

**Salt Lake County Health Department**

**Health Regulation**

**#13**

**WASTEWATER DISPOSAL  
REGULATION**

**Adopted by the Salt Lake County Board of Health  
February 6, 1986**

**Amended:  
August 3, 2006  
September 5, 2013**

**Under Authority of  
Utah Code Ann. § 26A-1-114**

## **1. PURPOSE & APPLICABILITY OF REGULATION**

- 1.1. The purpose of this Regulation is to provide for the health, safety, and general welfare of the citizens of Salt Lake County and protect the environment through the regulation of illegal discharge of wastewater and pollutants to the maximum extent practicable as required by federal, state, and local law.
- 1.2. This Regulation establishes methods for controlling pollution as defined herein. The objectives of this Regulation are:
  - 1.2.1. To mandate connections of buildings to a public sewer system when the sewer is available to property;
  - 1.2.2. To permit and regulate the installation and use of onsite wastewater systems, alternative onsite wastewater systems, wastewater holding tanks and pressure-distribution systems;
  - 1.2.3. To require and regulate toilet facilities; and
  - 1.2.4. To prohibit the illegal discharge of wastewater.

## **2. DEFINITIONS**

For the purposes of this Regulation, the following terms, phrases, and words shall have the meanings herein expressed:

- 2.1. “Absorption system” shall mean a device constructed to receive and to distribute effluent in such a manner that the effluent is effectively filtered and retained below ground surface.
- 2.2. “Alternative onsite wastewater system” shall mean an onsite wastewater system that is not a conventional onsite wastewater system.
- 2.3. “At-grade system” shall mean an alternative onsite wastewater system where the bottom of the absorption system is placed at or below the elevation of the existing site grade, and the top of the distribution pipe is above the elevation of existing site grade, and the absorption system is contained within fill that extends above that grade.
- 2.4. “Black water” shall mean wastewater from toilets and urinals.
- 2.5. “Board” shall mean the Salt Lake County Board of Health.
- 2.6. “Collection Entity” shall mean a political subdivision of the State of Utah which owns and/or operates facilities for collection and transmission of sewage to a treatment plant.

- 2.7. “Contract Service Provider” shall mean an individual that maintains certification in accordance with Utah Administrative Code Rule 317-11.
- 2.7.1. Any individual overseeing maintenance, operation, and sampling of an alternative onsite wastewater system or pressure distribution system shall be Level 3 Certified.
- 2.8. “Conventional onsite wastewater system” shall mean an onsite wastewater system which consists of a building sewer, a septic tank, and an absorption system utilizing absorption trenches, absorption beds, deep wall trenches or seepage pits.
- 2.9. “Department” shall mean the Salt Lake County Health Department (SLCoHD).
- 2.10. “Director” shall mean the Director of the Salt Lake County Health Department or his or her designated representative.
- 2.11. “Discharge” shall mean the accidental or intentional releasing, spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any solid waste or solid waste constituents, wastewater, including leachate, into or on any air, land, or water.
- 2.12. “Human waste” shall mean the waste produced by the human body; including but not limited to urine or fecal matter or both.
- 2.13. “Mound system” shall mean an alternative onsite wastewater system where the bottom of the absorption system is placed above the elevation of the original site, and the absorption system is contained in a mounded fill body above that grade.
- 2.14. “Onsite Wastewater System” shall mean an underground wastewater disposal system that is designed for capacity of 5,000 gallons per day or less, and is not designed to serve multiple dwelling units which are owned by separate owners except condominiums. It usually consists of a building sewer, a septic tank and an absorption system.
- 2.15. “Operating Permit” shall mean the permit that authorizes the operation and maintenance of an alternative onsite wastewater system, pressurized distribution and/or a wastewater holding tank.
- 2.16. “Owner” shall mean any person who alone, jointly, or severally with others:
- 2.16.1. Has legal title to any onsite wastewater system or premises, with or without accompanying actual possession thereof; or
- 2.16.2. Has charge, care, or control of any onsite wastewater system or premises, as legal or equitable owner, tenant, licensee, or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

- 2.17. "Packed Bed Media System" shall mean an alternative onsite wastewater system that uses natural or synthetic media to treat wastewater. Biological treatment is facilitated via microbial growth on the surface of the media. The system may include a pump tank and/or a recirculation tank.
- 2.18. "Person" shall mean any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, or agencies; any municipal corporation, county, city, political subdivision, or any other legal entity recognized by law.
- 2.19. "Pressure Distribution" shall mean a method designed to uniformly distribute effluent under pressure within an absorption system.
- 2.20. "Pollution" shall mean such contamination, or other alternation of the physical, chemical, or biological properties of any waters of the state, or such discharge of any liquid, gaseous or solid substance into any waters of the state as will create a nuisance or render such waters harmful or detrimental or injurious to public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- 2.21. "Publicly-Owned Treatment Works" or "POTW Entity" shall mean a political subdivision of the State of Utah located entirely or partly within Salt Lake County which owns and/or operates a facility for the treatment of sewage whereby sewage is rendered less harmful or objectionable or less of a health hazard.
- 2.22. "Sewage" shall mean a combination of the liquid or water-carried wastes from residences, business buildings, institutions, and other establishments with installed plumbing facilities, together with those from industrial establishments, and with such ground water, surface water, and storm water as may be present.
- 2.23. "Sewer or Sewer System" shall mean pipes, channels, or other facilities used for the collection, transmission, treatment, and/or disposal of sewage by a POTW.
- 2.24. "Sewer Connection Availability" shall mean approval from a sewer district for the connection to an approved sewer system.
- 2.25. "Substance" shall mean any physical matter, including any solid, liquid, or gas whatsoever.
- 2.26. "Surface Water" shall mean any water running, standing, or found on or within five inches of the surface of the ground.
- 2.27. "Waste" or "Pollutant" shall mean dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials,

radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

- 2.28. “Wastewater” shall mean sewage, industrial waste, or other liquid or waterborne substances causing or capable of causing pollution of waters of the state. Intercepted groundwater which is uncontaminated by wastes is not included.
- 2.29. “Wastewater holding tank” shall mean a watertight receptacle designed to receive and store wastewater to facilitate treatment at another location.
- 2.30. “Waters of the State” shall mean (a) all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, which are contained within, flow through, or border upon this state or any portion of the state; and (b) does not include bodies of water confined to and retained within the limits of private property, and which do not develop into or constitute a nuisance, or a public health hazard, or a menace to fish or wildlife.
- 2.31. “Watershed Area” shall mean the area defined in the Department’s Health Regulation #14, Watersheds.

### **3. GENERAL PROVISIONS**

#### **3.1. Jurisdiction of the Department.**

- 3.1.1. This Regulation is promulgated by the Salt Lake County Board of Health as authorized by Utah Code Ann. § 26A-1-121(1), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.1.2. The Department is empowered to enforce this Regulation in all incorporated and unincorporated areas served by the Department as authorized by Utah Code Ann. § 26A-1-114(1) (a), and Chapter 9.04, Salt Lake County Code of Ordinances.
- 3.2. Except as otherwise provided for, it shall be unlawful for any person not to comply with any regulation promulgated by the Department unless granted an express variance by the Salt Lake County Board of Health.
- 3.3. Compliance with this Regulation does not constitute a defense if charged with any environmental crime or violation of any local, state, or federal law.
- 3.4. Legal action taken by the Department under this Regulation does not preclude prosecution for any environmental crime that may have been committed or violation of any other local, state, or federal law.
- 3.5. Nothing in this Regulation affects or modifies in any way the obligations or liability of any person under any other Regulation or provision thereof issued by the Department,

any ordinance issued by Salt Lake County or any municipality located within Salt Lake County, or any state or federally issued law, including common law. However, Departmental Regulations supersede other existing local and county standards, Regulations and ordinances pertaining to similar subject matter that are inconsistent.

- 3.6. **Severance.** If any section, subsection, sentence, clause, or phrase of this Regulation is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Regulation.

#### **4. SUBSTANTIVE PROVISIONS**

- 4.1. **Allowed Onsite Wastewater Systems.** Systems not listed below are prohibited in Salt Lake County. The allowed onsite wastewater systems include:

- (i) Conventional onsite wastewater system;
- (ii) Pressure distribution;
- (iii) At-grade system;
- (iv) Mound system; and
- (v) Packed bed media systems, but does not include peat filter systems.

#### **4.2. Permits Required.**

- 4.2.1. **Department Approval and Onsite Wastewater Permit Required.** No person shall install, construct, alter, replace, enlarge, extend, or otherwise modify any onsite wastewater system unless a valid onsite wastewater permit or alternative onsite wastewater system permit is issued by the Department. No person shall construct, occupy, or own a building that has an onsite wastewater disposal system; install or replace a wastewater holding tank, replace an existing septic tank, replace an existing absorption system, or remodel a building to which an onsite wastewater system is connected in such a way that increases the bedroom count without prior written approval and a corresponding valid Onsite Wastewater Permit, Alternative Onsite Wastewater System Permit, Pressure Distribution Permit, or Wastewater Holding Tank Permit.

#### **4.2.2. Conventional Onsite Wastewater Permit Application.**

- (i) To apply for a Conventional Onsite Wastewater Permit when constructing a building that has an onsite wastewater disposal system or to replace an existing absorption system, the applicant shall:
  - a. Submit a completed Department provided application form;

- b. Submit written documentation from the collection entity which has jurisdiction where the property is located, stating that sewer service is not available;
  - c. Cause percolation tests and soil explorations to be performed by a certified professional in the areas of the primary and replacement absorption system. At least 24 hours prior to performing the tests, the Department shall be notified of the day and time the tests will be performed to give the Department the opportunity to witness the tests.
  - d. Submit a completed application and information pursuant to Utah Administrative Code R317-4-5 to the Department. Plans, percolation tests and/or soil classifications must be performed by a person who is certified as required under Utah Administrative Code R317-11 and which verify that the system meets the requirements of Utah Administrative Code R317-4.
- (ii) To apply for an Onsite Wastewater Permit when remodeling a building to which an existing onsite wastewater system is connected in such a way that increases the bedroom count, the applicant shall submit to the Department properly prepared drawings, engineering reports, and design criteria for review and approval.

