

Appendix B
TRINIDAD OWTS ORDINANCE GUIDELINES

GENERAL PROVISIONS

Section 13.12.010 – Purpose

Trinidad is a unique town, surrounded by significant coastal resources important to the town, the surrounding community and the State. Trinidad Bay is a State designated Area of Special Biological Significance and a CA Critical Coastal Area. Trinidad is blessed with a healthy sport and commercial fishing fleet and is surrounded by State Parks, public beaches, Tribal lands and working forest lands. Trinidad has a rich and diverse historic fabric, with the Tsurai Village site as one of the most well documented, culturally significant areas in the State. Although small, the City has very dense development and small lots for a rural community on septic systems, and a large influx of visitors throughout the year. This is compounded by the fact that more than half the Onsite Wastewater Treatment Systems (OWTS) in town are old or of unknown status. This puts the environment in and around Trinidad at substantial risk of pollution from failed and inadequate OWTS. The City has an obligation to protect its citizens and the environment, now and in the future, to the maximum extent practicable and set a higher standard for OWTS than may be necessary in other places. Therefore, this program was developed to meet that goal. The specific objectives of this program are to ensure the proper maintenance and operation of OWTS within the City, as well as to require appropriate upgrades of substandard systems.

The purpose of these Guidelines is to supplement the OWTS Ordinance to aid in the interpretation and implementation of the Trinidad OWTS Program. The following sections numbers refer to those in the OWTS Ordinance. Please also see OWTS Ordinance §13.12.010.

Section 13.12.020 – Jurisdiction

These Guidelines shall apply to all territory subject to the Trinidad OWTS Ordinance. Please also see OWTS Ordinance §13.12.020.

Section 13.12.030 – Authority

These Guidelines are authorized by the Trinidad OWTS Ordinance and adopted by Resolution of the City Council. These Guidelines (per §13.12.120 of the OWTS Ordinance) may be amended by staff after Planning Commission approval. Please also see OWTS Ordinance §13.12.030.

Section 13.12.040 – Liability

It is up to each property owner to maintain, operate, manage, repair or modify their OWTS to keep it in good working order and comply with applicable laws and regulations. The City's OWTS Management Program is intended to assist, but not replace a property owner's responsibility to their OWTS. Please also see OWTS Ordinance §13.12.040.

Section 13.12.050 – Construction / Interpretation

The Ordinance provides the legal framework for the OWTS Program, and these Guidelines are intended to supplement the Trinidad OWTS Ordinance and provide more detail for specific policies and procedures. If a conflict arises between these Guidelines and the OTWS Ordinance, then the Ordinance shall take precedence. These Guidelines contain a corresponding section for each of the Ordinance sections, even when there is no additional guidance provided. Please review the corresponding ordinance section before making a full interpretation of each Guideline section. Please also see OWTS Ordinance §13.12.050.

Section 13.12.060 – Adequate Sewage Disposal Required

No additional guidance at this time. Please see OWTS Ordinance §13.12.060.

Section 13.12.070 – Permits Required

No additional guidance at this time. Please see OWTS Ordinance §13.12.070.

Section 13.12.080 – Permit Fees / Program Financing

The City Council shall establish a fee schedule to be assessed each owner of an OWTS / holder of an operating permit. Said fee shall be based on the total number of OWTS in the OWTS Management Program and the administrative and technical costs associated with providing the services described in the OWTS Ordinance. Fees will be paid when permit applications are received for issuance, transfer or renewal. Any funds collected or raised for purposes of implementing the OWTS Management Program shall be for the exclusive use of said program implementation and operation and shall be maintained in an account separate from the City’s general fund. Fees may be updated by the City Council from time to time. Please also see OWTS Ordinance §13.12.080.

Current Fee Schedule:

- Building Permit Referral: \$30
- Project Referral to Health Officer: \$50
- Construction / Repair Permits: Current DEH Rates
- Standard Operating Permit: \$100
- Nonstandard Operating Permit: \$150
- Commercial / Vacatation Dwelling Unit Operating Permit: \$150
- New System Operating Permit: \$50
- Renewal of Operating Permit: \$75
- Change in Maintenance Schedule Request: \$75
- Permit Transfer: \$30

Section 13.12.090 – Health Officer

Initially the Health Officer will be the Humboldt County Division of Environmental Health until such time as the City Council designates an alternative to fill this role. (see Mun. Code §8.04.010, p. 90) The duties of the Health Officer are to protect public health and safety consistent with authorities and responsibilities under Title VI, Division 1 and 2 of the Humboldt County Code.

