

SANTA CLARA COUNTY ONSITE SYSTEMS MANUAL

PART 1

POLICIES AND ADMINISTRATIVE PROCEDURES

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A. INTRODUCTION

Part 1 of the Onsite Systems Manual provides an overview and clarification of various onsite wastewater treatment systems (OWTS) policies and administrative procedures pertaining to:

- OWTS installation permits;
- Development and OWTS requirements for site approval for building projects, subdivisions, lot line adjustments, use permits, remodeling projects, and secondary dwelling;
- Requirements for unincorporated properties located near sanitary sewer systems;
- Provisions and permitting requirements for alternative treatment and dispersal systems;
- Amendments to this Onsite Systems Manual; and
- Fees, forms and supplementary information.

B. INSTALLATION PERMIT REQUIREMENTS

A permit must be obtained from the Department of Environmental Health (DEH) to construct, reconstruct, or repair an onsite wastewater treatment and dispersal system. Permits will only be issued in those areas of the County where a sanitary sewer is not available within 300 feet of the property line (or within 200 feet of the building in some cities). OWTS cannot be used if soil conditions, topography, high groundwater or other factors indicate this method of sewage disposal is unsuitable.

To obtain a permit, four (4) sets of the site plan showing the proposed OWTS, and any required supporting documents, must be submitted to DEH for review and approval. Details regarding the site plan and other required submittal information are provided in this Manual as follows:

- **Part 2 – Site Evaluation Methods and Investigation Requirements**
- **Part 3 – General and Conventional OWTS Requirements**
- **Part 4 – Guidelines for Alternative Systems**

C. DEVELOPMENT REQUIREMENTS

Land use and building permit applications are evaluated for adequate sewage disposal and domestic water supply. Other conditions such as hazardous materials storage or use, illegal dumping or illegal uses on the property may also be evaluated during field inspections.

Evaluation/testing of any existing OWTS may also be required to determine condition and adequacy.

1. Site Approval – Individual Parcels, Subdivisions, Lot Line Adjustments and Use Permits

To determine feasibility and size of an OWTS, a site assessment, soil profile, and percolation test are required for sites for which OWTS are proposed.

For subdivisions, each parcel in the subdivision must be evaluated separately to verify OWTS suitability for each undeveloped parcel. Each developed parcel will be evaluated to determine if the existing OWTS meets the required setbacks, and verify that the system is functioning adequately. If so, the existing OWTS may continue to be used without modification, regardless of whether or not the OWTS meets current code requirements, provided that there is sufficient suitable area for expansion in case of failure or house remodel in the future.

An approved potable water supply is required as a condition of approval for building sites, subdivisions, lot line adjustments and most use permits. Proof of adequate potable domestic water for subdivisions may be required prior to deeming the application complete if water availability is unknown or poor. Otherwise, proof of an adequate domestic water supply is required prior to map recordation. Individual wells or water systems with up to 14 connections are regulated by DEH. The California Department of Public Health, Drinking Water Division, regulates all other water systems.

2. Building Additions and Accessory Structures

a. Major Expansion and/or Major Intensification of Use.

Where construction associated with an existing structure will result in a major expansion of the structure resulting in greater than five hundred cumulative square feet of all additions since March 2, 1982 or where the construction will result in a major intensification of the use of the property, (such as any increase in number of bedrooms for a residence or any increase in occupancy or wastewater flow for a commercial building), the OWTS must meet the minimum prevailing wastewater treatment and dispersal requirements of this Code.

b. Minor building additions (up to 500 square feet) and Accessory Structures (barns, detached garages, swimming pools, cabanas, etc)

Where construction associated with an existing structure will result in a minor expansion of the structure resulting in five hundred cumulative square feet or less of all additions, the following are required:

1. Conduct an on-site inspection to determine adequacy and safe functioning of the existing OWTS in accordance with guidelines prescribed by the director in the *Onsite Systems Manual* (Part 5).
2. Expose and pump the existing septic tank except where the applicant can document that the tank has been pumped within the last three years; a receipt for service from a licensed septic tank pumping firm may be considered sufficient documentation.
3. Determine the location of existing dispersal trenches and identify area where future dispersal system expansion may occur; the septic tank file will then be updated.
4. Improvement and/or expansion of the existing OWTS will be required where the director finds the system to be inadequate to accept current and/or projected waste flows. This determination may take into consideration the size and functioning of the current system, coupled with slope, soil, hydrological, and related factors. If the existing OWTS is found to be failing or can be expected to fail, replacement or improvement of the sewage disposal system pursuant to section B11-65 of the OWTS Ordinance will be required. If a repair or replacement is not possible, the application will be disallowed.

c. **Remodeling or Repair.**

Where the existing OWTS does not meet requirements of the OWTS Ordinance, but is functioning safely and cannot be improved, construction will be limited to the remodeling or repair (as defined in the Uniform Building Code) of the existing structure provided:

1. The construction will not constitute any expansion or intensification of the use of the property or structure.
2. Construction will not result in conversion of uninhabitable area(s), such as a garage, deck, porch, patio, or similar area(s), to habitable area(s).

d. **Terminology.** For purposes of implementing the requirements above:

1. **"Intensification of use"** means a change that may place an additional demand on the OWTS of a property. The magnitude of the intensification (major or minor) will be determined by the director.
2. **"Remodeling" and "Repair"** are as defined in the California Building Code (Chapter 15.05), which is adopted by reference into the County's building ordinance.

e. **Secondary Dwellings**

Each secondary dwelling shall be served by an OWTS, which conforms to current code. This may be a separate OWTS serving only the second dwelling, or the second dwelling may be connected to the main house system, provided there is sufficient treatment and dispersal capacity.

Attached secondary dwellings must have a shared wall, but not necessarily a direct access between the main house and secondary dwelling. For attached secondary dwellings, the septic tank will be sized based on the total square footage of the house (plus secondary dwelling) and the dispersal field will be sized based on the number of bedrooms for both the main house and secondary dwelling.

f. **Definition of a Bedroom for purposes of conditioning an OWTS**

Rooms that are designated as craft rooms, bonus rooms, offices, etc. on house floor plans, must be evaluated for their potential use as a bedroom. Such rooms that have direct or convenient access to a full bathroom are deemed a bedroom for purposes of sizing the OWTS. For example, if there is a full bedroom in a hallway beside or a few doors down from an “office”, that office would be considered as a potential bedroom. The presence or absence of a closet is not the defining feature of what constitutes a bedroom/potential bedroom. Some rooms, which take their access directly from a living room or entryway, and do not have a bathroom, may be exempt.

D. UNINCORPORATED PROPERTIES NEAR A SANITARY SEWER SYSTEM

The following requirements regarding the permitting of an OWTS apply to unincorporated property, outside of an urban service area, but whose property line is within 300 feet of a sanitary sewer system.

1. **For Failing OWTS.** Where there is a failure of an OWTS, the following are required:
 - a. An application for sewer connection must be filed with the city/district sewer provider and the Local Agency Formation Commission (LAFCO).
 - b. There must be written verification that the city or district and LAFCO has deemed the application complete.

- c. Upon receipt of verification, a sewage system permit for a temporary emergency repair may be issued (if necessary) prior to a decision on the sanitary sewer connection.
 - d. If the sanitary sewer connection is denied, a “long-term” sewage system repair permit will be allowed.
2. **For Remodeling Projects.** Where there is a proposed remodeling which results in an increase in square footage of the structure, an intensification of use, or alteration in a manner as to change uninhabitable space into habitable space:
- a. An application for sewer connection must be filed with the city, district, and LAFCO.
 - b. There must be written verification that the city or district and LAFCO has deemed the application complete.
 - c. A sewage system permit for an OWTS repair/replacement will only be issued if the sewer connection is denied by the city, district and/or LAFCO and there is sufficient area to allow the repair. The OWTS meets the minimum prevailing sewage disposal requirements of the County of Santa Clara Ordinance Code.

E. ALTERNATIVE SYSTEMS

To provide a broader range of OWTS treatment and dispersal options for new construction and repair/replacement situations, alternatives to conventional OWTS may be used in accordance with certain general provisions and specific requirements as follows:

1. **General provisions.**
- a. Alternative systems may be permitted by the Director of Environmental Health for the repair or upgrading of any existing OWTS and for new construction on any legally-created parcel where: (a) it is determined that sewage cannot be disposed of in a sanitary manner by a conventional OWTS; or (b) the Director determines that an alternative system would provide equal or greater protection to public health and the environment than a conventional OWTS.
 - b. Alternative systems are not to be used as the basis approval of creation of new lots (subdivisions).
 - c. Types of alternative systems permitted are limited to those for which siting and design standards have been adopted and incorporated in the Ordinance and this Manual.

- d. All alternative systems must be installed by a contractor duly licensed by the Contractors State License Board of the State of California to install OWTS.

2. Specific Requirements

- a. **Design and Installation Permit.** Alternative OWTS require design by a licensed professional and completion of site evaluation and installation permitting as required for conventional OWTS. Additional engineering and design requirements applicable to different types of alternative OWTS are contained in Part 4 of this Manual.
- b. **Operating Permits.** A County-issued operating permit is required for all alternative systems. Operating permits are intended to serve as the basis for verifying the adequacy of alternative system performance and ensuring on-going maintenance, including requirements for system inspection, monitoring and reporting of results to the DEH, along with the requirement for permit renewal, typically on an annual basis.
- c. **Performance Monitoring and Reporting.** Performance monitoring and reporting is required for all alternative OWTS in accordance with conditions established by the DEH at part of the operating permit. Performance monitoring requirements are covered in Parts 4 and Part 5 of this Manual.
- d. **Design and Construction Guidelines.** Design and construction guidelines for approved alternative treatment and dispersal technologies are provided in Part 4 of this Manual.

