

HEALTH REGULATION #12

WASTEWATER DISPOSAL



Adopted by the Tooele County Board of Health

September 24, 2019

Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

Certified Official Copy
Tooele County Health Department

By: _____
Director

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**TOOELE COUNTY HEALTH DEPARTMENT
REGULATIONS FOR WASTEWATER DISPOSAL**

1.0 PURPOSE

This regulation is necessary for promoting public health and environmental health, and preventing outbreaks and the spread of communicable or infectious diseases. Its purpose is to address the following issues:

- 1.1 Uniform regulations are necessary for the installation and construction of individual wastewater disposal systems within Tooele County including septic and absorption systems. Inspections should be required and an inspection fee established.
- 1.2 Subdivisions have been approved where on-site wastewater disposal feasibility is not proven on all lots, which then are purchased by unwary consumers, only to find these lots are unbuildable.
- 1.3 Assurance of the responsible agencies involved in the culinary water and wastewater disposal feasibility study is uncertain. The county and municipal subdivision ordinances vary widely, and in some cases are not concise as to the charge given the responsible agencies.

2.0 REQUIREMENTS TO CONNECT TO PUBLIC SEWER

All wastewater shall be connected to public sewer when such sewer is within proximity and has available capacity for use.

- 2.1 Public sewer is considered within proximity if a connection is located within 300 feet of the property line, and may be considered within proximity when it is further than 300 feet.
- 2.2 For subdivisions, public sewer is considered within proximity if it is located within 150 feet multiplied by the number of proposed lots in all phases of development. Subdivision developments are expected to extend major sewer trunk lines if necessary.
- 2.3 Public sewer providers shall determine whether public sewer has available capacity for use. Their determination must be submitted to the Health Department in writing.

3.0 ONSITE WASTEWATER FEASIBILITY FOR SUBDIVISIONS

- 3.1 Plats of subdivisions shall be submitted to the Tooele County Health Department for review. The plat shall be drawn and show those items per R317-4-4.2 of the Utah Administrative Code.
- 3.2 For new subdivisions in ~~the unincorporated areas of~~ the Tooele Valley proposing to use conventional septic systems for wastewater disposal, all lots within the proposed subdivision must be a minimum of 5 acres in size. (The Tooele Valley includes all land between the Oquirrh Mountains and the Stansbury Mountains east to west, and between the Great Salt Lake and South Mountain north to south.)
- 3.3 Upon review of the subdivision plat and the information required in Section 3.1, the health department will issue a letter of findings to the applicant and to the county, city, or town planning commission.

4.0 WASTEWATER DISPOSAL PLAN

All persons desiring to construct or install an individual wastewater disposal system within Tooele County or its municipalities shall submit to the Tooele County Health Department a preliminary plan, drawn to scale, of the disposal system. The preliminary plan shall include the following:

- 4.1 a plot plan showing:
 - a. direction of north;
 - b. lot boundaries;
 - c. existing contours or relative elevations;
 - d. outlines of houses;
 - e. the maximum number of bedrooms;
 - f. the location and liquid capacity of any septic tank;
 - g. the location and dimensions of subsurface absorption system;
 - h. the location of water service lines and house sewer;
 - i. streams, ditches, watercourses, ponds, wells, or other water systems within 100 feet of any septic tank and absorption system;
 - j. locations of soil exploration pits; and
 - k. perc tests.
- 4.2 septic tank plans showing a cross section and the name and address of the manufacturer.
- 4.3 a cross section of subsurface seepage device, showing:
 - a. depth and width of seepage excavation;

- b. depth of perforated drain line;
 - c. depth of gravel or stone used as fill; and
 - d. the barrier used to separate "gravel" fill from back fill (earth cover).

- 4.4 relative elevations of:
 - a. house sewer;
 - b. septic tank and subsurface absorption system; and
 - c. final ground surface.

- 4.5 a statement indicating:
 - a. present ground-water elevation; and
 - b. maximum anticipated ground-water elevation.

- 4.6 a statement indicating:
 - a. the source of water supply for the dwelling (whether a well, spring, or public system);
 - b. location of the water supply; and
 - c. the distance from the wastewater disposal system (must be at least 100 feet). If plan approval of a private water supply system is desired, information regarding that system must be submitted separately and shall include:
 - 1. proof of water rights;
 - 2. well drillers log; and
 - 3. results of chemical and bacteriological analysis (the Health Department will determine the chemical constituents to be tested according to the potential water pollutants in the area).

