

WEBER-MORGAN HEALTH DEPARTMENT

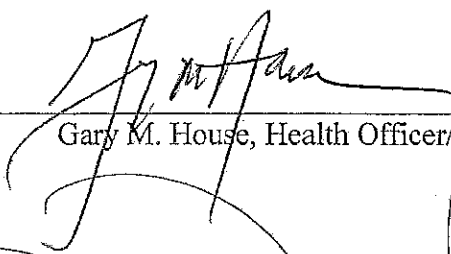
ONSITE WASTEWATER TREATMENT SYSTEMS REGULATION

Adopted by the Weber-Morgan Board of Health

November 25, 2013

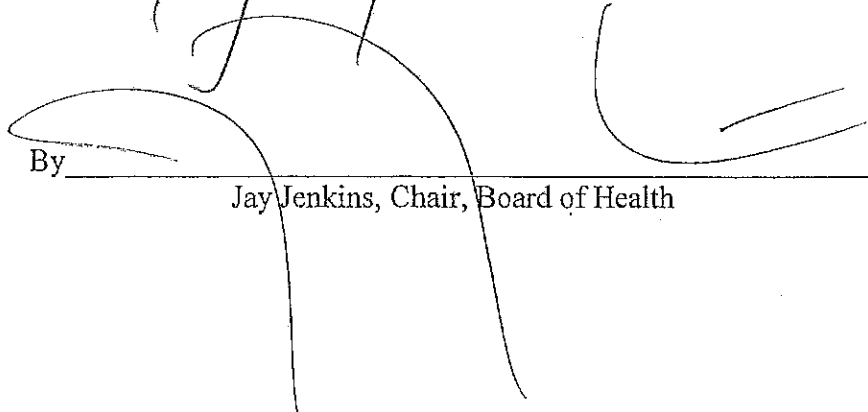
Under Authority of Section 26A-1-121
Utah Code Annotated, 1953, as amended

By



Gary M. House, Health Officer/Director

By



Jay Jenkins, Chair, Board of Health

**WEBER-MORGAN HEALTH DEPARTMENT
ONSITE WASTEWATER TREATMENT SYSTEMS REGULATION**

1.0 Title, Applicability and Purpose.

- 1.1 These standards shall be known as the Onsite Wastewater Treatment System Regulation, hereinafter referred to as "this Regulation."
- 1.2 This regulation shall govern the treatment of wastewater by regulating onsite wastewater treatment systems.
- 1.3 This regulation establishes definitions; sets administrative requirements, design and installation requirements, soil and ground water requirements and design and installation requirements of onsite wastewater treatment systems to protect public health and the environment.

2.0 Authority.

- 2.1 It is the responsibility of the Weber-Morgan Health Department to provide wastewater management services for the citizens of Weber and Morgan Counties as legislated under Section 26A-1-106 and 26A-1-108 of the Utah Code Annotated, 1953 as amended.
- 2.2 The Weber-Morgan Board of Health is authorized to make standards and regulations pursuant to Subsection 26A-1-121(1) of the Utah Code Annotated, 1953 as amended.
- 2.3 The Weber-Morgan Board of Health is authorized to establish and collect fees pursuant to Section 26A-1-114 of the Utah Code Annotated, 1953 as amended.
- 2.4 The Weber-Morgan Health Department may deny any application for a permit if it appears that the operation of the onsite wastewater treatment system will not comply with this regulation.

3.0 Prohibitions.

- 3.1 It shall be unlawful to install, construct, alter, replace, enlarge, extend, or otherwise modify any wastewater treatment system unless a wastewater treatment permit is issued by the Department.
- 3.2 It shall be unlawful to change the use of real property, expand a building or dwelling, or add accessory buildings or structures occupying an area greater than 120 square feet, without a review of the wastewater treatment system by the Department.

3.2.A Accessory buildings or structures include, but are not limited to, garages, sheds, barns, swimming pools, patios, decks and driveways or parking areas.

3.3 It shall be unlawful to use or maintain any wastewater treatment system that is not adequately functioning or permitted as required by this rule. Wastewater treatment systems shall be maintained in good working order. There shall be no activities or conditions permitted which would interfere with the proper operation of wastewater treatment systems. It is specifically prohibited to construct or place buildings, to install paving, to plant trees or shrubs, to regrade or place fill, to graze livestock, to allow crossing by vehicles, to install above ground pools, or to install driveways or parking areas over systems.

