

**EXHIBIT E**

**LAND USE**

**CHAPTER VI SEWAGE**

**SECTION 1 IN GENERAL**

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## **Sec. L-VI 1.1 Purpose**

The purpose of this Chapter is protection of public health through establishment of minimum standards for design, construction, installation, operation, maintenance, replacement, alteration, enlargement, repair and abandonment of facilities for disposal of sewage within the unincorporated area of the County of Nevada. The procedural and regulatory framework is contained in this Chapter. All work shall be done pursuant to this Chapter with the applicable permits in compliance with accepted engineering practice. The Board of Supervisors, by separate Resolution, may adopt per Assembly Bill 885 and State of California Water Resources Control Board a Local Area Management Plan (LAMP) and State Water Resources Control Board On-Site Wastewater Treatment System (OWTS) Policy, delineating in specific detail implementing standards and regulations reflecting acceptable practices and procedures. (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.2 Definitions**

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

- A. BLACKWATER - Human or commercial kennel wastes including feces, urine, the carriage water generated through toilet usage, other extraneous substances of body origin, toilet paper and wastes discharged from kitchen sinks and dishwashers.
- B. BOARD OF SUPERVISORS - The Nevada County Board of Supervisors.
- C. CENTRALIZED SEWAGE DISPOSAL SYSTEM - Facilities for the collection, transportation, treatment and disposal of any sewage from two (2) or more sources by any method which meets State and local minimum standards.
- D. CONSULTANT - One of the following persons (exclusive of Department personnel):
  - 1. Certified Engineering Geologist,
  - 2. Certified Professional Soil Scientist,
  - 3. Registered Civil Engineer,
  - 4. Registered Environmental Health Specialist, or
  - 5. Registered Geologist.
- E. CONTRACTOR - A person who possesses an active Class A, B-1, or C-42 contractor's license in accordance with the provisions of the California Business and Professions Code.

F. DEPARTMENT - The Nevada County Department of Environmental Health, it's director and designated employees.

G. DIRECTOR - The Director of the Nevada County Department of Environmental Health, or their designated employee.

H. GRAYWATER - Untreated wastewater that has not come into contact with toilet wastes. It includes used water from bathtubs, showers, bathroom wash basins, and from clothes washing machines and laundry tubs. It does not include wastewater from kitchen sinks, dishwashers or laundry water from soiled diapers.

I. OWNER - Any person who alone, or jointly, or severally with others:

1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility;
2. Has care, charge, or control of any real property as agent, executor, executrix, administrator, administratrix, trustee or guardian of the estate of the holder of legal title, or as the owner's authorized representative.

J. OWNER'S AUTHORIZED REPRESENTATIVE - A person authorized in writing by an owner of or holder of an easement sufficient to authorize the work on the land on which the system is to be installed, to represent the owner's or easement holder's interests, (e.g., consultant, contractor, real estate agent, etc.)

K. QUALIFIED PROFESSIONAL - one of the following persons (exclusive of Department personnel)

1. Certified Engineering Geologist,
2. Certified Professional Soil Scientist,
3. Registered Civil Engineer, or
4. Registered Environmental Health Specialist.

L. PERSON - Any individual, corporation, association, firm, organization, partnership, or company.

M. PUBLIC ENTITY - A local agency, as defined in Cal. Gov't Code §§ 53090 – 54999.7 which is empowered to plan, design, finance, construct, operate, maintain, and abandon, if necessary, any sewage system or expansion of any sewage system, and to provide permits and to have supervision over the location, design, construction, operation, maintenance, and abandonment of individual sewage disposal systems within a land development, and to design, finance, construct, operate, and maintain any facilities necessary for the disposal of wastes pumped from individual sewage disposal systems and to conduct any monitoring of surveillance programs as required for water quality control purposes.

N. PUBLIC SEWER SYSTEM - Any sewer system constructed, installed, maintained, operated and owned by or for a municipality or taxing district established for sewage disposal purposes.

O. PUBLIC WATERS - Lakes, bays, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, marshes, inlets, canals, and all other bodies of surface or

underground waters, natural or artificial, public or private, which are wholly or partially within or bordering the County of Nevada or within its jurisdiction.

P. PUBLIC WATER SYSTEM - A system for the provision of water for human consumption through pipes or other constructed conveyances that has fifteen (15) or more service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

Q. SEWAGE - Blackwater, graywater, and/or any liquid contaminated with materials thereof.

R. SEWAGE DISPOSAL REGULATIONS - The implementing standards and requirements of this Chapter developed by the Department and the community, and subsequent amendments thereto, adopted by the Board of Supervisors by Resolution. The Sewage Disposal Regulations include specific detail on acceptable sewage disposal systems and permitting.

S. SOURCE - Point of origin of a wastewater discharge from any residential, commercial, or recreational building and/or establishment.

T. SYSTEM - A sewage disposal facility, including replacement area, commencing with the building sewer, designed for the collection, treatment and disposal of sewage, or sewage storage only, on a site. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.3 Applicability of this Chapter**

The requirements of this Chapter, as supplemented by LAMP and OWTS Policy, shall apply to all sewage disposal and for any division of land in Nevada County approved after the adoption of this Chapter. (Ord. 2448. (05/08/2018).)

### **Sec. L-VI 1.4 Sewage Disposal**

A. It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to treat or dispose of sewage in any manner other than by a sewer, septic tank and leaching system, centralized sewage disposal system, public sewer system or other method of sewage disposal meeting the standards set forth in this Chapter and LAMP and OWTS Policy.

B. A system shall be constructed, operated and maintained in compliance with all requirements of the permit allowing its installation and operation and so as not to permit sewage to rise to the ground surface or to discharge sewage onto the ground or into the groundwater or surface water. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.5 System Permit Required**

It shall be unlawful for any person, whether as principal, servant, agent, employee, owner or tenant, to construct, install, replace, alter, enlarge, abandon or repair a system, or any portion thereof, in or upon any property in the County without first having obtained a permit to do so from the Department, except as provided in this Chapter.

### **Sec. L-VI 1.6 Department Fees**

Fees for permits and other services of the Department required by this Chapter shall be established by resolution of the Board of Supervisors. The applicable fee shall be paid at the time of filing a permit application or in advance of the service. In the event that a permit application is denied in writing by the Department, fees will be charged when a new application is made.

### **Sec. L-VI 1.7 Connection to Public Sewer System**

A. Connection to a public sewer system shall be required for all new construction when the public sewer system is within two hundred (200) feet of any boundary of an existing property or within five hundred (500) feet of any boundary of a proposed parcel map or tentative map, as measured in a straight line, so long as a connection can be legally and physically achieved. A system permit shall not be required in said instance so long as connection is made in accordance with the rules and regulations of the public entity operating the public sewer system.

