

- 1 C) **“Construction Permit”** shall mean a permit issued by the Department authorizing the permittee
2 to install, construct, reconstruct, convert or alter any OWTS.
- 3 D) **“Conventional Septic System”** shall mean an OWTS consisting of a septic tank and
4 Department approved subsurface gravity dispersal system.
- 5 E) **“Critical Area”** shall mean those areas determined to be difficult for installation of an OWTS
6 due to, but not limited to any of the following: lot size, static or intermittent groundwater, slope,
7 poor soil conditions or impaired water basins.
- 8 F) **“Department”** shall mean the Riverside County Department of Environmental Health.
- 9 G) **“Director”** shall mean the Director of the Department of Environmental Health or their
10 designated representative.
- 11 H) **“Dispersal System”** shall mean a leach field, seepage pit, subsurface drip field, or other type of
12 system for final wastewater treatment and subsurface discharge.
- 13 I) **“Failure”** shall mean a condition of an OWTS that threatens public health or water quality by
14 creating a potential for direct or indirect contact between sewage and the public. Examples of
15 failure include:
- 16 1. Sewage leaking to ground surface or groundwater;
 - 17 2. Sewage backing up into a structure caused by slow OWTS soil absorption of septic tank
18 effluent;
 - 19 3. Inadequately treated sewage causing pollution of groundwater or surface water;
 - 20 4. Noncompliance with standards stipulated in the permit issued for the OWTS based upon the
21 protection of human health, water quality and the environment.
- 22 J) **“Holding Tank”** shall mean a sewage facility, of a temporary nature, that has no means of
23 discharge and requires the services of a registered liquid waste hauler for pumping and offsite
24 disposal to an approved wastewater treatment facility.
- 25 K) **“LAMP”** shall mean Local Agency Management Program. This program implements local
26 standards for new and replacement OWTS consistent with the OWTS Policy adopted by the
27 State Water Resources Control Board on June 19, 2012 and successor policies
28

- 1 L) **“Major Repair”** shall mean OWTS improvements or corrective work where such
2 improvements involve the replacement, enlargement, or modification of a septic tank, treatment
3 unit, or dispersal system (excluding non-perforated distribution pipes), regardless of whether or
4 not a failure condition exists. Such repairs shall require a construction permit from the
5 Department.
- 6 M) **“Onsite Wastewater Treatment System(s)”** or **“OWTS”** shall mean any individual onsite
7 wastewater treatment, pretreatment and dispersal system including, but not limited to, a
8 conventional or ATS having a subsurface discharge.
- 9 N) **“System Certification”** is an expression of professional opinion that the OWTS, or its
10 components, meet industry standards that are the subject of the certification. It does not
11 constitute a warranty or guarantee, either expressed or implied. System certifications shall be
12 performed by a QSP using forms provided by the Department.
- 13 O) **“Permit”** shall mean either a construction permit or annual permit for an OWTS
- 14 P) **“Person”** shall mean any individual, firm, association, organization, partnership, business trust,
15 corporation, company, State agency or department, or unit of local government.
- 16 Q) **“Professional of Record”** or **“PR”** means an individual certified by the State of California as
17 a Professional Engineer (PE), Professional Geologist (PG) or Registered Environmental Health
18 Specialist (REHS) who has accepted responsibility for the design of the OWTS including any
19 required grading. The Professional of Record will have affixed his/her signature and stamp to
20 the system plans and plan proposal.
- 21 R) **“Qualified Service Provider”** or **“QSP”** is a California State Licensed Contractor with
22 knowledge and competency in OWTS design, construction, operation, maintenance and
23 monitoring through experience and/or education. A qualified service provider must meet
24 certification requirements as established by the Director and be currently registered with the
25 Department as a QSP.
- 26 S) **“Sewage”** or **“Sewage Effluent”** shall mean waste as defined in Section 5410(a), California
27 Health and Safety Code.
- 28

1 T) **“Soil”** is the naturally occurring body of porous mineral and organic materials on the land
2 surface, and is composed of unconsolidated materials above bedrock. Soil is composed of sand-
3 sized, silt-sized, and clay-sized particles mixed with varying amounts of larger fragments and
4 organic material. The various combinations of particles differentiate specific soil textures
5 identified in the USDA Soil Classification Chart. Soil shall contain earthen material having
6 more than 50% of its volume composed of particles smaller than 0.08 inches (2 mm) in size.

