

8.24.010 Legal authority.

The State of California Water Resources Control Board, through the Regional Water Quality Control Boards, requires local agencies to adopt Waste Discharge Requirements for all individual disposal systems or Community Collection and Treatment Systems that use subsurface disposal. The Central Valley Regional Water Quality Control Board provides that these Waste Discharge Requirements for Placer County may be satisfied by the enactment of an ordinance in compliance with the provisions of the Porter-Cologne Water Quality Act.

8.24.020 Purpose.

The purpose of this Article is to:

- A. Protect public health and the environment by ensuring the proper treatment and disposal of liquid waste.
- B. Establish an administrative framework allowing the adoption of science-based minimum standards for design, construction, installation, operation, maintenance, monitoring, replacement, alteration, enlargement, repair and abandonment of on-site sewage treatment, conveyance, and disposal systems.
- C. Establish minimum standards for compliance and enforcement of a comprehensive on-site sewage disposal regulatory program.
- D. Ensure compliance with standards, laws, and guidelines as adopted, and/or modified by the State of California Water Resources Control Board and/or Regional Water Quality Control Boards.

8.24.030 Definitions.

For purposes of this Article, the following words and terms have the following meanings.

“Alteration” means expansion and/or modification of an existing system, or any part thereof.

“Alternative System” means any on-site sewage system consisting of treatment and/or disposal components other than a standard system for which the Division may determine meets the requirements of this Article for a renewable operating permit as specified in the On-Site Sewage Manual.

“Appeal” means the administrative process that allows a person to request a reconsideration of a Division determination or decision regarding a provision or requirement of the On-Site Sewage Manual.

“Applicant” means a property owner or the property owner’s Authorized Representative.

“Authorization Notice” means a written document issued by the Division which establishes that an existing on-site sewage disposal system appears adequate to serve the purpose for which a particular application is made.

“Authorized Representative” means a person or persons legally authorized by the real property owner to act on the real property owner’s behalf on matters pertaining to application for permits and services for the real property.

“Bedroom” means any room designated as such by the County’s Chief Building Official having jurisdiction.

“Building Permit” means a permit issued pursuant to Chapter 15, Article 15.04 by the County Building Services Division

“Building Site” - See “Site”.

“Certificate Of Satisfactory Completion” means the document, issued by the Division that indicates the system was installed in compliance with this Article and the conditions of approval on the system permit.

“Cesspool” means an excavation in the ground receiving sewage, designed to retain the organic matter and solids, while allowing the liquids to seep into the soil.

“Commercial project” means any project other than those defined as residential.

“Consultant” means one of the following persons (exclusive of Division personnel) retained to provide services under this Article:

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

“Contractor” means a person who possesses an active General Engineering A, Specialty C-42, or Specialty C-36 contractor’s license in accordance with the provisions of the California Business and Professions Code.

“Director” means the Director of the Placer County Division of Environmental Health Services, or his/her designee.

“Disposal Area” means the entire area used for underground dispersion of the liquid portion of sewage.

“Disposal Trench” means a ditch or trench with vertical sides and substantially level bottom designed to receive sewage effluent.

“Distribution Box” means a structure that receives septic tank or other treatment facility effluent and distributes it to the disposal area.

“Division” means the Placer County Department of Health and Human Services, Division of Environmental Health Services, its Director and designated employees.

“Effective Soil” means permeable, unsaturated, undisturbed native soil providing sufficient aeration and retention for optimal treatment of sewage effluent. Effective soil excludes soil layers that meet the criteria for “Conditions Associated with Saturation”; “Limiting Layers”; soils containing more than 50% rock fragments greater than 2 mm in diameter; soils with stones, cobbles, gravel, and rock fragments with too little soil material to fill interstices larger than one (1) mm in diameter; or soil texture classes of sand, unless otherwise specified in Chapter 21 Seepage Pit Requirements of the Manual.

“Effective Soil Depth” means the depth of effective soil from the bottom of the dispersal trench or drip tubing to a restrictive layer or groundwater.

