. For purposes of this Chapter, Watercourse also includes water bodies such as ponds, lakes, marshes, seasonal wetlands and tidal waters.

4.84.030 - Scope and Application.

- a. OWTS may be considered for the treatment and dispersal of Domestic Wastewater where a sanitary sewer is not available consistent with the provisions of Section 4.84.040 of this Chapter.

- b. This Chapter applies to premises where there is proposed or exists a residence, place of business or other building or place which people occupy, or where persons congregate, reside or are employed and where the maximum daily flow volume of wastewater produced is ten thousand gallons per day (10,000 gpd) or less.
- c. If the amount of wastewater produced is more than ten thousand gallons per day (10,000 gpd), or where a community system serving multiple discharges under separate ownership is proposed, the method of wastewater treatment and dispersal must be approved by the appropriate CRWQCB consistent with the requirements of Section 4.84.125 of this Chapter. Any proposed OWTS with projected daily wastewater flow of more than two thousand five hundred gallons per day (2,500 gpd) will be referred by Environmental Health to the appropriate CRWQCB for review and will require the issuance of an Operating Permit as provided in Section 4.84.155 of this Chapter.
- d. For any existing or new OWTS within an area determined to require advanced protection management, such OWTS may require Supplemental Treatment of effluent and additional monitoring and reporting to Environmental Health consistent with Section 4.84.175 of this Chapter.
- e. For any subdivision of land proposed to be served by an OWTS, the subdivider must demonstrate that the OWTS design and siting is consistent with this Chapter and the Onsite Systems Manual.
- f. The requirements in this Chapter and the Onsite Systems Manual shall apply to any application for permit issued by Environmental Health, and any applications for any services administered by Environmental Health, which are required by this Chapter and that are submitted on or after the effective date of this Chapter.

4.84.035 - County Not Responsible for Damage.

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

4.84.040 - Public Sanitary Sewer; Connection to.

- a. Every property where there is proposed a residence, place of business, or other building or place which people occupy, or where persons congregate, reside or are employed, and which proposed structures requiring sewage disposal are within two hundred (200) feet of an approved available sanitary sewer, must be connected to the sanitary sewer in the most direct manner possible, provided a right-of-way and any necessary approval from the appropriate sewer authority and the San Mateo County Local Agency Formation Commission is first obtained.
- b. On property where an OWTS exists, and which structures served by an OWTS are within two hundred (200) feet of an approved available sanitary sewer, connection to the available sanitary sewer will be required at the time of OWTS Failure or when replacement or addition to the OWTS is required or proposed, provided any necessary approval from the appropriate sewer authority and the San Mateo County Local Agency Formation Commission is first obtained.

ARTICLE 2: CERTIFICATIONS

4.84.045 - Certification of Soil Percolation Testers.

- a. No person shall perform Soil Percolation Testing or submit results from Soil Percolation Testing to Environmental Health unless they possess a current certification from Environmental Health as prescribed in the Onsite Systems Manual.
- b. Soil percolation tester certification by Environmental Health may be suspended or revoked upon any of the following grounds:
 1. The tester no longer possesses a current and valid registration or certification as a State of California Registered Environmental Health Specialist, Professional Geologist, or Professional Civil Engineer as determined by Environmental Health;
 2. Environmental Health determines that a material misrepresentation was included by the tester on the initial or renewal application for soil percolation tester certification by Environmental Health; or
 3. Environmental Health determines that the tester, in the performance of testing required by this Chapter, committed an act that misrepresents actual soil percolation conditions or may pose a threat to public health and safety.

4.84.050 - Certification of OWTS Installers.

- a. No person shall install, construct, add to, alter, or replace an OWTS in San Mateo County unless they possess a current certification from Environmental Health as prescribed in the Onsite Systems Manual. This certification shall be required in addition to any license to install the OWTS which is mandated by State law.
- b. OWTS installer certification by Environmental Health may be suspended or revoked on any of the following grounds:
 1. OWTS installer no longer possesses a current and valid, State of California contractor license;
 2. Environmental Health determines that the OWTS installer made a material misrepresentation on the initial or renewal application for installer certification by Environmental Health; or
 3. Environmental Health determines that the OWTS installer, in the course of installing, constructing, adding to, altering, or replacing an OWTS in San Mateo County required by this Chapter, committed an act that violates this Chapter or the Onsite Systems Manual or may pose a threat to public health and safety.

4.84.055 - Certification for Septage Pumping and Cleaning of OWTS, Holding Tanks and Portable Toilets.

- a. It shall be unlawful for any person to engage in pumping or cleaning or engage in the business of pumping or cleaning of OWTS, Holding Tanks or Portable Toilets, or removing other accumulations of septage, or to dispose of the cleanings thereof, unless they possess a current certification from Environmental Health as prescribed in the Onsite Systems Manual.
- b. Each pumper vehicle operating within San Mateo County shall be inspected by Environmental Health annually based on criteria in the Onsite Systems Manual, and shall bear a current Environmental Health Vehicle Identification Permit unique to each vehicle.
- c. Septage pumper certification by Environmental Health may be suspended or revoked on any of the following grounds.
 1. Environmental Health determines that the septage pumper, in the performance of OWTS, Holding Tank or Portable Toilet pumping, hauling, inspection or reporting, commits an act that violates this Chapter or the Onsite Systems Manual or may pose a threat to public health and safety; or

2. Environmental Health determines that the septage pumper made a material misrepresentation on the initial or renewal application for certification by Environmental Health, or in any reporting required by this Chapter or the Onsite Systems Manual.
- d. The provisions of this Section shall not apply to any city, town, county, sanitary district, sanitation district, sewer maintenance district or to any agency or institution of the state or the federal government by reason of the cleaning of Septic Tanks, Portable Toilets or sewage works that are owned and operated by any of these governmental agencies or institutions.