B. In the event that an existing on-site wastewater disposal system fails, the Department may compel connection to a public sewer system if the property boundary is within two hundred (200) feet of the public sewer system as measured in a straight line, so long as a connection can be legally and physically achieved.

### **Sec. L-VI 1.8 Site Evaluation Required**

A site evaluation of the property, in conformance with LAMP and OWTS Policy, shall be conducted by the Department and the applicant's consultant prior to issuance of a system permit in order to provide sufficient information to prepare the site approval report as required in Section VI 1.10 of this Chapter. The property owner or owner's authorized representative shall make application for a site evaluation to the Department and pay the required fee before applying for a system construction permit. (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.9 Soil Testing Required**

A. A minimum of two (2) soil test pits are required in an area proposed for sewage disposal prior to applying for a system permit, provided, however, that the Department may waive this requirement where sufficient information already exists. The soil test pits shall be witnessed by the Department and the applicant's consultant. All soil test pit excavations shall be adequately protected and backfilled following logging of the soil by a qualified professional.

B. "Wet weather testing" to determine the depth to water below the surface of the ground may be required by the Department prior to approving a site for a system. Wet weather testing will be performed during that time of year representative of soil saturation as determined by the Department according to LAMP and OWTS Policy.

C. System sizing shall be based on percolation tests or soil type. Where percolation tests are utilized for sizing the system, a minimum of three (3) percolation tests shall be performed in the area where a system is to be located. Percolation tests shall be conducted by the applicant's qualified professional.

D. For parcels tested after the effective date of this Chapter, the applicant's qualified professional shall prepare a site evaluation report for the site, including the results of all soil testing, in conformance with LAMP and OWTS Policy. The site evaluation report shall be submitted to the Department by the applicant's qualified professional within sixty (60) days of the date the site evaluation is completed on the property. (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.10 Site Approval Report**

A site approval report in conformance with LAMP and OWTS Policy shall be prepared by the Department after receipt of the site evaluation report from the qualified professional or owner. The site approval report shall specify the type(s) of system(s), if any, that can be approved for the parcel. (Exception: a site approval report is not required where soils testing was conducted prior to the adoption of this Chapter and the Department finds that the site and prior test results are acceptable.) (Ord. 2448. (05/08/2018))

## **Sec. L-VI 1.11 Sewage Disposal System Construction Permit Application**

A. The property owner, qualified professional, or contractor, shall make application for a system permit on a form provided by the Department for that purpose.

B. All information and documents required by LAMP and OWTS Policy, including a consultant's design and certification where required, shall be provided and completed at the time of application and shall, at a minimum, include:

1. The required number of site plans;
2. Results of all soils testing, if not on file at the Department;
3. A site approval report, unless not required; and
4. System design work and calculations for systems which are designed by a qualified professional. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.12 Action on Permit Application**

A. The Department will act on a system construction permit application to approve, conditionally approve, or deny it, based upon its compliance with the requirements of this Chapter and LAMP and OWTS Policy.

B. The Department may issue a permit only when all of the requirements of this Chapter and LAMP and OWTS Policy have been met. The permit may contain conditions that apply to the construction, operation and maintenance of the system. The permit conditions shall be binding upon the property owner and successive property owners for the life of the system. System construction permits shall expire and become void one (1) year from the date they are issued. Upon written request, an unexpired permit may be renewed for a maximum of one (1) year beyond the initial expiration date. An unexpired valid permit may be transferred to a new property owner. The new owner shall make a written request for transfer of the permit upon the change of ownership.

C. The Department shall deny any permit application that fails to comply in any regard with the requirements of this Chapter or LAMP and OWTS Policy.

D. The applicant or any person interested in the permit application may appeal any decision of the Department pursuant to Section VI 1.18. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.13 Inspections**

A. The system components and construction shall be inspected by the Department as required by the construction permit for compliance with permit conditions, this Chapter and LAMP and OWTS Policy. Final approval of the construction permit shall only be granted after the Department has completed all necessary system inspections. Department inspection(s) of the system may be waived by the Department on a case-by-case basis for good cause as provided for in LAMP and OWTS Policy.

B. All special design system installations shall also be inspected by the applicant's qualified professional who shall certify in writing to the Department that the installation has met the design as approved by the Department. The final approval of the system by the Department cannot be given until this certification is received.

C. The Department shall issue a Certificate of Satisfactory Completion for a system upon determination that the system as constructed and installed complies with the requirements of the permit and this Chapter, as supplemented by LAMP and OWTS Policy. No system constructed after the effective date of this Chapter shall be placed into operation without a Certificate of Satisfactory Completion. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.14 System Monitoring and Maintenance**

A. Any system identified in LAMP and OWTS Policy or in conditions imposed upon permit approval as requiring ongoing monitoring and maintenance after being placed in operation shall be operated and maintained in compliance with all applicable requirements. All owners of such systems shall obtain and maintain a current annual operating permit for the system, issued by the Department. The Department may suspend or revoke an operating permit for failure to comply with the applicable monitoring and maintenance requirements in which event further operation of the system shall cease until the suspension is lifted or a new annual operating permit issued.

B. Monitoring, inspection and maintenance of these systems shall be performed by persons who possess a current registration, license, or certification in a related field by the State of California under the Business and Professions Code, and who demonstrate



current knowledge and competency in the requirements of this Chapter and LAMP and OWTS Policy as provided for in LAMP and OWTS Policy.

C. The Department may make periodic quality assurance checks to ensure that certified service providers are adhering to the requirements of LAMP and OWTS Policy and specific permit conditions for monitoring and maintenance. The Department may suspend or revoke a person's certification for failure to comply with LAMP and OWTS Policy and this Chapter. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.15 Sewage Disposal System Abandonment**

A system shall be abandoned if the Department has issued a notice or an order to abandon the system or shall be abandoned if the system will no longer be used because the facility served by the system has connected to another approved sewer system or the use requiring the system has permanently terminated. A system shall only be abandoned in accordance with LAMP and OWTS Policy. An abandoned system shall no longer be utilized for sewage disposal. (Ord. 2448. (05/08/2018))

### **Sec. L-VI 1.16 Variances**

A. A variance from the requirements of this Chapter or LAMP and OWTS Policy may be granted as provided therein on a case-by-case basis with written approval of the Director under the following circumstances:

1. Because of special circumstances applicable to the specific parcel (e.g. size, shape, topography, soil characteristics, location, surroundings), a strict application of this Chapter and LAMP and OWTS Policy would otherwise cause the property owner to suffer unique hardship or deprivation of property privileges enjoyed for other property in the vicinity and zoning district in which such property is located;
2. The hardship was not intentionally caused by the action of the applicant;
3. Granting the variance would not have any significant adverse environmental effect and would not significantly affect use of adjoining property; and
4. Reduction of requirements would not present a health hazard or the pollution or degradation of public waters.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of a special privilege inconsistent with the limitations upon other properties in the vicinity and zoning district.

