

DAVIS COUNTY BOARD OF HEALTH

ONSITE WASTEWATER REGULATION



Davis

C O U N T Y

H E A L T H

D E P A R T M E N T

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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):

Chapter R317-4. Onsite Wastewater Systems;

Chapter R317-11. Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Soil Evaluations or Percolation Tests for Underground Wastewater Disposal Systems; and

Chapter R317-560. Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies.

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 DEPARTMENT: The Davis County Health Department.

4.2 HIGH WATER TABLE AREA: Any area where:

4.2.1 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;

4.2.2 a land drain, curtain drain, or other groundwater interceptor has been installed.

4.3 ONSITE WASTEWATER SYSTEM: A system utilized onsite for the sanitary management of domestic sewage or wastewater. It may be above or below ground and include any UAC R317-4 or R317-560 system. It is not a public sewer system.

4.4 OWNER: Any person who, alone, jointly, or severally with others:

4.4.1 has legal title to any onsite wastewater system or premise served by an onsite wastewater system, with or without accompanying actual possession thereof;

- 4.4.2 has care, charge, or control of any onsite wastewater system, as owner, or agent of the owner, or other Person; or
- 4.4.3 is executor, administrator, trustee, or guardian of the estate of the owner.

5.0 REGULATION

5.1 Right of Access

A representative of the Department, upon providing proper identification, may access any onsite wastewater system to conduct routine inspections or investigate complaints.

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

5.2 Feasibility Assessment

Pursuant to UAC R317-4, a feasibility assessment shall be conducted by the Department prior to the design and installation of an onsite wastewater system. All onsite wastewater systems must be designed and installed in compliance with the conditions listed in the Statement of Feasibility.

- 5.2.1 Soil Exploration Pit.
All soil exploration pits shall be placed in a location approved by the Department.
- 5.2.2 Validity.
A Statement of Feasibility shall be valid for five years.

5.3 Construction Permit

A Construction Permit is required prior to the installation of an onsite wastewater system, the repair of a malfunctioning or failing system, or the alteration of an existing onsite wastewater system.

- 5.3.1 Plans Required.
Prior to obtaining a Construction Permit, plans shall be submitted to and approved by the Department.
- 5.3.2 Groundwater Observation Well Required.
Any underground onsite wastewater system permitted in high water table areas shall install and maintain a permanent groundwater observation well that is accessible to the Department.
- 5.3.3 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.
- 5.3.4 Absorption System Observation Ports.
Observation ports shall be installed on all newly installed, repaired, or altered absorption systems.

- 5.3.5 Secondary Treatment.
Secondary treatment shall be required for effluent discharged to an absorption system whose excavation is greater than 36 inches below final cover.
- 5.3.6 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.
- 5.3.7 Validity.
A Construction Permit shall be valid for two years.
- 5.3.8 Final Approval.
The operation of any onsite wastewater system shall require Department approval.

5.4 **Operating Permits**

Alternative onsite wastewater systems, wastewater holding tanks, and temporary onsite wastewater systems are required to obtain an Operating Permit until the system is abandoned.

- 5.4.1 Validity.
Operating permits shall be valid for one year.
- 5.4.2 Conditions to Maintain.
In order for an onsite wastewater system to be issued an Operating Permit, the owner shall:
 - 5.4.2.1 operate and maintain the system as approved by the Department;
 - 5.4.2.2 have the system inspected as required in this regulation and UAC Chapter R317-4;
 - 5.4.2.3 submit the required inspection results to the Department;
 - 5.4.2.4 correct any deficiencies noted in inspections;
 - 5.4.2.5 correct any conditions that cause a system to malfunction or fail;
 - 5.4.2.6 provide accessibility to the system components as required by this regulation;
 - 5.4.2.7 maintain high groundwater observation wells, if required;
 - 5.4.2.8 consult with the Department if chemicals arising from a hobby, home industry, water softener, or other unusual activities are discharged into the system; and
 - 5.4.2.9 pay all applicable fees.