**4.2.3. Alternative Onsite Wastewater System or Pressure Distribution Permit Application.**

- (i) To apply for an Alternative Onsite Wastewater System or Pressure Distribution Permit when constructing a building that has an alternative onsite wastewater system or to replace an existing absorption system, the applicant shall:
- a. Submit a completed Department-provided application form;
  - b. Submit written documentation from the collection entity which has jurisdiction where the property is located, stating that sewer service is not available;
  - c. Cause percolation tests and soil explorations to be performed by a certified professional in the areas of the primary and replacement absorption systems. At least 24 hours prior to performing the tests, the Department shall be notified of the day and time the tests will be performed to give the Department the opportunity to witness the tests.
  - d. Submit a completed application and information pursuant to Utah Administrative Code R317-4-5 to the Department. Plans, percolation

tests and/or soil classifications must be performed by a person who is certified as required under Utah Administrative Code R317-11 and which verify that the system meets the requirements of Utah Administrative Code R317-4.

e. Submit evidence that the existence of an alternative onsite wastewater system or pressure distribution system is recorded against the deed of the property in a form approved by the Salt Lake County Health Department.

f. Submit operation and maintenance instructions to the Department for review.

(ii) To apply for an Alternative Onsite Wastewater System Permit or Pressure Distribution System Permit when remodeling a building to which an existing onsite wastewater system or alternative onsite wastewater system is connected in such a way that increases the bedroom count, the applicant shall submit to the Department properly prepared drawings, engineering reports, and design criteria for review and approval.

(iii) Any individual designing, installing, operating or maintaining an alternative onsite wastewater system or pressure distribution system shall be State Certified Level 3 as provided in Utah Administrative Code R317-11.

4.3. **Ground Water Monitoring Permit Required.** A property that is expected or might be expected to have the maximum groundwater table to rise closer than 48 inches to the elevation of the bottom of the absorption system shall require ground water monitoring in accordance with the requirements of Utah Administrative Code R317-4 and obtain a Ground Water Monitoring Permit from the Department.

4.3.1. To apply for a Ground Water Monitoring Permit the applicant shall:

(i) Submit a completed Department-provided application form;

(ii) Perform monthly ground water observations with Department staff participating in quarterly observations; and

(iii) Submit a final ground water monitoring report that includes each observation, observation date, the ground water level observed, and whether the monitoring passed or failed the requirements in Utah Administrative Code R317-4.

4.4. **Permit Validity.** All onsite wastewater system permits, alternative onsite wastewater system permits, and pressure distribution permits are valid for one year from the date of issuance. The Department may grant an extension based upon current regulations.

4.5. **Onsite Wastewater System Construction and Installation.** All conventional onsite wastewater systems, alternative onsite wastewater systems, and pressure distribution systems shall be constructed and installed in accordance with the plans approved by the Department.

4.6. **Operating Permit, Required.** All properties that have an alternative onsite wastewater system, pressure distribution system or wastewater holding tank shall require a valid Operating Permit issued to the owner of the property.

4.6.1. **Operating Permit Application Requirements.** To apply for an Operating Permit the applicant shall:

- (i) Submit a completed Department provided application form;
- (ii) Record on the deed of ownership of the property the existence and the type of alternative onsite wastewater system, pressure distribution system, and wastewater holding tank installed.

4.6.2. **Conditions to Maintain an Alternative Onsite Wastewater System and Pressure Distribution Operating Permit.** In order to receive or maintain an alternative onsite wastewater and pressure distribution operating permit, the owner shall:

- (i) Operate and maintain the system as approved;
- (ii) Have the system inspected as required by this Regulation by a Contract Service Provider;
- (iii) Inspect the system as required in Table 1 and Table 2 by a Contract Service Provider;

TABLE 1 – MINIMUM INSPECTION FREQUENCY <sup>(A)</sup>

Type of System	Annual	Semi-annual
Pressure Distribution	X	
At-Grade (first 5 years only)	X	
Mound System	X	
Packed Bed Media		X
Holding Tank	X	

NOTES

(a) Or more frequently as directed by the regulatory authority.

TABLE 2 – COMPONENTS (A)

Type of System	Septic Tank and Other Tanks.	Distribution or Drop Boxes (if accessible)	Pumps, Float Settings, Control Panel	Pressure Laterals, Absorption Area	Disinfection Unit (c)
Pressure Distribution	X		X	X	
At-Grade	X	X	X	X	
Mound System	X		X	X	
Packed Bed Media	X	X	X	X	X
Holding Tank (b)	X		X		

NOTES

- (a) Inspect other components as directed by the regulatory authority.
- (b) Including pumping records.
- (c) Required for absorption systems installed in excessively permeable soils, or as directed by the regulatory authority.

