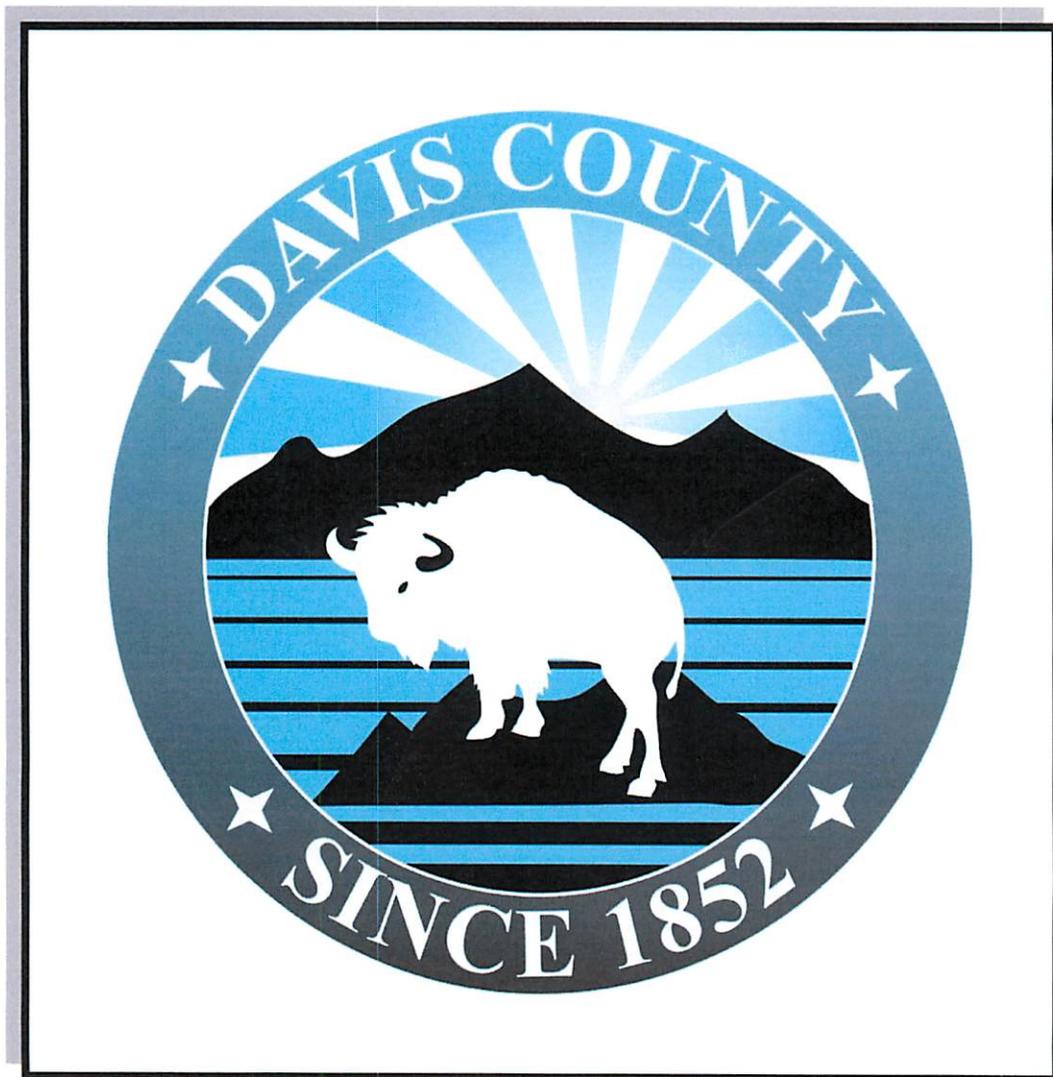


DAVIS COUNTY BOARD OF HEALTH

WASTEWATER REGULATION



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## **1.0 PURPOSE**

The purpose of this regulation is to protect the public health, safety, and welfare of residents and visitors in Davis County by establishing practices and provisions for the proper installation, operation & maintenance, and abandonment of onsite wastewater disposal systems.

## **2.0 SCOPE**

This regulation is applicable within all incorporated and unincorporated areas of Davis County.