5.4.3 Change of Ownership.

Operating Permits are issued to an owner and are not transferrable. If a property with an onsite wastewater system changes ownership, the new owner shall obtain Department approval for that Operating Permit by submitting:

5.4.3.1 proof of inspection;

5.4.3.2 completed application; and

5.4.3.3 applicable fees.

5.4.4 Temporary Permit.

A temporary onsite wastewater system may be approved with an Operating Permit that is valid for only the specific length of the event or circumstance that precipitated its necessity.

5.4.5 Non-Compliance Fees.

Non-Compliance fees may be assessed when inspection reports or payments are not received by the Department within the required timeframe.

5.4.5.1 A non-compliance fee may be assessed every 30 days.

5.5 Inspection and Maintenance

The owner shall oversee inspections, maintenance, and servicing of onsite wastewater systems in compliance with UAC R317-4.

5.5.1 Septic and Other Tank Inspection and Maintenance.

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

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

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

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

5.6 Onsite Wastewater System Evaluation

The owner of an onsite wastewater system shall notify the Department prior to significant changes being made to the dwelling or facility, the property, or the system. Depending on the scope of the changes, the Department may require an evaluation of the onsite wastewater system. If the results of the evaluation conclude that the onsite wastewater system needs altered, the Department may require the owner to go through the design and construction permitting process. Significant changes include:

5.6.1 Dwelling or Facility.

a dwelling or facility served by an underground onsite wastewater system

that will be substantially altered or otherwise have an increase in the design hydraulic flow rate;

5.6.2 Property.

a property containing an underground onsite wastewater system planning to undergo a change in ownership, legal description, size, or receive a new county parcel identification number;

5.6.3 Malfunctioning or Failing System.

an owner that wants to certify for re-use any components of a malfunctioning or failing system.

5.7 Abandonment Oversight

Before an onsite wastewater system is abandoned, the Department shall be notified and allowed to inspect or oversee the process.

5.8 Drinking Water Source Protection

If a public water system or municipality allows the installation of an onsite wastewater system within their zone two protection area, only systems that include secondary treatment that meet the NSF 40 Standard may be approved by the Department.

5.9 Enforcement

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

5.9.1 Unapproved or Non-Compliant Systems.

If the Department finds that an owner of an onsite wastewater system is in violation of this regulation, the Department shall notify the owner, in writing, of its findings and order the owner to take specific steps to correct such violations.

5.9.2 Failure to Comply.

Failure to comply with a Notice or Order for a malfunctioning, failing, or non-compliant system may result in the Department:

5.9.2.1 Requiring temporary onsite wastewater systems;

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

5.9.2.2 Closing the dwelling, building, or premises to human occupancy;

5.9.2.3 Initiating an adjudicative process; or,

5.9.2.4 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: \$200.00
- 8.1.2 Soil Evaluation (one pit): \$200.00
- 8.1.3 Maximum Groundwater Table Determination \$600.00
- 8.1.4 Subdivision Duplication (per lot): \$150.00

8.2 Construction Permit:

- 8.2.1 Septic Tank Only or Vault Privy: \$550.00
- 8.2.2 Wastewater Holding Tank: \$750.00

8.2.3	Conventional System:	\$850.00
8.2.4	Alternative System:	\$1,000.00
8.3	Operating Permit:	\$100.00
8.4	Miscellaneous:	
8.4.1	Non-Compliance Fee:	\$100.00
8.4.2	State New System Fee:	set by State
8.4.3	Onsite Wastewater System Evaluation:	\$240.00

IN WITNESS WHEREOF, the Davis County Board of Health has passed, approved, and adopted this regulation this 3rd 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

Revised and Amended: February 13, 2024.

Signed: _____
 Dr. Gary Alexander
 Board Chairman

Attest: _____
 Brian Hatch, MPH
 Director of Health