On-Site Wastewater Ordinance

Hearing Date: March 16, 2010

19-1. Legal Authority

This Chapter is adopted pursuant to Article I, Section 1, of the Butte County Charter, Article XI, Section 7 of the California Constitution, which authorizes the County to exercise the police power of the State by adopting regulations promoting the public health, public safety, and the general welfare of its citizens, and the Porter-Cologne Water Quality Control Act, Water Code Section 13000 *et seq.*

19-2. Purpose

The purpose of this Chapter is to:

A. Protect public health and the environment by protecting ground and surface water quality.

B. Establish an administrative framework allowing the adoption of science-based standards for design, construction, installation, operation, maintenance, monitoring, replacement, alteration, enlargement, repair and abandonment of on-site wastewater treatment, conveyance, and dispersal systems.

C. Provide for compliance and enforcement of a comprehensive on-site regulatory program.

D. Ensure compliance with applicable standards, laws, and guidelines as adopted, and/or modified by the State of California, Water Resources Control Board or the Central Valley Regional Water Quality Control Board (RWQCB). The California Water Code requires that all dischargers of waste, including sanitary wastewater from homes, file a report of waste discharge. The Regional Board has traditionally waived this requirement for counties that have a program for on-site wastewater systems that is compatible with the RWQCB's "Guidelines for Waste Disposal from Land Developments.". The Regional Board has established appropriate procedures for handling on-site wastewater in its Basin Plan under "Guidelines for Waste Disposal from Land Developments." The requirements of this Chapter are intended to comply with these Guidelines and constitute a program for on-site wastewater systems that is adequately protective of water quality.

19-3. Definitions

The following words and terms, when used in this Chapter, have the following meanings, unless the context clearly indicates otherwise. Terms expressed in

the singular shall be construed to incorporate the plural, and vice versa, unless the context otherwise requires.

A. "Applicant" shall mean a property owner or the property owner's Authorized Representative.

B. "Areas of Environmental Concern" shall mean geographical areas designated by Resolution of the Board of Supervisors where additional protective measures are appropriate.

C. "Authorized Representative" shall mean a person or persons authorized by the property owner to act on the property owner's behalf on matters pertaining to application for permits and services.

D. "Certified Designer" shall mean a person authorized by the Local Enforcement Agency (LEA) to design pressure distribution and supplemental treatment wastewater systems meeting the requirements for certification as specified in this Chapter.

E. "Certified Installer" shall mean a person authorized by the LEA to install on-site wastewater systems meeting the requirements for certification as specified in this Chapter.

F. "Certified Pumper" shall mean a person authorized by the LEA to pump and perform minor repair of septic tanks and pump chambers meeting the requirements for certification as specified in this Chapter.

G. "Certified Operation, Monitoring, and Maintenance (OM&M) Specialist" shall mean a person authorized by the LEA to perform operation, monitoring, and maintenance inspections and routine maintenance, meeting the requirements for certification as specified in this Chapter.

H. "Chico Urban Area" shall mean the area shown by Appendix P of the Nitrate Compliance Plan and identified as County Service Area 114 (Greater Chico Urban Area).

   1. "Septic Tank Area" shall mean the area within the Chico Urban Area not shown on Figures 1-3a and 1-3b of the Chico Urban Area Environmental Impact Report as an area to be sewered.

   2. "Planned Sewered Area" shall mean the area within the Chico Urban Area shown on Figures 1-3a and 1-3b of the Chico Urban Area Environmental Impact Report as an area to be sewered.

I. "Chico Urban Area Environmental Impact Report" shall mean the environmental impact report adopted by the Board of Supervisors on September 11, 2001 titled "Environmental Impact Report Chico Urban Area Nitrate Compliance Plan."

J. "Chico Urban Area Nitrate Compliance Plan" shall mean the plan adopted by the Butte County Board of Supervisors on September 25, 2001 titled "Chico Urban Area Nitrate Compliance Plan."

K. "Commercial Project" shall mean any project other than those defined as residential. For the purposes of this Chapter, the definition of a commercial project shall not include agricultural storage buildings and primitive-type picnic grounds, campsites, and recreation areas.

L. "Community Wastewater System" shall mean an on-site wastewater system serving two (2) or more residences, parcels, or commercial sources by any method, which meets State and local minimum standards, excepting a system serving a primary and secondary dwelling sharing facilities on the same lot or parcel.

M. "Disinfection" shall mean the process of destroying pathogenic and other microorganisms in wastewater as specified in the On-Site Wastewater Manual.

N. "Effective Soil" shall mean permeable, unsaturated soil providing sufficient aeration and retention for treatment of wastewater effluent.

O. "Environmental Health Director" shall mean the Director of the Environmental Health Division of the Butte County Public Health Department.

P. "Failing Wastewater System" shall mean any on-site wastewater system that:

1. Discharges untreated or inadequately treated wastewater or septic tank effluent directly or indirectly onto the ground surface, into a dwelling, or into surface or groundwater; or
2. Is not operated in compliance with permit requirements for operation, monitoring and maintenance as specified in this Chapter and the On-Site Wastewater Manual; or
3. Has been retrofitted with unapproved components or been modified from the original approved design; or
4. Does not meet effluent quality standards as specified in the approved wastewater system design.

Q. "Industrial Waste" shall mean any liquid, gaseous, radioactive, or solid waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade, or business, or from the development or recovery of any natural resources.

R. "Land Use Project" shall mean any entitlement process, initiated through the Butte County Department of Development Services, including, but not limited to, tentative maps, parcel maps, use permits, certificates of compliance, and lot line adjustments. The requirements in this Chapter apply only to conditions regulated by the LEA. Other County departments have separate processes and requirements.

S. "Local Enforcement Agency (LEA)" shall mean the Environmental Health Division of the Butte County Public Health Department, which is desig-

nated as such by the Board of Supervisors pursuant to [California] Public Resources Code Section 43202.

T. "Minimum Useable Wastewater Area (MUWA)" shall mean the amount of useable ground surface, expressed in square feet, that is required when creating new lots or parcels in the tentative or parcel map process. The amount of land area is based on the percolation rate and the type of leach field distribution method.

U. "On-Site Wastewater Manual" shall mean the document containing implementing standards and requirements of this Chapter, including specific detail on acceptable on-site wastewater treatment and dispersal systems and processes, developed by the LEA and the Wastewater Advisory Committee and adopted by resolution of the Board of Supervisors.