3.4 It shall be unlawful to discharge anything but wastewater into a wastewater treatment system. Surface and subsurface water including roof, cellar, foundation, and storm drainage shall not be discharged into the wastewater treatment system and shall be disposed of so as to in no way affect the proper functioning of the system.

4.0 Incorporation by Reference.

The requirements as found in the Utah Department of Environmental Quality, Onsite Wastewater Systems Rule, R317-4 are adopted and incorporated by reference with Weber-Morgan Health Department amendments:

Information to assist the User.

The structural nomenclature for amending the State Rule will be as follows:

Title	R317
Rule	R317-4
Section	R317-4-1
Section	R317-4-1.1
Subsection	R317-4-1.1.A
Subsection	R317-4-1.1.A.1
Subsection	R317-4-1.1.A.1.a
Subsection	R317-4-1.1.A.1.a.i
Subsection	R313-4-1.1.A.1.A.i.(1)

4.1 Add new Section 1.4.B.1 to read:

1. Renewable Operating Permits. All properties required to use a Mound, Packed Bed Media System or a system utilizing pressure distribution, for onsite wastewater treatment shall have a valid renewable operating permit.

a. Operating permits will be issued after final construction approval and shall be renewed annually.

b. Failure to renew the operating permit will result in a late fee being

assessed. The late fee will consist of the permit fee being doubled for thirty days overdue, tripled for sixty days overdue, and quadrupled for ninety days overdue.

c. Failure to renew an operating permit after ninety days will result in the Department conducting the required inspections, or contracting out the required inspections to a contract service provider. All costs incurred by the Department to insure a permitted system is inspected as required will be billed to the property owner.

d. Operating permits shall only be issued when the following requirements are met;

1. The system has been installed and tested according to the approved design.
2. The operation and maintenance instructions have been finalized and approved by the Department.
3. All other requirements of the construction permit have been met.

e. Operating permits shall be renewed only after the following requirements have been met;

- i. The system has been inspected as required by R317-4 Table 7, by a contract service provider, and inspection results have been submitted to the Department within 30 days of completed inspection.
- ii. Semiannual effluent test results as required by R317-4 Table 7 have been submitted and meet the applicable requirements. This applies to packed bed media only.
- iii. Deficiencies noted in inspections have been corrected.
- iv. The system is operated and maintained as approved.
- v. The system is not deemed noncompliant as per rule.
- vi. All applicable fees have been paid.

f. Operating permits will only be issued to an individual. The individual must demonstrate ownership of the property, and will be responsible to maintain contracts with a contract service provider, and keep operating permits current.

g. Operating permits will require a name change for any change of ownership of the property required to have a renewable operating permit. This requirement will be recorded on the deed of ownership, and changes made at time of sale. The Board of Health may establish a fee to cover the costs associated with changing the renewable operating permit.

4.2 Amend Subsection 1.5.B.4.b to read:

b. A contract service provider as follows:

- i. Contract Service Providers operating within Weber or Morgan Counties shall be certified through the Department.
- ii. Certification will require that each Contract Service Provider maintain a current Utah State Level 3, Design, Inspection and Maintenance of Alternative Underground Wastewater Disposal Systems Wastewater Certification as required by Utah Administrative Code R317-11, Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems, as amended.
- iii. A Contract Service Provider may obtain a waiver from this requirement if they are providing service for a specific manufactured type of system, and are authorized by the manufacturer of that system.

- 4.3 Add Definition to Section 2 to read:
2.57.1 "Department" means the Weber-Morgan Health Department, Division of Environmental Health.
- 4.4 Add Definition to Section 2 to read:
2.46.1 "Flood Fringe" means that portion of the flood plain outside the flood way in which encroachment is permissible.
- 4.5 Add Definition to Section 2 to read:
2.46.2 "Flood Plain" means any land area susceptible to inundation by floodwaters from any stream, lake or reservoir.
- 4.6 Add Definition to Section 2 to read:
2.46.2 "Floodway" means the channel of a river or flowing watercourse and a calculated amount of the adjacent areas that must be reserved in order to discharge the 1% flood without cumulatively increasing the water surface elevation more than a given amount, usually one foot, but it could be less.
- 4.7 Amend Definition 2.57 to read:
2.57 "Local health department" means the Weber-Morgan Health Department, Division of Environmental Health.
- 4.8 Add new Definition to Section 2 to read:
2.68.1 "Onsite Wastewater Treatment System" means the same as Onsite Wastewater System.
- 4.9 Amend Definition 2.82 to read:
2.82 "Regulatory Authority" means the Weber-Morgan Health Department, Division of Environmental Health.
- 4.10 Add new Definition to Section 2 to read:

2.85.1 "Rule" means the Weber-Morgan Health Department Onsite Wastewater Treatment System Regulation and related rules and regulations.

4.11 Add Definition to Section 2 to read:

2.95.1 "Sheet Flow" means an area of shallow water that is stationary, or flows, with the water surface roughly paralleling the surface of the ground.

4.12 Add new Subsection C. to Section 3.3 to read:

C. The sewer may be considered as not being available when such sewer is located more than 300 feet from any building which abuts and is served by such sewer. Proposed subdivisions within 300 feet times the number of lots shall be approved only when connected to the public sewer. The rearrangement or subdivision of a parcel into smaller parcels or multiple phase subdivisions, shall not be deemed cause to permit the construction of an onsite wastewater treatment system, and all plumbing and drainage systems on any such parcel or parcels shall connect to the public sewer.

4.13 Amend Subsection 4.1.A. to read:

A. General Information. For proposed new subdivisions, an application for a Site and Soil Evaluation shall be required and shall include appropriate processing fees as determined by the Weber-Morgan Board of Health. For final Department approval of a new subdivision, each lot must be evaluated by the Department and each lot must be feasible for installation of an onsite wastewater treatment system. The required information shall include:

1. the county recorder's plat and parcel ID and situs address if available;
2. name and address of the property owner and person requesting feasibility; and
3. the location, type, and depth of all existing and proposed non-public water supply sources within 200 feet of the proposed onsite wastewater systems, and of all existing or proposed public water supply sources within 1,500 feet of the proposed onsite wastewater systems.
 - a. If the lot is located in aquifer recharge areas or areas of other particular geologic concern, the regulatory authority may require such additional information relative to ground water movement, or possible subsurface wastewater flow.
 - b. If the proposed onsite wastewater system is located within any drinking water source protection zone two, this zone shall be shown.
4. The location and distance to nearest sewer, owner of sewer, whether property is located within service boundary, and size of sewer.
5. Statement of proposed use if other than a single-family dwelling.

4.14 Amend Subsection 4.1.B.1.e to read:

e. Soil exploration pits and percolation tests shall be conducted within 50 feet of the proposed absorption system site. The regulatory authority shall have the option of inspecting the open soil exploration pits and monitoring the percolation test procedure. All soil logs and percolation test results shall be submitted to the regulatory authority.

4.15 Add Subsection 4.1.B.1.g.i to read:

i. In Ogden Canyon and Ogden Valley, the fastest allowable percolation rate is 5 minutes per inch for installation of conventional, at-grade, or mound systems. Packed bed media systems may be allowed when percolation rates are faster than 5 minutes per inch.

4.16 Amend Subsection 4.1.B.6.c. to read:

c. If any part of a subdivision lies within or abuts a flood plain area, the flood plain shall be shown within a contour line and shall be clearly labeled on the plan with the words "flood plain area". Absorption systems may be installed within a floodplain provided that the following conditions are met:

i. A 100 foot separation from the floodway and normal water channel shall be maintained, and;

ii. The installed At-Grade absorption system is provided with a twenty five foot zone of protection within the flood fringe, or areas known to experience sheet flows.

4.17 Amend Subsection 4.1.C.1 to read:

1. Within the Weber-Morgan Health Department jurisdiction, Table 1.1 shall be used for determining minimum lot size for a single family dwelling. Table 1.1 Nonpublic Water Supply, shall be used for determining minimum lot size for a single-family dwelling when an onsite wastewater treatment system is to be used and the culinary water is provided from a nonpublic water system.