- (iv) **Submit to the Department the required inspection results within 30 days of the inspection;**
- (v) **Submit to the Department the required sampling results within 30 days of the sample results being received. Sampling shall be completed as required in Table 3;**

TABLE 3 – EFFLUENT SAMPLING PARAMETERS

Packed Bed Media System Routine Sampling Parameters Must sample Turbidity, or BOD <sub>5</sub> and TSS.				
Field Testing	Laboratory Testing			
Turbidity	BOD <sub>5</sub>	TSS	COD (a)	E. coli
≤20 NTUs	≤25 mg/l	≤25 mg/l	≤75 mg/l	<126/100 ml (b)

NOTES

- (a) Chemical oxygen demand (COD) may be used in place of BOD<sub>5</sub>.
- (b) E. coli testing required when a disinfection unit is installed.

- (vi) **Correct any deficiencies noted in the inspections;**
- (vii) **Correct any conditions that cause a system to malfunction or fail;**
- (viii) **Provide accessibility to the system components as required by this Regulation;**

- (ix) Maintain high ground water observation wells if required;
- (x) Consult with the Department if chemicals arising from a hobby, home industry or other unusual activities are discharged into the system; and
- (xi) Pay all the applicable fees.

4.6.3 **Failure to Sample and Perform the Required Inspections.** Failure to perform the required samples as required in Table 3 may result in the Health Department taking the required samples. Sampling costs and time to perform the sampling shall be assessed to the permit holder.

4.6.4 **Failure to Follow the Operation and Maintenance Plan.** Failure to complete and to follow the operation and maintenance plan may result in the property being closed to occupancy and the operating permit being suspended.

4.6.5 **Change of Ownership.** At any time that a property with an Alternative Onsite Wastewater or Pressure Distribution Operating Permit changes ownership, the new owner shall obtain an Alternative Onsite Wastewater or Pressure Distribution Operating Permit within 30 days of the sale of the property.

4.6.6 **Operating Permit Renewal.** An alternative onsite wastewater or pressure distribution operating permit shall be renewed annually 30 days prior to expiration.

- (i) The new operating permit shall begin one calendar day after the old permit expires.

4.6.7 **Operating Permit Validity.**

- (i) An operating permit shall be valid for one year.
- (ii) At-grade operating permits are required annually for five years if functioning according to design. At-grade systems malfunctioning shall require an operating permit annually until five consecutive years of the system functioning according to design.

4.6.8 **Wastewater Holding Tank Operating Permit.** A property utilizing a wastewater holding tank shall have a wastewater holding tank operating permit renewed annually. Each holding tank shall have the following completed annually by a Liquid Waste Hauler Licensed by the Salt Lake County Health Department:

- (i) Pumped annually and the records submitted with annual permit renewal.

- (ii) A report of the wastewater holding tank condition including the ratio of liquid to solids.
- (iii) Inspection of the high water alarm panel and floats as required in Table 2.
- (iv) Pay all the applicable fees.

4.6.9 **Wastewater Holding Tank Operating Permit, Not Required.** A property utilizing a wastewater holding tank prior to the Regulation's effective date shall not be required to have an operating permit. At any time that the wastewater holding tank is found to be failing and/or must be replaced the property owner shall meet the requirements in sections 4.2 and 4.6.8.

4.7. **Prohibited Acts.** It shall be unlawful for any person:

- 4.7.1. To place or conduct any sewage or wastewater into any storm drain system, street, alley, sidewalk, gutter, watercourse, canal, river, stream or other waters of the State of Utah, or in any landscaped area, vacant land, or other place not suited or designated for the disposal of sewage or wastewater.
- 4.7.2. To discharge wastewater into the sanitary sewer, either on or off a job site, without the permission of the owner of the property and the associated POTW. The permit holder shall provide proof of such permission to the Department upon demand.
- 4.7.3. Construct or cause to be constructed a septic tank or other privately owned wastewater disposal system on property required to be connected to the sewer system by section 4.11.
- 4.7.4. To not have the required Alternative Onsite Wastewater, Pressure Distribution, or Wastewater Holding Tank Operating Permit and to not complete the requirements for the operating permit.
- 4.7.5. To construct or cause to be constructed a conventional onsite wastewater system, alternative onsite wastewater system, pressure distribution system, or wastewater holding tank in a Drinking Water Source Protection Zone 1 or 2, unless a land use agreement is obtained from the applicable public water system.

4.8. **Conventional Onsite Wastewater Disposal System and Alternative Onsite Wastewater Disposal System Maintenance, Inspection, and Sampling.** Conventional Onsite wastewater disposal systems and alternative onsite wastewater disposal systems shall be maintained in a manner that prevents the surfacing of sewage, the creation of a nuisance, a public health hazard, or a menace to fish or wildlife.

- 4.8.1. The Department staff may conduct inspections, testing, and sampling as part of its oversight process.

4.8.2. The Department may utilize testing methods to identify failing systems by, but not limited to, the following testing methods:

(i) Dye testing, injected through the sanitary drainage system or directly into the septic tank;

(ii) Hydraulic testing of the absorption system.