Specific duties shall include, but not necessarily be limited to:

1. Reviewing applications and issuing repair and construction permits;
2. Conducting conformance / final inspections in conjunction with a construction / repair permit;
3. Developing / updating the Trinidad / Humboldt County Sewage Disposal Regulation in conformance with State Law and the North Coast Basin Plan;
4. Allowing for exceptions to specific provision where allowed in the OWTS Ordinance and where appropriate to ensure that public and environmental health and safety are fully protected;
5. Reviewing referrals for development projects to ensure the OWTS in conformance with City regulations;
6. Determining when upgrades, repairs or replacements are required in conjunction with the OWTS Administrator;
7. Allowing the use of, and determining criteria for the use of Nonstandard systems;
8. Providing advice and guidance to the OWTS Administrator in the implementation of the Trinidad OWTS Program; and
9. Taking enforcement actions necessary to protect public health and safety and the environment.

Please also see OWTS Ordinance §13.12.090.

Section 13.12.100 – Program Administration / OWTS Administrator

Initially the OWTS Administrator will be the City Planner until such time the City Council designates an alternative to fulfill this role. The duties of the OWTS Administrator are to administer, implement and enforce as necessary the Trinidad OWTS Ordinance and these Guidelines. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issuing operating permits and transfers;
2. Keeping the Trinidad OWTS Program up-to-date by suggesting amendments and revisions to the OWTS Ordinance and these Guidelines as necessary for action by the Planning Commission;
3. Reviewing inspection forms and schedules for compliance with the Trinidad OWTS Program;
4. In conjunction with the Qualified Service Provider and Health Officer, determine when actions, such as pumping, repair or upgrades, are required to protect human health and the environment, consistent with the OWTS Ordinance;
5. Oversee the water quality monitoring program according to the OWTS Ordinance;
6. Educating the community about the importance of OWTS maintenance and the requirements of the Trinidad OWTS Program; and
7. Enforcing the provisions of the Trinidad OWTS Ordinance and these Guidelines.

Please also see OWTS Ordinance §13.12.100.

Section 13.12.110 – Sewage Disposal Regulations

Any regulations issued by the Health Officer shall:

1. Be consistent with the intent and purpose of this ordinance;
2. Be consistent with the North Coast Basin Plan, or otherwise approved by the North Coast Regional Water Quality Control Board.
3. Recognize the most current technical information relevant to the provisions of this Chapter;
4. Provide for exceptions where a strict application of this chapter or regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question and where appropriate to preserve public safety and water quality;
5. Be designed to minimize or eliminate public nuisances or the potential thereof;
6. Recognize that any single sewage disposal system is in reality a subunit of a larger disposal system comprised of numerous subunits.

Regulations issued under this section shall be available to the public for viewing or download on the City’s website and / or will also be available for viewing in City Hall; copies will be provided for a per-page copy charge. Please also see OWTS Ordinance §13.12.110.

Section 13.12.120 – OWTS Guidelines

No additional guidance at this time. Please see OWTS Ordinance §13.12.120.

SPECIFIC PROVISIONS

Section 13.12.130 – Leachfield Protection During Construction

The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The owner or builder will be required to file a mitigation report for approval by the OWTS Administrator and Health Officer prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the project file.

This provision shall be made a condition of approval for all relevant construction projects. Please also see OWTS Ordinance §13.12.130.

Section 13.12.140 – Reserve Area Required

For an application for a discretionary permit in which the footprint or intensity of use of any building is proposed to be expanded (e.g. adding a bedroom), the Health Officer shall evaluate the expansion for impacts on the existing septic system. If a portion of the potential reserve area will be covered by the building expansion, a permit for a reserve area shall be required to ensure that there is still enough room remaining on the lot to accommodate one. Please see OWTS Ordinance §13.12.140.

Exceptions in extreme circumstances where a reserve area can not be located may be granted by the Health Officer at his or her discretion. For example, exceptions to percentage and setbacks may be granted in such cases as if the lot is too small to accommodate a 100% reserve area. The City may alter the terms of, or deny, a discretionary permit based on limitations in locating a reserve area. Please also see OWTS Ordinance §136.12.150.

Section 13.12.150 – Effluent Filters/Risers

No additional guidance at this time. Please see OWTS Ordinance §13.12.150.

Section 13.12.160 – Roof Drainage away from OWTS

Roof drainage should be directed away from OWTS components, particularly the leachfield area. Downspouts should be directed to paved driveways or infiltration areas away from leachfields on or adjacent to the property. Please also see OWTS Ordinance §13.12.160.