F. AMENDMENTS TO THIS MANUAL

The DEH will periodically review and make amendments to the various procedures and technical information contained in this Onsite Systems Manual, typically on an annual or biannual basis. The amendments may include recommended changes originating from DEH staff, RWQCB staff, other departments or agencies, contractors and consultants working in the OWTS industry, or other affected groups or individuals. Any substantive changes in requirements, such as changes in design criteria or addition of alternative design options, are expected to involve review and approval by the RWQCB.

The general format for considering changes to this Manual are as follows:

1. DEH will announce its intent to entertain and review proposed changes, including a due date for submission of proposals. DEH may establish, with Board of Supervisors approval, a fee to be charged for proposals that relate to proprietary equipment, systems or materials.

2. Proposals received shall include a description of the proposed change(s) along with supporting rationale, technical information, and specific language/text additions or changes.
3. DEH will conduct a preliminary internal review to determine the completeness and general merit of the proposal, and request additional information, as applicable.
4. DEH will circulate the proposal(s) for review by local consultants, contractors and maintenance providers, and others as deemed appropriate. DEH will convene a workshop-meeting with interested parties to review and discuss the proposal.
5. Based on the DEH review and workshop findings, proposals acceptable to the Director and warranting further consideration will be forwarded to the RWQCB for review and approval; changes will be incorporated following RWQCB approval.

G. FEES, FORMS AND SUPPLEMENTARY INFORMATION

Fees, as prescribed by Resolution of the Board of Supervisors of the County of Santa Clara, are payable separately to the Department of Environmental Health for services described throughout this Manual. See DEH website for listing of applicable fees.

Forms and supplementary information:

- Land Use Service Application Form
- Septic System Permit Application
- Owner-Builder Information
- California Health and Safety Code Sections 19389-19832



Land Use Service Application Form

PLEASE NOTE: Submit an initial site plan (scale 1"=20') showing existing and proposed improvements.

All information is required to properly process application.

Project:	<input type="checkbox"/> Single Family Residence (LU71)	<input type="checkbox"/> Accessory Structure/Pool/Solar/Etc. (LU72)
Check	<input type="checkbox"/> Building Addition (LU73)	<input type="checkbox"/> Secondary Dwelling (LU74)
only one	<input type="checkbox"/> Commercial (LU75)	<input type="checkbox"/> Emergency Repair-Actual System Failure (LU76)
	<input type="checkbox"/> Other (LU79): _____	

Property Owner: _____	
Address: _____	Phone #: _____
City: _____	State: _____ Zip: _____ Fax#: _____
E-mail Address: _____	

Site Information	
APN: _____	
Address: _____	
Cross Street: _____	
City: _____	Zip: _____ Lot Size (acres): _____
Domestic Water Supply:	<input type="checkbox"/> Proposed Well <input type="checkbox"/> Existing Well(s) – Qty? _____ Water Source: _____
Access Restrictions:	<input type="checkbox"/> Locked Gates <input type="checkbox"/> Dogs <input type="checkbox"/> None <input type="checkbox"/> Other: _____

Contact Person (Designer/Architect/Contractor): _____	<input type="checkbox"/> Same as Property Owner
Business Name (if any): _____	
E-mail Address: _____	
Address: _____	Phone #: _____
City: _____	State _____ Zip _____ Fax #: _____

By signing this application, authorization is granted to agents of the Department of Environmental Health to enter the property during normal business hours to conduct any necessary investigations related to this application.

_____ Owner/Authorized Agent Signature	_____ Print Name	_____ Date
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** Office Use Only **			
Comments: _____			
Owner ID: OW0 _____	Facility ID: FA0 _____	Old ON0 #: _____	Account ID#: AR _____
	Name	Date	Invoice #: IN _____
Received By: _____	_____ / ____ / ____	Amount Paid: _____	
Assigned To: _____	_____ / ____ / ____	Check Number: _____	
Plan submitted by: <input type="checkbox"/> Owner <input type="checkbox"/> Architect <input type="checkbox"/> Contractor <input type="checkbox"/> Designer <input type="checkbox"/> Other _____			
Project ID#: SR0 _____		Program Element(s): _____	



SEPTIC SYSTEM PERMIT APPLICATION

PLEASE NOTE: Attach 3 site plans showing the proposed work. Permit is valid for 1 year from date of issuance.

