

**DAVIS COUNTY BOARD OF HEALTH**

**WASTEWATER REGULATION**



**Davis**

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**C O U N T Y**

**H E A L T H**

**D E P A R T M E N T**

## Table of Contents

<b><u>1.0</u></b>	<b><u>PURPOSE</u></b>	<b>1</b>
<b><u>2.0</u></b>	<b><u>SCOPE</u></b>	<b>1</b>
<b><u>3.0</u></b>	<b><u>AUTHORITY AND APPLICABLE LAWS</u></b>	<b>1</b>
<b><u>4.0</u></b>	<b><u>DEFINITIONS</u></b>	<b>1</b>
<b><u>5.0</u></b>	<b><u>REGULATION</u></b>	<b>3</b>
<b><u>5.1</u></b>	<b><u>Right of Entry</u></b>	<b>3</b>
<b><u>5.2</u></b>	<b><u>Wastewater Discharge</u></b>	<b>3</b>
<b><u>5.3</u></b>	<b><u>OWS Management</u></b>	<b>3</b>
<b><u>5.4</u></b>	<b><u>Feasibility Assessment</u></b>	<b>3</b>
<b><u>5.5</u></b>	<b><u>Design Requirements</u></b>	<b>3</b>
<b><u>5.6</u></b>	<b><u>Construction Permit Required</u></b>	<b>4</b>
<b><u>5.7</u></b>	<b><u>Operating Permit Required</u></b>	<b>4</b>
<b><u>5.8</u></b>	<b><u>Inspection and Maintenance Required</u></b>	<b>5</b>
<b><u>5.9</u></b>	<b><u>Onsite Wastewater System Review</u></b>	<b>6</b>
<b><u>5.10</u></b>	<b><u>Temporary Systems</u></b>	<b>6</b>
<b><u>5.11</u></b>	<b><u>Abandonment Oversight Required</u></b>	<b>6</b>
<b><u>5.12</u></b>	<b><u>Enforcement</u></b>	<b>6</b>
<b><u>6.0</u></b>	<b><u>PENALTY</u></b>	<b>7</b>
<b><u>6.1</u></b>	<b><u>Criminal Penalties Pursuant to UCA Section 26A-1-123</u></b>	<b>7</b>
<b><u>6.2</u></b>	<b><u>Civil and Administrative Penalties</u></b>	<b>8</b>
<b><u>7.0</u></b>	<b><u>SEVERABILITY</u></b>	<b>8</b>
<b><u>8.0</u></b>	<b><u>FEES</u></b>	<b>8</b>

1.0 **PURPOSE**

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

2.0 **SCOPE**

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

3.0 **AUTHORITY AND APPLICABLE LAWS**

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

The provisions of the Utah Administrative Code (UAC):

Rule R317-4. Onsite Wastewater Systems;

are hereby adopted by reference and incorporated herein subject to the additions, clarifications, exceptions, and modifications set forth in this regulation.

4.0 **DEFINITIONS**

4.1 **ALTERATION:** The change of any absorption system excavation or component that deviates from the system's approved plans or as-built drawings; or the replacement of a septic or other design required tank.

4.2 **ALTERNATIVE SYSTEM:** An underground Onsite Wastewater System that utilizes pressure distribution or an at-grade, less than five years old, mound, packed bed media, or sand lined trench system.

4.3 **AVAILABLE:** When a public sewer is located 300 feet or less from the closest building with a sanitary drainage system on a property that abuts and is served by such sewer.

4.4 **CONSTRUCTION PERMIT:** The permit that authorizes an Onsite Wastewater System to be installed according to an approved design. This permit shall also authorize activities associated with the repair of a Malfunctioning or Failing System or Alteration of an existing Onsite Wastewater System.

4.5 **CONVENTIONAL SYSTEM:** An underground Onsite Wastewater System that consists of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches, or seepage pits.

4.6 **DEPARTMENT:** The Davis County Health Department.