4.8.3. Inspection frequency, inspection components, and sampling results shall be completed as required in Tables 1, 2, and 3.

4.9. **Watershed.** Any onsite wastewater system on property in the watershed area shall conform to the Department's Health Regulation #14, Watersheds. All black water discharged from any property in a watershed area shall be discharged into a wastewater holding tank as outlined in Utah Administrative Rule R317-10. Septic tanks with absorption systems shall be used for the disposal of other domestic wastewater in a watershed (from sinks, washbowls, bathtubs, washing machines, and dishwashers) in compliance with Utah Administrative Code R317-4.

4.10. **Failed Systems.** Failing Onsite Wastewater Systems where the installation of a replacement onsite wastewater system is not practicable a property owner may apply for a wastewater holding tank permit and operating permit.

4.11. **Mandatory Connection to Sewer.** The wastewater drainage system of each dwelling, building or premises shall receive all wastewater (including but not limited to bathroom, kitchen, and laundry wastes) and shall have a connection to a public sewer except when such sewer is not available or practicable for use, in which case connection shall be connected to an onsite wastewater system found to be adequate and constructed in accordance with the requirements of Utah Administrative Code R317-4.

4.11.1. The owner of real property shall connect the building to the sewer system within 60 days after receiving written notice of the sewer connection availability, if any part of the sewer conveyance system is situated within 300 feet of any point of the property line. The Department may waive this section if the property owner can demonstrate substantial and unusual hardship which does not present a significant public health risk.

4.11.2. Any subdivision of a parcel of real property shall extend sewer service to the subdivision by multiplying the number of lots by 300 feet per lot. After calculating the sewer extension if any point of the parcel lies within the final extension then all lots in the subdivision shall connect to the sewer service.

4.12. **Subsequent Use of Onsite Wastewater Systems, Alternative Onsite Wastewater Systems, Pressure Distribution System and Wastewater Holding Tanks.** If connection to the sewer system is required pursuant to section 4.11, the owner shall,

within 30 days of connecting to the sewer, pump and abandon any septic tank, wastewater holding tank, or privy vault, remove any outhouse, fill with earth any cesspool located on his property, and make no further use of those or any other privately owned wastewater disposal system. The abandonment of any septic tank shall be performed in accordance with requirements of Utah Administrative Code R317-4. Any pit privy or cesspool shall be backfilled with approximately two feet of compacted earth and mounded slightly to allow for settlement and to prevent depressions for surface ponding of water. Any cesspool, outhouse, septic tank or privy vault that has not been abandoned on property required to be connected to the sewer system is hereby declared to be a public nuisance. Documentation of the abandonment of any onsite wastewater system shall be submitted to the Salt Lake County Health Department within 30 days of completion.

#### 4.13. Toilet Facilities.

4.13.1. **Required.** The owner(s) or occupant(s) of any building used for human habitation shall install and maintain a toilet in conformance with the provisions of Salt Lake County Health Department Regulation #3, section 4.4.2 and the *International Plumbing Code*. It shall be unlawful for any person to establish or maintain any privy, vault privy, or place other than a toilet for the deposit of human waste except as provided in Utah Administrative Code R317-560.

4.13.2. **Required of Construction Contractors.** It shall be the responsibility of the main contractors at any construction site to provide adequate toilet facilities for all workers at the site.

4.13.3. **Required for Events.** Any person responsible for a scheduled event attracting 10 or more individuals to a location where adequate toilet facilities are not otherwise available shall be responsible for providing adequate toilet facilities in accordance with this Regulation.

#### 4.13.4. Emptying.

- (i) **Permanent Facilities.** Any vault, wastewater holding tank, or other approved receptacle used for storage of human waste shall be emptied completely at least once each year by a Waste Contractor, permitted under the Salt Lake County Health Department's Regulation #1. Additionally, the vault or receptacle shall be completely emptied whenever the level of human waste in such vault or receptacle reaches 75 % of capacity or a point 12 inches or less below any removal or leakage point or the ceiling of such vault or receptacle, whichever point is lower.
- (ii) **Temporary Facilities.** Any person providing a temporary toilet facility shall provide for emptying and hauling of the waste from such facility by a Non-Infectious Solid Waste Contractor, permitted under the Salt Lake County Health Department's Regulation #1 to an approved site as often as

needed while the facility is in use and within 24 hours of the termination of the use of the facility.

- 4.13.5. **Seal.** It shall be unlawful for any person to break or remove any seal placed by the Department upon any closet, urinal, or other place where human waste is deposited or to use any such place so sealed, until the nuisance is abated and the seal removed.