V. "On-Site Wastewater System" shall mean any system of piping, treatment devices or other facilities that convey, store, treat, or dispose of wastewater on the property where it originates or on adjacent or nearby property under the control of the user, and which is not connected to a public sewer system.

W. "Operating Permit" shall mean that administrative document issued by the LEA authorizing the initial and/or continued use of an on-site wastewater system, as specified in the On-Site Wastewater Manual.

X. "Operation, Monitoring, and Maintenance (OM&M)" shall mean regular inspection, monitoring, and service provided to on-site wastewater systems as delineated in the On-Site Wastewater Manual to insure their long-term viability

Y. "Owner" shall mean any person who alone, or jointly, or severally with others:

1. Has legal title to any single lot, dwelling, dwelling unit, or commercial facility, or an easement. sufficient to allow installation and maintenance of a wastewater system; or

2. Has care, charge, or control of any real property as applicant, executor, executrix, administrator, trustee or guardian of the estate of the holder of legal title.

Z. "Person" shall mean any individual (owner or authorized representative), corporation, association, firm, organization, partnership, or company.

AA. "Pressure Distribution" shall mean dispersal of wastewater system utilizing pressurized small diameter distribution lines for equal distribution of effluent.

BB. "Public Sewer System" shall mean any sewer system constructed, installed, maintained, operated and owned by or for a municipality or public entity established for wastewater treatment and discharge.

CC. "Site Evaluation" shall mean the process for determining whether a parcel's site conditions meet the minimum requirements of this Chapter and the On-Site Wastewater Manual.

DD. "Standard System" shall mean an on-site wastewater system comprised of a 2-compartment septic tank for primary treatment and dispersal in gravel or gravelless chamber trenches. Effluent will flow to the trenches by gravity, or may be pumped to the first distribution box of the trenches.

EE. "Supplemental Treatment System" shall mean any on-site wastewater system or system component providing enhanced treatment, over that which would be provided by a standard system, and that produces effluent meeting all of the following parameters prior to dispersal in the soil:

1. 30-day average Biochemical Oxygen Demand (BOD) concentration not to exceed 30 milligrams per liter (mg/L), or alternately, a Carbonaceous BOD (CBOD) in excess of 25 mg/L;
2. 30-day average total suspended solids concentration not to exceed 30 mg/L;
3. Total coliform level not to exceed levels as specified in the On-Site Wastewater Manual based on individual site characteristics; and
4. 30-day average total nitrogen concentration not to exceed 10 mg/L as nitrogen (applicable only when the wastewater system is located in an area where the Central Valley Regional Water Quality Control Board basin plan has identified nitrogen as a water quality concern).

FF. "Technical Appeals Board" shall mean three members of the Wastewater Advisory Committee comprised of the committee Chair and a Civil Engineer and non-engineer from the committee who are selected annually to sit on the Technical Appeals Board by the Butte County Board of Supervisors.

GG. "Vertical Separation" shall mean the depth of effective soil that exists beneath the bottom of a dispersal component of the wastewater system and a restrictive or limiting layer or feature including, but not limited to:

1. Permanent or seasonal watertable; or
2. Consolidated soil with insufficient permeability or porosity to provide wastewater treatment; or
3. Fractured rock with excessive permeability to provide wastewater treatment; or
4. Soils outside the range of acceptable texture and percolation as shown in Table One, Section 19-10 of this Chapter.

HH. "Wastewater" shall mean sewage that is designated as "blackwater" and/or "graywater."

1. "Blackwater" shall mean wastewater contaminated with human wastes, generally originating from toilets It includes, but is not limited to, wastewater discharges from water closets, toilets, urinals or similar fixtures alone or in combination with other wastewater.

2. "Graywater" shall mean wastewater, exclusive of blackwater or industrial waste, deposited into plumbing drain systems or exiting directly from wastewater generating appliances. It includes, but is not limited to, wastewater discharges from kitchen sinks, washing machines, bathtubs, showers, bathroom washbasins, and laundry tubs.

19-4. Applicability

This Chapter shall apply to on-site wastewater systems with a design flow of less than 2,500 gallons per day as follows.

A. Wastewater Systems Applied for After the Effective Date of this Chapter, Excluding System Repair

All provisions specified in this Chapter and in the On-Site Wastewater Manual shall apply to on-site wastewater systems applied for after the effective date of this Chapter, excluding wastewater system repairs, servicing the following types of development:

1. A single family residence; and/or

2. One or more multi-family units on a single parcel with a combined wastewater flow of less than two thousand five hundred (2,500) gallons per day; and/or

3. One or more non-residential uses on a single parcel with a combined flow of less than two thousand five hundred (2,500) gallons per day.

B. Wastewater System Repairs

When wastewater systems fail, they shall be repaired so as to be brought into compliance with the provisions of this Chapter to the maximum extent feasible. Repair of failing standard systems with upgraded wastewater systems incorporating supplemental treatment shall not be required, except when specified in the On-Site Wastewater Manual or when the Environmental Health Director has determined that substantial evidence exists indicating that repair of the system without upgrading to supplemental treatment would result in an unacceptable public health or water quality hazard including, but not limited to, continued surfacing of sewage on the

ground surface, backup of sewage into the residence, sewage discharge into surface water, or direct sewage discharge into groundwater.

C. Wastewater Systems Constructed or Applied for Prior to the Effective Date of this Chapter

The provisions of this Chapter and the On-Site Wastewater Manual pertaining to on-site wastewater system siting, design, and construction shall not apply to wastewater systems that have been constructed or for which a complete, valid application has been received by the LEA prior to the effective date of this Chapter. However, all other provisions of this Chapter and the On-Site Wastewater Manual shall apply to wastewater systems applied for prior to the effective date of this Chapter, including but not limited to those pertaining to operation, monitoring, inspections, maintenance, repairs, abandonment and destruction.

19-5. On-Site Wastewater Manual

A. The Butte County On-Site Wastewater Manual shall govern the siting, design, installation, component quality, operation, monitoring, and maintenance of on-site wastewater systems in Butte County. Copies will be maintained and made available to the public at the LEA's main office.

B. The Butte County On-Site Wastewater Manual shall be adopted by resolution of the Butte County Board of Supervisors (Board). The LEA, based on observed need or on recommendation by the Wastewater Advisory Committee, may propose modifications of the Manual. When changes are proposed to the On-Site Wastewater Manual, the changes shall be presented to the Board for adoption by an amending resolution.