4.7 **HIGH WATER TABLE AREA:** Any area where:

4.7.1 the anticipated maximum groundwater table, including irrigation induced water table, might be expected to rise closer than 48 inches to the

- elevation of the bottom of the Onsite Wastewater System absorption area;
- 4.7.2 a land drain, curtain drain, or other groundwater interceptor has been installed.
- 4.8 MALFUNCTIONING OR FAILING SYSTEM: An Onsite Wastewater System which is not functioning in compliance with the requirements of this regulation and includes, but is not limited to, the following:
  - 4.8.1 systems that cause an illicit discharge to the waters of the state;
  - 4.8.2 systems that cause backflow into any portion of a building drainage system;
  - 4.8.3 systems that have an overflow from any of their components;
  - 4.8.4 leaking or damaged tanks;
  - 4.8.5 systems discharging effluent that does not comply with applicable effluent discharge standards;
  - 4.8.6 absorption systems that have failed or filled in by solids, or are otherwised non-existent;
  - 4.8.7 absorption systems that seep or flow to the surface of the ground or through saturation into waters of the state.
- 4.9 ONSITE WASTEWATER SYSTEMS (OWS): A system utilized onsite for the sanitary management of domestic sewage or wastewater. It may be above or below ground and include any UAC R317-4 or R317-560 system. It is not a public sewer system.
- 4.10 OPERATING PERMIT: The permit that authorizes the operation and maintenance of an Onsite Wastewater System. It requires periodic renewal.
- 4.11 PRACTICABLE: When a public sewer is located down gradient from the primary structure with human occupancy, not considering any level of the building built below grade.
- 4.12 SERVICE PROVIDER: An individual that maintains certification in accordance with UAC R317-11.
  - 4.12.1 Any individual maintaining an experimental or Alternative System shall be Level 3 certified.
- 4.13 TEMPORARY SYSTEM: An onsite wastewater system that:
  - 4.13.1 is temporary in nature, not to exceed the event that precipitated its necessity, and is usually associated with:
    - 4.13.1.1 another permitted event, such as construction, labor camps, temporary mass gatherings; or,

- 4.13.1.2 emergency refuge sheltering.
- 4.13.2 may include:
  - 4.13.2.1 an earthen pit privy as defined in Utah Rule R317-560;
  - 4.13.2.2 pre-constructed portable toilets;
  - 4.13.2.3 an above ground wastewater holding tank.
- 4.14 UNAPPROVED SYSTEM: Any Onsite Wastewater System that is deemed by the Department to be:
  - 4.14.1 Without the required regulatory oversight, permits, or inspections during:
    - 4.14.1.1 any installation;
    - 4.14.1.2 any operation;
    - 4.14.1.3 any repairs or Alteration to an existing system; or,
    - 4.14.1.4 any abandonment of a system.
  - 4.14.2 Noncompliant with standards stipulated on or by the:
    - 4.14.2.1 Construction Permit; or,
    - 4.14.2.2 Operating Permit.
- 4.15 WASTEWATER: Any water that has contacted human waste, animal waste, garbage, or wastes as defined in UCA 19-5-102.

## 5.0 REGULATION

### 5.1 Right of Entry

A representative of the Department shall be allowed access to the regulated premises after providing proper identification.

### 5.2 Wastewater Discharge

Wastewater may not be discharged to the waters of the state or underground unless permitted. All Wastewater discharges shall conform to criteria established by the Department.

### 5.3 OWS Management

The Department shall provide oversight of Onsite Wastewater Systems (OWS) through the permitting process.

### 5.4 Feasibility Assessment

Feasibility assessment work conducted or performed shall conform to criteria established by the Department.

- 5.4.1 (R317-4-4.3) Statement of Feasibility.  
A statement of feasibility shall be valid for five years.

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

## **5.5 Design Requirements**

Design shall conform to criteria established by the Department.

