ORDINANCE NO. 1502

AN ORDINANCE REPEALING ARTICLES I THROUGH X OF CHAPTER 25 OF THE SOLANO COUNTY CODE ENTITLED SEWERS AND SEWAGE DISPOSAL AND REENACTING A NEW CHAPTER 25 ENTITLED CHEMICAL TOILETS, SEWAGE PUMPING TRUCKS AND DOMESTIC SEPTAGE DISPOSAL TO LAND.

The Board of Supervisors of the County of Solano, State of California, does ordain as follows:

SECTION I

Articles I through X of Chapter 25 of the Solano County Code, entitled "Sewers and Sewage Disposal," is hereby repealed and a new Chapter 25, entitled "Chemical Toilets, Sewage Pumping Trucks and Domestic Septage Disposal to Land," commencing with Article I and continuing through Article VI is added to read as follows:

CHAPTER 25

Chemical Toilets, Sewage Pumping Trucks and Domestic Septage Disposal to Land

Article I - In General

S 25-100 Purpose
S 25-101 Applicability
S 25-102 Definitions

Article II - Chemical Toilet

S 25-200 Chemical Toilets

Article III - Septic Tank, Chemical Toilet, and Grease Trap Pumping Trucks

S 25-300 Septic Tank, Chemical Toilet, and Grease Trap Pumping Trucks

Article IV - Domestic Septage Disposal

S 25-400 Definitions
S 25-401 Prohibitions on Sludge Disposal
S 25-402 Treated Domestic Septage Requirements

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Article I. In General

Sec. 25-100. - Purposes.

The declared purpose of this chapter is to provide for the regulation of chemical toilets; septic tank, chemical toilet, and grease trap pumping trucks; and domestic septage disposal as well as providing for the issuance, suspension, and revocation of permits therefor in the county.

Sec. 25-101 - Applicability

This chapter shall apply to all unincorporated territory within the county.

Sec. 25-102 - Definitions

Administrative Authority - The Division of Environmental Health shall act as the Administrative Authority for the Department of Environmental Management.

Chemical Toilet - A portable toilet facility which contains a chemical material and a tank to receive human wastes pending removal by a chemical toilet pumping vehicle.

Article II - Chemical Toilets

Sec. 25-200 - Chemical Toilets

A. It shall be unlawful for any person, whether as principal, servant, agent, or employee to clean, install or replace a chemical toilet or dispose of cleanings thereof without having first obtained a permit to do so from the administrative authority. In agricultural areas where chemical toilets are temporarily required for use by farm laborers and are supplied by a commercial operator, permits for a particular location are not required. However, the commercial operator shall comply with obtaining the annual permits required by Section 25-400.

B. Criteria for toilet facilities shall be as follows:

1. Toilet facilities shall provide sufficient space for comfortable use. A minimum area for approximately eight (8) square feet, with a minimum width of two and one-half (2 & 1/2) feet, shall be provided for each toilet seat. A minimum area of ten (10) square feet, with a minimum
width of two and one-half (2 & 1/2) feet shall be required when a urinal is included.

Sufficient additional space shall be included if handwashing fixtures are within the facility.

2. Toilets shall be designed, constructed, and maintained so as to prevent the access of flies to the excreta.

3. Buildings housing toilet and handwashing facilities shall be rigidly constructed and shall provide privacy.

4. The interior walls of units shall be constructed of durable nonabsorbent material, smooth, readily cleanable, and finished in a light color.

5. Units shall be ventilated and provided with self-closing doors which can be fastened from the inside.

C. Servicing of Chemical Toilet Units

Suitable chemicals effective at all times in controlling odors and liquefying solids shall be used for the chemical toilets. It is recommended that such chemicals have the following characteristics:

1. Contain a bacteriostatic agent to prevent decomposition of the sewage;

2. Contain an effective deodorant material to mask objectionable odors;

3. Contain a suitable emulsifying agent, in addition to water, to help break down solid matter.

4. Have sufficient strength to remain effective between changing of the chemicals.

D. Disposal of Contents of Chemical Toilets.

The contents of chemical toilets shall be disposed of at a designated receiving station which discharges to a publicly owned sewage treatment works.