Where the culinary water supply is to be a nonpublic water system, the lot shall meet the minimum lot size requirements and be so shaped and sized to allow for a 100 foot radius protection zone to protect the well from concentrated sources of pollution and to provide an area outside the protection zone large enough to install the onsite wastewater treatment system and a 100 percent replacement area.

4.18 Amend Subsection 4.1.C.2.b to read;

b. For non-residential facilities, one-half of the buildable area of the lot must be

available for the absorption system and replacement area. Proposed lots shall meet the minimum lots size requirements of Table 1.

4.19 Add new Subsection D. to Section 4.1. to read:

D. Variance to Section 4.1.D lot size. The Board of Health may grant a variance to the 20,000 square foot lot size requirement when the following requirements are met:

1. The site must comply with R317-4 Utah Administrative Code, Onsite Wastewater System Rule.
2. A variance may only be considered on lots recorded prior to November 27, 2006. Nothing in this variance is intended to preclude from consideration those lots recorded prior to (the adoption date of this provision), which have been properly combined, at any time after the original recording, in accordance with all relevant Weber or Morgan County land use ordinances.
3. A site specific request is submitted identifying the specific criteria from which a variance is being requested. Requests are to include;
 - a. Technical justification by a Utah Registered Professional Engineer or Professional Geologist, that is currently certified as a Utah Level 2 Onsite Wastewater System Design Professional;
 - b. Justification shall include a statement of wastewater treatment technologies allowed by Utah Administrative Code R317-4 that have been considered for use, and that will provide the best available treatment to remove pollutants;
 - c. A statement of alternatives considered in lieu of the requested variance;
 - d. A statement of hardship, which creates the necessity for the variance. No variance will be allowed solely for economic gain.
4. The applicant has the burden of proof that the variance is justified and will pose no greater risk to public health or the environment than a system meeting the standard being varied.
5. A deed covenant and restriction is recorded with the land notifying owners of the following:
 - a. Only domestic wastewater is to be discharged to the septic system;
 - b. Representatives of the Department shall be allowed access to the land for the purpose of inspection of, or monitoring of, the wastewater treatment system;
 - c. The owner shall be responsible for all system maintenance and to correct, repair, or replace the system at the direction of the

Department.

6. A variance shall be received and reviewed by the Weber-Morgan Health Department Wastewater Advisory Committee and forwarded to the Weber-Morgan Board of Health with recommendations;

7. The Board of Health retains the ability to impose requirements and conditions on any variance granted.

4.20 Add new Subsection D to Section 4.1 to read;

D. Lots utilizing non-public water system recorded prior to May 21, 1984. The department may issue a construction permit for new construction or a letter of approval for an expansion of use of an existing structure on lots recorded prior to May 21st, 1984 that do not meet the minimum lots size requirements of Table 1 under the following conditions;

1. The department has a soils evaluation on record
2. The department has a passing percolation test on record (if required)
3. The department has received a set of plans detailing existing structures and use, and proposed structures and use.
4. The department has received a minimum of two copies of an Onsite Wastewater Treatment System plan prepared by a Certified Onsite Wastewater System Designer
5. The plan demonstrates adequate room available for placement of the onsite wastewater treatment system components including the 100% replacement absorption system and the location of an alternating valve
6. The original absorption system and replacement absorption system must be installed prior to approval being given. Appropriate valving between absorption systems must be installed to allow for alternating flows between absorption systems on an annual basis
7. All required separation distances are met
8. Property owners may be able to use an existing absorption system when the department can verify the tank size and location, absorption system type, size and location, that separation distance requirements are met, and the system is functioning effectively. The property owner shall install the replacement absorption system prior to final approval for occupancy being granted for expansion
9. Absorption systems without permit records are unable to be verified

and will require replacement of the original absorption system and the replacement absorption system for approval.

10. Unapproved nonpublic water systems will require sampling and must demonstrate adequate conditions before approvals will be issued.

4.21 Amend Subsection 4.3 Statement of Feasibility to read:

After review of all information, plans, and proposals, the Department shall make a written determination of feasibility stating the results of the review or the need for additional information.

A. Issuance of feasibility approval for any parcel of land that has not been recorded as a building lot shall be valid for a maximum period of eighteen months. Upon written application by the property owner, the Department may grant an extension based upon current regulations. No grandfather provisions shall be allowed.