### **5.5.1 Groundwater Observation Well Required.**

Any underground Onsite Wastewater System permitted in High Water Table Areas shall install and maintain accessible to the Department a permanent groundwater observation well.

### **5.5.2 Groundwater Interceptors.**

If a curtain drain, land drain, or other effective groundwater interceptor system is allowed as an attempt to lower the groundwater table, at least one additional groundwater observational well shall be installed between the absorption system and the groundwater interceptor system.

## **5.6 Construction Permit Required**

The installation of an Onsite Wastewater System, the repair of a Malfunctioning or Failing System, or the Alteration of an existing Onsite Wastewater System shall require a Construction Permit.

### **5.6.1 Retrofit Required.**

Any system issued a Construction Permit shall come into compliance with current requirements for tank accessibility, tank and effluent distribution device risers, and observation ports and wells.

### **5.6.2 Validity.**

A Construction Permit shall be valid for one year.

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

## **Operating Permit Required**

5.6.2.2 The operation of any Onsite Wastewater System shall require an Operating Permit until the system is abandoned. Operating Permits may only be issued to an owner.

### **5.6.3 Conditions to Maintain.**

In order to receive or maintain an Operating Permit, the owner shall:

5.6.3.1 operate and maintain the system as approved;

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

5.6.3.3 oversee submission to the Department the required inspection results within 30 days;

5.6.3.4 correct any deficiencies noted in inspections;

- 5.6.3.5 correct any conditions that cause a system to malfunction or fail;
- 5.6.3.6 provide accessibility to the system components as required by this regulation;
- 5.6.3.7 maintain high groundwater observation wells, if required;
- 5.6.3.8 consult with the Department if chemicals arising from a hobby, home industry, water softener, or other unusual activities are discharged into the system; and
- 5.6.3.9 pay all applicable fees.

5.6.4 Construction Permit Final Approval.

An Operating Permit shall be issued as part of the final approval process of any installation, repair, or Alteration requiring a Construction Permit.

5.6.4.1 Change of Ownership.

At any time that a property with an Operating Permit changes ownership, the new owner shall obtain an Operating Permit.

5.6.5 Renewal.

An Operating Permit shall be renewed within 30 days of expiration.

5.6.5.1 The new permit shall begin one calendar day after the old permit expires.

5.6.5.2 A late fee may be assessed every 30 days.

5.6.6 Validity.

An Operating Permit shall be valid for a(n):

- 5.6.6.1 Wastewater holding tank one year;
- 5.6.6.2 Experimental system two years;
- 5.6.6.3 Alternative System two years;
- 5.6.6.4 Conventional System, non-domestic wastewater two years;
- 5.6.6.5 At-grade system five years;
- 5.6.6.6 Vault privy five years.

**5.7 Inspection and Maintenance Required**

The Owner shall oversee inspections, maintenance, and servicing of Onsite Wastewater Systems conforming to criteria established by the Department.

5.7.1 Oversight.

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

5.7.2 Testing Methods.

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

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

5.7.4 Hydraulic testing of the absorption system.

5.7.5 Septic and Other Tank Inspection and Maintenance.

5.7.5.1 The septic tank shall be completely emptied, by removing all three wastewater components, scum, sludge, and liquid waste, if:

5.7.5.2 The bottom of the floating scum mat is within 3 inches of the bottom of the outlet device (baffle or tee);

5.7.5.3 the sludge level has built up to approximately 12 inches from the bottom of the outlet device (baffle or tee); or

5.7.6 the scum and sludge layers together equal 40% or more of the tank volume.

**5.8 Onsite Wastewater System Review**

An onsite wastewater system review conforming to criteria established by the Department shall be performed any time:

5.8.1 Dwelling or Facility.

a dwelling or facility served by an underground Onsite Wastewater System is substantially altered or otherwise has an increase in the design hydraulic flow rate;

5.8.2 Property.

a property containing an underground Onsite Wastewater System undergoes a change in ownership, legal description, size, or receives a new county parcel identification number;

5.8.3 Malfunctioning or Failing System.

an Owner wants to certify for re-use any components of a Malfunctioning or Failing System.