E. Cleansing

Each facility shall be thoroughly cleaned and washed down weekly, or as often as necessary, and at least after each emptying of the chemical toilet.

F. Toilets
It shall be the responsibility of the chemical toilet servicing firm to insure that toilets are serviced and maintained in a clean, sanitary condition and kept in good repair at all times.

G. Identification of Chemical Toilets

The business name shall be evident, on at least one (1) side of the chemical toilet, in letters of three inches (3") in height.

Article III

Septic Tank, Chemical Toilet, and Grease Trap Pumping Trucks

Sec. 25-300 - Septic tank, chemical toilet, and grease trap pumping trucks

A. It shall be unlawful for any person or firm to carry on, solicit, or engage in the business of the cleansing of septic tanks, chemical toilets, or grease traps or to dispose of the cleaning therefrom in the County of Solano without a valid permit issued by the administrative authority for the carrying on of said business.

B. Criteria for septic tank, chemical toilet, and grease trap pumping trucks.

1. Upon each side of every vehicle, for which registration is required, there shall be printed or affixed in permanent plain legible letters and numbers at least four inches (4") high, the permanent name and address of the registrant or establishment. The certified gallonage capacity of the tanks shall appear on the tank on both sides in numerals of a minimum of four inches (4") high in height and shall be fully legible and visible at all times. Such capacity as shown shall be that approved and certified by the Sealer of Weights and Measures of the County of Solano, or other approved Sealer of Weights and Measures. There shall be at least three (3) tanks for waste, water, and disinfectant except for vehicles used exclusively for septic tank pumping which shall have at least two (2) tanks. All pumping hoses must be cleaned out into the truck tank or into the septic tank, or chemical toilet being pumped, and not on the surface of the ground. There shall be carried on each unit at all times, a sufficient quantity of chlorinated lime or other product approved by the permitting authority for disinfection of hoses and areas where accidental spillage of sewage might occur.

2. It is unlawful for any person or firm to park sewage effluent pumping trucks at the close of a working day on a public street or thoroughfare.
3. All pumping trucks shall have the sewage effluent removed from the tanks at the close of each work day. The sewage shall be disposed of at an approved location.

4. All discharge lines and valves shall have screw type caps, or other devices approved by the administrative authority.

**Article IV - Domestic Septage Disposal**

**Section 25-400 Definitions**

Whenever the following terms are used in this Article, they shall have the meanings respectively ascribed to them in this section.

**Agricultural Land** - land on which a food crop, a feed crop, or a fiber crop is grown. This includes range land and land used as pasture.

**Agronomic Rate** - is the whole domestic septage application rate (dry weight basis) designed to:

(1) To provide the amount of nitrogen needed by the food crop, feed crop, fiber crop, cover crop, or vegetation grown on the land; and

(2) To minimize the amount of nitrogen that passes below the root zone of the crop or vegetation grown on the lands to the ground water.

**Applicator** - any person, company organization, or other legal entity engaged, or about to become engaged in the placement of domestic septage on land at a controlled rate for the purpose of enhancing the growth of plants in accordance with the provisions of this chapter.

**Land Application** - the placement of domestic septage on agricultural land intended to support vegetative growth, forests, or reclamation sites.

**Domestic Septage** - liquid or solid material removed from septic tanks and cesspools. Domestic septage does not include liquid or solid material removed from a septic tank cesspool, or similar treatment works that receives either commercial wastewater or industrial wastewater and does not include grease removed from a grease trap at a restaurant.