Section 13.12.170 – Landscaping

No additional guidance at this time. Please see OWTS Ordinance §13.12.170.

Section 13.12.180 – Deed Restrictions

The City has a pre-approved form that should be used. Please also see OWTS Ordinance §13.12.180.

Section 13.12.190 – Subdivisions

OWTS design approval (e.g. Sewage Disposal Permit) from the Health Officer is required before perfecting any subdivision or lot line adjustment that creates a new building site and for any existing development on an existing or remainder parcel. Please also see OWTS Ordinance §13.12.190.

CONSTRUCTION / REPAIR PERMITS

Section 13.12.200 – Sewage Disposal Permits General

No additional guidance at this time. Please see OWTS Ordinance §13.12.200.

Section 13.12.210 – Sewage Disposal Permits Application Process

- A. Application for construction / repair permits shall be through City Hall. The City Clerk shall forward the application materials to the OWTS Administrator who shall review it for compliance with the City's OWTS Program. The OWTS Administrator shall forward the application materials to the Health Officer if they are in compliance with the Program.
- B. The following information shall be provided to the City as part of an application to construct, repair or upgrade any OWTS. The Health Officer may wave any of these requirements or ask for additional information as he / she deems appropriate.

1. Name, address and contact information of the applicant and the owner of the property on which the building or place to be served by the OWTS is located and their agents, if any;
 2. Location of the property and the assessor's parcel number
 3. A scale map of the lot showing appropriate landmarks such as large trees, creeks or shorelines, existing and proposed structures, steep / unstable slopes, roads, surveyor's land marks, lot dimensions, drainage direction, existing and proposed easements or road or utility purposes, existing, proposed and abandoned OWTS;
 4. Gross lot area, net lot area and average cross slope of the lot
 5. All intended uses of the property
 6. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided;
 7. The level of the groundwater table during and at the end of the rainy season;
 8. Plans and specifications for the proposed OWTS, showing to scale, the location of the proposed system to all structures, wells and water courses, property lines, reserve areas and other information the Health Officer deems necessary;
 9. Soil characteristics
 10. Other information which the Health Officer may deem to be necessary to the making of an informed decision and professional decision on the application.
 11. Either Planning Commission approval of the proposed development, or a statement from the City Planner that the proposed development is consistent with, and approvable under, the City's Local Coastal Program.
- C. Planning Commission or Building Inspector approval of the proposed development, as required, shall be received prior to construction of any portion of the OWTS.
- D. The Health Officer may require that analysis of the soil characteristics or of the percolative capacity of the soil be performed or that additional relevant data be gathered and analyzed.
- E. The Health Officer may specify the time of year during which water table determinations are to be made.
- F. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.
- G. Any tests, data gathering or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or be performed by individuals certified by the Health Officer or the City of Trinidad to carry out such testing, data gathering or analysis.
- H. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed in accordance with the Trinidad Sewage Disposal Regulations.

Please also see OWTS Ordinance §13.12.210.

Section 13.12.220 – Licensing Requirements

See the definition of qualified professional for the detailed licensing requirements. The City should establish and maintain a current list of known qualified professionals requesting to be on the list and meeting the minimum qualifications. This list shall be made available at City Hall. Please also see OWTS Ordinance §13.12.220.

Section 13.12.230 – Design and Construction Standards

No additional guidance at this time. Please see OWTS Ordinance §13.12.230.

Section 13.12.240 – Conformance and Final Inspections

The number of inspections required shall be determined by the Health Officer and shall be based on the complexity of the design and site conditions. A survey of the parcel may be required to verify that the construction work is located in accordance with approved plans. Please also see OWTS Ordinance §13.12.240.

PERFORMANCE INSPECTIONS**Section 13.12.250 – Initial Performance Inspections for Existing Systems**

The purpose of this inspection is to assess the condition of the OWTS and provide the City with the technical and background information needed to determine the maintenance and renewal requirements for each system within the City limits, and/or the need for system upgrade or replacement. Maintenance requirements shall be set forth by the OWTS Administrator and will be based upon the inspection results according to the Guidelines and / or upon the recommendation of the Qualified Service Provider. Please also see OWTS Ordinance §13.12.250.