19-6. Site Evaluation Requirements

A. Unless waived by the LEA, a site evaluation shall be required on every existing or proposed lot or parcel prior to obtaining an On-Site Wastewater System Construction Permit. The site evaluation shall be conducted as described in the On-Site Wastewater Manual.

B. When required, the site evaluation shall be conducted by either the LEA or the applicant's certified designer in coordination with the LEA so that LEA personnel may be present for any facet of testing in the evaluation process.

C. The site evaluation will examine factors affecting on-site wastewater system design including, but not limited to, ground slope, soil textural characteristics, effective soil depth, horizontal setbacks, and available area for one hundred percent system replacement. Percolation tests may be required under certain circumstances as outlined in the On-Site Wastewater Manual.

D. Prior to completion of the site evaluation, the LEA may require groundwater monitoring during high rainfall periods of the year as described in the On-Site Wastewater Manual prior to completion of the site evaluation.

E. The LEA may require a new site evaluation or other soils testing if it determines that prior site evaluation approvals were based on testing and/or reporting that was incomplete, insufficient, incompatible with known information about a given area, or for a site where subsequent excavation activities may have altered the suitability of the parcel for accommodating an on-site wastewater system.

19-7. On-Site Wastewater System Requirements

A. Minimum Vertical Separation Requirements

1. New Parcels:

An application for a subdivision or parcel map shall not be approved after the effective date of this Chapter unless the minimum vertical separation requirements and other applicable standards specified in Section 19-10 of this Chapter are met.

2. Existing Parcels:

a. Except as provided in Section 19-4, B. (Wastewater System Repairs) and Subsections A.3. and A.4. of this Section, new wastewater systems shall not be approved by the LEA for parcels created prior to the effective date of this Chapter, unless the following minimum vertical separation can be met:

i. Standard systems shall be sited and designed so as to have a minimum vertical separation of 36 inches.

ii. Supplemental treatment systems shall be sited and designed so as to have a minimum vertical separation of 18 inches with effluent dispersal using pressurized distribution or subsurface drip dispersal of treated effluent.

b. Existing on-site wastewater systems that require expansion or modification to meet increased design flow shall be allowed such expansion without being required to meet the vertical separation requirements of this Chapter when the need for system expansion is not the result in a change in use and when the expansion will not impair water quality as determined by the LEA.

3. Existing Parcels: Special Consideration for Enhanced Design Alternatives

New wastewater systems may be approved by the LEA for parcels created prior to the effective date of this Chapter provided one of the following enhanced design alternatives is utilized within the constraints and specifications outlined in this Chapter and the On-Site Wastewater Manual:

a. Engineered Fill

Engineered fill may be utilized, as described in the On-Site Wastewater Manual, where all the following site conditions and system specifications are met:

i. There shall be a minimum of 12 inches of native effective soil after site preparation and prior to placement of fill;

ii. Wastewater shall receive supplemental treatment; and a sufficient depth of engineered fill added to bring the vertical separation to a minimum of 24 inches.

b. Disinfection

Disinfection using an approved add-on disinfection component may be utilized, as described in the On-Site Wastewater Manual, where all the following site conditions and system specifications are met:

i. A minimum of 12 inches of vertical separation shall be maintained;

ii. Wastewater shall receive supplemental treatment provided by either a single-pass sand filter or an alternate type of supplementary treatment system. If an alternative type of supplementary treatment system is used, the testing frequency for compliance with effluent quality limits shall be increased from quarterly to monthly for the first year of operation, or longer if needed to verify reliable treatment;

iii. Dispersal shall utilize either pressure distribution or subsurface drip irrigation; and

iv. An analysis shall be performed demonstrating that breakout of wastewater will not occur.

4. Existing Parcels: Special Consideration for Large Parcels

When site conditions are such that a 36-inch vertical separation cannot be attained for parcels created prior to the effective date of this Chapter, standard systems may be approved by the LEA when the following criteria are met:

a. The parcel shall be at least 5 acres in size; the provisions of this Section shall apply to multiple parcels that were merged after the effective date of this Chapter, provided the total combined acreage is at least 5 acres in size;

b. The area in which the dispersal component of the wastewater system is located and its designated repair area shall be shown to have a minimum native effective soil depth of 24 inches;

c. The dispersal component of the wastewater system shall be designed and constructed to maintain a vertical separation of at least 18 inches;

d. There shall be evidence of a restrictive layer between the dispersal component of the wastewater system and the first useable aquifer. If the first usable aquifer is known or estimated to be within 10 feet of ground surface, additional evaluation shall be required to verify that there is at least three feet of unsaturated soil between the bottom of the dispersal system and the anticipated highest level of usable groundwater;

e. The soil conditions at distances of 25 feet and 50 feet downslope of the dispersal field and its designated repair area shall be demonstrated to meet the same soil suitability conditions as required for dispersal field;

f. The wastewater system shall serve only a single family residence;

g. A deed restriction shall be recorded to assure: (a) The parcel will not be subdivided in the future; and (b) The parcel shall not be further developed with a permanent secondary dwelling, until such time that the wastewater system is upgraded to meet the requirements of Subsection A.2. of this Section or until another method of wastewater disposal is approved by the LEA, such as connection to a public sewer;

h. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so as to maximize separation from wells and surface water with

the design objective of increasing said separation when feasible, by up to 100% of that which is specified in the On-Site Wastewater Manual. At a minimum, an additional setback distance to any well or surface water in the downslope direction from the dispersal field shall be 50 feet;

i. The increased setback area between wells and surface water, and the dispersal component of the on-site wastewater system and the designated repair area shall be verified through the site evaluation process to not contain rock outcrops, cut banks, or other soil or landscape features that would allow surfacing of wastewater effluent;

j. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so as to maximize separation to property lines with the design objective of increasing said separation when feasible, by up to 100ft. At a minimum, the setback distance to the any property line in the downslope direction from the dispersal field shall be at least 50 feet; and

k. The dispersal component of the on-site wastewater system and the designated repair area shall be sited so that the minimum natural ground slope within and in the area extending 50 feet downslope of the dispersal field and its designated repair area shall be 5 percent or greater. The LEA may waive this requirement where in can be demonstrated that there will be adequate drainage away from the dispersal field.

B. Reserve Area for Wastewater System Replacement

An area reserved for wastewater system repair and replacement shall be set aside and maintained as described in the On-Site Wastewater Manual.

C. Prohibitions

1. No person shall treat or dispose of wastewater in any manner other than by an approved on-site wastewater system, community wastewater system, public sewer system or other method meeting the standards set forth in this Chapter and the On-Site Wastewater Manual.

