

Mendocino County Division of Environmental Health

Policy 4211.05

NEW USE OF OLD UNKNOWN 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 intended to apply to the remodel or expansion of an existing use.

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.

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? 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. 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 more than 12 months have elapsed since the last use of the sewage system, then the property owner shall cause to be discovered to the satisfaction of DEH staff the sewage system condition, dimensions and the soil/site conditions in the immediate vicinity. DEH staff shall document the findings to the file. The DEH Site Evaluation - Standard System Replacement fee should be charged for the work performed by DEH staff. (If PBS allows a variance to the 12 month limit on rebuilding an existing non-conforming structure, then DEH will also allow the same variance for the sewage system.)

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

The discovery and documentation shall include as a minimum:

1. The septic tank location, size, material, and general condition.
2. The leach field location and condition, number of trenches and length and depth of each trench shall be determined and shown on a scale site plan drawing. Leach field may be located with either electronic equipment (less impact) and/or by actual excavation. Excavation to determine trench dimensions shall be required.
3. Soil conditions in the area of the leach field shall also be determined by backhoe excavation (or alternately by soil auger boring if labor is provided). Field texture estimates and all other significant characteristics shall be reported on the *Mendocino County Soil Profile Description* form.
4. The EH staff shall analyze the suitability of the existing system dimensions, condition and design for the proposed new use, using the Basin Plan 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. 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.

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 Basin Plan. 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.

Effective Date: _____

Revised Date: _____

Note:

Director's Initials: _____