- 4.7 the complete address of dwelling to be served by this wastewater disposal system, and the name, current address, and telephone number of:
 - a. the individual(s) who will own the proposed disposal system; and
 - b. the individual(s) who will construct and install the disposal system.

After receiving and reviewing the results of the preliminary plan items submitted under this section, the final design and construction of the system shall be made only with the approval of the Tooele County Health Department.

5.0 SOIL EXPLORATION

- 5.1 Statement of soil conditions obtained from soil explorations to a minimum depth of ten (10) feet. In the event that absorption system excavations will be deeper than six (6) feet, soil explorations must extend to a depth of at least four (4) feet below the bottom of the proposed seepage excavation.

6.0 PERCOLATION TEST

- 6.1 Percolation tests shall be performed in the area of the proposed absorption device, and shall be conducted according to the UTAH DEPARTMENT OF ENVIRONMENTAL QUALITY, DIVISION OF WATER QUALITY, R317-4, "Onsite Wastewater Systems" rule as amended. Percolation tests should be conducted to the depth of the bottom of the proposed absorption excavations and tests results should be submitted on a "Percolation Test Certificate" obtained upon request.
- 6.2 Percolation tests shall be conducted at the owner's expense by a registered sanitarian, registered engineer, or qualified person approved by the Health Department.

7.0 ON-SITE INSPECTION

- 7.1 An on-site inspection of all septic systems shall be requested by the installer, at least twenty-four (24) hours in advance, and performed by a designated agent of the Health Department after excavation of the trenches, and again prior to backfill.

8.0 WASTEWATER PERMIT FEE:

- 8.1 Onsite Wastewater Feasibility for Subdivision Review Fee: All persons requiring an onsite wastewater feasibility for subdivision review shall pay to the Health Department a fee as established by the Tooele County Board of Health. The Health Department will not begin the review process or issue a letter of findings until the fee is paid.
- 8.2 Inspection Fees: All persons applying for an individual septic system permit shall pay to the Health Department a fee as established by the Tooele County Board of Health. The permit is valid for twenty-four (24) months.
- 8.3 Investigation Fee: Whenever any work for which a permit is required by this regulation has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this regulation.

- 8.4 Recertification Inspection Fee: Any person requesting a recertification inspection of an individual wastewater system shall do so at least seventy-two (72) hours in advance, and shall pay a fee as established by the Tooele County Board of Health. If a water test is also required at this time, an additional fee will be incurred.

9.0 ALTERNATIVE ONSITE WASTEWATER SYSTEMS

The purpose of this section is to ensure that alternative onsite wastewater systems are designed, installed, operated, and maintained in a manner that will protect the health and safety of the public, and ensure the integrity of the water quality throughout Tooele County.

9.1 GENERAL REQUIREMENTS

- A. Alternative onsite wastewater systems allowed by this rule include: Mound Systems and Packed Bed Media Systems (specifically Single Pass Sand Filters, Recirculating Sand Filters, Recirculating Gravel Filters, and Recirculating Textile Filters).
- B. Except as outlined in this rule, all requirements of the state “Onsite Wastewater Systems” rule, R317-4, and all applicable local rules must be met before an alternative onsite wastewater system may be installed, operated, or maintained.
- C. Any individual installing, operating, or maintaining alternative onsite wastewater systems in Tooele County must be state certified Level 3 as provided in R317-11 Utah Administrative Code, as amended.
- D. No alternative onsite wastewater system may be constructed or installed until a construction permit is obtained from the Tooele County Health Department, and no alternative onsite wastewater system may be operated or used until an operating permit is obtained from the Tooele County Health Department.
- E. A construction permit will only be issued when the following requirements are met:
 - 1. All submission, design and siting requirements outlined in R317-4, this rule, and any additional requirements imposed during the review process, have been met.

2. Evidence that the existence of an alternative onsite wastewater system is recorded against the deed of the property in a form approved by the Tooele County Health Department.
 3. Operation and maintenance instructions for the specific system have been submitted and preliminarily reviewed by the Tooele County Health Department for feasibility.
 4. All applicable fees have been paid.
- F. An annual operating permit is required for each alternative onsite wastewater system as outlined for the specific type of system in Section 9.2 of this rule.