1. After a parcel has been recorded as a building lot, conditions for approval may change to meet requirements of regulations in effect at that time.
2. If conditions or additional information are documented that are different from the original site evaluation, this information shall be used to establish requirements for the issuance of an on-site wastewater treatment permit.

4.22 Amend Subsection 4.B.4.a.i. to read:

i. Regular monitoring of the ground water table or ground water table, perched, in an observation well for a period of one year or for the period of maximum ground water table in a year of average or better precipitation as recorded by the National Climatic Data Center, Ashville, NC.

4.23 Add new Subsection (1) to Subsection 4.1.B.4.a.iii. to read:

(1). Previous ground water records from monitoring sites within a 600 foot radius of the site can be used in determining the maximum ground water table provided that the properties are under the same ownership, or written permission is given to use adjacent property owner's results.

4.24 Amend Subsection 4.B.4.b. to read:

b. Curtain Drains. A curtain drain, land drain, or other ground water interceptor may be allowed as a condition for the approval of an onsite wastewater treatment system under the following conditions:

1. The system design shall be completed by a licensed, insured,

professional engineer.

2. The ability of the design to maintain ground water elevation at least two feet below the bottom of the trenches of the installed absorption system or similarly functioning part of the treatment system shall be demonstrated using computational techniques or field simulation of rapid ground water recharge and high water table conditions. Evidence that inadequately treated septic tank effluent will not enter the curtain drain, land drain, or other ground water interceptor system must be presented. This evidence may include computational simulation of effluent water and dissolved pollutant travel times to the curtain drain, land drain, or other ground water interceptor system.

3. The ability of the system to be operated and to maintain appropriate ground water elevations shall be monitored for one year. Piezometers shall remain accessible following the monitoring period. An inspection certificate or letter of completion from a licensed, insured, professional engineer shall certify that the system was installed as designed and that it has functioned as designed for one year.

4. The curtain drain, land drain, or other ground water interceptor shall be determined to be in a state of failure any time the ground water table rises to less than two feet below the bottom of the trenches of the installed drain field or similarly functioning part of the treatment system.

5. The location of the installed curtain drain, land drain, or other ground water interceptor is to be recorded on the final plat along with notification that the owner of the property is responsible for maintenance and repair or replacement in the event of failure.

4.25 Add new Section 6.4.B.1 to read:

1. As a condition for approval of a commercial establishment utilizing an onsite wastewater treatment system, the owner shall obtain a letter from a public sewer facility and/or district stating that the septage generated by the facility may be acceptable for final treatment within their facility under normal operating practices. If authorization is necessary for disposal of sewage at certain facilities, evidence of such authorization must be submitted to the Department for review. A contract to perform necessary pumping shall be maintained with a licensed and permitted pumping contractor.

4.26 Add new Subsection 2 to Section 5.D. to read:

2. Permits for the installation of on-site wastewater treatment systems are valid for a period of one year from the date of issuance and are not transferable without approval of the Department.

4.27 Add Subsection F to 6.6 to read:

F. The building sewer shall not exit the structure at an elevation below the level of the maximum ground water table.

4.28 Amend Subsection 6.7.G.2. to read:

2. Depth of Septic Tank. . The minimum depth of cover over the septic tank shall be at least 6 inches and a maximum of 3 feet (36 inches) at final grading.

4.29 Amend Section 4-6 6.14.B.1 to Read:

6.14.B.1 Replacement area for Absorption Systems. Adequate and suitable land shall be reserved and kept free of permanent structures, traffic or adverse soil modification for 100 percent replacement of each absorption system. If approved by the regulatory authority, the area between standard trenches or deep wall trenches may be regarded as replacement area when trench separation distances required by R317-4-6 are maintained between original and replacement trenches.

a. In lieu of a replacement area, two complete absorption systems shall be installed with a diversion valve. The valve shall be accessible from the final grade. The valve should be switched at least annually.

b. For deep wall trenches, the area designated as the replacement area shall be evaluated and tested by the same means as the original deep wall trench prior to a construction permit being issued.

c. For absorption systems with a design flow more than 2,000 gallons per day, and less than 5,000 gallons per day, the area designated as replacement area shall be evaluated and tested by the same means as the original absorption system prior to a construction permit being issued.

d. For construction of other than single-family dwellings, the original absorption system and the replacement absorption system must be installed during initial construction. Appropriate valving between absorption systems must be installed to allow for alternating flows between absorption systems on an annual basis.