4.84.060 - Suspension or Revocation of Soil Percolation Tester, OWTS Installer or Septage Pumper Certifications.

The suspension or revocation by Environmental Health of any certification set forth in Sections 4.84.045 through 4.84.055 of this Chapter shall be accomplished in the following manner:

- a. Written notice of the suspension or revocation shall be served on the certified tester, installer or pumper by certified mail or personal service. The notice shall describe the violation with supporting facts and mention the right to request an appeal hearing before Environmental Health.
- b. Environmental Health may suspend a tester, installer or pumper certification for a period between five (5) calendar days and the number of calendar days remaining until the end of the certification term, depending upon the severity of the transgression.
- c. Suspension or revocation issued pursuant to this Section will be effective ten (10) calendar days from the date appearing on the written notice, unless a timely appeal is filed in accordance with this subsection d.
- d. Appeal.
 1. The decision is appealable to Environmental Health.
 2. An appeal must be in writing, and hand-delivered or mailed to Environmental Health.
 3. An appeal must be received by Environmental Health on or before the effective date of suspension or revocation provided by subsection a.
 4. The filing of a timely appeal will stay a suspension or revocation pending a decision on the appeal by Environmental Health.
 5. A hearing on the appeal shall be scheduled within thirty (30) calendar

days of the date of the notice of suspension/revocation unless an extension is authorized by Environmental Health.

6. The decision of Environmental Health shall be a final administrative order with no further administrative right of appeal.
- e. No reapplication will be accepted by Environmental Health for a period of six (6) months after a tester, installer or septage pumper certification is revoked.
- f. The following rules shall apply to any hearing held pursuant to this Section. At the hearing, all parties shall have the right to offer testimonial, documentary, and tangible evidence bearing on the issues, to be represented by counsel, and to confront and cross-examine witnesses. Any relevant evidence may be admitted if it is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Formal rules of discovery do not apply to proceedings governed by this Chapter. Unless otherwise specifically prohibited by law, the burden of proof is on the appealing party in any hearing or other matter under this Chapter.

ARTICLE 3: GENERAL REQUIREMENTS AND PROHIBITIONS

4.84.065 - OWTS; When Used.

- a. Every residence, place of business, or other building, or place where persons congregate, reside, or are employed, and which cannot be connected to a sanitary sewer, must be provided with a water flush toilet connected to an approved OWTS.
- b. Every building, structure, or appurtenance that contains one or more waste producing fixtures such as toilets, sinks, showers or bathtubs, clothes washing machines, dish washing machines, animal wash pads, floor drains or other fixture or fittings intended to drain organic or inorganic waste material must be connected to an approved OWTS that meets the requirements of this Chapter.
- c. Subject to local zoning restrictions and planning approval, multiple buildings on the same parcel, such as a main house and detached living unit or two or more agricultural housing units, may be served by a common OWTS located on that parcel, provided the OWTS is determined to have sufficient treatment and dispersal capacity for the expected wastewater flow from all buildings or facilities connected to the OWTS.

4.84.070 - Applications, Plot Plans, Inspections and Other Requirements.

- a. Applications for permits from Environmental Health or for services administered by Environmental Health are required at certain stages and for certain activities related to OWTS design and installation, including but not limited to Site Evaluation, Soil Percolation Testing, OWTS installation, OWTS repair and OWTS destruction. Each application submitted pursuant to this Chapter and the Onsite Systems Manual shall include plot plans as appropriate that must comply with and contain all information as prescribed in the Onsite Systems Manual. If a resubmittal of plans is required upon review and comment by Environmental Health during the application process, a resubmittal fee may be required.
- b. Applicants must notify Environmental Health of all proposed field work to be completed in compliance with any permit, as prescribed in the Onsite Systems Manual.
- c. After a permit has been issued and prior to construction, any proposed alterations of the previously approved plans must be submitted to Environmental Health for approval. A resubmittal fee will be required. After a permit has been issued, any alterations of the approved plans proposed during construction must be first approved by Environmental Health, and after construction, must be submitted in as-built plans prior to final sign-off by Environmental Health as an operable OWTS. Upon submittal of as-built plans to Environmental Health, a resubmittal fee may be required.
- d. Applications for which a permit has not been issued due to failure to submit required information shall become null and void after one (1) calendar year from the date of application submittal.

4.84.075 - Fees.

- a. No permit shall be issued under this Chapter until the applicant has previously paid the applicable fees as set forth in County Ordinance Section 5.64.070.
- b. All application fees are non-refundable.

4.84.080 - Expiration and Transfer of Permits.