2. No on-site wastewater system shall be approved after the effective date of this Chapter that is not sited and designed in Soil Group A, B, C, D, or E, as shown in Table One in Section 19-10 and with a percolation rate of 1 to 240 minutes per inch (mpi), when percolation testing is performed at the request of the ap-

plicant or designer, or required by the LEA. Soils that percolate at a rate of 1-5 mpi shall require pressure distribution and shall demonstrate adequate filtration capacity.

3. Designs for On-Site Wastewater Systems to be installed in soils that percolate at a rate of 1-5 mpi shall demonstrate adequate filtration capacity by consideration of design factors identified in the On-Site Wastewater Manual for rapidly drained soil.

4. No person shall construct, operate or maintain an on-site wastewater system or community wastewater system that does not comply with the applicable requirements specified in this Chapter, the Construction Permit, the Operating Permit, and the On-Site Wastewater Manual.

5. No person shall operate a failing on-site wastewater system.

6. No person shall connect any structure to an existing on-site wastewater system where the total projected wastewater flow would be greater than the design flow specified in the original On-Site Wastewater System Construction Permit or where, in the opinion of the LEA, the connection of a new and/or replacement structure to an existing wastewater system would not meet the standards contained in this Chapter or the On-Site Wastewater Manual.

7. No person shall discharge anything other than what is specifically described as Wastewater in this Chapter, into any on-site wastewater system.

8. No person shall operate an on-site wastewater system constructed after the effective date of this Chapter without a final approval of its Construction Permit by the LEA.

9. No person shall maintain or operate a wastewater system for which the LEA has issued an abandonment order.

10. Unless otherwise specified in the On-Site Wastewater Manual, no person shall maintain or operate a non-discharging wastewater system, such as a holding tank, composting toilet, or vault privy, except for non-residential and non-commercial limited-use applications, such as agricultural storage buildings and primitive-type picnic grounds, campsites, and recreation areas where on-site wastewater systems are not feasible, as determined by the LEA. Portable toilets may be used, on a temporary basis, for community events and at construction sites. Said non-discharging wastewater systems shall meet the specifications for maintenance and operation in the On-Site Wastewater Manual.

D. Permitting

1. Construction Permit

a. Except for a graywater system meeting the requirements of Chapter 16A of the 2007 California Plumbing Code as enacted and hereafter amended, the On-Site Wastewater Manual, and Subsection D.2. of this section, no person shall construct or replace an on-site wastewater system without first having applied for and been issued an On-Site Wastewater System Construction Permit. An application shall not be deemed complete unless it contains all the requirements specified in the On-Site Wastewater Manual.

b. Permits that authorize construction of on-site wastewater systems shall remain valid for a period of two (2) years from the date initially issued. Renewal procedures shall be as set forth in the On-Site Wastewater Manual if additional time is required to complete construction.

c. No person shall construct or replace an on-site wastewater system unless it complies with Butte County Code Chapter 50, Stormwater Management and Discharge Control.

d. No person shall construct or replace an on-site wastewater system unless it complies with Butte County Code Chapter 13, Article, Grading.

2. LEA Notification and Plan Review

Except for removal of solids from a septic tank by a certified pumper, no person shall service or replace an approved wastewater system's components without first notifying the LEA so that parcel files can be updated, trends in equipment reliability can be tracked, and so that the contractor can be advised of any technical updates or requirements relevant to service that will be provided. Services requiring LEA notification and plan review without the requirement for permitting include, but are not limited to the following:

a. Replacement of mechanical or electrical parts with parts of the same type, size, and capacity for pump to gravity wastewater systems;

b. Minor repairs of septic tanks, such as repair or replacement of baffles or sanitary "T"s, repair or replacement of distribution boxes;

c. Repair or replacement of sewer pipes running from septic tanks to the distribution boxes; and

d. Design and installation of graywater systems meeting the requirements of Chapter 16A of the 2007 California Plumbing Code and the On-Site Wastewater Manual.

3. Operating Permit

a. Any person using a pressure distribution or a supplemental treatment system, and any person using a standard system within an Area of Environmental Concern shall obtain an Operating Permit. Said operating permit shall be renewed thereafter at the frequency specified in the On-Site Wastewater Manual. An application shall be deemed complete when it is accompanied by a complete Operation, Monitoring, and Maintenance (OM&M) Report prepared by a Certified OM&M Specialist.

b. A person selling a parcel in which there is an approved Operating Permit shall notify the LEA of the transfer.

4. Any requirement placed upon a permit for compliance with the provisions of this Chapter and the On-Site Wastewater Manual shall be binding upon the property owner and successive property owners for the life of the system.

5. The LEA may deny any Construction or Operating Permit application that fails to comply with the requirements of this Chapter or the On-Site Wastewater Manual for a primary or replacement wastewater system.

E. Abandonment/Destruction

Any person abandoning/destroying an on-site wastewater system or system component shall obtain a permit and do so in accordance with the procedures specified in the On-Site Wastewater Manual.

F. Construction and Operating Permit Inspection

The person on whose property the on-site wastewater system is located shall grant the LEA access to the property for purposes of inspecting the wastewater system in accordance with the requirements of this Chapter, the On-Site Wastewater Manual, and with any conditions specified in the Construction Permit or Operating Permit, and, for those parcels utilizing pressure distribution or supplemental treatment, shall record a statement disclosing said requirements to future property owners

19-8. Connection to Public Sewer System

A. Other than where an exception is granted by the Environmental Health Director pursuant to Subsection B of this Section, connection to a public

sewer system shall be required by the LEA whenever the sewer main is no more than two hundred fifty (250) feet from the existing or proposed dwelling and all of the following circumstances apply:

1. Application has been made for new development or a failing on-site wastewater system has been identified by the LEA; and
2. The public sewer system has adequate capacity for the connection; and
3. Connection to the public sewer is permitted by the sewer utility.

B. Exceptions may be granted by the Environmental Health Director to Subsection A of this Section where the sewer main is not adjacent to the property line. Factors that may be considered prior to making a decision to grant or deny an exception include, but are not limited to, the following:

1. Feasibility and cost of connection; and
2. Reasonable expectation for future expansion plans of the sewer utility; and
3. Willingness of the applicant to commit to connect to the public sewer in the future; and
4. Suitability of the parcel for siting an on-site wastewater system.