## **3.0 AUTHORITY AND APPLICABLE LAWS**

This regulation is adopted under the authority of the Davis County Board of Health in accordance with Utah Code Annotated (UCA) Section 26A-1-121.

The provisions of Utah Administrative Code (UAC) R317-4 Onsite Wastewater Systems are hereby adopted and incorporated by reference subject to the additions, modifications and exceptions set forth in this regulation.

## **4.0 DEFINITIONS**

- 4.1 **Alternative System:** An underground Onsite Wastewater System that utilizes an at-grade, mound, packed bed media, pressurized absorption, or sand lined trench system.
- 4.2 **Available:** When a public sewer is located 300 feet or less from the closest building with a sanitary drainage system on a property which abuts and is served by such sewer.
- 4.3 **Contract Service Provider:** An individual that maintains certification in accordance with UAC R317-11.
  - 4.3.1 Any individual maintaining an experimental or Alternative System shall be Level 3 certified.
- 4.4 **Construction Permit:** The permit that authorizes an Onsite Wastewater System to be installed according to an approved design. This permit shall also authorize activities associated with the repair of a Malfunctioning or Failing System or alteration of an existing Onsite Wastewater System.
- 4.5 **Conventional System:** An underground Onsite Wastewater System that consists of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches, or seepage pits.
- 4.6 **Department:** The Davis County Health Department.
- 4.7 **High Water Table Area:** Any area where:

- 4.7.1 the anticipated maximum ground water table, including irrigation induced water table, might be expected to rise closer than 48 inches to the elevation of the bottom of the Onsite Wastewater System;
- 4.7.2 a land drain, curtain drain, or other ground water interceptor has been installed.
- 4.8 **Malfunctioning or Failing System:** An Onsite Wastewater System which is not functioning in compliance with the requirements of this regulation and includes, but is not limited to, the following:
  - 4.8.1 systems that cause an illicit discharge to the waters of the state.
  - 4.8.2 systems that cause backflow into any portion of a building drainage system;
  - 4.8.3 systems that have overflow from any of their components;
  - 4.8.4 leaking tanks;
  - 4.8.5 systems discharging effluent that does not comply with applicable effluent discharge standards;
  - 4.8.6 absorption systems that have failed or filled in by solids, or are otherwise non-existent;
  - 4.8.7 absorption systems that seep or flow to the surface of the ground or through saturation into waters of the state.
- 4.9 **Onsite Wastewater System:** A system utilized onsite for the sanitary management of domestic sewage or wastewater. It may be above or below ground and include any UAC R317-4 or R317-560 system. It is not a public sewer system.
- 4.10 **Operating Permit:** The permit that authorizes the operation and maintenance of an Onsite Wastewater System. It has a fee component and requires periodic renewal.
  - 4.10.1 This does not apply to Conventional Systems.
- 4.11 **Practicable:** When a public sewer is located down gradient from the primary structure with human occupancy, not considering any level of the building built below grade.
- 4.12 **Unapproved System:** Any Onsite Wastewater System that is deemed by the Department to be:
  - 4.12.1 without the required regulatory oversight, permits, or inspections during:
    - 4.12.1.1 any installation;
    - 4.12.1.2 any operation;

4.12.1.3 any repairs or alteration to an existing system; or,

4.12.1.4 any abandonment of a system.

4.12.2 noncompliant with standards stipulated on or by the:

4.12.2.1 Construction Permit; or,

4.12.2.2 Operating Permit.

## **5.0 REGULATION**

5.1 **Management:** The Department shall provide oversight of Onsite Wastewater Systems through the permitting process. The Department shall inspect all permitted systems at a frequency specified in this regulation, through the Department's staff or Contract Service Providers.

5.2 **Construction Permit Required:** The installation of an Onsite Wastewater System, the repair of a Malfunctioning or Failing System, or the alteration of an existing Onsite Wastewater System shall require a Construction Permit.

5.2.1 **Retrofit Required:** Any system issued a Construction Permit shall come into compliance with current requirements for tank accessibility, tank risers, and observation wells.

5.2.2 **Validity:** A Construction Permit shall be valid for two years.

5.2.2.1 The Department may grant an extension based upon current regulations.

5.3 **Operating Permit Required:** The operation of any Onsite Wastewater System, except a Conventional System, shall require an Operating Permit until the system is abandoned. Operating Permits shall only be issued to an owner.