Section 13.12.260 – Initial Inspection Schedule

The OWTS Administrator may specifically notify property owners of the requirements of this ordinance to encourage early inspections in areas such as environmentally sensitive habitat areas, areas with old and/or unpermitted OWTS, areas with a history of failure, high seasonal use or frequent pumping. Voluntary inspections completed, using City approved forms, between July 2005 and the time this ordinance is adopted shall count towards meeting the initial inspection requirement once the inspection form and household survey have been submitted to the City. Please also see OWTS Ordinance §13.12.260.

Section 13.12.270 – Initial Inspection Forms and Database Development

The completed forms shall contain sufficient information upon which to base the maintenance schedule and any upgrade requirements for the OWTS. They shall also include information as to when each OWTS has been inspected and pumped and indicate when it should be inspected or pumped again. Please also see OWTS Ordinance §13.12.270.

Section 13.12.280 – Performance Inspections

The purpose of a periodic performance inspection as provided herein shall be to determine how well the OWTS is functioning in terms of treating effluent and protecting public health and the environment. A performance inspection must establish if the average daily wastewater volume generated at a particular site exceeds the design capacity of the OWTS. To determine if an OWTS is acceptable for a particular application, the following information must be obtained: (1)

Septic Tank Volume; (2) Leachfield Length; (3) Leachfield Depth; (4) Average Daily Water Use; (5) Percent Silt and Clay present in the 5 ft. horizon beneath the bottom of the leachfield trenches; and (6) Seasonal High Groundwater Level.

Additional factors that may be evaluated include, but are not limited to, the design capacity of the system, the nature and quantity of flow of wastewater entering the system, the condition and effectiveness of the system components and the quality and quantity of the wastewater discharge. Written results of performance inspections shall be provided to the property owner and provided to the City as part of an Operating Permit application or renewal; records shall be kept on file with the City. Please also see OWTS Ordinance §13.12.280.

Section 13.12.290 – OWTS & Water Quality Monitoring Program

The monitoring program shall include sampling of ocean, surface water, groundwater (monitoring wells) and coastal seeps around town and shall be funded, at least in part, by the operating permit fees. Please also see OWTS Ordinance §13.12.290.

Section 13.12.300 – Performance Standards

Performance Ratings

The size (dimension) for an adequate OWTS can be approximated using soil condition information obtained and water use records. The “ideal” system size calculated for a particular site should be compared to the actually OWTS in use. This comparison will help assess the soils capacity to treat wastewater. Factors listed in §13.12.280 of these Guidelines must be evaluated in conjunction with determining the “ideal” system capacity to categorically rate OWTS performance and establish a corresponding maintenance / monitoring schedule.

Performance Rating shall be determined by assigning a numerical score to each of the various OWTS factors evaluated and totaling the score. The more critical factors shall be “weighted” to obtain an accurate assessment of the overall system performance. For example, Critical Factors may have a numerical score associated with conditions: GOOD = 10; SATISFACTORY = 6; POOR = 2. Factors not deemed critical may have a lesser value assigned such as: GOOD = 5; SATISFACTORY = 3; POOR = 1. An example is provided below.

OWTS PERFORMANCE RATING				
CRITICAL FACTORS	GOOD 10	SATSF 6	POOR 2	NOTES
SEPTIC TANK SIZE		6		1000gal tank-undersized for 3 bdrm
SEPTIC TANK CONDITION		6		root intrusion at inlet-seal deteriorating
LEACHFIELD DEPTH			2	exceeds 6 ft.
LEACHFIELD ABSORPTION AREA		6		

LEACHFIELD INCOMPATIBLE USES	6			small concrete slab at corner of leachfield area
OTHER FACTORS	5	3	1	
SEPTIC TANK RISER	5			
DIST BOX ACCESSIBLE		3		beneath 10 inches of ground
SURFACE DRAINAGE OK			1	landscaping concentrates rain onto leachfield area

Performance Categories

Performance inspections shall categorize each OWTS according to its performance rating based on the OWTS Inspection Report and the Qualified Inspector’s professional experience. Performance categories shall be as follows: GOOD; SATISFACTORY; POOR; and FAILURE. In general, ‘Good’ means the system is functioning as designed or better. ‘Satisfactory’ means that although the system is functioning under current conditions, there may be issues that need to be addressed to ensure the system does not cause pollution in the future. ‘Poor’ means that the system is functioning below its design and generally requires additional actions to ensure that the system continues to adequately treat wastewater to protect human health and the environment. Failed systems are not functioning and require immediate actions to alleviate the problems cause the failure. Guidelines as to what these terms mean for inspection schedules and required modifications are provided below. Also see further guidance in Articles 6 and 7.