## 5. LICENSES, PERMITS, & REGULATORY FEES

- 5.1. The Department may establish and collect appropriate fees for licenses and permits as set out in the Department's Fee Schedule and this Regulation. The Department may collect appropriate fees as set out in the Department's Fee Schedule and in this Regulation for the performance of services, including plan reviews. If information submitted to the Department as required under section 4.2 of this Regulation changes, the applicant shall notify the Department and receive approval prior to altering an onsite wastewater system or an absorption system.
- 5.2. **Conventional Onsite Wastewater Permit Fee.** Any applicant applying for a Conventional Onsite Wastewater Permit as required by section 4. 2 of this Regulation shall be required to remit a Conventional Onsite Wastewater Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application and the State imposed New System Fee as required in Utah Code Ann. § 19-5-122.
- 5.3. **Alternative Onsite Wastewater System or Pressure Distribution Permit Fee.** Any applicant applying for an Alternative Onsite Wastewater System or Pressure Distribution Permit as required by section 4.2 of this Regulation shall be required to remit an Alternative Onsite Wastewater System or Pressure Distribution Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule upon application and the State imposed New System Fee as required in Utah Code Ann. § 19-5-122.
- 5.4. **At-Grade System Operating Permit Fee.** Any applicant applying for an At-grade System Operating Permit as required by section 4.6 of this Regulation shall be required to remit an At-grade System Operating Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application and at time of renewal.
- 5.5. **Mound System or Packed Bed Media System Operating Permit Fee.** Any applicant applying for a Mound System or Packed Bed Media System Operating Permit as required by section 4.6 of this Regulation shall be required to remit a Mound System or Packed Bed Media System Operating Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application and at time of renewal.

- 5.6. **Pressure Distribution Operating Permit Fee.** Any applicant applying for a Pressure Distribution Operating Permit as required by section 4.6 of this Regulation shall be required to remit a Pressure Distribution Operating Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application and at time of renewal.
- 5.7. **Wastewater Holding Tank Operating Permit Fee.** Any applicant applying for a Wastewater Holding Tank Operating Permit as required by section 4.6 of this Regulation shall be required to remit a Wastewater Holding Tank Operating Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application and at time of renewal.
- 5.8. **Septic Tank or Wastewater Holding Tank Replacement Fee.** Any applicant applying to replace a septic tank or wastewater holding tank as required by section 4.2 of this Regulation shall remit a Septic Tank or Wastewater Holding Tank Replacement Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application.
- 5.9. **Ground Water Monitoring Permit Fee.** Any applicant applying to perform ground water monitoring as required by section 4.3 of this Regulation shall remit a Ground Water Monitoring Permit Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule, upon application.
- 5.10. **Sampling Fee.** Any Operating Permit Holder failing to provide the sampling required by section 4.6.3 of this Regulation shall remit the required Sampling Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule and the incurred laboratory costs upon completion and reporting of required sampling by the Department to the Operating Permit Holder.
- 5.11. **Tank Location Fee.** Any person requesting the Department to locate a septic tank or a wastewater holding tank shall remit the required Tank Location Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule and the cost of the locating device to the Department prior to the locating attempt.
- 5.12. **Reinspection Fee.** If a reinspection of an onsite wastewater system or absorption system is required under section 6.2 of this Regulation, the permit applicant shall pay a Reinspection Fee of an amount as provided for or as approved by the Director in the Department's Fee Schedule.
- 5.13. **Late Fees.**
- 5.13.1. The Department may impose upon any party subject to this Regulation penalties and charges for failure to timely pay service and license or permit fees as set out in this Regulation. Attorney's fees and collection fees may also be applied.

- 5.13.2. Fees unpaid to the Health Department after one month of the due date will be assessed a penalty of 10% of the outstanding balance. Failure to pay the fees and additional charges after two months of the due date will be assessed an additional penalty of 15% of the outstanding balance including previous penalties. Failure to pay the fees and additional charges after 100 days of the due date will result in suspension of the permit and the right to operate. A \$40.00 charge will be assessed for each returned check.
- 5.14. Unless otherwise provided for in this Regulation or approved by the Director in the Department's Fee Schedule, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.
- 5.15. **Denial, Suspension, or Revocation of License or Permit.** Any permit applied for or issued pursuant to this Regulation may be denied, suspended, or revoked by the Department for any of the following reasons:
- 5.15.1. Failure of the applicant to show that the onsite wastewater system will be designed, installed, and operated in accordance with the requirements of this Regulation;
- 5.15.2. Submission of incorrect, incomplete, or false information in the application;
- 5.15.3. Failure to pay applicable fees;
- 5.15.4. The onsite wastewater system will be in violation of law;
- 5.15.5. Failure of the owner or operator of the onsite wastewater system to allow the Department to conduct inspections as necessary to determine compliance with this Regulation;
- 5.15.6. Operation of an onsite wastewater system in a way that causes or creates a hazard to the public health, safety, or welfare;
- 5.15.7. Failure to operate or maintain the onsite wastewater system in accordance with the application, report, plans, and specifications approved by the Department; or
- 5.15.8. Failure to comply with any provision of this Regulation.
- 5.16. Unless otherwise provided for in this Regulation or approved by the Director in the Department's Fee Schedule, all fees collected by the Department are non-refundable. All licenses and permits issued by the Department are non-transferable.

## 6. INSPECTIONS & INVESTIGATIONS

- 6.1. To ensure compliance, the Department has the authority to perform inspections, investigations, reviews, and other actions as necessary.