4.30 Add Subsection xi to Subsection 6.14.E.1.a to read:

(e) xi Absorption trenches should be constructed as shallow as possible to allow for treatment and evapotranspiration of wastewater. In all cases, maximum trench depth is 48" unless it is demonstrated that no other conventional option allowed by R317-4 is feasible.

4.31 Add Subsection vii to Subsection 6.14.E.1.b to read:

vii. Maximum depth of cover over the barrier material 36 inches.

Add Subsection x to Subsection 6.14.E.1.c to read

x. Maximum depth of cover over the chambers 36 inches.

Add Subsection vii to Subsection 6.14.E.1.d to read

vii. Maximum depth of cover over the bundles 36 inches.

Add Subsection o to Subsection 6.14.E.2 to read

o. Maximum depth of cover over the absorption bed 36 inches.

4.32 Amend Subsection 6.14.E.3 first Paragraph to read:

3. Deep Wall Trenches. Deep wall trenches shall only be constructed in lieu of other approved absorption systems or as a supplement to an absorption system when no other conventional absorption system is available for the site. Deep Wall Trenches shall conform to the following requirements:

4.33 Add Subsection l to Subsection 6.14.E.3 to read

l. Maximum depth of cover over the barrier material 36 inches.

4.34 Amend 6.14.E.4 first paragraph to read;

4. Seepage Pits. Seepage pits will not be permitted for new construction. Seepage pits may only be used to replace a failing seepage pit already in use. Seepage pits shall be considered as modified deep wall trenches and shall conform to the requirements applicable to deep wall trenches, except for the following:

4.35 Add Section 7.1.I to Read:

7.1.I Installation

1. Installation of a Conventional Onsite Wastewater Treatment System or an Alternative At-Grade Onsite Wastewater Treatment System shall be done by a Registered Installer. Registration shall be administered by the Department. Registration requirements shall include:

a. A copy of the Utah State Contractors License issued by the Utah State Department of Professional Licensing (DOPL) that qualifies

the individual to install Onsite Wastewater Treatment Systems.

b. Documentation demonstrating experience installing Onsite Wastewater Treatment Systems within the Weber-Morgan Health District. This documentation must demonstrate installations that are in compliance with State and Department Rules and Regulations.

c. Installers seeking registration with the Department that cannot provide documentation of experience may become registered by demonstrating certification to a Level 2, Design, Inspection and Maintenance of Conventional Underground Wastewater Disposal Systems, as required by Utah Administrative Code R317-11, Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems, as amended, or by arranging 3 consultative sessions within a one year period, with a representative from the Department, and the certified designer of the system and shall require:

- i. Consultative sessions will be prepaid by the hour with a minimum of 1 hour being collected, and additional charges being paid before the system will receive final approval. Hourly rate to be determined by the Board of Health
- ii. Consultative sessions will be onsite, and specific to the installation the contractor has been hired for.
- iii. Final approval of the installation is required from the certified designer who prepared the plans that the permit was issued for, and the Department.

d. Registrations may be suspended or revoked upon failure to install an onsite wastewater treatment system in accordance with the design criteria and State and Department Rules and Regulations.

2. Installation of a Mound, Packed Bed Media, Pressurized Distribution Absorption System or Subsurface Drip Irrigation System shall be done by a Certified Installer. Certification shall be administered by the Department. Certification requirements shall include:

- a. A copy of the Utah State Contractors License issued by the Utah State Department of Professional Licensing that qualifies the individual to install Onsite Wastewater Treatment Systems;
- b. Certification to a Level 2, Design, Inspection and Maintenance of Conventional Underground Wastewater Disposal Systems, as

required by Utah Administrative Code R317-11, Certification Required to Design, Inspect and Maintain Underground Wastewater Disposal Systems, or Conduct Percolation and Soil Tests for Underground Wastewater Disposal Systems, as amended.