5.3.1 **Conditions to Maintain:** In order to receive or maintain an Operating Permit, the owner shall:

5.3.1.1 operate and maintain the system as approved;

5.3.1.2 have the system inspected as required by this regulation by a Contract Service Provider;

5.3.1.3 submit to the Department the required inspection results within 30 days;

5.3.1.4 correct any deficiencies noted in inspections;

- 5.3.1.5 correct any conditions that cause a system to malfunction or fail;
  - 5.3.1.6 provide accessibility to the system components as required by this regulation;
  - 5.3.1.7 maintain high ground water observation wells, if required;
  - 5.3.1.8 consult with the Department if chemicals arising from a hobby or home industry or other unusual activities are discharged into the system; and,
  - 5.3.1.9 pay all applicable fees.
- 5.3.2 Construction Permit Final Approval: An Operating Permit shall be issued as part of the final approval process of any installation, repair, or alteration requiring a Construction Permit.
- 5.3.2.1 Alternative Systems: The Operating Permit shall only be issued when the following requirements are met:
    - 5.3.2.1.1 the system has been installed and tested according to the approved design and the Construction Permit;
    - 5.3.2.1.2 the operation and maintenance instructions have been finalized and approved by the Department, and:
      - 5.3.2.1.2.1 the owner has been advised of the: type of Alternative System installed; risk of failure; level of maintenance required; financial liability for repair, modification or replacement of a failed system; and, Operating Permit requirements.
    - 5.3.2.1.3 the existence of the Alternative System is recorded on the deed of ownership for that property.
- 5.3.3 Change of Ownership: At any time that a property with an Operating Permit changes ownership, the new owner shall obtain an Operating Permit.
- 5.3.4 Renewal: An Operating Permit shall be renewed within 30 days of expiration.
- 5.2.2.1 The new permit shall begin one calendar day after the old permit expires.
  - 5.2.2.2 A late fee may be assessed every 30 days.
- 5.3.5 Validity: An Operating Permit shall be valid for a(n):
- 5.3.5.1 wastewater holding tank one year;

- 5.3.5.2 experimental system two years;
- 5.3.5.3 Alternative System two years;
- 5.3.5.4 at-grade system:
  - 5.3.5.4.1 first permit two years;
  - 5.3.5.4.2 second permit three years;
  - 5.3.5.4.3 all successive permits five years.
- 5.3.5.5 vault privy five years.

5.4 Inspection and Maintenance Required: To avert Onsite Wastewater System failures, periodic inspections, maintenance, and servicing are required. More complex systems will require a higher level of inspections and maintenance.

5.4.1 Oversight: The Department staff may conduct: verifications, inspections, testing, and sampling as part of its oversight process.

5.4.1.1 Testing Methods: The Department may utilize testing methods to include, but not limited to:

5.4.1.1.1 Dye testing, injected through the sanitary drainage system or directly into the septic tank, to verify the proper functioning of an Onsite Wastewater System.

5.4.1.1.2 Hydraulic testing of the absorption system.

5.4.2 Inspection Frequency and Inspection Components: Onsite Wastewater Systems shall be inspected as required by Table 1 and Table 2.

<b>Table 1 – Inspection Frequency <sup>(a)</sup></b>			
<b>Type of System</b>	<b>Semi-Annual</b>	<b>Annual</b>	<b>Quinquennial</b>
Experimental	X		
Packed Bed Media <sup>(b)</sup>	X		
Mound		X	
Pressurized Absorption		X	
Sand Lined Trench		X	
Wastewater Holding Tank		X	
At-Grade		(first 5 years)	X
Other			X

**FOOTNOTES**

(a) Or more frequently as directed by the Department.

(b) All packed bed media systems shall be sampled a minimum of every six months.

<b>Type of System</b>	<b>Septic Tank and Other Tanks.</b>	<b>Distribution or Drop Boxes (if accessible)</b>	<b>Pumps, Float Settings, Control Panel</b>	<b>Pressure Laterals, Absorption Area</b>
Experimental	X	X	X	X
Packed Bed Media	X	X	X	X
Mound	X		X	X
Pressurized Absorption	X		X	X
Sand Lined Trench	X		X	X
Wastewater Holding Tank <sup>(b)</sup>	X		X	
At-Grade	X	X	X	X
Other	X	X		

**FOOTNOTES**

(a) Inspect other components as directed by the Department.

