

# Section 5 OWTS Abatements, Abandonments and Repairs of Failing Systems

## 5.1 Abatements

- A. Any OWTS that causes sewage to surface on the ground is deemed to have an adverse effect on groundwater and surface water and to be a public health hazard and a nuisance. Any OWTS septic tank failure, such as a baffle failure or tank structural integrity failure such that either wastewater is exfiltrating or groundwater is infiltrating is deemed to be failing (OWTS Policy Tier 4). Such a system is defined as a failing OWTS and shall be immediately corrected or abated.
- B. There are 2 classes of septic work to which Code Enforcement penalty fees may apply: construction without permit or Permit Authority required repair of a failing septic system.

Once the Permit Authority determines a system is failing, adequate notification to the property owner is required.

- 1. A Notice of Violation or Notice and Order is adequate notification. However, a written notice or letter produced by the Permit Authority and provided to the property owner may be considered adequate notification as determined by the Permit Authority supervisory or management staff.
  - 2. A reasonable period shall be given to allow the property owner to obtain a repair permit and complete repair work. Permit Authority shall treat failing septic systems in the same manner as sub-standard housing regarding the imposition of penalties.
    - a. If a repair permit is submitted within 30 days of sending a Notice of Violation or Notice and Order, only investigation fees apply.
    - b. If the owner delays response beyond 30 days, both investigation and penalties will apply.
      - i. The imposition of penalties may be extended if the applicant demonstrates a reasonable justification why a permit application could not be submitted within 30 days in accordance with Section 1-7.1(d) Sonoma County Code. Reasonable justifications include, but are not limited to, groundwater studies or delay to accommodate the schedule of a licensed professional.
- C. For residential properties, the owner shall be allowed to hire a licensed septic tank pumper to pump the failing system until a repair system is installed.
    - 1. The allowed time period shall be determined by the Permit Authority.
  - D. For commercial properties, the property owner or tenant may be allowed to pump the failing system at the discretion of the Permit Authority. Issues such as the availability of public restrooms hand washing facilities, and use as a food facility must be taken into consideration for commercial properties.
  - E. Investigation and penalty fees for the abatement of failing OWTS and/or installation of an OWTS without permit that may apply are as follows:
    - 1. For septic system replacement, repair or tank destruction permits where the property owner has voluntarily submitted a repair permit and no investigation has been conducted, the permit may be issued without investigation fee or penalty.
    - 2. For septic system replacement, repair or tank destruction permits where a Notice of Violation

has been sent and the owner has submitted a septic repair permit within 30 days, penalties shall not be imposed.

3. For septic system replacement, repair or tank destruction permits where the Permit Authority has received a complaint, a Notice of Violation has been sent and the owner has not submitted for a permit within 30 days, penalties shall be calculated.
4. If the responsible party (owner or tenant) fails to correct the violation resulting in an administrative abatement hearing, any penalty as allowed under Section 1-7.1 of the Sonoma County Code may be imposed.
5. For standard or non-standard OWTS constructed without permit, penalties shall be calculated.

## **5.2 Abandonments**

- A. Any abandonment of portions or the entire OWTS shall be conducted under an OWTS permit issued by the Permit Authority.
- B. In the event that a parcel is connected to public sewer, abandonment of the septic tank(s) is required.
- C. The following requirements shall be observed when a septic tank or sump (e.g. tank) is abandoned.
  1. The tank shall be pumped of all contents by a licensed septic tank pumper.
  2. When abandoned in place:
    - a. The lid(s) shall be removed and disposed at a sanitary landfill or the tank lid may be broken into small pieces and placed into the tank with the gravel, rock or soils.
    - b. Several holes shall be made in the bottom of the tank.
    - c. The tank shall be filled with pea gravel, drain rock, compacted native soils or concrete slurry. Provision b does not apply if tank is filled with concrete.
  3. When tank is removed:
    - a. The tank and lid(s) shall be removed from the property and disposed at a sanitary landfill.

## **5.3 Repair of Failing Systems**

- A. This section is reserved for when the land owner self-discloses the failure and seeks to repair the system on their own volition, as opposed to Section 5.1 (where the Permit Authority receives a complaint or takes notice of the failing system independent of the owner).
- B. Depending on the amount and type of proposed work, the repair of a failing system could be permit exempt, require a repair permit or require a replacement permit. The type of required permit is detailed in Sections 4.8.C, 4.8.D and 4.8.F.
- C. Applications to repair a failing system shall be given priority over other types of permit applications received by the Permit Authority.

- D. In addition to the application requirements of Section 4.9, the application to repair a failing system shall include the following:
1. A statement the system is in failure.
  2. The system component in failure.
  3. The nature of the failure.
  4. The severity of the failure and/or the volume discharge of domestic waste to the surrounding environment.
  5. The location of any discharge of domestic waste.
- E. Upon receipt of such an application Permit Authority shall conduct a site visit within 48 business hours to verify the extent of the failure and extent of waste discharge.

Upon verification by Permit Authority of a failed or failing system, staff shall expedite the review and issuance of the repair permit.

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