“Effluent” means sewage, water, or other liquid, partially or completely treated or in its natural state, flowing out of a septic tank, supplemental treatment unit, disposal area or other system component.

“Existing System” means any installed system constructed in conformance with the rules, laws and local ordinances in effect at the time of construction.

“Failing On-Site System” means any system which discharges untreated or inadequately treated sewage or septic tank effluent directly or indirectly onto the ground surface, into protected waters, or into a dwelling. Also, any system not operated in compliance with permit conditions including, but not limited to, operation, maintenance and monitoring requirements, use of unapproved components, unapproved modifications to the originally permitted design, or an alternative system with monitoring sample results which do not meet parameters as required by this Article and the On-Site Sewage Manual. A failure also includes either wastewater exfiltration to groundwater from, or groundwater infiltration into, a septic tank.

“Graywater” – See “Sewage”.

“Graywater Disposal System” means an on-site sewage disposal system designed for the collection, treatment and disposal of graywater only.

“Land Use Project” means any entitlement or application process, initiated through the County pursuant to Chapters 16 and 17 of the Placer County Code including but not limited to, a General Plan amendment, rezoning, use permit, variance, zoning clearance, design review, tentative map, parcel map, certificate of compliance, and minor boundary adjustment.

“Minimum Useable Sewage Disposal Area (MUSDA)” means the amount of ground surface expressed in square feet, that is required for sewage disposal when creating new lots or parcels in the tentative or parcel map process. The amount of land area is based on the percolation rate and the type of leach field distribution method.

“Occupant” means the person occupying or otherwise in real or apparent charge and control of the dwelling and/or real property.

“On-Site Sewage Manual” or “Manual” means the document containing implementing standards and requirements of this Article, including specific detail on acceptable on-site sewage treatment and disposal systems and processes, developed by the Division and the Wastewater Advisory Committee and adopted by resolution of the Board of Supervisors.

“On-Site Sewage System” – See “System”.

“Owner” means the person or persons, trust, firm, corporation, limited liability company or partnership that is the owner of record of the real property, or premises or facility as identified on the last County equalized assessment roll.

“Permit” means the written document, issued and signed by the Division, which authorizes specific system work.

“Person” means any individual (owner or authorized representative), corporation, association, firm, organization, partnership, or company.

“Pressure Distribution System” means any system designed to uniformly distribute septic tank or other treatment unit effluent under pressure in an absorption facility or other treatment/disposal unit.

“Pressure Transport Piping” means piping which conveys septic tank or other treatment unit effluent to a pressure distribution manifold by use of a pump.

“Public Sewer System” means any sewer system constructed, installed, maintained, operated and owned by or for a municipality or public entity established for sewage disposal purposes.

“Renewable Operating Permit” means that administrative document issued by the Division authorizing the initial and/or continued use of certain Alternative systems, as specified in the On-Site Sewage Manual.

“Repair” means installation, replacement and or connection of the portion(s) of a system necessary to eliminate a public health hazard or pollution of public waters created by a failing system.

“Replacement Area” means a separate, designated area that is sized to accommodate one hundred (100) percent of the daily design flow of the project.

“Septic Tank” means a watertight receptacle which receives sewage from a building or structure, is designed to separate solids from liquids, retains and digests organic matter and discharges the resulting effluent to a second treatment unit or to a soil absorption facility.

“Sewage” means wastewater that is designated as either “*blackwater*” and/or “*graywater*.” and/or blackwaste.

1. “Blackwater” means wastewater contaminated with human or kitchen wastes, generally originating from toilets and kitchen sinks. It includes, but is not limited to, wastewater discharges from kitchen sinks, garbage grinders, water closets, toilets, urinals or similar fixtures alone or in combination with other wastewater.
2. “Graywater” means wastewater, exclusive of blackwater or industrial waste, deposited into plumbing drain systems or exiting directly from wastewater generating appliances. It includes, but is not limited to, wastewater discharges from washing machines, bathtubs, showers, bathroom washbasins, and laundry tubs.
3. Blackwaste” means human body wastes including feces, urine, other extraneous substances of body origin and toilet paper.