19-9. Areas of Environmental Concern

A. The Butte County Board of Supervisors (Board) may establish Areas of Environmental Concern, after considering factors affecting on-site wastewater system placement and performance, including, but not limited to:

1. Area-wide soil and drainage characteristics;
2. Flooding and seasonal watertable;
3. Developmental density;
4. Special status species populations and/or habitat;
5. Riparian habitat, wetlands, and oak woodlands and proximity to surface water; and
6. Habitat preserves identified in any adopted Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

B. Areas of Environmental Concern shall have clear geographical boundaries and be established by Resolution, only after a public hearing before the Board.

C. The Board may establish additional requirements in Areas of Environmental Concern, including but not limited to:

1. Increased setback requirements;
2. Increased permitting requirements, such requiring operating permits for standard systems; and
3. Increased inspection requirements by Certified OM&M Specialists.

19-10. Minimum Requirements for Creation of All New Parcels and for Existing Parcels within a Watershed Protection Overlay Zone

A. An applicant initiating a parcel or subdivision map shall utilize a certified designer to perform the site evaluation. The soil suitability investigation shall be performed jointly by the certified designer and the LEA, using the site evaluation process as described in this Chapter and the On-Site Wastewater Manual.

B. No parcel or subdivision map shall be recorded and no on-site wastewater system shall be approved for existing parcels within a Watershed Protection Overlay Zone unless all proposed lots or parcels which rely on on-site wastewater systems have an approved site evaluation report that verifies, at a minimum, the following site characteristics:

1. Vertical separation will be not less than 36 inches. The required depth of effective soil for the creation of new parcels and for parcels within Watershed Protection Overlay Zones may be reduced by the LEA when all of the following conditions are met:
   a. Wastewater system designs are provided by a certified designer demonstrating that a supplemental treatment and dispersal alternative meeting the provisions of this Chapter and the On-Site Wastewater Manual will maintain a vertical separation of 24 inches and include the use of pressure distribution or subsurface drip dispersal of the treated effluent; and
   b. Primary and repair dispersal areas are designated on the parcel map to assure subsequent construction activities do not take place that would adversely impact the soil in those areas.
2. Slope is no greater than 30%
3. Receiving soils are in Soil Groups A-E, as identified in Table One, subsection C of this section.
4. When percolation testing is required, percolation rate is 1-120 minutes per inch (mpi). Percolation testing shall be required by the LEA as shown in Table One in Subsection C of this Section, and shall be conducted by a certified designer and verified by the LEA. Soils that percolate at a rate of 1-5 mpi shall require

pressure distribution and shall demonstrate adequate filtration capacity. Designs for On-Site Wastewater Systems that will be installed in soils that percolate at a rate of 1-5 mpi shall demonstrate adequate filtration capacity by consideration of design factors identified in the On-Site Wastewater Manual for rapidly drained soils.

C. Minimum Useable Wastewater Area

1. No parcel or subdivision map shall be recorded, and no on-site wastewater system shall be approved for existing parcels within a Watershed Protection Overlay Zone, unless all parcels, which rely on individual wastewater systems, have an approved site evaluation, that specifies whether the parcel has the required minimum useable wastewater area (MUWA) in accordance with the area requirements shown on Table One for each residence, or for each Residential Equivalent (360 gallons per day) in the case of non-residential development.

Table One MUWA Requirements per Residence or Residential Equivalent

Soil Group	USDA Soil Texture Classification	Rate of Percolation (Minutes/Inch)	MUWA (Total Square Feet for Primary and Repair Areas)	
			Gravity Distribution	Pressure Distribution
	Gravel, coarse sand, fractured rock	<1	Not Suitable for Parcel Creation	
A[1,2]	Medium to coarse sand	1-5	Not Allowed	6,000
B[3]	Fine sand, loamy sand	>5-15	9,000	6,000
C	Sandy loam, loam, sandy clay loam	>15-30	12,000	8,000
D	Silt loam	>30-60	15,000	10,000
E[4]	Clay loam, silty clay loam, sandy clay	>60-120	Not Allowed	15,000
	Clay, highly compacted soil	>120	Not Suitable for Parcel Creation	

[1] Subject to percolation test in addition to using soil texture determination.
[2] Must demonstrate adequate filtration capacity
[3] Subject to percolation test in addition to soil textural determination if 35% or more (by volume) coarse fragments (defined as > 2 mm size)
[4] Clay shall be non-expansive.

2. Usable parcel area shall not include areas contained in the following:

a. Wastewater system setbacks to buildings as specified in the On-Site Wastewater Manual.

b. Easements dedicated or reserved for surface or underground improvements unless dedicated or reserved for sewage disposal purposes.

c. Easements for access for roadway purposes.

d. Areas within five (5) feet of the property line.

e. Areas that are within minimum setbacks as specified in the On-Site Wastewater Manual.

f. Paved areas.

g. Areas with a slope in excess of thirty (30) percent.

h. Areas where the percolation rate is slower than one hundred twenty (120) mpi or faster than one (1) mpi.

i. Areas that would provide less vertical separation than specified in Subsection B of this Section.

D. Minimum Parcel Size

Until such time that Butte County General Plan 2030 is completed and the Butte County Zoning Code is amended, as may be necessary to implement the General Plan, and with the exception of development approved pursuant to Butte County Code Chatter 24-210, Planned Unit Development, no parcel or subdivision map shall be recorded unless the minimum parcel size meets the requirements for each residence, or for each Residential Equivalent (360 gallons per day) in the case of non-residential development, as specified in Table Two. For Planned Unit Development, the minimum parcel sizes specified in Table Two shall be minimum average parcel size. This requirement shall be reevaluated when the General Plan and Zoning Code have been updated as specified herein.

Table Two. Minimum Parcel Size

Effective Soil Depth	Minimum Parcel Size per Residence or Residential Equivalent (360 gpd)	
	Public Water System	Individual Well
More than 5 ft	0.5 acres	1.0 acres
4 ft – 5 ft	1.0 acres	
3 ft - < 4 ft	2.0 acres	
Less than 3 ft	5.0 acres Not allowed unless consultant can show that 2 ft vertical separation can be maintained with supplemental treatment	

E. No parcel or subdivision map shall be recorded where any parcel relies on an on-site wastewater system that cannot be sited within the boundaries of the proposed parcels, except where the LEA authorizes use of a Community Wastewater System, as approved by the Central Valley Regional Water Quality Control Board, meeting the provisions of this Chapter and the On-Site Wastewater Manual.