- a. Each permit issued pursuant to this Chapter shall expire and become null and void if the work authorized thereby has not commenced within one (1) calendar year after the permit has been issued. The expiration date of a permit may be extended by Environmental Health if an application for extension is made and the applicable fee paid, prior to the expiration of the original permit.

- b. If, after the commencement of the installation of an OWTS or any part thereof authorized by a permit issued pursuant to this Chapter and before the completion thereof, the project is abandoned for a continuous period of one (1) calendar year, then the permit shall expire and become null and void.
- c. Upon the expiration of any permit as herein provided, no further work may be done in connection with the installation of an OWTS unless and until a new permit for such purpose is issued in accordance with this Chapter and the Onsite Systems Manual.
- d. No permit issued pursuant to this Chapter shall be transferred from one person, contractor, or site to another person, contractor, or site. A new application must be submitted with all relevant information and the applicable fee paid as set forth in this Chapter and the Onsite Systems Manual.

4.84.085 - Denial, Suspension or Revocation of OWTS Permit.

- a. A permit may be denied, suspended or revoked by Environmental Health when it has been determined that a violation of State law, a provision of this Chapter, or a provision of the Onsite Systems Manual exists.
- b. Environmental Health shall issue a decision as to whether the permit for some element of OWTS design, installation, repair or destruction should be denied, suspended or revoked and cite the grounds thereof. Written notification of said decision shall be mailed to the applicant.
- c. Any applicant may appeal the decision of Environmental Health to deny, suspend or revoke the permit for an element of OWTS design, installation, repair or destruction. The appeal shall be made to the Board of Supervisors by submitting to Environmental Health a completed application for appeal and the appropriate fees as set forth in County Ordinance Section 5.64.070. The appeal application must be submitted within ten (10) calendar days of the date of Environmental Health's decision to deny, suspend or revoke the permit. The Board of Supervisors may reject, affirm or modify Environmental Health's decision.

4.84.090 - Issuance of Building Permit.

No building permit may be issued for any building requiring a sewage disposal system that is not to be connected to an approved sanitary sewer unless Environmental Health has given written notice to the Building Department of record that an appropriate OWTS design has been approved. Such review by Environmental Health for a planning or building application may include a fee as set forth in County Ordinance Section 5.64.070.

4.84.095 - Issuance of Certificate of Occupancy.

- a. No person may occupy or otherwise use any premises or building that has not been connected to an approved sanitary sewer unless Environmental Health has approved the method of sewage disposal.
- b. No certificate of occupancy (finalization of Building Permit) may be issued for any building that is not connected to an approved sanitary sewer unless Environmental Health has given written notice to the Building Department of record that an appropriate OWTS has been installed for the building.

4.84.100 - Violations; Public Nuisance.

- a. No person may construct, add to, alter, repair, replace or maintain any Septic Tank, Dispersal System, or any other type of OWTS, or any other conduits for the treatment or discharge of sewage, impure waters, or any matter or substance offensive, injurious, or dangerous to health so as to cause any of the following to occur:
 1. Sewage, impure waters, or any matter or substance offensive, injurious, or dangerous to health to empty, flow, seep, or drain onto the surface of any land;
 2. Sewage, impure waters, or any matter or substance offensive, injurious, or dangerous to health to empty, flow, seep, drain into, or affect any well, spring, stream, river, lake, or other waters; or
 3. The creation of any condition which Environmental Health determines is unsafe or dangerous, or creates a nuisance.
- b. A violation of this Section is hereby declared a public nuisance.

4.84.105 - Prohibition of Installation of Cesspools and Seepage Pits.

The installation of Cesspools, Seepage Pits, and similar excavations are not allowed in San Mateo County.

4.84.110 - Prohibition of Holding Tanks; Portable Toilets; Exemptions.

- a. The installation of Holding Tanks is prohibited in San Mateo County. Exemption to this prohibition may be granted by Environmental Health if it is necessary to use a Holding Tank to abate a nuisance or health hazard caused by an OWTS Failure, while that OWTS is properly repaired. Such exemption shall only be granted for a limited time as determined by Environmental Health. This prohibition does not apply to Holding Tanks installed within the boundaries of a sanitary district that has jurisdiction and responsibility for the maintenance and repair of said Holding Tanks.
- b. Where exemptions are granted and Holding Tank(s) are approved, an Operating Permit issued by Environmental Health consistent with Section 4.84.155 of this Chapter may be required, and such permit will provide for approval of the tank pumper, maintenance schedule, tank/sewage level monitoring, reporting requirements, and other conditions as may be deemed necessary by Environmental Health.
- c. Portable Toilets are intended to serve non-residential, limited use activities, such as field labor operations, special events, and temporary construction sites where connection to a sanitary sewer system or installation of an OWTS is not practicable. Except as otherwise permitted by law or as described below for publicly-owned non-residential facilities, the use of Portable Toilets at a particular location or event shall not exceed seven (7) consecutive days duration unless otherwise exempted by Environmental Health. Such exemption, where approved, may require the issuance of an Operating Permit in accordance with this Chapter and the Onsite Systems Manual, which will specify the terms and conditions for extended use of the Portable Toilet(s).
- d. The use of vault toilets or semi-permanent Portable Toilets at a publicly-owned, non-residential facility (i.e., State beach, County or city park) may be allowed by Environmental Health where the vault toilet or semi-permanent Portable Toilet is necessary for the public health, safety or welfare, where installation of an OWTS is not feasible and a vault toilet or semi-permanent Portable Toilet is determined by Environmental Health to provide the safest and most acceptable method of sewage disposal. Such installations by public entities may be exempted from an Operating Permit or from Operating Permit fees by Environmental Health.