B. Applications for variances shall be made in writing on a form provided by the Department. Upon receipt of the application, the Department shall make an investigation to determine whether a variance should be granted under the provisions of this Section. After conclusion of the investigation, the Director or their designee shall prepare a written order of specific findings of fact and reasons for granting or denying said variance.

C. The Director or their designee shall approve, conditionally approve or deny the variance in writing within fifteen (15) working days from the date a completed application is received, unless that time period is waived by the applicant due to the uniqueness, length, or complexity of the application or the issues raised.

D. The applicant or any person interested in the variance may appeal any decision of the Director or their designee pursuant to Section VI 1.18 of this Chapter. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.17 Advisory Group Established**

A. There shall be and is hereby created a Sewage Disposal Technical Advisory Group as established in LAMP and OWTS Policy by separate Resolution.

B. The purpose of the Sewage Disposal Technical Advisory Group shall be to review and recommend proposed revisions and additions to the sewage ordinance and LAMP and OWTS Policy in an advisory capacity; to review and recommend new methods, techniques and materials for on-site sewage disposal in an advisory capacity; and to serve as an appeal body pursuant to the provisions of Section -VI 1.18 of this Section. The Group shall not be empowered to waive requirements of either this Article nor of LAMP and OWTS Policy. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.18 Appeals**

A. Any decision of the Department or the Director or his/her designee pursuant to this Chapter and LAMP and OWTS Policy may be appealed to the Sewage Disposal Technical Advisory Group following the procedures set out in LAMP and OWTS Policy. Any appeal shall be filed with the Department within twenty (20) working days of the date of the decision, on forms provided by the Department with the appropriate fee.

B. A hearing of the Sewage Disposal Technical Advisory Group shall be scheduled within twenty (20) working days of receipt of a completed appeal application and appropriate fee. The Sewage Disposal Technical Advisory Group shall provide a written decision on the appeal that may affirm, modify, or reverse the Department's decision, within twenty (20) working days of the hearing.

C. The decision of the Sewage Disposal Technical Advisory Group may be appealed to the Nevada County Board of Supervisors. The application and fee for the appeal shall be submitted to the clerk of the Nevada County Board of Supervisors within ten (10) calendar days from the date of the Group's decision. A hearing will be scheduled, and a decision rendered according to the procedure established for land use appeals in Section governing Appeals in the Chapter on Administration and Enforcement of this Code. The decision of the Nevada County Board of Supervisors is final. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.19 Requirements for Land Use Projects**

A. Requirements of LAMP and OWTS Policy shall be utilized in determining the suitability of the site for proposed land use projects. Unless otherwise approved by the Department, the site evaluation process of the Section governing Prohibited Acts under Subdivisions in this Code shall be used to demonstrate sewage disposal feasibility for all land use projects. The written site evaluation report prepared by the applicant's qualified professional shall be submitted to the Department concurrently with the project application to the Nevada County Planning Department.

B. For subdivisions, all proposed parcels shall have a site approval report as specified in Section 1.10 above prior to recordation of the map. This requirement may be waived by the Department for creating parcels of forty (40) acres or greater as provided for in LAMP and OWTS Policy. For subdivisions with on-site systems proposed, a minimum usable disposal area shall be delineated on each lot of the map to be recorded. Minimum usable sewage disposal area requirements for subdivisions proposing centralized systems will be considered on a case-by-case basis in

accordance with the Centralized System Design Package and Centralized Wastewater Collection, Treatment and Disposal Systems in this Chapter.

C. An experimental system shall not be permitted for the creation of parcels or additional building sites and no variance may be granted to allow utilizing an experimental system. (Ord. 2448. (05/08/2018))

#### **Sec. L-VI 1.20 Centralized Sewage Disposal Criteria**

Centralized systems shall be authorized only under the provisions of Centralized Wastewater Collection, Treatment and Disposal Systems of this Chapter.

#### **Sec. L-VI 1.21 Violations, Nuisances and Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

#### **Sec. L-VI 1.22 Reserved**

## **EXHIBIT E**

### **LAND USE CODE**

#### **CHAPTER VI SEWAGE DISPOSAL**

#### **SECTION 3 CENTRALIZED WASTEWATER COLLECTION TREATMENT AND DISPOSAL SYSTEM**

##### **Sections:**

<b>Sec. L-VI 3.1</b>	<b>Purpose</b>
<b>Sec. L-VI 3.2</b>	<b>Definitions</b>
<b>Sec. L-VI 3.3</b>	<b>Centralized Wastewater Collection, Treatment &amp; Disposal Systems</b>
<b>Sec. L-VI 3.4</b>	<b>Centralized Wastewater System Construction and Operation</b>
<b>Sec. L-VI 3.5</b>	<b>Centralized Wastewater System Permit Fee and Certificate of Operation</b>
<b>Sec. L-VI 3.6</b>	<b>Sewage Entity Approval Required for Small or Large Systems</b>
<b>Sec. L-VI 3.7</b>	<b>Centralized Wastewater Disposal Permit Application Process</b>
<b>Sec. L-VI 3.8</b>	<b>Location of Treatment System and any Soil Absorption Fields</b>
<b>Sec. L-VI 3.9</b>	<b>Percolation Test and Soil Mantle</b>
<b>Sec. L-VI 3.10</b>	<b>Centralized Wastewater System Design</b>
<b>Sec. L-VI 3.11</b>	<b>Applicable Standards</b>
<b>Sec. L-VI 3.12</b>	<b>Responsibilities and Administrative Authority</b>
<b>Sec. L-VI 3.13</b>	<b>Environmental Health Director's Responsibility</b>
<b>Sec. L-VI 3.14</b>	<b>Relationship to a Regional Water Quality Control Board of the State of California</b>
<b>Sec. L-VI 3.15</b>	<b>Inspections and Performance Monitoring</b>
<b>Sec. L-VI 3.16</b>	<b>Violations, Nuisances, Abatement</b>
<b>Sec. L-VI 3.17</b>	<b>Conflict of Interest</b>

### **Sec. L-VI 3.1 Purpose**

The purpose of this Section is to establish minimum standards for the protection of public health for the design, construction, maintenance and operation of centralized wastewater collection, treatment and disposal systems when such methods of collection, treatment and disposal have been approved for use by the Board of Supervisors.