**6.2. Onsite Wastewater System Inspection.** Compliance with applicable rules and this Regulation shall be determined by an on-site inspection by the Department after construction but before backfilling. A 24 hour notice shall be made to the Department when the system is ready for inspection. If the Department must inspect an onsite wastewater system or absorption system more than once due to a determination upon the first inspection that the system has not met the requirements of this Regulation or the system's approved plans, the applicant shall be required to remit the Reinspection Fee stated in section 5.3.

**6.3. Authority for Department to Enter Premises.**

**6.3.1. Regulated Commercial Premises.** Upon presenting proper identification, authorized representatives of the Department may enter upon the premises of properties regulated by the Department to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances adopted by the Department, the Departments of Health & Environmental Quality, county or municipal governing bodies, or the division of Occupational and Professional Licensing.

**6.3.2. Unregulated Commercial Premises.** The Department may enter upon the premises of unregulated commercial properties upon the consent of the owner or otherwise responsible party or upon a warrant issued by a court.

**6.3.3. Private Dwellings.** Inspections of private dwellings are made by consent of owner or otherwise responsible party or upon a warrant issued by a court.

**6.3.4. Consent by License or Permit:** The Department may require licensees or permittees to consent to access for inspections as part of their license or permit. Failure to allow access for inspections as set out in the license or permit may result in the suspension or revocation of the license or permit.

**6.4.** The owner or other responsible person may request information gathered by the Department during an investigation, inspection or review as authorized by the Government Records Access and Management Act, §§ 63-2-101 to 63-2-1001 Utah Code Ann.

**7. ENFORCEMENT MECHANISMS.** If the Department has investigated or inspected any property or facility and believes the property owner or other responsible party is in violation of this Regulation or the Department has other reasonable grounds to believe that there has been a violation of any part of this Regulation or that the property owner or otherwise responsible party is not in compliance with this Regulation, the Department may take civil enforcement action as authorized by statute, rule, ordinance, and regulation and may also refer the matter for criminal prosecution. Civil enforcement may involve court or administrative actions, injunctive actions, and closures and may involve cost recovery, penalties, and other remedies. Civil and criminal actions may be brought simultaneously. A

person does not need to be first adjudged liable in a civil matter before facing criminal charges.

**7.1. Criminal Enforcement Actions.** The Department may recommend criminal prosecution for environmental violations either alone or in conjunction with civil enforcement. Criminal prosecutions for environmental violations of state or federal law may be filed by the District Attorney, Utah Attorney General, United States Department of Justice, or other enforcement entity. Factors that the Department may consider in recommending criminal enforcement include the following factors and any other relevant factors.

- 7.1.1. The nature and seriousness of the offense including the immediacy of the threat of danger to the life or safety of another or the harm or threatened harm to human health or environment;
- 7.1.2. The degree to which the violation was designed to provide economic gain or cost avoidance or it involved a pattern of conduct or a common attitude of illegal conduct;
- 7.1.3. The degree to which the offender is a known violator and has avoided prior actions by the department;
- 7.1.4. The degree to which prosecution might deter future violations;
- 7.1.5. The person's actual culpability in connection with the offense including the presence in connection with the offense including the presence of criminal intent;
- 7.1.6. The person's willingness to cooperate in the investigation including whether the violator has attempted to conceal evidence or prosecution of others;
- 7.1.7. The appropriateness of referring the case to other agencies having prosecutorial interest; and
- 7.1.8. Possibilities of civil remedies which would be more appropriate than initiating the criminal justice process.

**7.2. Civil Enforcement Actions.**

- 7.2.1. The Department may request that the District Attorney bring an action to restrain or enjoin actions in violation of public health, environmental laws, and other laws or abate conditions in violation of such laws.
- 7.2.2. **Strict Liability.** Except as otherwise specifically provided herein, any person violating any provision of this section may be found guilty without regard to fault, knowledge, intent, or the state of mind of the person committing the violation.

### 7.3. Administrative Actions.

- 7.3.1. The Department may, at its discretion, issue a Notice of Violation & Order of Compliance (NOV).
- 7.3.2. **Service of NOV.** The Department may provide notice to the owner of the property or otherwise responsible person by sending the NOV via first class mail to the last known address of the owner of the property or other responsible person. If notice is returned undeliverable, the owner of the property or other responsible person may be personally served or be given notice by other methods reasonably calculated to give actual notice to the owner or other responsible party.
- 7.3.3. **Contents of NOV.** The NOV shall:
- (i) Describe the property and the persons believed to be in violation;
  - (ii) Describe the violation;
  - (iii) Describe remedial action that will comply with the provisions of this Regulation;
  - (iv) Set a reasonable time for the performance of any required remedial action(s);
  - (v) Describe the procedure to contest the NOV and the time limits for such a contest; and
  - (vi) Notify the owner or other responsible person that if no written contest is filed within the time required, the NOV will become final and unappealable to any administrative entity or court.
- 7.3.4. **Challenging an NOV.** As detailed in the SLCoHD's Adjudicative Hearing Procedures, a party aggrieved by an NOV may request a departmental conference, departmental hearing, or departmental appeal in writing within 10 days of the date of the NOV.
- 7.3.5. **Departmental Conference, Settlement Agreements, and Stipulations & Orders.**
- (i) After issuance of the NOV, the alleged violator has the option to request and attend a Departmental Conference to discuss the NOV and settlement with the Department and its legal counsel. No hearing officer will be present. The process of requesting a Departmental Conference are more fully described in the SLCoHD's Adjudicative Hearing Procedures.