**Person** - any person, firm, business, city, county, district, special district, including a water district, sole proprietorship, partnership, joint venture, trust, association, or corporation whether for profit or non-profit.
Treatment - a process, approved by the Administrative Authority, which alters, modifies, or changes the biological, physical, and/or chemical characteristics of domestic septage.

Section 25-401 Prohibitions
A. It shall be unlawful for any person, whether as principal, servant, agent, or employee to dispose of sewage or other waste, or the effluent of treated sewage or other waste, in any manner which will result in contamination, pollution, or a nuisance.

B. The application of untreated domestic septage on land is prohibited.

C. The application of septage on land originating from commercial and industrial facilities, treated or untreated, is prohibited. Only treated septage from domestic sources may be applied to land.

D. It shall be unlawful for any person to operate a domestic septage treatment facility, conduct business in the sale, distribution, and marketing of domestic septage, or the disposal of domestic septage without first securing all required permits including those issued by the Regional Water Quality Control Board and the Administrative Authority.

E. No person shall apply domestic septage to agricultural land, forest, or a reclamation site during a 365 day period if the annual application rate in section 25-402 D has been reached during that period.

F. The requirements of this Article only apply to the land disposal of domestic septage. It does not apply to the land application or disposal of Class "A" or Class "B" sludges as defined by Title 40, Part 503, Code of Federal Regulations, as amended, when the land application or disposal is in conformance with the requirements of Title 40, Part 503, Code of Federal Regulations, as amended.

Section 25-402 Requirements
Domestic septage applied to the land shall meet all of the following standards:

A. General Requirements

1. Staging areas and domestic septage application shall be at least:
   a. 50 feet from property lines.
   b. 100 feet from domestic or public water supply wells or occupied dwellings.
c. 50 feet from public roads.
d. 100 feet from an intermittent or perennial stream.

2. Domestic septage shall not be applied on slopes exceeding 10 percent.

3. The land application of treated domestic septage shall not be made where the depth to ground water is less than five (5) feet from the soil surface.

4. Domestic septage shall not be applied to water saturated ground, applied during periods of heavy rainfall, when the ground is frozen, or when wind speeds exceed 20 m.p.h.

5. The application of domestic septage be restricted to Agricultural Lands identified in the County General Plan.

6. Domestic septage shall not be stored at the application site for more than 24 hours.

7. All of the requirements of the California Regional Water Quality Control Board and applicable sections of Title 40, Code of Federal Regulations (CFR), Part 503 or its revisions shall be met.

B. Operational Standards - Pathogen Reduction and Vector Reduction.

1. Pathogen Reduction

The pH of domestic septage applied to land shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes and the following site restrictions shall be met:

a. Food crops with harvested parts that touch the treated domestic septage/soil mixture and are totally above the land surface shall not be harvested for 14 months after application of domestic septage.

b. Food crops with harvested parts below the surface of the land shall not be harvested for 20 months after application of treated domestic septage when septage remains on the land surface for four months or longer prior to incorporation into the soil.

c. Food crops with harvested parts below the surface of the land shall not be harvested for 38 months after application of treated domestic septage when the septage remains on the land surface for less than four months prior to incorporation into the soil.
d. Food crops, feed crops, and fiber crops shall not be harvested for 30 days after application of treated domestic septage.

2. Vector Attraction Reduction Requirements

a. The pH of domestic septage shall be raised to 12 or higher by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 30 minutes.

b. (i) Treated domestic septage shall be injected below the surface of the land and no significant amount of the septage shall be present within one hour after the septage is injected or;
(ii) Treated domestic septage applied to the land surface shall be incorporated into the soil within six hours after application to or placement on the land.

C. Monitoring

Each container of domestic septage applied to land shall be monitored for compliance with these requirements. Records shall be maintained and are subject to review during the normal hours of business by the Administrative Authority and shall be retained for five years.