(b) Including pumping records.

**5.4.3 Effluent Sampling Parameters:** Each packed bed media system shall be sampled a minimum of every six months and meet the standards required by Table 3.

**5.4.3.1** The grab sample shall be taken before discharge to an absorption system.

**5.4.3.2** Effluent not meeting the standards of this regulation shall be followed up with two successive weekly tests of the same type within a 30 day period from the first exceedance.

**5.4.3.3** If two successive samples exceed the minimum standards, the system shall be deemed to be malfunctioning, and shall require further evaluation and a corrective action plan.

**5.4.3.3.1** Effluent quality testing shall continue every two weeks until three successive samples are found to be in compliance.

<b>Table 3 – Effluent Sampling Parameters</b>			
<b>Packed Bed Media System Routine Sampling Parameters Must sample Turbidity, or BOD<sub>5</sub> and TSS.</b>			
<b>Field Testing</b>	<b>Laboratory Testing</b>		
Turbidity	BOD <sub>5</sub>	TSS	COD <sup>(a)</sup>
≤20 NTUs	≤25 mg/l	≤25 mg/l	≤75 mg/l

**FOOTNOTES**

(a) Chemical oxygen demand (COD) may be used in place of BOD<sub>5</sub>.

**5.4.4 Septic and Other Tank Inspection and Maintenance:**

5.4.4.1 The septic tank shall be completely emptied if either the bottom of the floating scum mat is within 3 inches of the bottom of the outlet device (baffle or tee) or the sludge level has built up to approximately 12 inches from the bottom of the outlet device (baffle or tee), or the scum and sludge layers together equal 40% or more of the tank volume. All three wastewater components, scum, sludge, and liquid waste shall be removed.

5.4.4.2 Any measurable amount of sludge or scum present in other tanks shall be removed.

5.4.4.3 Damaged inlet or outlet fittings shall be replaced or repaired.

5.4.4.4 If an effluent screen or filter is present, the filter shall be removed in a manner that prevents solids from passing to the absorption system. It shall be cleaned over the opening of the septic tank and put back into place.

5.4.4.5 When a tank is empty, the interior surfaces of the tank should be inspected for leaks or cracks using a strong light.

5.5 **Abandonment Oversight Required:** Before an Onsite Wastewater System is abandoned or a building served by an Onsite Wastewater System is connected to a public sewer, the Department shall be notified and allowed to inspect or oversee the process.

5.6 **Enforcement:** It is unlawful for any person to interfere with the Department in the performance of its duties.

5.6.1 **Unapproved Systems:** If the Department finds that a permit holder or operator of an Onsite Wastewater System is in violation of this regulation, the Department shall notify the permit holder or operator, in writing, of its findings and order the permit holder or operator to take specific steps to correct such violations.

5.6.1.1 Required Inspections: If a required system inspection does not take place, the Department may:

5.6.1.1.1 conduct the required inspections;

5.6.1.1.2 hire a Contract Service Provider to perform the required inspections;

5.6.1.2 All costs incurred by the Department to ensure a permitted system is inspected as required will be billed to the property owner.

5.6.2 Malfunctioning or Failing Systems: If an Onsite Wastewater System creates or contributes to any dangerous or unsanitary condition which may involve a public health hazard, a public nuisance, or a threat to the waters of the state, the Department shall notify the owner or operator, in writing, of its findings and order the owner or operator to take the necessary action to cause the condition to be remediated, eliminated, or otherwise come into compliance.

5.6.2.1 Failure to Comply: Failure to comply with a notice or order for a Malfunctioning or Failing System may result in the Department:

5.6.2.1.1 requiring temporary onsite wastewater systems;

5.6.2.1.1.1 This may include capping the outlet of the septic tank to create a temporary holding tank.

5.6.2.1.2 closing the dwelling, building, or premises to human occupancy;

5.6.2.1.3 abating the public health hazard, nuisance, or threat to the waters of the state and billing the owner or other person in charge of the premises for the cost of abatement in accordance with UCA Section 26A-1-114; or,

5.6.2.1.4 any combination of the above options.