c. Documentation demonstrating experience installing Onsite Wastewater Treatment Systems. This documentation must demonstrate installations that are in compliance with State and Department Rules and Regulations;

d. Installers seeking registration with the Department that cannot provide documentation of experience may gain experience by arranging 3 consultative sessions within a one year period, with a representative from the Department, and the certified designer of the system and shall require:

- i. Consultative sessions will be prepaid by the hour with a minimum of 1 hour being collected, and additional charges being paid before the system will receive final approval. Hourly rate to be determined by the Board of Health
- ii. Consultative sessions will be onsite, and specific to the installation the contractor has been hired for.
- iii. Final approval of the installation is required from the certified designer who prepared the plans that the permit was issued for, and the Department.

e. Certification may be suspended or revoked upon failure to install an onsite wastewater system in accordance with the design criteria and State and Department Rules and Regulations including unauthorized deviations from the requirements specified on the onsite wastewater permit as issued.

f. The Certification requirement may be waived if an installer can demonstrate certification by a specific manufacturer to install systems manufactured by the company certifying the installer.

3. Installers shall have onsite during construction, a copy of the Onsite Wastewater Treatment System plans prepared by a Utah State Certified Designer, specific to the property and the construction permit issued. Plans must be stamped reviewed by the Department. Any alterations to the plans must be approved in writing by the Department, and the State Certified Designer that prepared the plans, prior to construction. Installers altering construction plans without appropriate State certification may have their registration or certification suspended or revoked.

4.35 Add new Subsection 2 to Subsection 8.1.F. to read:

2. The Department shall be notified five (5) working days prior to the installation of a mound, sand-lined trench, or packed bed media system in order that the necessary inspections may be scheduled.

4.36 Add new Subsection 5. to Subsection 10.1.B to read:

4. In any event, sewage holding tanks shall not be approved for use in newly proposed subdivisions, to accommodate an expansion of use of existing structures, or new construction on existing building lots unless an approved sanitary sewage collection system is under construction and connection to the sewage collection system will occur within one year.

4.37 Add new Subsection D to Subsection 10.2. to read:

D. Sewage holding tanks shall be operated only under a yearly renewable permit issued by the Department. A yearly fee may be charged and collected for the holding tank permit. The fee shall be set by the Weber-Morgan Board of Health. A record of pumping dates, amounts pumped, and ultimate disposal sites shall be maintained by the owner and shall be made available to the Department upon request, and prior to a permit being renewed. Failure to renew the operating permit prior to expiration will result in a late fee being assessed. The late fee will consist of the permit fee being doubled for thirty days overdue, tripled for sixty days overdue, and quadrupled for ninety days overdue.

4.38 Amend Table 1.1 to read:

TABLE 1.1

Minimum Lot Size (a) by Soil Type and Culinary Water Source

Soil Type	Public Water Supply(g)	Non-public Water Supply (b)
1	20,000 sq. ft.	1 Acre
2	20,000 sq. ft.	1.25 Acres
3	20,000 sq. ft.	1.5 Acres
4	20,000 sq. ft.	1.75 Acres
5 (c)	20,000 sq. ft. (c)	1.75 Acres (c)

TABLE 1.2

Soil Type Key (d)

Soil Type	Soil Texture (e)	Soil Structure	Percolation Rate (minutes per inch)
1	Course Sand, Sand, Loamy Course Sand, Loamy Sand	Single Grain	1-10
2	Fine Sand, Very Fine Sand, Loamy Fine Sand, Loamy Very Fine Sand	Single Grain	11-20
3	Course Sandy Loam, Sandy Loam	Prismatic, Blocky, Granular	21-40
4	Course Sandy Loam, Sandy Loam Fine Sandy Loam, Very Fine Sandy Loam, Loam, Silt Loam	Massive, Platy Prismatic, Blocky, Granular	41-60
5	Fine Sandy Loam, Very Fine Sandy Loam, Loam, Silt Loam, Sandy Clay Loam, Clay Loam, Silty Clay Loam Sandy Clay Loam, Clay Loam, Silty Clay Loam, Sandy Clay, Clay, Silty Clay, Silt	Massive, Platy Massive Prismatic, Blocky, Granular	61-120
6 (f)	Sandy Clay Loam, Clay Loam, Silty Clay Loam Sandy Clay, Clay, Silty Clay, Silt	Platy Massive, Platy	>120