F. No parcel or subdivision map shall be recorded where any parcel relies on a seepage pit for disposal of sewage.

G. When a proposed parcel or subdivision map is located within a reasonable distance of an existing public sewer system and it is practicable and feasi-

ble for the proposed parcels to be connected to, and be served by, the same, the LEA may require that the parcel or subdivision map be conditioned to connect to the public sewer system.

H. Actions taken by the Planning Commission, based upon recommendations made by the LEA through the discretionary land use permitting processes may be appealed pursuant to the procedures set forth in Butte County Code Chapters 20 or 24, as applicable.

I. This Chapter and/or the On-Site Wastewater Manual are intended to be consistent with and implement the Butte County General Plan, any applicable Community Plan, or any other applicable plan of any agency having jurisdiction.

19-11. Chico Urban Area Requirements

A. Septic Tank Density

1. Density - Unless approved in writing by the Central Valley Regional Water Quality Control Board (RWQCB), the maximum allowable density within the Chico Urban Area shall be one residence, or one Residential Equivalent (360 gallons per day) for non-residential development, per acre.

2. Regional Board Review - For projects of over one thousand (1,000) gallons per day wastewater flow within the Chico Urban Area, septic tank permits and related entitlements shall not be issued or authorized until the project applicant has secured concurrence of RWQCB.

B. Future Public Sewer Connection Infrastructure

Within the Proposed Sewer Area as identified in the Chico Urban Area Nitrate Compliance Plan, septic tank development shall include the construction of sewer laterals to the property line for future sewer connection. Sewer laterals shall meet standards of the expected sewer service provider and, if the expected provider is not known, of the Butte County Improvement Standards adopted by Butte County Board of Supervisors Resolution pursuant to Butte County Code Chapter 20.

C. Sewer Connection

New development and/or substantial upgrades to existing development on parcels within the Chico Urban Area shall be connected to a public sewer in compliance with the provisions outlined in Section 19-8 of this Chapter.

19-12. Wastewater Advisory Committee

A. The Wastewater Advisory Committee is hereby established to consist of nine members appointed by the Board of Supervisors, one from each of the following categories:

1. Board of Realtors or Association of Realtors;
2. Building Industry Association;
3. On-Site Wastewater Operation and Maintenance Specialist;
4. Engineer specializing in environmental consultation;
5. Engineer specializing in on-site wastewater consulting;
6. Septic tank pumper or septic tank manufacturer;
7. Registered Environmental Health Specialist
8. Wastewater component vendor or proprietor; and
9. Citizen-at-large

B. The Wastewater Advisory Committee shall advise the LEA on matters pertaining to on-site wastewater, including but not limited to:

1. Development and maintenance of the On-Site Wastewater Manual.
2. Application of new on-site collection, treatment, conveyance, and dispersal technology.
3. Development and oversight of a system for assuring that on-site wastewater systems are appropriately operated, maintained, and monitored.
4. Future revisions to this Chapter and the On-Site Wastewater Manual.
5. Policies, practices, and procedures to improve protection of public health and delivery of customer service pertaining to the implementation of this Chapter and the On-Site Wastewater Manual.

C. Members of the Wastewater Advisory Committee shall meet at least once quarterly.

D. The LEA shall provide staff support for the Wastewater Advisory Committee.

19-13. Local Certification of On-Site Wastewater Professionals

A. Certified Pumper Requirements

1. It shall be unlawful for any person to engage in pumping any septic tank, seepage pit or chemical toilet, or removing other accumulations of sewage without first having obtained a pum-

per's certificate from the LEA. A current pumper certificate shall be deemed by the LEA as compliance with the registration requirements specified in the California Health and Safety Code Sections 117405 - 117450.

2. Pumpers shall not pump any septic tank or wastewater holding tank without completing a Septage Pumper Report, at the time the service is provided, using a reporting format prescribed by the LEA. Septage Pumper Reports shall be submitted to the LEA at a frequency not less than monthly.

3. Any person seeking a certificate shall file and maintain a current mailing address with the LEA and shall agree that correspondence and notices may be sent to said addresses.

4. Requirements for initial pumper certification and for recertification when the certification has lapsed without renewal shall include the following:

   a. The pumper shall verify to the LEA that a disposal site approved by the LEA will be used for deposition of septage or holding tank wastes; and

   b. The pumper shall demonstrate to the LEA that the vehicles used to pump and transport septage meet the following requirements:

      i. The pump tank shall hold a volume at least equal to or exceeding the volume of the tank being pumped, be in good repair, and be constructed in a manner to facilitate cleaning;

      ii. All outer contact surfaces and fittings shall be kept in a clean and sanitary condition while stored or in transit, and all premises served and equipment used shall be left in a clean and sanitary condition;

      iii. All discharge valves shall be in good repair, free from leaks and fitted with water-tight caps; and

      iv. The name of the operating firm shall be prominently displayed on the sides of any pump tank vehicle.

5. Requirements for pumper certificate renewal shall include the following:

   c. The pumper shall renew the certification prior to the date of the certificate’s expiration;

   d. The pumper shall provide the LEA with an opportunity to nspect pump vehicles and demonstrate compliance with the requirements in this Section; and

e. The pumper shall verify to the LEA that a disposal site approved by the LEA will be used for deposition of septage or holding tank wastes.

6. Pumper certificates shall remain valid for two consecutive years and may be renewed. A pumper's certificate shall not be transferable.

B. Certified Installer Requirements

1. It shall be unlawful for any person, firm or corporation to engage in construction, alteration, repair or modification of an on-site wastewater system within Butte County without first obtaining an installer's certificate from the LEA, however nothing contained herein shall prohibit a resident owner from installing an on-site wastewater system or making repairs or alterations to an on-site wastewater system on said resident owner's property when the conditions specified in this Chapter and the On-Site Wastewater Manual are met.

2. Any person seeking a certificate shall file and maintain a current mailing address with the LEA and shall agree that correspondence and notices may be sent to said addresses.

3. Requirements for initial installer certification and for recertification when the certification has lapsed without renewal shall include the following:

a. The installer shall successfully complete a written and/or field examination of the applicant's knowledge of wastewater system principles and the rules, regulations, laws, and ordinances affecting the public health and safety with respect to on-site wastewater systems. Examination and/or certification for wastewater system installation by a third-party entity shall be reviewed and may be determined by the LEA to satisfy the requirement for examination specified herein;

b. The installer shall provide verification to the LEA of the applicant's current status as a Class A (General Engineering Contractor), Class B (General Building Contractor), Specialty C-42 (Sanitation Service Contractor), or Specialty C-36 (Plumbing Contractor) licensed in accordance with the provisions of the California Business and Professions Code; and

c. The installer shall provide verification to the LEA of a minimum of one year experience working with a certified installer, or some other experience that can be demonstrated to the LEA as providing knowledge and skills

equivalent to having worked with a certified installer for a minimum of one year.