“Site” means an area of a lot or parcel designated for a specific purpose including an approved area for sewage disposal, building, etc.

“Site Evaluation” means the first step in obtaining an on-site sewage system construction permit or for determining feasibility for a future system during the entitlement process. The evaluation consists of specific soils testing, including soil profile testing and percolation rate; or soil boring for seepage pit systems.

“Slope” means the rise or fall in feet per one hundred (100) feet of horizontal distance. Slope is expressed as a percent of grade. For example: a land surface at a 45 degree angle has a slope of 100%.

“Soil” means the unconsolidated mineral or organic matter on the surface of the earth that has been subjected to and influenced by geologic and environmental factors of: parent material, climate, macro- and micro-organisms, and topography, all acting over a period of time and producing a product—soil—that differs from the material from which it is derived in many physical, chemical, biological, and morphological properties and characteristics.

“Soil Profile” means an excavation of sufficient size and depth to allow thorough examination of the soil to evaluate its suitability for sewage disposal.

“Standard System” means an on-site sewage system, which meets the requirements of the On-Site Manual, and is comprised of a 2-compartment septic tank for primary treatment and gravel or gravelless disposal trenches. Effluent will flow to the trenches by gravity, or may be pumped to the first distribution box of the trenches.

“Supplemental Treatment” means any approved on-site sewage system or component of an on-site sewage system, except a septic tank, dosing tank or pump tank, that performs additional wastewater treatment so that the effluent meets the following criteria prior to discharge of effluent into the disposal field:

CBOD5	Shall not exceed 25 mg/L- 30-day average*
TSS	Shall not exceed 30 mg/L- 30-day average*

Sources:

* EPA secondary treatment guidelines for Class I effluent

“System” means an individual on-site sewage disposal facility, including replacement area, designed for the collection, treatment and disposal of sewage, or sewage storage only. The individual on-site sewage disposal facility shall serve only one source on the same lot or parcel, except for a primary and secondary dwelling which may share facilities on the same lot or parcel.

“Variance” means the administrative process which allows deviation from the provision or requirement of the On-Site Sewage Manual for a specific case where strict interpretation and enforcement of a standard may result in excessive hardship or deprivation of property privileges enjoyed by other property in the vicinity, but where the protection of the public health can still be maintained.

“Vertical Separation” means the depth of effective soil that exists beneath the bottom of a subsurface soil absorption system to a restrictive or limiting layer or feature such as a perched or seasonal water table, bedrock, hardpan, fractured or fissured rock, unacceptable fine textured soils, or excessively permeable material.

8.24.040 Applicability.

The requirements of this Article shall apply to all on-site sewage treatment, conveyance, and disposal systems in Placer County with a design flow of less than ten thousand (10,000) gallons per day. For on-site systems approved under permit from the Division prior to the effective date of this Article, the conditions for system siting, design, construction, operation, maintenance, and monitoring approved at that time shall apply unless an application is submitted which causes the review of the sewage disposal system. Applications that would cause a review include but are not limited to a land use project, construction permit, or modification permit.

8.24.050 On-Site Sewage Manual.

- A. The Placer County On-Site Sewage Manual shall govern the siting, design, installation, components, operation, monitoring, and maintenance of on-site sewage systems in Placer County. Copies of the On-Site Sewage Manual will be maintained and made available to the public at the Division's main office and webpage.
- B. The Placer County On-Site Sewage Manual shall be adopted by resolution of the Placer County Board of Supervisors (Board). The Division, based on observed need or on recommendation by the Wastewater Advisory Committee, may propose modifications of the Manual. When changes are proposed to the On-Site Sewage Manual, the changes shall be presented to the Board for adoption as an amending resolution.