This Section shall apply to all sewage entities whether public or private which are located in the unincorporated areas of the County of Nevada; provided, however, that where any public agency which functions as a sewage entity has adopted its own standards and regulations by ordinance for the disposal of sewage through the operation of a centralized wastewater system, the provisions of this Section shall not apply as to such public agency.

### **Sec. L-VI 3.2 Definitions**

For the purposes of this Chapter and in addition to the definitions provided in Sections one (1) and two (2) of this Chapter, the following words and phrases shall have the meanings ascribed to them by this Section.

A. **CENTRALIZED WASTEWATER SYSTEM** means a system of conduits, treatment and disposal facilities in which wastewater is collected and transported to a central area where treatment and/or final disposal is affected. **TYPES:**

1. **Cluster Wastewater Collection, Treatment and Disposal System (CWCTDS)** means a system for the collection, transportation, treatment and disposal of any wastewater from at least two (2) but no more than five (5) sources (source shall be defined as a wastewater discharge from any single-family residential, commercial unit, recreational, institutional building and/or establishment with a maximum of 2500 gallons per day wastewater discharge) by any method which meets State and local minimum standards.

2. **Small Wastewater Collection, Treatment and Disposal System** means a system for the collection, transportation, treatment, and disposal of any wastewater from at least six (6) but no more than ninety-nine (99) single-family residential sources or the equivalent flow.

3. Large Wastewater Collection, Treatment, and Disposal System means a system for the collection, transportation, treatment, and disposal of any wastewater from more than ninety-nine (99) single-family residential sources or the equivalent flow.

B. APPLICANT means any person, firm, company, corporation, association, public agency, sewage entity or organization that proposes to design, construct, maintain, and operate a centralized wastewater collection, treatment and disposal system.

C. COMMUNITY SERVICES DISTRICT means any District formed in an unincorporated territory to construct and operate works for the collection, transportation, treatment, and disposal of sewage in accordance with procedures, rules and regulations of the California Government Code.

D. COUNTY SANITATION DISTRICT means a District organized within an incorporated or unincorporated territory empowered to build and operate sewers and sewage disposal or treatment plants for the collection, transportation and disposal of wastewater within or without the District. Such District shall have been formed in accordance with the procedures, rules and regulations of the California Health and Safety Code.

E. COUNTY SERVICE AREA means an area in an unincorporated territory within the County that has been designated by the Board of Supervisors in accordance with the procedures, rules and regulations of the California Government Code for the collection, transportation, treatment, and disposal of sewage within that County service area.

F. PUBLIC SEWER means any sewer constructed, installed, maintained, operated, and owned by a municipality or taxing District established for that purpose.

G. PUBLIC UTILITY DISTRICT means a District organized in an unincorporated territory to acquire, construct, own or operate revenue producing utilities for the disposition of sewage in accordance with the procedures, rules and regulations of the California Public Utilities Code.

H. SANITARY DISTRICT means a District organized within any territory empowered to acquire, construct and operate works for the collection, transportation, treatment and disposal of wastewater. Such District shall have been formed in

accordance with the procedures, rules and regulations of the California Health and Safety Code.

I. SANITARY SEWER means a sewer which carries sewage and into which storm, surface, and groundwaters are not intentionally admitted.

J. SEWER means a pipe or conduit for carrying sewage.

K. SEWAGE ENTITY means a public District or private organization responsible for the collection, transportation, treatment and disposal of sewage under one (1) administrative authority.

L. OTHER DISTRICTS means any other lawful entity formed under California law for the collection, transportation, treatment, and disposal of sewage either as of the date of this act or in the future.

### **Sec. L-VI 3.3 Centralized Wastewater Collection, Treatment & Disposal Systems**

The Environmental Health Director shall allow centralized wastewater collection, treatment and disposal systems where the requirements of this Section, the California Environmental Quality Act, and the California Subdivision Map Act and all other provisions of law have been satisfied. This applies to repairs or new construction. The Environmental Health Director shall adopt and modify as conditions warrant a  Centralized Wastewater Collection, Treatment and Disposal Design Package<sup>§</sup> to accomplish the purposes of this Section and ensure the protection of the public health and safety. Centralized systems shall require special application and permit provisions. If a sewage entity exists in the proposed project area, inclusion in that entity must be assured before a permit can be issued for the system. Such systems shall require performance review, monitoring, and sampling. The additional cost of design review, monitoring and sampling shall be borne by the owner or an administrative authority responsible for the operations and maintenance of said centralized system. Centralized systems shall be divided into three categories. Said categories are:

A. Cluster Wastewater Collection, Treatment and Disposal Systems (CWCTDS)

B. Small Wastewater Collection, Treatment and Disposal Systems (SWCTDS)



## C Large Wastewater Collection, Treatment and Disposal Systems (LWCTDS)

### **Sec. L-VI 3.4 Centralized Wastewater System Construction and Operation**

It shall be unlawful for any person, whether as principal, servant, agent or employee, owner or tenant, to construct or operate a centralized wastewater collection, treatment and/or disposal system, sanitary sewer, public sewer, or sewage entity without meeting the standards set forth in this Chapter and approved by the Environmental Health Director and without first having obtained a permit to do so from the Environmental Health Department.

### **Sec. L-VI 3.5 Centralized Wastewater System Permit Fee and Certificate of Operation**

For each centralized wastewater disposal permit application a fee shall be charged. Said fee shall be based upon the man hours spent on design review and field time by staff of the Environmental Health Department, plus overhead expenses. An initial fee shall be paid to the Environmental Health Department at the time an application for a centralized permit is filed. Said initial fee shall be set by the Board of Supervisors. The subsequent design review and field time shall be paid before a permit is issued. An estimate of the costs for design review and field time shall be provided to the applicant prior to the Environmental Health Department commencing said process. In the event a permit is denied for a centralized system, such fees shall still be due and payable and the Environmental Health Department may seek such remedies as are necessary to receive such costs including, but not limited to, placing a lien on the property. When an application for a centralized permit is denied in writing by the Environmental Health Director fees will be charged when a new application is made. The minimum design review fee for a centralized system shall be set by the Board of Supervisors. For each centralized collection treatment and disposal system a certificate of operation shall be required in accordance with Section 5, Sections Code of the County of Nevada, Environmental Health Certificate of Operation. A certificate of operation shall be issued upon completion and approval of each system. Annual renewal and fee provisions in accordance with requirements of an Environmental Health Certificate of Operation shall apply.