NOTES

- (a) Excluding public streets and alleys or other public rights-of-way, lands or any portion thereof abutting on, running through or within a building lot for a single-family dwelling. These minimum lot size requirements do not apply to building lots that have received final local health department approval prior to the adoption of this rule. Lots that are part of subdivisions that have received final local health department approval prior to the adoption of this rule are only exempt from the minimum lot size requirements if the developer has and is proceeding with reasonable diligence. Notwithstanding this grandfather provision for approved lots, the minimum lot size requirements are applicable if compelling or countervailing public health interests would necessitate application of these more stringent requirements. The shape of the lot shall also be acceptable to the regulatory authority.
- (b) See the separation requirements in Section R317-4-13 Table 2.
- (c) Packed bed media systems are required for this soil type.
- (d) When there is a substantial discrepancy between the percolation rate and the soil classification, it shall be resolved to the satisfaction of the regulatory authority, or the soil type requiring the largest lot shall be used.
- (e) See the USDA soil classification system for a more detailed description.
- (f) These soils are unsuitable for any absorption system.

4.39 Add Table 1.1 and Table 1.2, footnote (g) to read:

(g) Minimum lot size shall consist of 20,000 square feet of contiguous buildable area with a slope less than 25 percent.

4.40 Add a new distance requirement Table 2 to read:

Flood fringe (k)	25	25	25
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4.41 Add footnote (k) to Table 2 to read:

(k) Absorption systems may be installed within a floodplain provided that the following conditions are met:

- (1) The 100 foot separation from the floodway and normal water channel is maintained and
- (2) The installed absorption field is provided a twenty-five foot zone of protection within the flood fringe.

4.42 Add new Subsection 1.1.B to Appendix C. Soil Exploration Pits, Soil Logs, Soil Evaluations. to read:

B. Site and soil evaluations will not be performed when weather conditions or other site conditions prevent an adequate and thorough evaluation of the site.

4.43 Amend Appendix D. Percolation Test Method. 1.1.B to read;

B. Percolation test results shall be submitted on a signed "Percolation Test

Certificate.

a. "Percolation Test Certificates" shall not be accepted unless the test is performed at the direction and under the supervision of the Department. The test certificate shall contain the following:

Amend Appendix D. Percolation Test Method. 1.1.C.1 to read;

1. Percolation tests shall not be conducted in test holes which extend into ground water, bedrock, or frozen ground. Percolation tests shall not be conducted when the ambient air temperature falls below 35 degrees Fahrenheit both day and night for a minimum of 48 contiguous hours. Where shrink-swell clays, fissured soil formations, or saprolite is encountered, tests shall be made under the direction of the regulatory authority.

Add new Subsection a to Appendix D. Percolation Test Method. 1.1.C.6 to read;

a. A prolonged saturation period is not to be used to produce a slower percolation rate in soils that would otherwise show excessively fast percolation rates.

5.0 Adjudicative Proceedings.

In accordance with the Weber-Morgan Health Department Adjudicative Proceedings, a Department conference may be requested in writing within ten (10) days of any action in which a party is aggrieved.

6.0 Conflict.

In any case where a provision of this Regulation is found to be in conflict with a provision of any ordinance or local law, or with a provision of any statute, rule, or order of the State of Utah, the provision which established the higher standard for the promotion of the health, welfare and safety of the citizens of Weber or Morgan Counties shall prevail. In any case where a provision of this Regulation is found to be in conflict with a provision of any other ordinance or local law existing on the effective date of this local law, or with a provision of any statute, rule, or order of the State of Utah, which established a lower standard for the promotion of the health, welfare and safety of the citizens of the municipality, the provisions of this local law shall be deemed to prevail.

7.0 Severability.

The provisions of this Regulation shall be several, and if any clause, sentence, paragraph, subdivision, section, or part of this local law shall be judged by competent jurisdiction as being invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined to the part thereof directly involved in the controversy in which such judgment shall have been rendered.

8.0 Effective Date.

This Regulation shall become effective the day following its adoptions by the Weber-Morgan Board of Health, and will supersede previous onsite wastewater system regulations adopted by the Board of Health. Appendices may be modified by the Department without affecting the rest of this Regulation. Appendices when amended by the Board of Health shall become effective on the day following adoption.