8.24.060 Site Evaluation Requirements.

- A. A site evaluation, meeting the requirements described in the On-Site Sewage Manual, shall be required on every existing or proposed lot or parcel prior to obtaining an on-site sewage system permit or any approval for the feasibility of on-site sewage system capability.
- B. A site evaluation may be waived in certain circumstances, at the discretion of the Division, based upon a prior site evaluation, soils analysis, or Division staff's knowledge of the site; or if it is determined that the proposed work will not cause any increase in the potential generation of sewage, and where inspection by the Division verifies the project will not significantly impact initial or replacement area for the on-site sewage disposal system.
- C. The site evaluation shall be conducted by the applicant's consultant and coordinated with the Division so that Division personnel may be present for any facet of testing in the evaluation process.
- D. The Division may require that the site evaluation be conducted during high rainfall periods of the year as described in the On-Site Sewage Manual, in order to determine the maximum fluctuation of depth to water below the surface of the ground, prior to approving a site for feasibility or construction of an on-site system.
- E. The Division may require a new site evaluation or other soils testing if it determines that prior site evaluation approvals were based on testing and/or reporting that was incomplete, insufficient, or incompatible with known information of a given area.

8.24.070 Environmental Health Land Use Project.

- A. Prior to receiving approval, a land use project proposing to utilize onsite sewage disposal shall complete the Division's site evaluation process as described in this Article and the On-Site Sewage Manual in determining the suitability of on-site sewage disposal for all such projects.
- B. Soils testing that includes soil profile excavations and percolation rate determination for every proposed lot or parcel in any subdivision must be satisfactorily completed prior to approval of the land use project.
- C. No subdivision or parcel map shall be recorded or certificate of compliance issued unless all proposed lots or parcels which rely on an individual sewage disposal system have an approved site evaluation report that verifies all of the following minimum site characteristics:

1. Vertical separation of not less than 24 inches
2. Slope no greater than 30%
3. Percolation rate between 1.0 and 120 minutes per inch

D. No subdivision or parcel map shall be recorded or certificate of compliance issued unless all proposed lots or parcels which rely on an individual sewage disposal system have an approved site evaluation report that specifies the required minimum useable sewage disposal area (MUSDA) in accordance with the area requirements shown in Table One. The entirety of the MUSDA shall be configured to allow installation of disposal trenches on contour and with a minimum length of fifty (50) feet.

Table One. MUSDA Requirements

Percolation (Minutes/Inch)	MUSDA (Square Feet)	
	Gravity Distribution	Pressure Distribution
1-5	Not Allowed as on Option	6,000 *
6-20	9,000	6,000
21-40	12,000	8,000
41-60	15,000	10,000
61-90	Not Allowed as on Option	13,000
91-120		15,000

* Supplemental treatment is required by an alternative system.

- E. Prior to any commercial project being given final Division approval, all on-site sewage treatment and disposal requirements must be satisfactorily completed and approved by the Division.
- F. No new lot or parcel shall be created where the parcel relies on an on-site sewage system which cannot be sited within the boundaries of the proposed lot or parcel.
- G. If there is an existing system to remain on a lot or parcel proposing a minor or major subdivision, or additional building site, the Division shall require an evaluation of the existing system, which shall include at a minimum:
- 1) Review of a septic tank pumper's report that verifies: the septic tank has been pumped within three (3) years of the evaluation application date, the septic tank's minimum capacity, the physical condition of the components of the tank, and the integrity of the tank;
 - 2) Field inspection by the Division to determine if the existing system appears to be functioning properly, without signs of imminent failure (e.g., surfacing sewage, rank vegetative growth, etc.), and meets current setback requirements;
 - 3) Verification of adequate replacement area available to accommodate a standard system or alternative system (one specifically approved for the creation of new lots and parcels);
 - 4) Reasonable verification that the system was installed under a valid permit; and
 - 5) Other site evaluation methods may be required at the discretion of the Division to completely evaluate the system.
 - 6) System as-built or complete system tracing, if needed to determine accurate loca-

tion of system.

H. Minimum effective soil depth requirements for creation of parcels shall be based on approved alternative supplemental system(s) with pressure distribution disposal trenches. Subsurface drip disposal shall not be permitted for parcel creation.

I. Variances to the On-Site Sewage Manual shall not be granted to allow the creation of lots, parcels or additional building sites. Applications requesting such a variance shall not be accepted by the Division.