7 U) **“Weathered Bedrock”** is rock that has been exposed to the atmosphere at or near the earth’s
8 surface and changed in color, texture, composition, firmness, and/or form as a result of the
9 exposure with little or no transport of loosened or altered material. For purposes of this
10 Ordinance, weathered bedrock is not soil.

11 **SECTION 3. GENERAL REQUIREMENTS FOR OWTS APPROVAL AND CONSTRUCTION**
12 **PERMIT.**

13 A) No person shall erect, construct, rebuild, convert or alter any plumbing system designed for the
14 discharge or disposal of sewage or sewage effluent unless he has first obtained a written approval
15 for such purpose from the Director. In designated areas of Riverside County, this approval shall
16 also constitute a construction permit.

17 B) OWTS design, installation, construction and operation shall be in compliance with the LAMP
18 and the minimum standards of the most recent edition of the Uniform Plumbing Code. Such
19 requirements may be amended from time to time.

20 C) No OWTS will be approved nor application for OWTS processed where connection to a sanitary
21 sewer is a practical option.

22 **SECTION 4. APPLICATION REVIEW PROCESS FOR OWTS APPROVAL.**

23 A) Any person desiring approval of an OWTS shall submit an application on a form to be provided
24 by the Department. Such application shall be accompanied by a fee as required in Riverside
25 County Ordinance No. 640 and as amended. The application shall follow the guidelines set forth
26 in the LAMP.

27 B) Initial Application Review
28

1. All applications for conventional OWTS shall be approved or denied, in whole or in part, within fifteen (15) working days after the date of filing.
2. Applications for ATS shall be approved or denied, in whole or in part, within thirty (30) working days after the date of filing.
3. If an application is denied, in whole or in part, the applicant may amend the application and submit the amended application within 1 year of the original submittal date. Resubmittals received after one year shall be considered a new application and subject to new application fees.

C) Revocations of Approvals or Permits

1. An approval or permit may be revoked by the Director for failure of the applicant to provide proper, complete and accurate information regarding site conditions for a proposed OWTS.
2. An approval or permit previously granted may be revoked if soil conditions change significantly prior to construction in a manner that would affect the proper operation of an OWTS or the Director determines that exigent circumstances exist which demonstrate a threat to the public health or safety.

D) Appeals Process

1. Any person whose application for an approval or permit has been denied, in whole or in part, or entire approval or permit has been revoked in accordance with this section may appeal this action. The person shall file with the Department a written request for a hearing setting forth the grounds for the request within ten (10) working days from the date the permit application was denied or revoked. Failure to submit the request within the timeframe specified will be deemed a waiver of the right to such hearing.
2. Appeals Hearing Procedure. The hearing officer shall be assigned by the California Department of General Services Office of Administrative Hearings (OAH). The proceedings shall follow the OAH administrative hearing procedures, including the applicable portions of the Administrative Procedures Act, Government Code Section 11500 *et seq.*, and OAH Regulations, Title 1, Division 2, Chapter 1 of California Code of

1 Regulations, and may be electronically recorded. The OAH shall provide a final
2 determination to both the Department and the party filing the appeal.

3 E) OWTS Installation

4 1. The installation shall be performed in a manner that is consistent with the approved plan
5 design. In the event that conditions on site prevent the installation or function of the OWTS
6 as designed, a revised design plan must be submitted to and approved by the Department
7 prior to installation.

8 2. Construction Inspection. All OWTS shall require a construction inspection and final
9 approval by either the Department or the Department of Building and Safety prior to use.

10 **SECTION 5. ANNUAL REQUIREMENTS FOR ALTERNATIVE OWTS.**

11 A) All new ATS shall require a QSP maintenance agreement.

12 B) ATS shall be inspected yearly by a QSP, unless otherwise specified by the manufacturer or the
13 Department.

14 C) Commercial ATS shall require an annual permit.

15 D) Commercial ATS shall have a right of entry agreement for inspections by the Department and
16 the requirements for maintaining an annual operating permit recorded on the property deed.

17 E) Renewal of subsequent commercial ATS annual permits shall be completed by the property
18 owner or agent on or before the expiration date and shall include evidence of a current QSP
19 maintenance agreement and annual evaluation/inspection report.