ARTICLE 4: OWTS SITING AND DESIGN

4.84.115 - OWTS; Minimum Requirements.

- a. Where an OWTS is required, it shall, at a minimum, consist of a Conventional OWTS as defined in this Chapter. The Septic Tank and

subsurface effluent Dispersal System must be designed by a Qualified OWTS Design Professional, permitted, and so constructed as to meet the requirements of this Chapter and the rules, regulations and guidelines prescribed in the Onsite Systems Manual.

- b. No person may construct, add to, repair or alter any new or existing OWTS without first submitting plans to Environmental Health for approval and obtaining a permit pursuant to the requirements of this Chapter and the Onsite Systems Manual.
- c. A primary dispersal field must be installed, consisting of two sets of effluent dispersal trenches interconnected with an approved flow diversion device (dual dispersal system), intended to allow alternate use of the two fields as prescribed in the Onsite Systems Manual. Additional dispersal fields equivalent to and separate from the primary dual dispersal fields, must be identified and such area held in reserve for potential future replacement of the primary field(s).
- d. For all locations where an OWTS is proposed to be installed or expanded, including designated replacement fields, Soil Percolation Testing and other exploratory tests, as necessary, shall be performed to verify adequate depth and permeability of soil and separation between trench bottom and Groundwater. Testing shall be conducted in accordance with requirements and guidelines prescribed in the Onsite Systems Manual. Such procedures shall include provisions for completion of Groundwater observations during the wet season, as well as wet season Soil Percolation Testing in cases where soils exhibit high shrink-swell characteristics related to clay content, plasticity and/or structure.
- e. Soil Percolation Testing, Groundwater determinations, and designation of adequate Dispersal System area to meet the requirements of this Chapter for divisions of land will be required on each proposed parcel.

4.84.120 - OWTS; Minimum Siting Criteria.

Approval of all OWTS shall require compliance with the following minimum siting criteria.

- a. The Septic Tank, drainfield, and other components of the OWTS shall be located within the boundaries of the parcel upon which the structure requiring the system is built.
- b. Minimum depth of soil beneath the bottom of the proposed dispersal field shall be three (3) feet.
- c. No dispersal of effluent shall be allowed within soil fill. All Dispersal Systems

shall have at least twelve (12) inches of soil cover, except for shallow subsurface drip Dispersal Systems, which must have at least nine (9) inches of soil cover.

- d. The average soil percolation rate in the proposed dispersal field area shall not be faster than twelve (12) inches per hour (five (5) minutes per inch) nor slower than 0.75 inches per hour (eighty (80) minutes per inch), determined by Soil Percolation Testing in accordance with procedures prescribed by this Chapter and the Onsite Systems Manual. Dispersal System areas with percolation rates between 0.75 inches per hour and 0.99 inches per hour must utilize Pressure-Dosing Distribution consistent with Article 5 of this Chapter.
- e. Underground utility lines, conduits or trenches, including irrigation lines, shall not be installed in or across drainfields, nor shall they be located near drainfields so as to pose a potential preferential pathway for effluent.
- f. Minimum required vertical Groundwater separation distance between trench/distribution system bed bottom and Groundwater shall be at least five (5) feet. Vertical Groundwater separation distance between trench bottom and Groundwater may be reduced to three (3) feet by utilizing Supplemental Treatment or Pressure-Dosing Distribution systems OWTS in compliance with Article 5 of this Chapter and the Onsite Systems Manual.
- g. OWTS shall not be located in areas subject to flooding, consistent with criteria as prescribed in the Onsite Systems Manual.
- h. OWTS must be located to be easily accessible for maintenance and repairs.
- i. OWTS shall not be located in areas subject to vehicular traffic or other areas subject to significant compaction, including areas of concentrated livestock use. Maximum ground slope in the dispersal field area shall not equal or exceed fifty percent (50%). Where ground slope in the dispersal field area is thirty five percent (35%) up to fifty percent (50%), Pressure-Dosing Distribution is required. For any site where the ground slope exceeds twenty percent (20%), approval shall be dependent upon completion of a geotechnical report as prescribed in the Onsite Systems Manual.
- j. Minimum horizontal setback distances from various site features to OWTS components shall be as follows:

Site Feature	Minimum Setback Distance (feet)
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	To Septic Tank	To Dispersal Field
Building or foundation	5	10
Septic Tank	N/A	10
Property line		
-From properties served by wells or springs	50	50
-From properties served by approved public water supply	10	10
Swimming pool or spa	25	25
Road easement, pavement or driveway	5	5
Watercourses		
-General (from top bank)	100	100
-Between 1200 to 2500 feet from a public or State small water system intake	100	200 ¹
-Within 1200 feet downstream from a public or State Small water system intake	100	400 ¹
All wells and domestic/irrigation springs	100	100
Public and State small water system supply wells or springs	150	150
Reservoirs (from high water mark)		
-General	200	200
-Within 1200 feet from a public or State small water system intake	200	400
Groundwater interceptor trench or drain	5	25
Stormwater infiltration trench, gallery or well	25	25
Drainage Swale or ditch (from edge of flow path)		
-General, lined or unlined	25	25
-Evidence of sustained wet conditions or ponding	25	50
Cuts or embankments (from top of cut)	10	4 x h ^{2,3}
Steep Slopes (lower in elevation than OWTS) ⁴		