### **Sec. L-VI 3.6 Sewage Entity Approval Required for Small or Large Systems**

No application shall be accepted for a centralized wastewater system containing six (6) or more connections, until the property to be served thereby is accepted for inclusion into public entity as required by Section 3.12, Paragraph 2 of this Section.

### **Sec. L-VI 3.7 Centralized Wastewater Disposal Permit Application Process**

The property owner or their designated representative must make application for a centralized wastewater disposal permit on a form provided by the Environmental Health Department for that purpose. A design package shall be submitted to the Environmental Health Department at the time of application. Said design package shall contain the following information and/or documents:

- A. Past and present conditions including but not limited to, all prior soil mantles, soils work, percolation tests, previous proposals, existing wastewater treatment, collection and disposal systems.
  
- B. Preliminary basis of design including, but not limited to, proposed dwelling structures, flow projections, topography, hydraulic design factors, materials, manholes, inspection chambers and well pumps and pressure pipes, objectives and standards, the design basis for the sewage treatment and final disposal, and the predicted quality and quantity of the final effluent.
  
- C. Proposed location of the treatment system and final disposal area plus locations of any repair or expansion areas (100% repair area for any subsequent subsurface soil absorption system).
  
- D. Location of all wells, water service connections, water distribution systems, or other water source.
  
- E. All required setback distances.
  
- F. Distances from wells on all parcels included in the proposed system.
  
- G. Location of ponds, creeks, springs, cut banks, rock out-croppings, etc.

- H. Direction and percent of slope in the wastewater disposal areas.
- I. Location and description of all proposed or existing structures, driveways, roads, etc.
- J. Two (2) copies of scaled maps showing all structures, electrical cables, telephone lines, and the collection system.
- K. Two (2) copies of detailed, scaled treatment and disposal site plans showing the locations of any structures, the sewage treatment and disposal system and repair area.
- L. Two (2) copies of scaled two (2) view drawing of all components of the system conforming to American Standard drawings and drafting room practice. Three (3) view drawings may be required if necessary to clarify component design.
- M. Two (2) copies of the calculations made to determine the quantity and quality of the final effluent.
- N. A statement of justification, alternative analysis and certification of the proposed system by the designer.
- O. A contingency plan, which outlines the immediate actions to be taken should a failure occur and an action plan for repairs, expansion or replacement of the system as is appropriate.
- P. Operation, maintenance, and monitoring instructions, which provide brief and simple guidance regarding the operation, maintenance, and monitoring of the system.
- Q. Grant easement for access by Health Department and Regional Board personnel and agents for periodic inspection as necessary.

**Sec. L-VI 3.8 Location of Treatment System and any Soil Absorption Fields**

Those distances as prescribed in Section 1 shall apply as follows:

- A. For any primary/secondary treatment system or pumping well, location requirements shall be the same as for a septic tank.
- B. Non-acceptable areas shall be the same as under Section 1 of this Chapter.

### **Sec. L-VI 3.9 Percolation Test and Soil Mantle**

Minimum of six (6) percolation test holds and two (2) soil mantles are required in any proposed absorption field and the same in the proposed repair expansion area for the initial design review. Additional soils testing may be required to demonstrate soil consistency throughout the disposal area. Percolation tests shall be performed in a manner as prescribed by the Environmental Health Director. Any alternative percolation test procedure may be utilized only with the written approval of the Environmental Health Director. All mantle excavations must be adequately protected under applicable regulations and backfilled following logging of the soil profile by a registered civil engineer, registered engineering geologist, or registered sanitarian.

### **Sec. L-VI 3.10 Centralized Wastewater System Design**

- A. The standards for design of centralized wastewater systems shall be adopted by the Environmental Health Director so as to ensure protection of the public health and safety. All centralized systems shall be designed and certified by a registered civil engineer, registered sanitarian, or registered engineer geologist. All such system designs shall be submitted to the Environmental Health Department prior to the issuance of the sewage disposal permit. Each centralized system design will be considered on an individual case-by-case basis in accordance with the latest sewage disposal □ Centralized System Package<sup>s</sup> as adopted by the Environmental Health Department. Such consideration may result in additional mitigating requirements or denial.
- B. All centralized system installations shall be directly supervised by the designer who shall certify in writing to the permit file upon completion that the installation has met the design criteria as approved by the Environmental Health Department. The final approval by the Environmental Health Department of the sewage disposal system cannot be given until this certification is received.
- C. Each centralized system design shall be reviewed in accordance with the following:

1. Cluster systems shall be directly reviewed and evaluated by Environmental Health Department staff on a man hour costs plus overhead basis. External technical consultants may be retained by the Health Department for evaluation of the system if necessary. The cost of such consultants shall be borne by the applicant or owner. An estimate of the costs for said evaluation shall be borne by the applicant or owner.
2. Small systems may be reviewed and evaluated by the Environmental Health Department staff or by an engineering consultant in accordance with the rules for selection of consultants established by the Board of Supervisors and included in this Chapter as Appendix I. The cost of such consultants shall be borne by the applicant or owner.
3. Large systems shall be reviewed and evaluated by the appropriate regional office of the State Water Quality Control Board.

### **Sec. L-VI 3.11 Applicable Standards**

All construction performed under this Section shall be performed under the direct supervision of the designer and in accordance with the Centralized System Design Package and the standards set forth in the approved design. The systems design and parcel/sewage disposal site maps as approved by the Environmental Health Department shall remain on the job site during construction.

### **Sec. L-VI 3.12 Responsibilities & Administrative Authority**

After the date of enactment of this document the following responsibilities and administrative authority requirements shall apply to centralized wastewater collection, treatment and disposal systems.

A. For cluster systems all owners of dwellings or commercial establishments attached to said system shall be required to accept responsibility for operation and maintenance of said system collectively. Said obligations shall be recorded on the deeds of parcels connected to the system. Easements shall be granted and recorded between each and every parcel to allow for repairs, maintenance and inspection of said system. Easements shall be granted and recorded by the owners allowing access to the property by the organization conducting any required monitoring. This easement must allow representatives of the Nevada County Environmental Health Department to accompany representatives of the monitoring organization onto the property. (Ord. 1486. (03/15/1988).)