- For systems operating at a level of GOOD, the standard calculation (§13.12.380) for the inspection schedule shall be used. Generally modifications are not required except for certain nonconforming systems at the time of development or property transfer.
- For systems functioning at a SATISFACTORY level, an abbreviated inspection schedule shall be required, and OWTS use and water use shall also be monitored as with a Satisfactory system. Upgrades and / or repairs shall be required at the time of property transfer or building alteration to bring it to a minimum of Satisfactory functionality.
- A POOR system shall be inspected and pumped on a more frequent basis than would normally be required, along with monitoring OWTS use and water use. Poorly functioning systems may be required to implement immediate repairs or upgrades in order to prevent failure. Repairs and / or upgrades to bring the system to a minimum of satisfactory functioning shall be required at the time of property transfer or building alteration.
- FAILURE systems shall require immediate action or abatement in accordance with Article 8 of the Trinidad OWTS Ordinance.

Please also see OWTS Ordinance §13.12.300.

Section 13.12.310 – Accessibility for Inspections

Existing septic tanks that are located under structures, including decks, parking areas and driveways, shall be allowed to remain as long as they are reasonably accessible. Leachfields are not allowed under impervious surfaces, and existing fields that are situated as such must show

that both the field and structure were legally established and that such situation does not interfere with the functional capacity of the system. Please also see OWTS Ordinance §13.12.310.

OPERATING PERMITS

Section 13.12.320 – Operating Permits General

No additional guidance at this time. Please see OWTS Ordinance §13.12.320.

Section 13.12.330 – Operating Permit Application Process

The OWTS Owner / User Questionnaire and Inspection Report Form completed as part of the initial and / or performance inspections for existing systems shall constitute an application for an OWTS Operating Permit. For new systems, the OWTS Owner / User Questionnaire, along with the final construction inspection shall constitute an application for an Operating Permit, which shall be issued prior to the use and operation of the system. If a residence is not occupied by the owner, the tenant(s) should fill out the OWTS Owner / User Questionnaire even though the owner applies for the Operating Permit. Please see OWTS Ordinance §13.12.330.

Section 13.12.340 – Operating Permit Transfer

As part of the application, the new owner will be required to fill out an OWTS Owner / User Questionnaire. The OWTS Administrator and / or Health Officer shall review the Questionnaire for any differences from the previous owner, and may alter the maintenance schedule / requirements based on these differences. The new operating permit, along with information about caring for and maintaining an OWTS and Trinidad's OWTS Program shall be sent to the new owner.

Unless otherwise required by the OWTS Administrator or Health Officer, a performance inspection is not required in order to transfer an operating permit. The transferred operating permit shall have the same expiration date as the original, but the maintenance requirements may be changed based on the stated planned use of the property. The new property owner or commercial occupant may choose to apply for a new operating permit with a new performance inspection at their discretion.

A temporary operating permit, with special conditions or limitations on use, for a specified, limited amount of time, shall be issued in cases where upgrades or repairs are required at the time of property transfer according to the OWTS Ordinance (§13.12.450) until such time as any required work is completed. Please also see OWTS Ordinance §13.12.340.

Section 13.12.350 – Operating Permit Conditions

The level of management / maintenance required by conditions of the Operating Permit will be established by the OWTS Administrator in conjunction with the Qualified Service Provider and Health Officer based on the type of system, the level of performance and potential risk to the public health and safety and the environment by the system. Such risks shall be evaluated based on the performance Inspection Report and OWTS Owner / User Questionnaire consistent with

these Guidelines. Owners of systems with a less than SATISFACTORY Performance Rating may be required to enter into an agreement with the City regulating the use of the OWTS, such as restricting water use, laundry patterns or the use of a garbage disposal. As an alternative, an owner may elect to modify their system so that it performs better, thereby eliminating the need for extra conditions. Please also see OWTS Ordinance §13.12.650.

Section 13.12.360 – Permit Renewal

No additional guidance at this time. Please see OWTS Ordinance §13.12.360.

MAINTENANCE

Section 13.12.370 – Maintenance Requirements

No additional guidance at this time. Please see OWTS Ordinance §13.12.370.

Section 13.12.380 – Maintenance Schedule

Although every system is individual, and will be assessed as such for maintenance requirements, the following general guidance for maintenance schedules is provided:

Three years should be the average schedule for most standard systems with the following credits and debits (in months). All systems should start with 36 months, then add and subtract all the applicable credits and debits according to the table below. See below for an example.