-Height of steep slope less than 12 feet	10	25 ³
-Height of steep slope greater than 12 feet	10	50
Unstable Land Mass ⁴	100 ⁴	100 ⁴

¹ For areas tributary to and upstream of water supply intake, setback distance is measured from high water mark. Exceptions may be allowed per SWRCB OWTS Policy, as follows:
(a) for Replacement OWTS, comply with the maximum extent practicable and incorporate Supplemental Treatment unless Environmental Health finds no impact or significant threat to water source; and
(b) for new OWTS on pre-existing lot of record (pre-May 13, 2013), comply to maximum extent practicable and incorporate Supplemental Treatment for pathogens per Article 5 of this Chapter and the Onsite Systems Manual.

² 'h' equals the height of Cut or Embankment, in feet. The required setback distance shall not be less than twenty five (25) feet nor more than fifty (50) feet.

³ Steep slope is considered to be land with a slope of greater than or equal to fifty percent (50%). Where there is clearly discernible Embankment and/or break in slope, treat as Cut or Embankment. Setback of less than fifty (50) feet must be confirmed by appropriate geotechnical evaluation, including but not limited to investigation of slope stability, evidence of rock or impermeable soil layers intersecting slope, seeps, or springs.

⁴ Setback distance may be reduced in accordance with recommendations provided in a geotechnical report prepared by a California civil engineer or professional geologist consistent with guidelines prescribed in the Onsite Systems Manual.

- k. Additional OWTS-related setbacks may be included in other County policies or ordinances based on the specific land use, including but not limited to the County Confined Animal Policy and San Mateo County Ordinance Code, Chapter 4.68 – Wells.

4.84.125 - OWTS Subject to CRWQCB Waste Discharge Requirements; County Permit Required.

- a. Review and approval by the applicable CRWQCB is required for OWTS in cases where:
 1. The peak wastewater design flow handled by the OWTS is more than ten thousand (10,000) gallons per day;
 2. The OWTS is categorized as a community system, which serves multiple discharges under separate ownership; or
 3. The CRWQCB has otherwise determined that its review and approval is necessary and appropriate for water quality protection.
- b. OWTS that are subject to the requirements and approval of the CRWQCB are also required to obtain approval of Environmental Health as prescribed in the Onsite Systems Manual.

4.84.130 - OWTS; Repairs or Alterations.

Repairs or alterations to an existing OWTS must comply with this Chapter and the Onsite Systems Manual to the maximum extent practicable. Such repairs or alterations may require an exemption (variance) consistent with Section 4.84.185 of this Chapter.

4.84.135 - OWTS; Destruction.

Every OWTS that has been abandoned, has been discontinued from further use, or to which no waste or waste discharge pipe from a plumbing fixture is connected must be properly destroyed under permit issued by Environmental Health as prescribed in the Onsite Systems Manual.

4.84.140 - OWTS; Subsurface Dispersal Systems Requirements.

- a. The conventional dispersal method approved for use in San Mateo County shall be a gravity trench Dispersal System designed and constructed as prescribed in the Onsite Systems Manual, with the total length determined based on soil percolation rates and the number of bedrooms, or in the case of non-residential design, projected wastewater flow rate of the building(s) being served. Trench system designs utilizing shallower trenches, chambers or other filter material in place of gravel may be approved by Environmental Health as prescribed in the Onsite Systems Manual.
- b. In addition to the provisions of subsection a., any OWTS proposed for construction on slopes exceeding thirty five percent (35%) shall require the use of Pressure-Dosing Distribution dispersal methods, which are classified as an Alternative OWTS and shall be designed and permitted in accordance with applicable provisions contained in Article 5 of this Chapter and the Onsite Systems Manual.
- c. Alternative OWTS shall only be permitted as detailed in Article 5 of this Chapter.

ARTICLE 5: ALTERNATIVE OWTS

4.84.145 - Alternative OWTS; Use of.

- a. Types of Alternative OWTS permitted, consisting of Supplemental Treatment systems and/or alternative Dispersal Systems, shall be limited to those systems identified in the Onsite Systems Manual, and which have been approved by Environmental Health and the appropriate CRWQCB.
- b. Supplemental Treatment systems may be used to produce higher quality of

wastewater effluent beyond that provided by a conventional Septic Tank and improve the performance of and siting options for the Dispersal System.