D. Pollutant Limits

The annual application rate for treated domestic septage applied to land shall not exceed the annual application rate calculated using the following equation:

\[
\text{AAR} = \frac{N}{0.0026}
\]

Where:

- \( \text{AAR} \) = Annual application rate in gallons per acre per 365 day period.
- \( N \) = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

E. Record Keeping

When treated domestic septage is applied to land, the person who applies the septage shall develop the following information and shall submit it annually to the Administrative Authority. In addition, the information shall be retained for five years for review by the Administrative Authority.
1. The location, by either street address, latitude and longitude, or accessor's parcel number of each site on which treated domestic septage is applied.

2. The number of acres in each site on which treated domestic septage is applied.

3. The date and time treated domestic septage is applied to each site.

4. The nitrogen requirement for the crop or vegetation grown on each site during a 365 day period.

5. The rate, in gallons per acre per 365 day period, at which treated domestic septage is applied to each site.

6. The following certification statement:

"I certify under penalty of law, that the pathogen reduction vector attraction reduction requirements listed above have been met. This determination has been made under my direction and supervision in accordance with the system designed to assure that qualified personnel properly gather and evaluate the information used to determine that the pathogen reduction and vector attraction reduction requirements have been met. I am aware that there are significant penalties for false certification including the possibility of fine and imprisonment."

7. A description of how the pathogen reduction requirements are met.

8. A description of how the vector attraction reduction requirement are met.

F. Application for a Permit

Applications for a permit to apply treated domestic septage to land pursuant to this article shall be made to the Administrative Authority upon forms provided by the Administrative Authority. The application shall be accompanied by an application fee as established by the Board of Supervisors, and shall include the following information and/or documents:

1. General Information
   a. Name, address and phone number of the applicant.
   b. Name, address, phone number and type of business.
c. Identification of the local manager and responsible office personnel.

d. A statement setting forth facts demonstrating that the applicant owns or has access to suitable facilities for equipment cleaning, maintenance and storage. The location of all such facilities shall be provided in the application. Included with this statement shall be documentation indicating these facilities are properly zoned and constructed consistent with appropriate local ordinances.

e. A statement regarding the applicant’s experience and capability in the collection, transportation, treatment and application of domestic septage.

f. A list of vehicles to be used for the transportation and/or application of domestic septage.

g. A description of the process used to treat the domestic septage and the method used to apply the septage to land.

h. Application Rate Design. A detailed plan of operation which shall include:

(1) Annual application rate of domestic septage
(2) Description of equipment to be used
(3) Special procedures for equipment breakdown
(4) Spill prevention and response plans
(5) Crop selection
(6) Site operation
(7) Surface water protection measures
(8) Buffer zones
(9) Soil incorporation methods
(10) Inclement weather plan
(11) Slope of ground
(12) Staging areas
(13) Soil pH control plan
(14) Soil testing
(15) Treated domestic septage application rate per crop
(16) Tail water control plans
(17) Transportation plans including: (i) proposed delivery truck route(s) to site; (ii) proposed frequency and hours of delivery; (iii) local traffic conditions; (iv) proposed methods to prevent tracking of mud or septage upon the roadways.
(18) Nuisance avoidance measures.
i. Name of water delivery and/or drainage agency in whose jurisdiction the septage is applied.

2. Site Application Information
   a. Name, address and phone number of the lessee and/or land owner agreeing to the application of domestic septage, allowable crops, right of entry, site restrictions and any other conditions deemed necessary by the Administrative Authority.
   b. Assessor parcel number of site location.
   c. A list of predominate soils on the site.
   d. The land use designation of the site.
   e. The net acreage, depth to ground water, annual septage application rate, lifetime application rate, buffer zones for occupied dwellings, property lines, roads and wells.
   f. A detailed site plan prepared at a scale acceptable to the Administrative Authority depicting the site boundary, limits of septage application, drainage courses, homes, wells, irrigation structures and canals within 500 feet of the site.
   g. A statement by an individual certified by the American Registry of Certified Professionals in Agronomy, Crops and Soils indication the recommended agronomic rates for sludge application. Such recommendation must be site specific.
   h. Any other relevant information requested by the Administrative Authority.