- (ii) If the parties agree to a settlement, the Department will prepare, in conjunction with the District Attorney's Office, a binding Settlement Agreement or Stipulation & Consent Order which may require the payment of penalties and the costs of investigation. Parties may also agree to a settlement at any time subsequent to the Departmental Conference. After signing a Settlement Agreement or Stipulation & Consent Decree, the parties waive all rights to further department and court hearings or appeals. Settlement Agreements or Stipulation & Consent orders may be enforced in state courts.

7.3.6. **Hearings & Appeals.** Parties Aggrieved by an NOV may also request a Departmental Hearing or a Departmental Appeal. A hearing officer is present at these proceedings and makes a written determination. The methods of challenging an NOV are more fully described in the SLCoHD's Adjudicative Hearing Procedures. Departmental Hearing Orders and Departmental Appeal Orders may be appealed to the entities and within the time limits set out in the SLCoHD's Adjudicatory Hearing Procedures.

7.3.7. **Failing to respond to an NOV.** If a party fails to respond to an NOV within the required time, the NOV becomes a final order unappealable to any administrative entity or court. The Department may then enforce the order in state court.

#### 7.4. **Additional Administrative Enforcement Authority.**

7.4.1. The Department may declare unsanitary conditions a nuisance and cause every nuisance affecting the public health to be abated.

7.4.2. Any variances allowed by the Department to the requirements of this Regulation shall be only by written approval of the Board.

7.4.3. **Exercise of Physical Control.** The Department may establish, maintain, and exercise physical control over property and over individuals as the Department finds necessary for the protection of the public health including but not limited to closing theaters, schools, and other public or private places and prohibit public gatherings. The order shall be effective immediately. Any person to whom the order is directed shall comply immediately but may petition the Director for a hearing in accordance with the Salt Lake County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it.

7.4.4. **Seal.** The Director may condemn as a nuisance and seal up and forbid the use of any water closet, urinal, or other receptacle into which human waste is deposited if it is not equipped and maintained as provided by law or if any water closet or tank is not cleaned and the contents thereof not hauled away or disposed after

notice is given to the owner or occupant of the premises within the time designated on the notice.

- 7.4.5. **Emergency Enforcement.** If the Director finds that an emergency exists that requires immediate action to protect the public health, he may without notice or hearing issue an order declaring the existence of an emergency and requiring that action be taken as he deems necessary to meet the emergency. The order shall be effective immediately. Any person to whom the order is directed shall comply and abate the nuisance immediately; but may petition the Director for a hearing in accordance with the Salt Lake County Health Department's Adjudicative Hearing Procedures. After the hearing and depending upon the findings as to whether the person has complied with the provisions of this Regulation, the Director shall continue the order in effect or modify or revoke it. If circumstances warrant because of the seriousness of the hazard, the Department may act to correct or abate the emergency without issuance of an order or directive or without waiting for the expiration of compliance time previously given in an order.

## **8. CRIMINAL, CIVIL & ADMINISTRATIVE PENALTIES**

### **8.1. Criminal Penalties.**

- 8.1.1. Any person who is found guilty by a court of violating any of the provisions of this Regulation, either by failing to do the acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Utah Code Ann. § 26A-1-123.
- 8.1.2. Each day such violation is committed or permitted to continue shall constitute a separate violation.
- 8.1.3. Each similar subsequent violation occurring within two years of the initial violation may constitute a class A misdemeanor.

### **8.2. Civil & Administrative Penalties.**

- 8.2.1. Penalties may be included in a Settlement Agreement or Stipulation & Consent Order. Penalties may be assessed according to the following factors:
- (i) The violator's history of compliance or non-compliance;
  - (ii) The violator's economic benefit of non-compliance;
  - (iii) The documented costs associated with environmental or health damage;
  - (iv) The violator's degree of willfulness or negligence; and
  - (v) The violator's good faith efforts to comply and cooperate.

8.2.2. The Director may multiply the penalty by the number of days the violation occurred

**8.3. Recovery of Investigation & Abatement Costs**

8.3.1. The Department may recover its inspection, investigative and abatement expenses and costs from owners or other responsible person.

8.3.2. The Department may record a judgment lien on a violator's property to recover its expenses and costs.

**9. EFFECTIVE DATE**

9.1. This Regulation shall be effective upon its enactment by the Salt Lake County Board of Health.

**APPROVED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

SALT LAKE COUNTY BOARD OF HEALTH

By: \_\_\_\_\_  
SCOTT BROWN, Chair

ATTEST:

\_\_\_\_\_  
GARY L. EDWARDS, M.S.  
Executive Director  
Salt Lake County Health Department