- c. Alternative OWTS, utilizing Supplemental Treatment of effluent, may be required by Environmental Health for any new construction or repair within designated impaired areas as described in Article 6 of this Chapter.
- d. Alternative OWTS, including Supplemental Treatment of effluent and/or Pressure-Dosing Distribution, may be required by Environmental Health for any new construction or repair where three (3)-foot separation from base of distribution to Groundwater was previously investigated and approved by Environmental Health prior to the effective date of this Chapter, as described in Section 4.84.165 of this Chapter.
- e. Alternative OWTS consisting of Pressure-Dosing Distribution Dispersal Systems shall be required on slopes exceeding thirty five percent (35%), and for areas with average soil percolation rate between 0.75 and 1.0 inches per hour.
- f. All alternative Dispersal Systems installed in San Mateo County must be below-grade systems.
- g. Alternative OWTS may be permitted by Environmental Health for the repair or upgrading of any existing OWTS where it is determined that sewage cannot be disposed of in a sanitary manner by a conventional Septic Tank and gravity flow dispersal field system.
- h. All alternative systems shall be installed by a contractor duly licensed by the Contractors State License Board of the State of California to install OWTS. Where the installation includes a proprietary treatment system, the contractor shall also possess any required manufacturer certifications, as applicable.
- i. Notwithstanding any other provisions of this section, Environmental Health shall have the authority to deny and/or require modifications to any Alternative OWTS proposal where it determines that such proposal poses an unacceptable threat to public health and/or water quality. Any such denial of a permit shall be in accordance with Section 4.84.085 of this Chapter.
- j. Alternative OWTS utilizing shallow subsurface drip dispersal may be permitted by Environmental Health for new construction on any legally-created parcel where Environmental Health determines such system would provide equal or greater protection to public health and the environment than a conventional or trench-based Pressure-Dosing Distribution Dispersal System. However, both a primary and reserve Dispersal System for a

conventional or trench-based Pressure-Dosing Distribution Dispersal System shall be designed, area reserved and such system could still be installed, if required. The area of the installed shallow subsurface drip Dispersal System and the reserved conventional or trench-based Pressure-Dosing Distribution Dispersal System can overlap as long as the operation of the shallow drip Dispersal System will not affect the potential future function of trench-based Dispersal System.

- k. All Alternative OWTS must comply with the specific requirements set forth in this Section and the Onsite Systems Manual.

4.84.150 - Alternative OWTS; Installation Permits and Review Requirements.

- a. Engineering plans and site data for Alternative OWTS shall be submitted in accordance with application procedures prescribed in the Onsite Systems Manual.
- b. Site Evaluations, including soil profile inspection, Soil Percolation Testing and Groundwater evaluation, shall be conducted in accordance with procedures as prescribed in the Onsite Systems Manual.
- c. Engineering plans for Alternative OWTS shall be prepared and signed by a Qualified OWTS Design Professional who is knowledgeable and experienced in the field of onsite wastewater treatment and dispersal. The Qualified OWTS Design Professional shall also be responsible for inspection of system installation to assure conformance with approved plans, and shall provide an "As-Built" drawing of the installation to Environmental Health and the property owner. The construction inspection by the Qualified OWTS Design Professional shall be in addition to standard County inspection work carried out in accordance with Section 4.84.070 of this Chapter and the Onsite Systems Manual.
- d. Engineering plans will be reviewed by Environmental Health and, where warranted, Environmental Health may refer the plans to the applicable CRWQCB staff and/or external third-party consultant(s) for additional review, the costs for which will be the responsibility of the applicant.
- e. Upon completion of installation of Alternative OWTS, a release letter shall be submitted by the system designer that the system has been installed and is functioning as designed.
- f. Installation permits issued for Alternative OWTS are subject to the same expiration and extension time frames as specified in Section 4.84.080 of this Chapter.

4.84.155 - Alternative OWTS; Operating Permits.

- a. In addition to an installation permit, an Operating Permit is required for all Alternative OWTS, including those installed in connection with the repair or upgrade of existing OWTS as well as those for new construction. General requirements pertaining to Operating Permits are as follows:
 1. The Operating Permit will be issued by Environmental Health following:
(a) completion of construction of the Alternative OWTS; (b) satisfactory compliance with the installation permit requirements; and (c) payment of applicable fees. Operating Permits are non-transferable. Operating Permits must also be renewed at the time of change in property ownership.
 2. After initial issuance, the Operating Permit is required to be renewed periodically with the standard renewal period being one year. Environmental Health may establish conditions allowing the time period between renewals to be extended for certain types of OWTS based on a record of favorable performance or other factors warranting a reduction in system oversight by Environmental Health. Provisions for adjusting the Operating Permit renewal period shall be prescribed in the Onsite Systems Manual.
 3. Operating Permits are intended to serve as the basis for verifying the adequacy of Alternative OWTS performance and ensuring on-going maintenance. Permit conditions shall include monitoring and inspection requirements, permit duration, and other provisions as prescribed in the Onsite Systems Manual or as deemed appropriate by Environmental Health on a case-by-case basis.
 4. Renewal of an Operating Permit requires: (a) payment of the applicable fees, upon receipt of notice from Environmental Health; and (b) submission of the results of required system inspection and monitoring.
 5. Failure to pay the required fee or submit the specified monitoring and inspection information, or failure to undertake any required corrective work specified by Environmental Health may be cause for issuance of a citation, penalty fees, non-renewal and/or revocation of the Operating Permit by Environmental Health. Environmental Health may place a lien on the property for recovery of any associated abatement costs and unpaid fees.
- b. An Operating Permit may also be utilized for circumstances other than Alternative OWTS, such as for larger flow OWTS (>2,500 gpd), or where, in the opinion of Environmental Health, the type, size, location or other aspects of a particular OWTS installation or Portable Toilet installation warrant the

additional level of oversight provided by an Operating Permit. In such cases, the issuance and scope of Operating Permits will be issued in accordance with the general requirements listed in subsections a.1. through a.5. above, and any additional requirements prescribed in the Onsite Systems Manual for particular circumstances.