20 F) Within 60 days of a change of ownership, the new owner or owners must transfer the commercial
21 ATS annual permit into his, her or their names, using forms provided by the Department.

22 G) Every commercial ATS subject to this Section shall be subject to inspection by the Department
23 to assure it is operating in a satisfactory manner.

24 **SECTION 6. PROFESSIONAL OF RECORD AND QUALIFIED SERVICE PROVIDER**
25 **REGISTRATION.**

26 A) Only those individuals who are registered as a PR with the Department may perform percolation
27 tests or other specialized testing as described in the LAMP.

- 1 B) Only those individuals who are registered as a QSP or PR with the Department may certify an
2 OWTS as described in the LAMP.
- 3 C) Suspension or Revocation of Registration. PR and QSP registration may be suspended or
4 revoked for cause by the Director. Examples of reasons for suspension or revocation include
5 but are not limited to the following:
- 6 1. Failure to maintain the required professional registrations in good standing.
 - 7 2. Submitting records that are misleading, fraudulent, incomplete or inaccurate.
 - 8 3. Failure to conduct activities in a manner consistent with the LAMP.
 - 9 4. Failure to pay the required registration fee.
- 10 D) Appeal of a suspended or revoked registration. An appeal for reinstatement of registration may
11 be made in writing to the Director. The appeal must state why the registration should be
12 reinstated and provide facts showing that all reasons for the suspension or revocation have been
13 remedied. Upon receipt of the written appeal, the Director shall schedule a hearing with the
14 appellant within 20 working days to review the facts and hear reasons why the registration
15 should be reinstated. At the conclusion of the hearing, or within 10 working days, the Director
16 shall issue a written decision to the appellant.

17 **SECTION 7. FEES.**

- 18 A) The fees required to obtain an approval under the provisions of this Ordinance shall be as
19 specified in Riverside County Ordinance No. 640. Such fees may be waived in cases where
20 corrective or replacement work is being undertaken to replace property damaged or destroyed
21 in a disaster recognized in a resolution adopted by the Board of Supervisors.
- 22 B) Annual Permit Fees. Prior to the issuance or annual renewal of a permit, fees shall be paid as
23 specified in Riverside County Ordinance No. 640.
- 24 C) Qualified Service Provider and Professional of Record Registration Fees. Prior to issuance or
25 annual renewal of a QSP or PR, registration fees shall be paid as specified in Riverside County
26 Ordinance No. 640. Registration is non-refundable, non-transferable, and shall expire on
27
28

1 December 31st of each year. Any change or lapse in registration shall require the completion of
2 a new QSP or PR registration application and fee.

- 3 D) No person or entity shall commence work for which a permit is required by this Ordinance
4 without obtaining a permit. Any person or entity who commences any work for which a permit
5 is required by this Ordinance shall pay double the permit fee for such work.
6
7

8 **SECTION 8. VIOLATIONS.**

- 9 A) It shall be unlawful for any person to discharge or deposit or cause or permit to be discharged
10 or deposited any sewage, sewage effluent or non-hazardous waste whether treated or untreated
11 in or upon any portions of Riverside County subject to the LAMP, including any deposit or
12 discharge of sewage into streams or bodies of water above or below the ground. When sewage
13 is overflowing or being discharged upon the surface of any premises, the Director may order the
14 owner of the premises or occupants thereof who contribute to such overflow or discharge to
15 abate the same forthwith.
- 16 B) It shall be unlawful for any person to install or alter plumbing facilities or drainage systems for
17 the discharge or deposit of any sewage, sewage effluent, or non-hazardous waste from any
18 dwelling, house or building or appurtenance thereof in or upon portions of Riverside County
19 subject to the LAMP without first securing an approval and permit from the Department.
- 20 C) It shall be unlawful for any person to install any structure or paving in the areas identified for
21 OWTS tank access or the primary and expansion dispersal system area.
- 22 D) It shall be unlawful to install any portion of an OWTS in an easement or constrained area without
23 getting written approval from the entity or entities that have control or regulatory oversight of
24 that area.
- 25 E) It shall be unlawful for any person to fail to comply with applicable terms and conditions set
26 forth in this Ordinance or in the LAMP.