J. This Article and/or the On-Site Sewage Manual shall not nullify or supersede any provisions for on-site sewage disposal in the County General Plan, any Community Plan, or any other applicable plan of any agency or government having jurisdiction. Where there is a discrepancy between the Article and/or On-Site Sewage Manual and any applicable plan, statute, or ordinance, the stricter standard shall apply.

8.24.080 Sewage System Requirements.

A. General Requirements

1. No person shall treat or dispose of sewage in any manner other than by an on-site sewage system approved by either the Division or the State of California Regional Water Quality Control Board having jurisdiction, a public sewer system or other method meeting the standards set forth in this Article or the On-Site Sewage Manual.
2. Standard on-site sewage systems approved after the effective date of this Article shall be sited and designed so as to have a minimum vertical separation of 48 inches with a percolation rate between 6 minutes per inch and 60 minutes per inch. Systems that do not meet these criteria are identified and described in the On-Site Sewage Manual.
3. Every permit issued after January 1, 2005 shall be subject to the Operation, Maintenance, and Monitoring Program as specified in the On-Site Sewage Manual.
4. No person shall construct, operate or maintain an on-site sewage system that does not comply with the requirements of this Article, the conditions specified in the On-Site System Construction Permit, and the requirements outlined in the On-Site Sewage Manual.
5. No person shall utilize any form of effluent disposal that discharges on or above the post installation ground surface such as sprinklers, exposed drip lines, free-surface wetlands or a pond.
6. No person shall operate a failing on-site system.
7. No person shall connect any structure to an existing on-site system where the total projected sewage flow would be greater than the design flow specified in the original On-Site System Construction Permit or where, in the opinion of the Division, the connection of a new and/or replacement structure to an existing system would not meet the standards contained in this Article or the On-Site Sewage Manual, unless an Authorization Notice is obtained as set out in the On-Site Sewage Manual.
8. No person shall discharge anything other than what is specifically defined as sewage, in this Article, into any On-Site Sewage System.

9. No person shall operate a system constructed after the effective date of this Article without a Certificate of Satisfactory Completion.
10. No person shall maintain or operate a system for which the Division has issued an order to abandon the system.
11. An area approved by the Division for which the soil and site conditions are acceptable for installation of an on-site sewage system shall be maintained for the purpose of system replacement. Except when otherwise authorized by the Division, it shall consist of one hundred percent of the needed area.
12. The complete system shall be owned solely by the owner of the property which it serves.
13. Graywater disposal systems shall meet the same requirements as on-site sewage systems. Graywater shall not be diverted from an on-site sewage system which utilizes supplemental treatment.
14. No person shall operate a cesspool.

B. Construction Inspection Requirements

The applicant shall grant the Division access to the property for purposes of inspecting the system in accordance with the requirements of this Article, the On-Site Sewage Manual, and with any conditions specified on the construction permit.

8.24.085 Permit Requirements.

- A. **Permit Required:** A sewage disposal system permit is required in order for any person to install, replace/repair, modify, expand, abandon/destroy, or change use of a system. A construction permit is not required for servicing or replacing an approved system's components with mechanical or electrical parts of the same type, size or capacity; pumping of septage; repair/replacing a distribution box; or repairing/replacing sewer pipe from the septic tank to the distribution box. The complete permit application, and accompanying required documentation as set forth in the On-site Sewage Manual; and appropriate fees are required at the time of application.
- B. **Permit Conditions:** The system must be installed, operated, maintained and monitored according to the requirements of the Placer County On-Site Sewage Ordinance and Manual, and permit conditions. Any permit conditions shall be binding upon the property owner and successive property owners for the life of the system.
- C. **Proof of Valid Permit:** A copy of the approved permit and plans must be at the job site once the work begins and until the final inspection and approval of the work.
- D. **Expired Permit:** The permit is valid for two (2) years from the date it is issued. It may be renewed under procedures described in the Onsite Sewage Manual.
- E. **Permit Transfer:** The permittee must make a written request for transfer of the permit to the new property owner. Expired permits are non-transferable.
- F. **Permit Modification:** If the applicant proposes a change which affects the system permit (e.g., adding bedrooms, new system location, etc.), an additional review fee and new permit conditions may be required.
- G. **Renewable Operating Permit:** When required under the Operation Maintenance and Monitoring Program as described in the Placer County On-Site Sewage Manual, the Division shall require any person to obtain a Renewable Operating Permit. The requirement to obtain and maintain a Renewable Operating Permit and comply with the conditions of the permit shall be binding upon the property owner and successive property owners for the life of the system.