9.2 SYSTEM SPECIFIC REQUIREMENTS

A. Mound Systems

1. When a mound system is used, the elevation of the highest anticipated ground water table shall be at least 12 inches below the natural ground surface.
2. All horizontal setbacks shall be measured from the toe of the finished mound.
3. The initial operating permit shall be valid for one year, must be issued prior to operation and may only be issued when the following requirements are met:
 - a. The mound system has been installed and tested according to the approved design.
 - b. The operation and maintenance instructions have been finalized and approved by the Tooele County Health Department.
 - c. All other requirements of the construction permit have been met.
 - d. All applicable fees have been paid.
4. The initial operating permit must be renewed annually and may only be renewed when the following requirements are met:
 - a. The system is operated and maintained as approved.
 - b. The system is not deemed “non-compliant” as per this rule.
 - c. The semi-annual inspections have been completed, and all identified issues have been addressed.
 - d. All operation and maintenance records have been submitted to the Tooele County Health Department.

e. All applicable fees have been paid.

B. Packed Bed Media Systems

1. When a packed bed media system is used, the elevation of the ground water table shall be at least 12 inches below the bottom of the absorption system excavation.

2. If R317-4-11.5(A)(1)(d) is used for the design of a system, 24 inches of suitable soil shall be available between the bottom of the absorption system excavation and bedrock or impervious strata.

3. The initial operating permit shall be valid for one year, must be issued prior to operation and may only be issued when the following requirements are met:

- a. The packed bed media system has been installed and tested according to the approved design.
- b. The operation and maintenance instructions have been finalized and approved by the Tooele County Health Department.
- c. All other requirements of the construction permit have been met.
- d. All applicable fees have been paid.

4. The initial operating permit must be renewed for the second year of operation, and may only be renewed when the following requirements are met:

- a. Quarterly results, from a Utah state certified lab, of effluent quality testing are submitted to the Tooele County Health Department for the following parameters:
 - i. Biochemical Oxygen Demand (BOD₅)
 - ii. Total Suspended Solids (TSS)
 - iii. Total Nitrogen (TN)
 - iv. Turbidity
- b. Results, from a Utah state certified lab, of any other required effluent quality testing and/or retesting are submitted to the Tooele County Health Department.
- c. The system is operated and maintained as approved.
- d. The system is not deemed “non-compliant” as per this rule.
- e. The semi-annual inspections have been completed, and all identified issues have been addressed.
- f. All operation and maintenance records have been submitted to the Tooele County Health Department.
- g. All applicable fees have been paid.

5. After the second year of operation of the system, the operating permit must be renewed annually, and may only be renewed when the following requirements are met:

- a. All results of effluent quality testing required by R317-4-11, for the previous year have been submitted to the Tooele County Health Department. If any effluent quality testing other than turbidity is required, it must be done through a Utah state certified lab.
- b. The system is operated and maintained as approved.
- c. The system is not deemed “non-compliant” as per this rule.
- d. The semi-annual inspections have been completed, and all identified issues have been addressed.
- e. All operation and maintenance records have been submitted to the Tooele County Health Department.
- f. All applicable fees have been paid.

9.3 NON-COMPLIANT SYSTEMS

- A. A system shall be deemed non-compliant as identified in R317-4-11 or if any of the following conditions exist:
 1. The system is “malfunctioning” as defined by R317-4-1.
 2. Any equipment is malfunctioning.
 3. The system does not continually meet the approved design and siting requirements.
 4. The system is not operated or maintained as approved.
 5. All applicable fees have not been paid.
- B. A system that has been deemed to be non-compliant for more than 30 days or a system that has been deemed to be non-compliant and poses an imminent public health risk shall be subject to legal action as described in Title 26A, Utah State Code, as amended.

10.0 RIGHT TO APPEAL

- 10.1 Within ten (10) calendar days after the Department has given a notice of violation, any person aggrieved by the notice may request in writing a hearing before the Director. The hearing shall take place within ten (10) calendar days after the request. A written notice of the Director's final determination shall be given within ten (10) calendar days after adjournment of the hearing. The Director may sustain, modify, or reverse the action or order.

11.0 PENALTY

- 11.1 Any person, association or corporation, and the officers of the association or corporation, who is found guilty of violating any of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.
- 11.2 Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 11.3 The County Attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations.
- 11.4 In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

12.0 SEVERABILITY

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

IN WITNESS WHEREOF, the Tooele County Board of Health has passed, approved and adopted this regulation this ____ day of _____, _____.

ATTEST:

TOOELE COUNTY BOARD OF HEALTH

JEFF R. COOMBS,
Health Officer

LINDA McBETH,
Chairperson