4. Requirements for installer certificate renewal shall include the following:

   a. The installer shall renew the certification prior to the date of the certificate's expiration; and

   b. The installer shall demonstrate to the LEA a minimum annual attendance of four hours of classes approved by the LEA dealing with subject matter related to application, design, and construction of on-site wastewater systems. Eight hours may be averaged over two consecutive years, and may be demonstrated to the LEA by certification of completion provided by the instructor or sponsor of said educational activity.

5. Installer certificates shall remain valid for two consecutive years and may be renewed. An installer's certificate shall not be transferable.

C. Certified Designer Requirements

1. Any work associated with design of a supplemental treatment on-site wastewater system within Butte County shall be performed by a designer certified by the LEA, except nothing contained herein shall prohibit a resident owner from designing a standard on-site wastewater system when the requirements of this Chapter and the On-Site Wastewater Manual are met.

2. Unless pre-empted by State law, statutes, or regulations, the following registered and/or licensed professionals shall be eligible to apply to the LEA for certification as designers:

   a. Professional engineer

   b. Professional geologist

   c. Nationally certified soil scientist

   d. Registered environmental health specialist

3. Unless such a requirement is pre-empted by State law, statutes, or regulations, and notwithstanding Subsection C.2. of this Section, other persons may be considered, on a case-by-case basis, for certification as designers when their knowledge and experience is determined by the LEA to provide an equivalent basis for certification and all other requirements of this section are met. Equivalency in knowledge and experience shall be determined by the LEA as follows:

a. Provisional Certification

An applicant for certification as a designer that meets all the requirements of this section other than those requirements specified in Subsection 2 of the Section, shall be provisionally certified by the LEA when evidence is provided showing a minimum of two years experience actively designing supplemental treatment wastewater systems under the supervision of a certified designer or professional engineer;

b. Full Certification

A provisionally certified designer that meets all the requirements of this section other than those requirements specified in Subsection 2 of the Section, shall be fully certified by the LEA when five or more supplemental treatment system designs are submitted and the wastewater system construction has been overseen by the provisionally certified designer in a manner that demonstrates to the LEA competency in the field of supplemental treatment system design and wastewater system construction oversight.

4. Any person seeking a certificate shall file and maintain a current mailing address with the LEA and shall agree that correspondence and notices may be sent to said addresses.

5. Requirements for initial designer certification and for recertification when the certification has lapsed without renewal shall include the following:

a. The designer shall successfully complete a written and/or field examination to assure knowledge of wastewater system principles and the rules, regulations, laws, and ordinances affecting the public health and safety with respect to on-site wastewater systems. Examination and/or certification of a wastewater system designer by a third-party entity shall be reviewed and may be determined by the LEA to satisfy the requirement for examination specified herein;

b. The designer shall provide verification to the LEA of the applicant's current licensure and/or registration status as required in this Section; and

c. The designer shall provide verification to the LEA of either a minimum of one year experience working with a certified designer, or demonstration of attendance in training for on-site wastewater treatment design or opera-

tion, monitoring, and maintenance from the California On-Site Wastewater Association or the equivalent, or some other experience that can be demonstrated to the LEA as providing knowledge and skills equivalent to having worked with a certified designer for a minimum of one year.

6. Requirements for designer certificate renewal shall include the following:

   a. The designer shall renew the certification prior to the date of the certificate's expiration; and

   b. The designer shall demonstrate to the LEA an ongoing minimum annual attendance of eight hours of classes dealing with subject matter related to application, design, and construction of on-site wastewater systems. Sixteen hours may be averaged over two consecutive years. Attendance may be demonstrated to the LEA by certification of completion provided by the instructor or sponsor of said educational activity.

7. Designer certificates shall remain valid for two consecutive years and may be renewed. A designer's certificate shall not be transferable.

D. Certified Operation, Monitoring, and Maintenance (OM&M) Specialist Requirements

1. Any operation, monitoring, and maintenance inspection required by the LEA shall be performed by a certified OM&M Specialist as specified in the On-Site Wastewater Manual. Copies of said standards shall be kept on file and made available to the public at the LEA's office.

2. Any person seeking a certificate shall file and maintain a current mailing address with the LEA and shall agree that correspondence and notices may be sent to said addresses.

3. Requirements for initial OM&M Specialist certification and for recertification when the certification has lapsed without renewal shall include the following:

   a. The OM&M Specialist shall successfully complete a written examination and certification by a third-party entity approved by the LEA or, in the event that a third-party entity is not available, successful passage of a written examination provided by the LEA, demonstrating the applicant's knowledge of wastewater system principles and the rules, regulations, laws, and ordinances affecting the

public health and safety with respect to on-site wastewater systems; and

b. The OM&M Specialist shall provide verification to the LEA of a minimum of one year experience working with a certified OM&M Specialist, or working as a certified designer, or some other experience that can be demonstrated to the LEA as providing knowledge and skills equivalent to having worked with a certified OM&M Specialist or as a certified Designer for a minimum of one year.

4. Requirements for OM&M certificate renewal shall include the following:

a. The OM&M Specialist shall renew the certification prior to the date of the certificate's expiration;

b. The OM&M Specialist shall demonstrate to the LEA a minimum annual attendance of eight hours of classes dealing with subject matter related to application, design, construction, operation, monitoring, and/or maintenance of on-site wastewater systems provided by an approved third-party entity. Sixteen hours may be averaged over two consecutive years, and may be demonstrated to the LEA by certification of completion provided by the instructor or sponsor of said educational activity; and

c. The OM&M Specialist shall present to the LEA manufacturer's training and certification as applicable to the scope of the OM&M Specialist's work.

5. OM&M Specialist certificates shall remain valid for two consecutive years and may be renewed. An OM&M Specialist's certificate shall not be transferable.

19-14. Contractor Review and Oversight

A. A Certificate Holder's certificate may be suspended by the LEA for a period not to exceed ninety (90) days for incompetency, negligence, misrepresentation, or for failure by the Certificate Holder to comply with any other requirement of this Chapter. The LEA shall serve the Certificate Holder with a Notice of Certificate Suspension by first class mail, postage-prepaid, including a copy of the Certificate of Mailing. The Notice shall state the reasons for which the certificate is subject to suspension and shall advise the Certificate Holder that the suspension will become effective ten (10) days from the date of service, unless a written request for Administrative Review is filed with the LEA following the procedure specified in Subsection E of this Section.