- H. Permit Denial: The Division may deny any system construction permit application that fails to comply with the requirements of this Article or the On-Site Sewage Manual for primary or replacement system.
- I. Appeal: An applicant may appeal a decision on a permit application using the provisions set forth in 8.24.120.

8.24.090. Wastewater Advisory Committee

The Wastewater Advisory Committee (Committee) was established by the Board of Supervisors by resolution (Res. 2000-239). The Committee advises the Director in the following matters:

- A. Development and maintenance of the On-Site Sewage Manual.
- B. Application of new on-site collection, treatment, conveyance, dispersal, and disposal technology.
- C. Development and oversight system for introducing innovative on-site sewage technology.
- D. Development and oversight system for assuring that on-site sewage systems are appropriately operated, maintained, and monitored.
- E. Future revisions to this Article and the On-Site Sewage Manual.
- F. Policies, practices, and procedures to improve protection of public health and delivery of customer service.
- G. Other on-site sewage disposal questions or issues as requested by the Director.

8.24.100 Division Fees.

The applicant shall pay fees for permits and services of the Division required by this Article as established by Placer County Code Article 2.116.100, and adopted by resolution, at the time of submission of permit application and in advance of the requested or required service.

8.24.110 Enforcement and Penalties.

- A. Enforcement
 - 1. All violations of this Article and the On-Site Sewage Manual are determined to be unlawful and declared to be detrimental to the public health, safety and welfare, and are public nuisances. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of this Article shall be abated pursuant to provisions set out in Placer County Code Article 17.62 if provisions for their continuance made pursuant to this regulation are not satisfied.
 - 2. The Division may condemn, according to law, any residence or other establishment that is accumulating or disposing of sewage in a manner contrary to the requirements of this Article.
 - 3. In addition to the use of any other remedy, the Director may seek legal or equitable relief in Placer County Superior Court to enjoin any act or practice and to abate any conditions that constitute or will constitute a violation of this Article.
 - 4. No person shall obstruct, impede or interfere with the Division or any other County employee, contractor or other authorized representative in the performance of code enforcement and nuisance abatement duties pursuant to this Article and the On-Site Sewage Manual.

5. When it is necessary to make an inspection to enforce the provisions of this Article, or when a Division official has reasonable cause to believe that there exists in a building or upon a site a condition which is contrary to or in violation of the sections of this Article or the On-Site Sewage Manual, the official may enter the building or site at reasonable times to inspect or to perform duties imposed by this Article, provided that if such building or site is occupied at the time of inspection, proper credentials shall be presented to the occupant and entry shall be requested and granted. If such building or site is unoccupied, the Division official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or site and shall request entry to the building or site. If entry is refused, the Division official shall have recourse to the remedies provided by law to secure entry/access.

B. Penalties

1. The Division may seek penalties as defined in the Placer County Zoning Ordinance Chapter 17, Article 17.62.
2. The Director is authorized to issue citations to any person found in violation of this Article in accordance with Placer County Code, Chapter 1, Article 1.24 and Chapter 17, Article 17.62.

8.24.120 Appeals.

Any person who is individually affected in an adverse manner by an environmental health decision made as to any standard contained in this Article or the On-Site Sewage Manual may appeal that decision to the Director after reasonable efforts have been made to resolve the issue through consultation with line staff and the section supervisor. The term "*individually affected*" means a person who has been denied a permit or adversely affected by or as a result of a health department determination, decision, or regulatory enforcement action;

A. Submission of Appeal

Appeals must be submitted in writing to the Division within fourteen (14) calendar days of the decision. The appeal shall be filed on forms provided by the Division. The appeal shall contain reasons and pertinent documentation as to why the appellant believes the decision to be unwarranted. The required appeal filing fee shall also accompany the written appeal.

