

ASSESSMENT OF OLD UNDOCUMENTED EXISTING SYSTEMS

Intent and Benefit

The intent of this policy is to allow property owners the new use of old existing systems where it is reasonably certain that it will operate satisfactorily protecting the public health and not harm the environment. The benefit is that property owners are allowed to make use of certain existing sewage systems thus containing the cost of a development project. Another benefit is that the Division is perceived as flexible, capable of making reasonable decisions and inspiring the confidence and cooperation of the public generally. **This policy is not meant to be an amnesty program.**

Background

~~Previously there has been no guidance in this area and there may have been variation between EH staff as to how such a problem was handled. This policy will bring greater consistency to the issue of new use of old unknown sewage systems.~~

On June 26, 1973, the Mendocino County Board of Supervisors adopted Ordinance 1107, setting the minimum standards for the installation of septic systems, including the issuance of official septic permits. All systems that were in operation prior to the effective date of that ordinance (January 1, 1974) were “grandfathered in” without formal documentation. These legal pre-ordinance systems shall be referred to as “pre-74” systems for the purpose of this policy. Previously there has been no official guidance in this area and there may have been variation between Environmental Health staff as to how such a problem was handled. **This policy will bring greater consistency to the issue of new use of pre-74 unpermitted septic systems.**

Statement of the Problem

~~A property owner’s discovery of the existence of an old, albeit unknown, sewage system on their property is often perceived as a “vested right” which deserves to be “grandfathered”. On the other hand, the EH staff may feel very uncomfortable approving a building permit application based on some old, unknown, undocumented sewage system. The question is how much discovery and documentation is necessary?~~

Many existing septic systems were installed prior to the County’s current permitting requirements. Although systems that were installed prior to 1974 may still function properly, there may be no documentation on record that describes their design, capacity, or location. Environmental Health staff have expressed concern about approving a building permit application based on an old, unknown, and undocumented sewage system. The question is: how much discovery and documentation are necessary? Because it is pre-existing, does that necessarily mean the EH staff must accept it as suitable per se? If not, what criteria are used to judge its suitability?

Policy Implementation

Continued use of an existing unknown system can be made similar to the existing

permitted use that has occurred provided no apparent public health or environmental hazards have resulted from such use, per inspection by a qualified site evaluator. If the previous building burned down or was demolished or removed within the last 12 months, this will be considered existing use for purposes of this policy if the expected wastewater flow of the rebuilt structure is equal to or less than that of the structure being replaced.

Modifications to an existing permitted residence with a undocumented septic system that do **not** cause an increase in wastewater flow (such as interior remodel, electrical upgrade, addition of a convenience bathroom) may be approved without further design changes to a properly operating septic system if Conditions 1, 2 and 5 of the discovery and documentation minimum is submitted in writing by a septic pumper or a Qualified Individual.

~~Residences and outbuildings destroyed in a declared disaster, such as the October 8th, 2017, Redwood Complex Fire, that are found to be previously supported by a pre-74 septic system may be allowed 3 years to comply with the intent and purpose of this policy if the County Board of Supervisors approves such a waiver.~~

~~Alternately, the property owner may retain a qualified individual to perform the discovery and documentation work to the satisfaction of Environmental Health.~~

If the proposed modification to an existing permitted residence with an undocumented septic system does cause an increase in wastewater flow such as construction of an additional bedroom, a guest cottage or an Accessory Dwelling Unit (ADU), the property owner shall retain a Qualified Individual, as defined in the Mendocino County Local Agency Management Plan (LAMP), to perform discovery and documentation work to the satisfaction of Environmental Health as well as to designate a future replacement area that will support the new use.

The discovery and documentation shall include as a minimum:

1. The septic tank location, size, material, and general condition.
2. The leach field location, number of trenches, and length and depth of each trench shall be determined and shown on a scale site plan drawing. The leach field may be located with either electronic equipment (less impact) and/or by actual excavation. Excavation shall be required to determine trench dimensions.
3. Soil conditions in the area of the leach field shall also be determined by backhoe excavation (or alternately by at least three soil auger borings). Field texture estimates and all other significant characteristics shall be reported on the *Mendocino County Soil Profile Description* form and *Mendocino County Hydrometer Test Worksheet*.
4. The EH staff shall analyze the suitability of the existing system dimensions, condition and design for the proposed new use, using the Mendocino County LAMP as the standard. This determination shall be documented to the file using the *Mendocino County Site Evaluation Report Format for On-Site Sewage Systems*, excepting the laboratory analysis.
5. Risers and an effluent filter shall be required for the existing septic tank. The septic tank shall be pumped if deemed necessary by the Qualified Individual or Septic Pumper performing the discovery.
6. An area sufficient for 100% replacement of the sewage system shall be identified by backhoe excavation (or alternately by soil auger boring if labor is provided) and shown on the scale site plan drawing. Field texture estimates and all other significant characteristics shall be

reported on the Mendocino County Soil Profile Description form and *Mendocino County Hydrometer Test Worksheet*.

If the EH staff analysis determines the existing sewage system is not suitable for the proposed new use, then a new system shall be designed per the requirements of the Mendocino County LAMP. A Site Evaluation Report shall be prepared by a qualified individual and submitted to DEH for review and approval, similar to any other new project on an unimproved parcel.