B. A Certificate Holder's certificate may be revoked by LEA for a period of one year for serious or repeated violations of any of the requirements of this Chapter. The LEA will serve the Certificate Holder with a Notice of Certificate Revocation by first class mail, postage-prepaid, including a copy of the Certificate of Mailing. The Notice shall state, in writing, the reasons for which the certificate is subject to revocation and shall advise the Certificate Holder that the revocation will become effective ten (10) days from the date of service, unless a written request for Administrative Review is filed with the LEA following the procedure specified in Subsection E of this Section

C. Any Certificate Holder whose certificate has been revoked may not reapply until one year has elapsed from the date of revocation and shall be required to take the written examination again before issuance of a new certificate.

D. Administrative Review

1. Any Certificate Holder whose certificate may be suspended or subject to revocation by the LEA may file a Request for Administrative Review. The Request must be in writing and filed with the LEA on or before the tenth (10th) day following service of the LEA's Notice of Suspension or Revocation. The Request must state both the legal and factual bases in support thereof, and must include at a minimum the requested modification(s), if any, of the Notice together with a summary of the issues, facts and legal authorities to be raised at the hearing. The time requirement for filing the Request shall be deemed jurisdictional and may not be waived. In the absence of a timely filed Request that complies fully with the requirements of this Section, the findings of the LEA contained in the Notice shall be deemed true and correct.

2. Upon timely receipt of a Request for Administrative Review that complies with the requirements of this Section, the LEA shall refer the matter to an Administrative Hearing Officer to conduct a hearing. The Administrative Hearing Officer shall be selected pursuant to the protocol set forth in that document entitled the "Butte County Administrative Hearing Officer Program," On file in the office of the Chief Administrative Officer of the County. Notice of the hearing shall be sent by first class mail postage prepaid to the Person(s) filing the request. The notice shall state the date, time and place of the hearing (which in no event shall be sooner than seven (7) days from the date of the mailing, unless otherwise agreed to by the requesting party and the LEA.

3. Any administrative hearing conducted under this Section need not be conducted according to technical rules relating to evi-

dence and witnesses. Any relevant evidence shall be admitted if it is the type of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule that might make improper the admission of the evidence over objection in civil actions. The Hearing Officer has discretion to exclude evidence if its probative value is substantially outweighed by the probability that its admission will necessitate undue consumption of time.

4. The Administrative Hearing Officer shall issue a written decision that shall include findings to support the decision. The written decision is final upon the date it is mailed by first-class mail, postage prepaid, including a copy of the Certificate of Mailing to the Certificate Holder. Written notice of the decision shall be given by mail within seven (7) calendar days after the date of the decision to the person subject to the Notice and any person filing a written request for notice of the decision.

19-15. Appeal of Provisions of On-Site Wastewater Manual

A. Environmental Health Director

1. An applicant may request in writing on forms provided by the LEA that the Environmental Health Director review any staff decision made as to any interpretation of this Chapter or to any standard contained in the On-Site Wastewater Manual.

2. The Environmental Health Director may interpret provisions of this Chapter and of the On-Site Wastewater Manual.

3. The Environmental Health Director may approve alternative requirements to those contained in the On-Site Wastewater Manual, provided said alternatives are consistent with the purpose of this Chapter and provide a level of protection of public health and the environment that is at least equivalent to that which would be provided should the interpretation not be made or the alternative requirements not approved.

B. Technical Appeals Board

1. Any person dissatisfied with the interpretations or alternative requirements specified by the Environmental Health Director may, on forms provided by the LEA, appeal that decision to the Technical Appeals Board.

2. The LEA, within 15 working days of the date that a completed appeal application is received, shall schedule a hearing with the Appeals Board.

3. The appeal hearing shall be de novo. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the date of the hearing to each interested party, to the LEA whose determination is being appealed, and to other interested persons who have requested in writing that they be so notified.

4. The Technical Appeals Board, within 30 calendar days of the date of completion of the hearing, shall render a decision in writing.

C. The LEA shall notify the Central Valley Regional Water Quality Control Board of Environmental Health Director interpretations and alternative requirements and of Technical Appeals Board determinations.

19-16. LEA Fees

Any applicant for permits, services, or certification pursuant to this Chapter shall pay fees to the LEA as established by Butte County Code Chapter 43, at the time of submission of application and in advance of the requested or required service.

19-17. Enforcement and Penalties

A. All violations of this Chapter and the On-Site Wastewater Manual are determined to be unlawful and declared to be detrimental to the public health, safety and welfare, and are public nuisances.

B. All conditions which render any building, structure, premises, land use or portion thereof to be used or maintained in violation of this Chapter may be abated pursuant to provisions set out in Butte County Code Chapter 32.A. if provisions for their continuance made pursuant to this Chapter and the On-Site Wastewater Manual are not satisfied.

C. A violation or failure to comply with any of the requirements of this Chapter or the On-Site Wastewater manual shall be subject to enforcement actions pursuant to Chapter 41 of this Code.

D. The LEA may condemn, according to law, any residence or other establishment that is accumulating or disposing of wastewater in a manner contrary to the requirements of this Chapter and the On-Site Wastewater Manual.

E. In addition to the use of any other remedy, the LEA may seek legal or equitable relief in Butte County Superior Court to enjoin any act or practice and to abate any conditions that constitute or will constitute a violation of this Chapter or the On-Site Wastewater Manual.

F. No person shall obstruct, impede or interfere with the LEA or authorized representative of the LEA in the performance of code enforcement and nuisance abatement duties pursuant to this Chapter and the On-Site Wastewater Manual.

G. When it is necessary to make an inspection to enforce the provisions of this Chapter or the On-Site Wastewater Manual, or when the LEA has reasonable cause to believe that there exists in a building or upon a site a condition which is contrary to or in violation of the sections of this Chapter or the On-Site Wastewater Manual, the official may enter the building or site at reasonable times to inspect or to perform duties imposed by this Chapter, provided that if such building or site is occupied at the time of inspection, proper credentials shall be presented to the occupant and entry shall be requested. If such building or site is unoccupied, the LEA shall first make a reasonable effort to locate the owner or other person having charge or control of the building or site and shall request entry to the building or site. If entry is refused, the LEA shall have recourse to the remedies provided by law to secure entry/access.