B. Review Procedure

1. The Director within thirty (30) calendar days of the date that a completed appeal application is received, shall schedule an appeal hearing. The Director will make a determination consistent with legal mandates and public health principles. After completion of the hearing, the Director will prepare a written order granting or denying the appeal, and shall include in the order specific findings.
2. The appeal hearing shall be de novo. Written notice of the time and place of the hearing shall be given at least fourteen (14) calendar days prior to the date of the hearing to each interested party.
3. The Director, within thirty (30) calendar days of the date of completion of the appeal hearing, shall file the decision on the appeal. The Director may approve, conditionally approve or deny the appeal, or request addi-

tional information prior to making a determination. All actions of the Director shall be made in writing.

4. Decisions of the Director shall be considered final and not subject to further administrative appeal.

8.24.125 Variances.

A. Criteria for approval. A variance from any provision of the On-Site Sewage Manual may be granted under the following conditions:

1. There must be in each specific case, a special circumstance applicable to the property (e.g. location, soil characteristics) where practical difficulties, excessive hardship, and denial of privileges of property enjoyed by other property owners in the vicinity would result from the strict interpretation and enforcement of any provision;
2. the hardship was not created intentionally by the action of the applicant;
3. no reasonable alternative exists for the treatment of sewage; and
4. the resulting discharge from the system as a result of the variance approval will not adversely affect the health of the public or the persons utilizing the subject property.

B. Procedure

1. An application for a variance shall be submitted to the Division on a form approved by the Division. The application shall be completed in full, and be accompanied by the appropriate filing fee and all exhibits required by the Division. A separate application shall be filed and a separate fee paid for each lot, parcel, or building site considered for a variance.
2. The Division shall review the information contained in the application and determine whether the application is complete. 3. When required, written consent from adjoining property owners may be required to establish that the variance will not affect the use of such adjoining property and to deem the application complete.
4. If the completed application does not request a variance to setback and would not result in an adverse public or environmental health effect to the subject property or adjoining properties, the Division may grant the variance subject to the provisions of section 8.24.125.A., Criteria for Approval. If the application information indicates that granting of the requested variance may have an adverse environmental effect or may affect the use of the adjoining property, the following procedure shall apply:
 - a. Within thirty (30) calendar days after acceptance of the variance application as complete, a public hearing shall be conducted regarding the requested variance. At least fourteen (14) calendar days prior to such hearing, notice by mail shall be given to owners of properties which are contiguous to the property for which the variance is requested. For the purposes of this notice, "owner" means the owner of record as shown on the latest equalized county assessment roll.
 - b. For such hearing, the Director shall designate a Division representative to act as the Hearing Officer. After completion of the hearing, the Hearing Officer shall prepare a written order granting or denying the variance, and shall include in such order specific findings as to whether the criteria established for the granting of a variance are satisfied.

C. General conditions and provisions.

1. Unless otherwise approved at the time of issuance, variances are nontransferable.

2. Variances shall expire one (1) year after the date of approval unless a system construction permit (authorizing in whole or part, work approved by the variance) has been issued by the Division within the one year time period. Should the construction permit expire, so shall the variance(s) associated with said permit.
3. A person dissatisfied with the variance decision may appeal the decision within fourteen (14) calendar days of the date the decision was rendered. Appeal application and procedures shall be in conformance with section 8.24.120.

8.24.130 Severability.

If any portion of this Article is held to be invalid for any reason, or unconstitutional by a decision of a court of competent jurisdiction, it shall not affect the remaining portions of this Article, including any other section, subsection, sentence, clause, or phrase therein, or the On-Site

Sewage Manual supplementing those portions. Any invalid part of this Article shall be segregated from the remainder of the Article by the court holding such part invalid, and the remainder shall remain effective.

SECTION 3: This ordinance shall take effect and be in full force thirty (30) days after the date of its passage. The Clerk is directed to publish this ordinance, or a summary thereof, within fifteen (15) days in accordance with government code section 25124.