4.84.160 - Alternative OWTS; Performance Monitoring and Reporting.

- a. A monitoring program will be established for each Alternative OWTS as a condition of the Operating Permit at the time of permit issuance, and may be amended at the time of permit renewal. Said monitoring shall be performed to ensure that the Alternative OWTS is functioning satisfactorily to protect water quality and public health and safety. The monitoring program will be in accordance with guidelines prescribed in the Onsite Systems Manual.
- b. Inspection and monitoring results shall be submitted to Environmental Health in accordance with reporting guidelines as prescribed in the Onsite Systems Manual.
- c. Environmental Health will compile and review monitoring and inspection results for Alternative OWTS and periodically provide a summary of results to the San Francisco Bay and Central Coast Regional Water Quality Control Boards. Based on this review, Environmental Health may require corrective action for specific properties or certain types of Alternative OWTS, or general changes in monitoring and inspection requirements.

4.84.165 - Alternative OWTS; Siting Criteria, Design and Construction Requirements.

All requirements specified in Section 4.84.120 of this Chapter shall also apply to Alternative OWTS. However, vertical separation distance between trench bottom and Groundwater may be reduced from five (5) feet to three (3) feet by utilizing Supplemental Treatment OWTS or Pressure-Dosing Distribution Dispersal System in compliance with criteria as prescribed in the Onsite Systems Manual. In addition, Pressure-Dosing Distribution Dispersal Systems shall be required on slopes exceeding thirty five percent (35%), and for areas with average soil percolation rate between 0.75- and one (1.0-) inches per hour. Design and construction of Alternative OWTS shall be in conformance with requirements as prescribed in the Onsite Systems Manual.

ARTICLE 6: ADVANCED PROTECTION MANAGEMENT PROGRAM

4.84.170 - Advanced Protection Management Program; Applicability.

- a. An Advanced Protection Management Program is the minimum required management program for all new, replacement and expansion OWTS

located within identified areas suspected or known to be impaired by discharges from OWTS that require specific design restriction, operation or monitoring. Those areas to be included in the Advanced Protection Management Program include the following.

1. Those specific areas as may be determined by the Board of Supervisors as impaired areas based on evaluation results of cumulative impact evaluations consistent with this Chapter. Such impaired areas may require additional protections related to OWTS design, installation, and reporting.
 2. Those lands within six hundred (600) linear feet from the natural or levied bank of creeks and rivers, high water for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies, of any impaired water body or segments thereof that are identified by the State Water Board and by US EPA pursuant to Section 303(d) of the Federal Clean Water Act.
 3. Those lands addressed by a specific TMDL issued by a CRWQCB.
- b. A description of all impaired areas as described in subsection a. which are considered to be within the Advanced Protection Management Program, will be included in San Mateo County Environmental Health's Local Agency OWTS Management Program on file with the CRWQCB and published in the Onsite Systems Manual.

4.84.175 - Advanced Protection Management Program; Requirements for.

- a. For those lands addressed by a specific TMDL, any Advanced Protection Management Program requirements for OWTS may be defined by the TMDL implementation plan. For those Impaired Water Bodies that do have an adopted TMDL addressing the impairment, but the TMDL does not assign a load allocation to OWTS, no further action is required unless the TMDL is modified at some point in the future to include actions for OWTS.
- b. For those specific impaired areas determined by Environmental Health based on cumulative impact evaluations, any advanced protection management requirements for OWTS will be defined as to mitigate the specific impact(s).
- c. For those areas without an adopted TMDL within six hundred (600) linear feet of 303(d) listed water bodies impaired for either pathogens or nitrogen, the following requirements apply.
 1. Operating Permit Required as Alternative OWTS:
New, replacement and expansion OWTS shall apply for and maintain an

Operating Permit as an Alternative OWTS, subject to all the requirements of this Chapter and the Onsite Systems Manual.

2. Supplemental Treatment for Pathogen Impairment:
New, replacement, and expansion OWTS must provide ongoing Supplemental Treatment for pathogens as specified in the Onsite Systems Manual.
3. Supplemental Treatment for Nitrogen Impairment:
New, replacement, and expansion OWTS must provide ongoing Supplemental Treatment for nitrogen as specified in the Onsite Systems Manual.

4.84.180 - Cumulative Impacts and Areas of Environmental Concern.