DRAFT

DECISION MATRIX

EH receives a Building Permit application:

1. Existing* structure is supported by a existing unknown septic system?

Yes: Policy applies, go to #2.

No: Policy does not apply.

*Note: Structures destroyed or removed within the past 12 months are considered to be “existing” for the purposes of this policy.

2. Do proposed modifications or additions cause increased wastewater flow?

Yes: Go to #4.

No: Go to #3.

3. Septic pumper or Qualified Individual documents in writing that septic system is operating properly?

Yes: No further discovery or documentation is required.

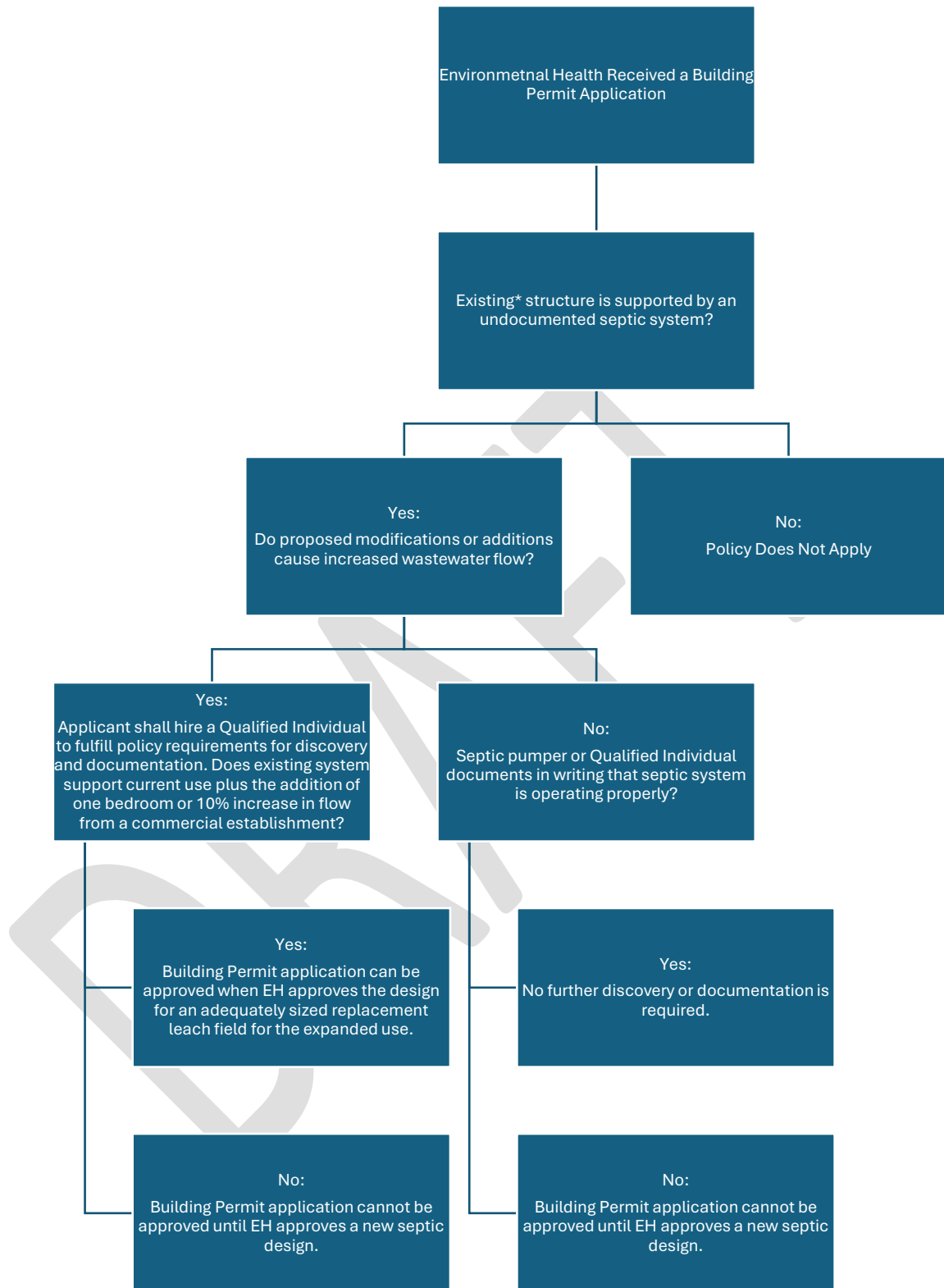
No: Go to #5.

4. Applicant shall hire a Qualified Individual to fulfill policy requirements for discovery and documentation. Does existing system support current use plus the addition of one bedroom or 10% increase in flow from a commercial establishment?

Yes: Building Permit application can be approved when EH approves the design for an adequately sized replacement leach field for the expanded use.

No: Go to #5.

5. Building Permit application cannot be approved until EH approves a new septic design.



*Note: Structures destroyed or removed within the past 12 months are considered to be “existing” for the purposes of this policy.

Effective Date: TBA
 Revised Date: TBA