Owner / Property Information	
Owner:	APN: - -
Mailing Address:	Site Address:
City/Zip:	City/Zip:
Phone:	Cross Street:

Proposed Work	
Square Footage of Residence:	Total Number of Bedrooms:
<input type="checkbox"/> New system <input type="checkbox"/> Repair/modify existing system	Existing Drainfield to be used: <input type="checkbox"/> Yes <input type="checkbox"/> No
New Tank: <input type="checkbox"/> Yes <input type="checkbox"/> No	New Drainfield: _____ Linear Feet
Tank Size/Manufacturer:	Rock depth below pipe: _____ Inches
New Diversion Valve: <input type="checkbox"/> Yes <input type="checkbox"/> No	Chamber system: <input type="checkbox"/> Yes <input type="checkbox"/> No

Septic System Installation	
<input type="checkbox"/> Owner will provide the labor and materials for construction of the proposed septic system. Initial here () to confirm that the owner has read the Owner-Builder information (see reverse side of this form) and will abide by the requirements.	
<input type="checkbox"/> Owner has contracted with the following person/company to provide the construction:	
Name: _____	Phone number: _____
Address: _____	Contractor's License: _____
<i>Note: Notify the DEH district specialist a minimum of 1 working day prior to the start of septic system installation.</i>	

I agree that all work is to be completed per stamped, approved plans unless modified during construction by the Department of Environmental Health. As owner or authorized agent, I represent that the information herein submitted is correct to the best of my knowledge.		
_____ Owner/Authorized Agent Signature	_____ Print Name	_____ Date

Office Use Only	
Date Approved:	Approved by:
Existing Septic Permit #:	Service Request #:
Comments:	

OWNER-BUILDER INFORMATION

An application for a septic permit has been submitted in your name listing yourself as the builder of the property improvements specified. For your protection, you should be aware that as an 'owner-builder' you are the responsible party of record on the permit.

Contractors are required by law to be licensed and bonded by the State of California and to have a business license from the city or county. Those whose scope of practice includes septic system construction and repair are also required by law to be registered on the Department of Environmental Health's approved Septic System Contractor's List.

If you plan to do your own work, with the exception of various trades that you plan to subcontract, you should be aware of the following information for your benefit and protection:

- If you employ or otherwise engage any persons other than your immediate family, and the work (including materials and other costs) is \$500 or more for the entire project, and the persons are not licensed as contractors or subcontractors, then you may be an employer.
- If you are an employer, you must register with the state and federal government as an employer and you are subject to several obligations including state and federal income tax withholding, federal social security taxes, workers' compensation insurance, disability insurance costs, and unemployment compensation contributions.

There may be financial risks for you if you do not carry out these obligations, and these risks are especially serious with respect to workers' compensation insurance.

For more specific information about your obligations under federal law, contact the Internal Revenue Service (and, if you wish, the U.S. Small Business Administration). For more specific information about your obligations under state law, contact the Department of Benefit Payments and the Division of Industrial Accidents.

If the structure is intended for sale, property owners who are not licensed contractors are allowed to perform their work personally or through their own employees, without a licensed contractor or subcontractor, only under limited conditions.

The property owner may construct or repair an on-site sewage disposal system on his/her own property, which system serves or will serve the building on the property and is neither being offered for sale nor intended to be so offered, provided: 1) persons hired by the owner to do the subject work must comply with a general engineering contractor's license Class A, or a Class C-42 sanitation system contractor's license or Class C-36 plumbing contractor's license from the Contractor's State License Board of the State of California or 2) persons hired by the owner must be hired as employees of the owner and the owner must provide proof of workman's compensation insurance, as required by law and 3) a septic system permit is obtained.

CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 19830-19832

19830. Every city or county, whether general law or chartered, which requires the issuance of a permit as a condition precedent to the construction, alteration, improvement, demolition, or repair of any building or structure, shall, in addition to any other requirements, prepare and give notice to the owner of the building or structure whenever an application for a building permit is submitted in the owner's name as builder of the improvements. The notice shall be given by mail; or the notice may be given to the applicant at the time the application for the permit is made, provided that the applicant presents identification sufficient to identify himself or herself as the owner.

19831. A city or county, which is required to give notice pursuant to Section 19830, shall attach to such notice, and, as a condition precedent to issuing a septic permit, require the completion and require the return of, owner-builder verification.

19832. A city or county, whether general law or chartered, shall transmit the notice required pursuant to Section 19830 and the owner-builder verification required pursuant to Section 19831 by mail to the property owner applying for the owner-builder septic permit or may provide the notice or the verification in person to the person applying for the septic permit only if that applicant presents identification sufficient to identify himself or herself as the property owner. The return of the owner-builder verification shall be a condition precedent to issuance of the septic permit.

However, no city or county or its employees shall be responsible for determining the truth or accuracy of the declarations in the owner-builder verification, and no monetary liability on the part of, and no cause of action for damages against them, shall arise from their failure to verify the truth or accuracy of the declarations.