- a. Cumulative impacts mean persistent and/or increasing effect of OWTS resulting from the density of such discharges in relation to the assimilative capacity of the local environment. Examples include, but are not limited to, nitrate or salt additions to ground water or surface water and rise in Groundwater levels (mounding of the water table) that interferes with the performance of an OWTS, causing drainage problems or resulting in other adverse hydrological or soil conditions affecting public health, water quality or public safety.
- b. Where OWTS may have cumulative impacts on Groundwater and/or watershed conditions due to such factors as the constituent levels (e.g., nitrogen content) in the wastewater, the volume of wastewater flow, the density of OWTS discharges in a given area, and/or the sensitivity and beneficial uses, as defined in the CRWQCB Basin Plan, of water resources in the discharge area, Environmental Health may require additional technical studies (also termed “cumulative impact studies”) or other information demonstrating, to the satisfaction of Environmental Health, that use of the proposed OWTS will not create adverse cumulative effects on water quality, public health or safety. Such cumulative impact studies will be as prescribed in the Onsite Systems Manual.
- c. Based on results of cumulative impact evaluations or consideration of factors affecting OWTS placement and performance, including, but not limited to, area-wide soil and drainage characteristics, flooding and seasonal water table, developmental density, and proximity to surface water, the Board of Supervisors may establish impaired areas. Such impaired areas shall have clear geographical boundaries, be established by Resolution after a public hearing before the Board of Supervisors, and may require additional protections related to OWTS design, installation, and reporting consistent with this Chapter and Onsite Systems Manual.

ARTICLE 7: EXEMPTIONS AND ENFORCEMENT

4.84.185 - Exemptions (Variance).

- a. An exemption from the terms of this Chapter and the Onsite Systems Manual may be granted by Environmental Health if all of the following conditions are met:
 1. The exemption will not harm the public health, safety and welfare of the people or the environment of San Mateo County;
 2. The basis for the exemption does not result from an intent to avoid the requirements of this Chapter or the Onsite Systems Manual; and
 3. The exemption will not have any adverse environmental effect on the use of the subject and adjoining properties.
- b. No exemptions shall be considered:
 1. For any land division process;
 2. Which allow the Septic Tank, Dispersal System, and other components of the OWTS to be located outside the boundaries of the parcel upon which the structure requiring the system is built (for new development);
 3. Which conflict with any other applicable State statute, regulation, County ordinance, or local municipal code, ordinance, or operating rules, without concurrence of the enforcing authority; or
 4. Which allow a Dispersal System area in fifty percent (50%) or greater slope, unless an OWTS Failure exists such that Environmental Health determines that the repair of the OWTS cannot be made in any other manner and the repair can be made in a way that still safeguards public health and the environment.
- c. Application for an exemption shall be made by submitting a permit application, required fee, and all other documents as prescribed in the Onsite Systems Manual.
- d. The application for exemption will not be considered complete until all exhibits required by this Chapter and the Onsite Systems Manual have been submitted.

4.84.190 - Abatement of Hazards.

- a. Upon receipt of written notice from Environmental Health that OWTS-related

work such as installation, repair, destruction or operation of an OWTS violates this Chapter or the conditions of an approved permit, or is otherwise being performed in an unsafe or dangerous manner, said work must stop immediately. The stop-work order shall be personally delivered to the property owner and the property owner's agent, contractor, and other person performing said work. A copy of the stop-work order shall also be sent to the owner of the property at issue by U.S. mail. The stop-work order shall state the conditions under which said work may be resumed. Failure to stop work and abate any unsafe conditions in accordance with the stop-work order may result in an enforcement action as described in Section 4.84.195.

- b. Any existing OWTS which, based on inspection or evaluation by Environmental Health, is considered a hazard to safety or health by reason of inadequate maintenance, dilapidation, or obsolescence is hereby declared to be a public nuisance and shall be abated by repair or rehabilitation as ordered by Environmental Health. Failure to comply with such order of Environmental Health may result in enforcement action as described in Section 4.84.195.

4.84.195 - Enforcement and Penalties.

- a. Criminal Penalties

- 1. A person who has violated any provision of this Chapter and/or knowingly files a false statement or report pursuant to this Chapter, is guilty of a misdemeanor, punishable by a fine not exceeding five hundred dollars (\$500) or by imprisonment not exceeding thirty (30) days in the county jail or by both such fine and imprisonment.
- 2. Each day of a violation as described in subsection a.1. shall constitute a separate offense.

- b. Administrative Fines

- 1. Upon a finding by Environmental Health that a person has violated any provision of this Chapter, and/or knowingly filed a false statement or report pursuant to this Chapter, Environmental Health may issue an administrative order requiring the violation to be corrected as well as an administrative fine of up to five hundred dollars (\$500).
- 2. Each day of a violation as described in subsection b.1. shall constitute a separate violation.
- 3. Written notice of the fine shall be served by certified mail or by personal service with a description of the violation(s) and the supporting facts.

The notice shall also mention the right to lodge an appeal and request a hearing before Environmental Health contesting the imposition of the fine.

4. Appeals must be made in writing, and shall include facts disputing the violation(s). Appeals must be addressed to Environmental Health, and must be received within ten (10) calendar days of the date appearing on the notice of the fine. The decision of Environmental Health shall be sent to the appellant by certified mail within thirty (30) calendar days of the appeal. The decision will constitute a final administrative order with no additional administrative right of appeal.
5. If said fine is not paid within thirty (30) calendar days from the date appearing on the notice of the fine or the notice of determination from Environmental Health after the appeal hearing, the fine may be referred to a collection agency within or external to the County. In addition, any outstanding fines must be paid prior to the issuance or renewal of permit, certification, or registration issued by Environmental Health pursuant to this Chapter.

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