G. Bonds. The applicator shall furnish a corporate surety bond as security for performance under the site permit. The amount of the bond shall be no less than $50,000. The County of Solano shall be named as the obligee.

H. Right of Entry. As a requirement of the issuance of a permit under this article, the applicator, farm operator, land owner or lessee shall agree to allow the representatives of the Administrative Authority or other regulatory agencies at reasonable times and upon presentation of credentials to:
1. Enter upon the applicator's premises or location where any records are required to be kept under the terms and conditions of the permit;

2. Have access to and copy any records required to be kept under the terms and conditions of this approval;

3. Inspect any monitoring equipment or observe any monitoring method required in the permit;

4. Inspect any collection, transport vehicles, treatment, pollution management, or control facilities required under the permit;

5. Enter any site, during reasonable hours, where septage is proposed to be used or has been applied or stored and sample any ground or surface waters, soils, vegetation, sludge or other materials on the site; and,

6. Obtain any photographic documentation or evidence.
Article V Permit Fees

Sec. 25-500 - Generally

The permit fee for each permit issued pursuant to the provisions of this chapter shall be determined in the amount, and payable at the time and method set by the board of supervisors, pursuant to chapter 1, Section 1 - 18 of this Code.

Article VI Abatement

Sec. 25-600 - Enforcement of Chapter; Adoption of Regulations

The Department of Environmental Management shall be empowered to ensure the enforcement of the provisions of this chapter. Departmental regulations implementing this chapter shall be adopted by resolution of the board of supervisors.

Sec. 25-601 - Penalty for Violation of Chapter

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than five hundred dollars for the first offense. A continuing or subsequent offense upon conviction shall be punishable by a fine of not more than five hundred dollars or imprisonment in the county jail for not more than six months, or by both such fine and imprisonment. Such persons shall be deemed to be guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued, or permitted by such person.

SECTION II.

Pursuant to provisions of Government Code Section 25124(b) (1), a Summary of this Ordinance shall be published once, at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors at which the Ordinance is to be finally considered for adoption (second reading), and a Summary of this Ordinance, with the vote of the members of the Board of Supervisors thereon, shall also be published once before the expiration of FIFTEEN (15) DAYS after adoption of the Ordinance. Both publications shall be in the DAILY REPUBLIC, a newspaper of general circulation, printed and published in the County of Solano, State of California, and shall be in full force and effect THIRTY (30) DAYS after its passage.

A certified copy of the full text of the proposed Ordinance shall be posted in the office of the Clerk to the Board of Supervisors at least FIVE (5) DAYS prior to the meeting of the Board of Supervisors, at which the Ordinance is to be finally considered for adoption (second reading). A certified copy of the
final Ordinance shall be posted in the Office of the Clerk to the Board of Supervisors, at least FIFTEEN (15) DAY after adoption of the ordinance, and the posting shall include the vote of the Supervisors for or against the Ordinance.

ATTEST:

LINDA TERRA, Clerk to the Board of Supervisors

I, LINDA TERRA, Clerk to the Board of Supervisors of the County of Solano, State of California, do hereby certify that the above and foregoing Ordinance was introduced at a regular meeting thereof held the 22nd day of November, 1994.

On the motion of Supervisor Kondylis and the Second of Supervisor Schlenker, this Ordinance was adopted at a regular meeting of said Board on December 6, 1994, by the following vote:

AYES: SUPERVISORS Kondylis, Schlenker, Thomson and Chairman Carroll

NOES: SUPERVISORS None

ABSTAINED: SUPERVISORS None

ABSENT: SUPERVISORS Caddle

WITNESS my hand and the Seal of said Board this 6th day of December, 1994.

LINDA TERRA, Clerk to the Board of Supervisors

By LINDA TERRA