27 **SECTION 9. OWTS FAILURE.**
28

1 In the event an OWTS is determined to be in failure by the Director, an order shall be given to abate
2 the failure.

- 3 A) The property owner, agent or occupant shall be given a notice and reasonable time to abate the
4 stated failure. If the OWTS failure is contributing to an immediate hazard or contamination to a
5 public access or body of water, immediate remedy shall be required.
- 6 B) If the determination is made that connection to sanitary sewer is an option, the property owner
7 shall be required to connect to sewer within a timeframe as determined by the Director.
- 8 C) If a determination of an immediate hazard is made by the Director, which could potentially
9 contaminate a body of water or public area, such as but not limited to sewage effluent flow onto
10 a public roadway, culvert, drainage ditch, dry or active stream or river bed, the property owner,
11 agent and/or occupant must take measures to abate the failure immediately.
- 12 D) When reasonable effort to contact the owner, agent, or occupant is unsuccessful, or upon refusal
13 to abate the OWTS failure, the Director may designate it an imminent hazard to health and safety
14 and may abate the failure. Those remedies include, but are not limited to, the Department
15 contracting to pump a septic tank to eliminate discharge; shutting off water to eliminate sewage
16 discharge; providing alternate means of waste disposal, such as portable toilets or other means
17 deemed necessary to abate the nuisance.
- 18 E) The property owner, agent, or occupant may be required to secure a System Certification by a
19 QSP or PR as part of the abatement process. Any and all component failures, deficiencies, or
20 malfunctions identified by the System Certification shall be repaired. Any and all major repairs
21 are subject to the approval process as described herein.

22 **SECTION 10. ENFORCEMENT, FINES AND PENALTIES.**

- 23 A) It shall be the duty of the Director or his agents to enforce the provisions of this Ordinance.
- 24 B) In addition to any other remedies provided by law, any person violating any provision of this
25 Ordinance shall be deemed guilty of an infraction or misdemeanor as hereinafter specified. Such
26 person shall be deemed guilty of a separate offense for each and every day or portion thereof
27 during which any violation of any of the provisions of this ordinance is committed, continued
28

1 or permitted. Any person convicted of a violation of this ordinance shall be: (1) guilty of an
2 infraction offense and punished by a fine not exceeding one hundred dollars (\$100.00) for a first
3 violation; (2) guilty of an infraction offense and punished by a fine not exceeding two hundred
4 dollars (\$200.00) for a second violation on the same site. The third and any additional violations
5 on the same site shall be punishable by a fine not exceeding five hundred dollars (\$500.00) or
6 six (6) months in jail, or both.

7 C) Notwithstanding the above, a first offense may be charged and prosecuted as a misdemeanor.
8 Payment of any penalty herein shall not relieve any person from the responsibility for correcting
9 the violation.

10 D) Additional remedies, penalties, and procedures for violations of this Ordinance and for recovery
11 of costs related to enforcement provided for in Riverside County Ordinance No. 725 are
12 incorporated into this section by reference.

13 **SECTION 11. PUBLIC NUISANCE DECLARATION.**

14 In addition, any violation of this Ordinance is hereby declared to be a public nuisance and may be
15 abated by the Director or his duly authorized agent irrespective of any other available remedy included
16 those provided hereinabove.

17 **SECTION 12. SEVERABILITY.**

18 If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any
19 person, establishment or circumstances shall be held invalid, such invalidity shall not affect the other
20 provisions or application of the provisions of this ordinance which can be given effect without the invalid
21 provision or application, and to this end, the provisions of this Ordinance are hereby declared to be
22 severable.

23 ///

24 ///

25 ///

26 ///

27 ///

28

Section 2. This Ordinance shall take effect 30 days after the date of adoption.

- Adopted:** 650 Item 9.1 of 02/02/1988 (Eff: 04/03/1988)
- Amended:** 650.1a Item 3.7 of 06/13/1989 (Eff: 07/13/1989)
- 650.1 Item 3.11 of 03/28/1989 (Eff: 04/27/1989)
- 650.2 Item 3.4 of 03/20/1990 (Eff: 04/19/1990)
- 650.3 Item 3.11 of 06/26/1990 (Eff: 07/26/1990)
- 650.4 Item 3.1 of 12/07/1993 (Eff: 12/07/1993)
- 650.5 Item 16.1 of 05/16/2006 (Eff: 06/15/2006)
- 650.6 Item 3-13 of 11/01/2016 (Eff: 12/01/2016)
- 650.7 Item 3.11 of 01/24/2023 (Eff.: 02/22/2023)