B. Notwithstanding the above provisions of this Section, any properties connected to a clustered system which system was developed prior to April 1982, shall not be required to be collectively responsible for the maintenance and operation of the system, provided, however, that any such property shall have been an easement recorded in its favor authorizing the disposal of the sewage effluent from the property in the clustered wastewater system. No new parcels (property) may be connected to a clustered system unless easements are provided in the form required by Section 3.12.A.1 of this Section. (Ord. 1486. (03/15/1988).)

C. For small and large wastewater collection treatment and disposal systems, either a public entity must be formed or the system must be approved for inclusion in an existing public entity. As of the date of the enactment of this Chapter, the following public entities exist for the collection, treatment and/or disposal of wastewater. They are:

1. County Sanitation District;
2. Sanitary District;
3. Community Service District;
4. Public Utility District;
5. County Service Area;
6. Sewer Maintenance District;
7. Other Districts.

The formation of or approval for inclusion in a public entity must be assured before a permit can be issued for a centralized wastewater collection treatment and disposal system requiring such an entity.

### **Sec. L-VI 3.13 Environmental Health Director's Responsibility**

In individual cases, the Environmental Health Director may be required to make more stringent requirements than these standards where such higher requirements are essential to maintain and protect public health and safety.

### **Sec. L-VI 3.14 Relationship to a Regional Water Quality Control Board of the State of California**

When a large, centralized wastewater system (100 connections or more) is proposed and a discharge permit may be issued by a Regional Water Quality Control Board, review by the Nevada County Environmental Health Department may not be required.

### **Sec. L-VI 3.15 Inspections and Performance Monitoring**

A. Pre-issue inspections shall be made prior to the issuance of a centralized sewage disposal permit to ascertain the suitability of the site. A permit application will be denied when the Environmental Health Director determines the centralized disposal system could not be expected to function in a manner that will protect the public health and safety.

B. Trenches or beds shall be inspected prior to placement of any filter media.

C. Final inspection of each installation shall be made by the Sanitarian before any subsurface system is backfilled or covered.

D. A monitoring program will be established individually for each centralized system at the time of permit issuance. Said monitoring shall be performed to ensure that the centralized wastewater collection, treatment, and disposal system is functioning satisfactorily to protect the public health and safety. The specific requirements will be based primarily upon recommendations of the design engineer and the Environmental Health Department. Monitoring requirements will normally be expected to include:

1. Water usage or waste flow metering shall be recorded in a log book.

2. Effluent level measurements in the disposal system.

3. Water quality sampling (bacterial) at least quarterly in monitoring wells or drainages.

E. The owner(s) or administrative authority or their agent will be responsible for (1) and (2) of D above.

F. Nevada County Environmental Health Department and/or its designated representatives will be responsible for (3) of D above. Additionally, periodic inspections will be made of the condition of the disposal field, water levels in monitoring wells and equipment operation.

G. All centralized sewage disposal systems shall possess a valid annual certificate of operation issued by the Environmental Health Department. Said certificate permit may be revoked for due cause. The permit fee will cover monitoring and routine inspections costs.

### **Sec. L-VI 3.16 Violations, Nuisances, Abatement**

The disposal of sewage in violation of the terms of this Chapter and standards established as provided for in this Chapter is hereby determined to constitute a public nuisance, and its maintenance and operation may be abated by any appropriate proceeding permitted by State or County law.

### **Sec. L-VI 3.17 Conflict of Interest**

County personnel performing any work covered by this Ordinance shall comply with the latest conflict of interest policy adopted by the Nevada County Board of Supervisors.



## **EXHIBIT E**

### **LAND USE**

#### **CHAPTER VI SEWAGE DISPOSAL SECTION 4 GRAYWATER SYSTEMS**

##### **Sections:**

**Sec. L-VI 4.1 Definitions**

**Sec. L-VI 4.2 Graywater Use Permitted**

**Sec. L-VI 4.3 Standards of Graywater Use**

**Sec. L-VI 4.4 Capturing and Storing Graywater**

**Sec. L-VI 4.5 Prohibited Uses of Graywater**

**Sec. L-VI 4.6 Alternate Disposal of Graywater**

**Sec. L-VI 4.7 Revocation of Graywater Discharge Permit**

**Sec. L-VI 4.8 Permit Fees**

##### **Sec. L-VI 4.1 Definitions**

For the purpose of this Section, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

A. **BLACK WATER** means liquid and solid human body waste and the carriage waters generated through toilet usage.

B. **DWELLING** means any housing unit constructed for the purpose of housing one or more families and includes mobile homes, trailers, etc.

C. **GRAYWATER** means that wastewater from a dwelling which does not contain human or animal excreta, offal, or food matter and includes waste from sinks, washing machines, and other plumbing fixtures but not toilets, bidets, and kitchen sinks.

D. **ENVIRONMENTAL HEALTH DEPARTMENT** means the Environmental Health Department of the County of Nevada.

E. ENVIRONMENTAL HEALTH DIRECTOR means the Environmental Health Director of the County of Nevada, or their duly authorized representative.

F. PERSON means any person, firm, association, organization, partnership, business, corporation or company.

G. SEPTIC TANK means a watertight receptacle which receives the discharge of a drainage system or part thereof designed and constructed so as to retain solids, digest organic matter during a period of detention, and allow the effluent to drain into an absorption system.

H. SEWAGE means any and all waste substances, liquid or solid, associated with human habitation, which contain or may be contaminated with human or animal excreta or excrement, offal or any feculent matter and includes all liquid waste from toilets, bidets and kitchen sinks.

I. SEWAGE DISPOSAL SYSTEM means any sewer system, sewage disposal plant, septic tank, drainage system, seepage pit, chemical toilet, privy or any other facility constructed for the purpose of receiving sewage or its effluent. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.2 Graywater Use Permitted**

Graywater may be utilized for purposes of irrigation of plants if the owner of the building has in their possession a current valid graywater discharge permit from the County. Such a permit is revokable for noncompliance with standards of graywater use as outlined in this Section. Graywater usage shall not be permitted if plumbing fixtures have been utilized for the purposes of cleaning Sections contaminated with feculent matter, such as diapers, animal bedding, incontinent garments, and related. Additionally, graywater shall not be discharged onto the ground if it is contaminated with hazardous chemicals, such as resulting from changing vehicle oils, photographic developing, degreasing, drain cleaners, and related materials. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.3 Standards of Graywater Use**

A. PLUMBING: Graywater may be collected and disposed of as allowed for under this Section if, at the time of installation of plumbing in the building, a dual waste water plumbing system was installed in such a way that no waste water from kitchen sinks, toilets, or bidets can, under any circumstances, intermingle with the

other waste water system (graywater system). No cross connection between the two systems shall be allowed.