**5.9 Temporary Systems**

Temporary Systems shall conform to criteria established by the Department.

**5.10 Abandonment Oversight Required**

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



## 5.11 Enforcement

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

### 5.11.1 Unapproved Systems.

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

### 5.11.2 Required Inspections

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

#### 5.11.3 Conduct the required inspections;

#### 5.11.4 Hire a Service Provider to perform the required inspections.

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

### 5.11.6 Malfunctioning or Failing Systems.

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

### 5.11.7 Failure to Comply.

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

#### 5.11.7.1 Requiring temporary onsite wastewater systems;

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

#### 5.11.7.2 Closing the dwelling, building, or premises to human occupancy;

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

#### 5.11.7.4 Initiating an adjudicative process; or,

#### 5.11.7.5 Any combination of the above options.

6.0 **PENALTY**

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

- 6.1.1 Any person who is found guilty by a court of: violating any of the provisions of this regulation; or violating, disobeying, or disregarding any Notice or Order issued under this regulation is guilty of a class B misdemeanor.
- 6.1.2 Any person found guilty of a subsequent similar violation within two years of the initial violation is guilty of a class A misdemeanor.
- 6.1.3 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 6.1.4 Conviction under this section does not relieve the person convicted from civil liability.

6.2 **Civil and Administrative Penalties**

- 6.2.1 Any person who violates any of the provisions of this regulation or violates, disobeys, or disregards any Notice or Order issued under this regulation shall be subject to the payment of costs incurred in the enforcement of any violation or notice issued, including costs attributable to any involved local agencies.
- 6.2.2 A penalty pursuant to the provisions of UCA Subsection 26-23-6(2).
- 6.2.3 A penalty pursuant to the provisions of UCA Section 19-5-115.
- 6.2.4 The exercise of civil and administrative penalties shall be subject to the Department’s Adjudicative Hearing Procedures Regulation.

7.0 **SEVERABILITY**

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

8.0 **FEES**

8.1 Feasibility Assessment

- 8.1.1 Initial Site Assessment: \$60.00
- 8.1.2 Soil Evaluation (one pit): \$120.00
- 8.1.3 Maximum Groundwater Table Determination \$180.00

8.2 Plan Review

- 8.2.1 Wastewater Holding Tank or Vault Privy: \$90.00

8.2.2	Conventional:	\$120.00
8.2.3	At-Grade:	\$120.00
8.2.4	All Other Alternative, Experimental, or Pressure:	\$240.00
8.3	Construction Permit	
8.3.1	Septic Tank Only or Vault Privy:	\$90.00
8.3.2	Wastewater Holding Tank:	\$120.00
8.3.3	Absorption Trench or Absorption Bed:	\$180.00
8.3.4	Deep Wall Trench or Seepage Pit:	\$240.00
8.3.5	At-Grade:	\$300.00
8.3.6	All Other Alternative, Experimental, or Pressure:	\$360.00
8.3.7	State New System Fee:	\$25.00
8.3.8	Operating Permit	\$60.00
8.4	Miscellaneous Other	
8.4.1	Letter of Feasibility Extension:	\$30.00
8.4.2	Subdivision Duplication Fee (per lot):	\$30.00
8.4.3	Insufficient Plans Submitted:	\$30.00
8.4.4	Construction Permit Extension:	\$30.00
8.4.5	Additional Inspections Required:	\$30.00
8.4.6	Operating Permit Late Fee:	\$30.00
	Septic Refinance (Point of Sale) Inspection:	\$100.00

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

**Effective date: April 3, 1979**

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

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

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

**Revised and Amended: February 13, 2018.**

Signed: \_\_\_\_\_

Scott Zigich  
Board Chairman

Attest: \_\_\_\_\_  
Brian Hatch, MPH  
Director of Health