5.7 Modifications, Additions, and Exceptions to UAC R317-4.

5.7.1 Ground Water Observation Well Required: Any underground Onsite Wastewater System permitted in High Water Table Areas shall install and maintain accessible to the Department a permanent ground water observation well.

5.7.1.1 Ground Water Interceptors: If a curtain drain, land drain, or other effective ground water interceptor system is allowed as an attempt to lower the groundwater table, at least one additional ground water observation well shall be installed between the absorption system and the ground water interceptor system.

5.7.2 Letter of Feasibility Validity: A letter of feasibility shall be valid for five years.

5.7.2.1 The Department may grant an extension based upon current regulations.

## **6.0 PENALTY**

6.1 Criminal Penalties Pursuant to UCA Section 26A-1-123.

6.1.1 Any person who is found guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor.

6.1.2 Any person found guilty of a subsequent similar violation within two years of the initial violation, is guilty of a class A misdemeanor.

6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation.

6.1.4 Conviction under this section does not relieve the person convicted from civil liability.

6.2 Civil and Administrative Penalties.

6.2.1 Any person who violates any of the provisions of this regulation shall be subject to the payment of costs incurred in the enforcement of any violation, including costs attributable to any municipality or the county.

6.2.2 A penalty pursuant to the provisions of UCA Section 19-5-115.

6.2.3 The exercise of civil and administrative penalties shall be subject to the Department's Adjudicative Hearing Procedures.

## **7.0 SEVERABILITY**

If any provision, clause, sentence, or paragraph of this regulation or the application or circumstances shall be held invalid, such invalidity shall not affect the other provisions or applications of this regulation. The valid part of any clause, sentence, or paragraph of this regulation shall be given independence from the invalid provisions or application, and to this end, the provisions of this regulation are hereby declared to be severable.

## 8.0 FEES

**\*\* Any Malfunctioning or Failing System shall have all fees waived until September 1<sup>st</sup> of 2013.**

8.1	Feasibility Determination:	
8.1.1	Initial Site Assessment and Soil Evaluation (one pit):	\$175.00
8.1.2	Maximum Ground Water Determination:	\$180.00
8.2	Plan Review:	
8.2.1	Wastewater Holding Tank or Vault Privy:	\$90.00
8.2.2	Conventional:	\$90.00
8.2.3	At-Grade:	\$90.00
8.2.4	All Other Alternative or Experimental:	\$180.00
8.3	Construction Permit:	
8.3.1	Septic Tank Only or Vault Privy:	\$90.00
8.3.2	Wastewater Holding Tank:	\$120.00
8.3.2	Absorption Trench or Absorption Bed:	\$180.00
8.3.3	Deep Wall Trench or Seepage Pit:	\$240.00
8.3.4	At-Grade:	\$300.00
8.3.5	All Other Alternative or Experimental:	\$600.00
8.3.6	State New System Fee:	\$25.00
8.4	Operating Permit:	
8.4.1	Wastewater Holding Tank or Vault Privy:	\$60.00
8.4.2	Alternative or Experimental:	\$120.00
8.5	Miscellaneous Other:	
8.5.1	Letter of Feasibility Extension	\$30.00
8.5.2	Subdivision Duplication Fee (per lot)	\$30.00

8.5.3	Insufficient Plans Submitted	\$30.00
8.5.4	Construction Permit Extension	\$30.00
8.5.5	Additional Inspections Required	\$30.00
8.5.6	Operating Permit Late Fee	\$30.00
8.6	Septic Refinance Inspection:	\$100.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved and adopted this regulation this 3<sup>rd</sup> day of April, 1979.

**Effective date: 3<sup>rd</sup> day of April, 1979.**

**Revised and Amended: June 8, 1982.**

**Revised and Amended: August 9, 2011.**

**Revised and Amended: August 14, 2012**

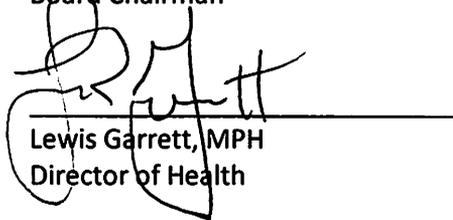
Davis County Board of Health

Signed:



Brent Petersen  
Board Chairman

Attest:



Lewis Garrett, MPH  
Director of Health