Alternatively, a building may be retrofitted with plumbing to allow the reuse of some graywater by directing wastewater from the washing machine, sinks other than kitchen sink, bathtub, shower, or other fixture excluding toilets, bidet and kitchen sink.

In the case of both approaches above, the Nevada County Building Department must attest to the Environmental Health Department at the time for which the graywater discharge permit is applied that the separate graywater plumbing system conforms to these requirements.

**B. GRAYWATER TREATMENT SYSTEMS:** Treatment of graywater before it is applied as irrigation to plants may be accomplished in a number of ways at the discretion of the owner of the building. These may include, but shall not be limited to the following:

1. Direct application with no treatment.
2. Sand filtration with subsequent application.
3. Disinfection with chlorine or other substance, and subsequent application.
4. Settling and biological treatment in a buried septic tank which is not contaminated by untreated sewage (black water), with subsequent application.
5. Filtration with some method other than sand filter.
6. Some other method as proposed by the owner of the building and acceptable to the Environmental Health Department.

**C. APPLICATION METHODS:** Graywater may be applied in irrigation of plants by any of the following methods:

1. Distribution through a drip irrigation system under the pressure of gravity alone.

2. Distribution through a drip irrigation system under pressure generated by a pump, pressure tank, or elevated holding tank.
3. Subsurface distribution by way of buried perforated pipes or leaker hose, or trenches and beds specifically designed for that purpose.
4. Episodic application into irrigating wells consisting of pipes installed vertically into the ground and filled with gravel to allow a temporary reservoir within the pipe which oozes out and is absorbed into the soil from the bottom of the pipe. This method is usually utilized for irrigating large trees.

D. The following application methods will not be allowed:

1. Spraying or sprinkling into the air.
2. Flooding of an area in such a manner that standing water accumulates for a period of time to contribute to nuisances such as odors and insect breeding.
3. Discharge to the surface which can run off into seasonal streams, or any other geological formation which could allow the graywater to come to flow directly into surface water.
4. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to Section 1 of this Chapter.
5. Application which would lead to graywater flowing onto the surface of adjacent property. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.4 Capturing and Storing Graywater**

Graywater may be collected in a reservoir as it leaves the building through a separate graywater plumbing system and may then be discharged to the irrigation system or be pumped to another reservoir for subsequent discharge to the irrigation system. Reservoirs in which graywater is collected and stored shall be maintained in such a way that bacterial growth will not reach levels such that nuisances including odors

and insect breeding will develop, and shall be designed in such a way that accidental drowning or human contact with the water in the reservoir is prevented.

Stored graywater may be reserved for use in fire protection but must be maintained to prevent nuisance as discussed above and must be labeled “used water - do not drink”. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.5 Prohibited Uses of Graywater**

The following uses of graywater shall be prohibited:

- A. Drinking.
- B. Bathing.
- C. Used as swimming pool or wading pool water.
- D. Irrigation of edible crops where the irrigating water will have routinely come into contact with the edible vegetation such as root crops. Crops where the edible portion grows on the surface of the ground and surface application methods were used. Examples of root crops are carrots and potatoes; examples of crops growing on the surface of the ground include lettuce and strawberries.
- E. Discharge through a garden hose which might be inadvertently picked up by someone and either drunk or sprayed at another human being.
- F. Returning the graywater to the building for utilization in any way including use in the tank of the toilet for flushing, unless specifically approved by the County Building Department. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.6 Alternate Disposal of Graywater**

The plumbing of the graywater system exterior to the house shall be such that the graywater can be immediately diverted to an approved sewage disposal system by the process of simply turning some valves. In cases of ground saturation during rainy season, revocation of the graywater discharge permit, malfunction of the graywater accumulation or distribution system, or need to work on the graywater application

distribution system, the graywater should be able to be diverted into the sewage disposal system. The calculation of leachfield size for the approved sewage disposal system shall be performed in such a way that all water discharged from the building, both black water and graywater, shall be able to be accommodated by the leachfield. (Ord. 1802. (09/08/1992).)

#### **Sec. L-VI 4.7 Revocation of Graywater Discharge Permit**

A permit to discharge graywater in the County of Nevada may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the graywater system.
- C. Determination by the Environmental Health Department that graywater systems of the type permitted have begun to show evidence of Failure or have been shown to pose public health risk where permitted and/or installed elsewhere.
- D. Determination by the Environmental Health Director that continued functioning of the graywater system poses an imminent health hazard.

#### **Sec. L-VI 4.8 Permit Fees**

Fees for a graywater discharge permit may be set by the Board of Supervisors from time to time by ordinance. (Ord. 1802. (09/08/1992).)

## **EXHIBIT E**

### **LAND USE**

#### **CHAPTER VI SEWAGE DISPOSAL**

#### **SECTION 5 WATERLESS TOILET SYSTEMS**

##### **Section:**

**Sec. L-VI 5.1 Definitions**

**Sec. L-VI 5.2 Waterless Toilet Use Permitted**

**Sec. L-VI 5.3 Standards of Waterless Toilet Use**

**Sec. L-VI 5.4 Alternate Disposal of Waterless Toilet Waste**

**Sec. L-VI 5.5 Sewage Disposal System Sizing**

**Sec. L-VI 5.6 Revocation of Waterless Toilet Permit**

**Sec. L-VI 5.7 Permit Fees**

##### **Sec. L-VI 5.1 Definitions**

For the purpose of this Section, certain words and phrases are defined and certain provisions shall be construed as herein set forth unless it shall be apparent from their context that they have a different meaning:

A. **BLACK WATER** means human body waste, toilet paper, water used to flush human body waste, and any other material intended to be deposited in a receptacle designed to receive urine and/or feces.

B. **COMMUNICABLE DISEASE TRANSMITTED BY BLACKWATER** means that group of pathogenic bacteria, viruses, protozoans and helminths which transmit diseases such as Hepatitis, Giardiasis, Dysentery, Salmonellosis, Shigellosis, Diarrhea or any other pathogenic illness transmitted through black water.

C. **COMPOSTING TOILET** means a device specifically designed for holding and processing black water and/or graywater. Composting devices employ the process of biological degradation, in which organic material is converted into a compost-like substance through action of microorganisms.

D. GRAYWATER is defined in “Graywater Systems” of this Chapter.

E. GRAYWATER DISPOSAL SYSTEM means any approved disposal system for the disposal of graywater including associated piping, tanks, pumps, disposal field or area, or any other facility constructed for the purpose of receiving graywater.

F. INCINERATING TOILET means a device specifically designed to reduce black water and/or graywater material to ashes through the process of incineration.

G. NATIONAL SANITATION FOUNDATION, or NSF, means the listing agency incorporated under the laws of Michigan which develops standards and criteria for products that bear upon health.

H. WATERLESS TOILET means a composting toilet or incinerating toilet as defined in this Article, or some other device as may be approved in the future for the holding and processing of black water and/or graywater.

#### **Sec. L-VI 5.2 Waterless Toilet Use Permitted**

A waterless toilet may be utilized for purposes of treatment and disposal of black water and/or graywater if the owner of the property has in his or her possession a current valid waterless toilet permit from the Department of Environmental Health. Said permit is revocable for noncompliance with standards of waterless toilet use as outlined in this Section. Disposal of waterless toilet waste shall not be permitted if the waste has been contaminated with any material other than black water or graywater waste.

#### **Sec. L-VI 5.3 Standards of Waterless Toilet Use**

A. Any waterless toilet proposed for use under this Section shall be a commercially manufactured unit, installed in accordance with the manufacturer’s recommendations or instructions, and accepted by any other governmental agency for a similar application.

B. The structure to be served by the waterless toilet shall also contain rough plumbing which will enable the installation of a conventional water flushing toilet as otherwise required by the Uniform Plumbing Code. In the case of connection of a



graywater disposal system to the waterless toilet, all applicable provisions of “Graywater Systems” of this Chapter shall be observed. The Nevada County Building Department must attest to the Environmental Health Department that the plumbing system conforms to these requirements.

EXCEPTION (For HCE 1): Limited density owner-built rural dwellings served by waterless toilets in compliance with this Section as the sole means of disposal of black water and graywater shall not be required to also contain rough plumbing pursuant to this subsection.

C. A waterless toilet shall only receive wastes for which it has been designed.

D. Waterless Toilet Treatment Systems: The treatment of waterless toilet wastes shall be conducted in strict observance of the manufacturer’s specifications, including the addition of any materials, the turning of drums, and the utilization of heating elements and timers. Adequate access to service and maintenance of all necessary components of the waterless toilet and its accessories shall be provided.

E. Composting Toilet Waste Disposal Methods: Disposal of the waste from composting toilets shall be disposed of only after such time as the material is thoroughly and completely decomposed and rendered noninfectious. Total and fecal coliform organisms shall not exceed the levels specified in the NSF Standard Number 41. The composted material may be disposed of as follows:

1. At an approved solid waste disposal facility capable of accepting human waste.
2. By an approved licensed septic tank pumper.
3. On the property containing the waterless toilet. Said disposal shall be performed in a manner which prevents contamination of humans, animals, surface waters or groundwaters. The process of removing the waste material shall be done with care for personal safety, with protective non-permeable gloves worn. Disposal methods permitted are:
  - a. Direct burial under a minimum of twelve inches (12”) of compacted soil.
  - b. Shallow subsurface tilling or a similar technique approved by the Department. Sites proposed for shallow subsurface disposal shall have access restricted to the

operator of the waterless toilet system, excluding children, pets, and persons not associated with the compost disposal, by fencing or other method approved by the Environmental Health Department. Surface distribution of end product prior to tilling shall be a maximum thickness of one-half inch (1/2"). Tilling shall be carried out immediately after surface distribution is completed. Surface distribution shall be timed to avoid sheet flows of water caused by rainfall.

4. Disposal of the waste on the property shall not be carried out by methods designated in subsections 3.a or 3.b of subparagraph E above whenever an individual with a communicable disease transmittable by black water is utilizing the system.

F. Incinerating Toilet Waste Disposal Methods: Disposal of the material from an incinerating toilet shall be permitted by any of the methods listed above for the composting toilet, but shall also include disposal directly on the ground surface, so long as the waste has been completely reduced to an ash, and no odor is present.

G. The waterless toilet shall be maintained and operated in a sanitary condition. Screening, mechanical parts and structural soundness shall be kept in working order.

H. The following waste disposal methods for composting toilets are prohibited:

1. Shallow subsurface disposal in present or planned food crop growing areas or dairy pasture.

2. Any disposal in areas subject to seasonal water runoff or areas seasonally inundated by water, or any other application which could permit the discharge to come to flow into surface or subsurface water.

3. Application by any method within the setback distances applicable to sewage as referenced in the rules and regulations for private sewage systems pursuant to Sec.-VI 1.7 of this Code.

4. Application which would lead to runoff from the composed material or ash flowing onto an adjacent property.

5. Any other manner which would otherwise result in a potential public health hazard or nuisance as determined by the Department of Environmental Health.

#### **Sec. L-VI 5.4 Alternate Disposal of Waterless Toilet Waste**

The plumbing of the structure serving the waterless toilet shall be such that the waterless toilet can be discontinued from use and the structure converted to a conventional flush toilet, or other methods of disposal approved by the Environmental Health Director. Disposal of the wastes from a waterless toilet shall be prohibited under the following circumstances:

- A. During periods of ground saturation.
- B. When the waterless toilet is inoperative or malfunctioning.
- C. Upon revocation of the operating permit for the waterless toilet.

Waterless toilet waste shall be disposed of pursuant to subsections E.1 and E.2 of Section VI 5.3 under these circumstances.

#### **Sec. L-VI 5.5 Sewage Disposal System Sizing**

The calculation of the sewage disposal system sizing, including a 100% repair area, shall not be reduced or downsized as a result of the use of a waterless toilet.

Exception: When an approved waterless toilet is used with an approved graywater and kitchen waste disposal system as permitted in other sections of this Chapter, no other type of septic system is required. The waterless toilet shall be sized for the maximum potential occupancy of the structure to be served.

#### **Sec. L-VI 5.6 Revocation of Waterless Toilet Permit**

A permit to utilize a waterless toilet in Nevada County may be revoked by the Environmental Health Department for any of the following reasons:

- A. Non-compliance by the permit holder with the standards of this Section.
- B. Evidence documented by the Environmental Health Department of the failure of the waterless toilet to meet design or operating specifications.

C. Determination by the Environmental Health Department that waterless toilets of the type permitted have begun to show evidence of failure or have been shown to pose public health risk where permitted and/or installed.

D. Determination by the Environmental Health Department that continued functioning of the waterless toilet poses an imminent health hazard.

E. Excessive odors generated by either the waterless toilet or the application of the by-product. (Ord. 181., (01/12/1993).)

#### **Sec. L-VI 5.7 Permit Fees**

Fees for a waterless toilet permit shall be set by the Board of Supervisors by Resolution. (Ord. 1817. (01/12/1993).)