Item	Credit	Item	Debit
Front loading washer	5	Water Conditioner	10
4 or fewer loads per week	5	Garbage Disposal	10
Conservative water use	5	Washing Machine	5
No one home for 10+ hours per day	5	Home Occupation	5-10
Low flow toilets	5	4+ overnight guests several times / year	5
Low-flow shower heads	5	Regularly 3+ loads of laundry in a day	10
Oversized tank or Leachfield	5	Undersized Tank / Leachfield	5-10
One person or less per bedroom	5-10	More than 2 people per bedroom	5-10
Use less then 100 gpd per bedroom	5	Water use in excess of 150 gpd per bedroom	10
Performance Rating of Good	5-10	Performance Rating of Poor	5-10
Pretreatment System	5-10	Nonstandard System	0-10
		Nonconforming System	10
		Alternative System	0-10

Example: A system (36 months) with an GOOD Performance Rating (+/- 0 months) with a garbage disposal (-10 months) and washing machine (-10 months) and a tank that is undersized for the size of the house (-5 months), but which has low-flow shower heads (+5 months), low-flow toilets (+5 months) and only one person per bedroom living in the residence (+5 months) would have a maintenance schedule requiring pumping every 26 months. Please also see OWTS Ordinance §13.12.380.

Section 13.12.390 – Changes in Inspection or Maintenance Schedule

No additional guidance at this time. Please see OWTS Ordinance §13.12.390.

NONSTANDARD SYSTEMS / SPECIAL CIRCUMSTANCES / UPGRADES REPAIRS REQUIRED

Section 13.12.400 – Transfer of Property

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. Generally, nonconforming systems shall be upgraded to meet current criteria at the time of property transfer. Systems operating at a less than SATISFACTORY Performance Rating will have to be repaired / upgraded to bring it up to a minimum of a GOOD Performance Rating. Systems functioning at a SATISFACTORY rating will be individually assessed. The following disclosure form must be used for property transactions in the City of Trinidad. Please also see OWTS Ordinance §13.12.400.

LOCAL OPTION

REAL ESTATE TRANSFER DISCLOSURE STATEMENT

THIS DISCLOSURE STATEMENT CONCERNS THE REAL PROPERTY SITUATED IN THE CITY OF TRINIDAD, COUNTY OF HUMBOLDT, STATE OF CALIFORNIA, DESCRIBED AS _____. THIS STATEMENT IS A DISCLOSURE OF THE CONDITION OF THE ABOVE-DESCRIBED PROPERTY IN COMPLIANCE WITH ORDINANCE NO. _____ OF THE TRINIDAD CITY OR COUNTY CODE AS OF _____, 20____. IT IS NOT A WARRANTY OF ANY KIND BY THE SELLER(S) OR ANY AGENT(S) REPRESENTING ANY PRINCIPAL(S) IN THIS TRANSACTION, AND IS NOT A SUBSTITUTE FOR ANY INSPECTIONS OR WARRANTIES THE PRINCIPAL(S) MAY WISH TO OBTAIN.

I

SELLER'S INFORMATION

The Seller discloses the following information with the knowledge that even though this is not a warranty, prospective Buyers may rely on this information in deciding whether and on what terms to purchase the subject property. Seller hereby authorizes any agent(s) representing any principal(s) in this transaction to provide a copy of this statement to any person or entity in connection with any actual or anticipated sale of the property.

THE FOLLOWING ARE REPRESENTATIONS MADE BY THE SELLER(S) AS REQUIRED BY THE CITY OR COUNTY OF TRINIDAD AND ARE NOT THE REPRESENTATIONS OF THE AGENT(S), IF ANY. THIS INFORMATION IS A DISCLOSURE AND IS NOT INTENDED TO BE PART OF ANY CONTRACT BETWEEN THE BUYER AND SELLER.

- 1. This property is subject to the requirements of the City's Onsite Wastewater Treatment System (OWTS) Management Program, including the OWTS Ordinance, Program Guidelines and Sewage Disposal Regulations. This program may require upgrades or alterations of an existing OWTS (or septic system) at the time of property transfer in some circumstances.

Seller certifies that the information herein is true and correct to the best of the Seller's knowledge as of the date signed by the Seller.

Seller _____ Date _____

Section 13.12.410 – Building Alterations / Development

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. The Health Officer may grant exception or require stricter standards in order to protect public health and safety.

1. Nonconforming systems and any system with a Performance Rating of POOR
 - a. No building permits shall be issued for properties utilizing the listed systems except for maintenance and repair of existing structures unless the nonconformance is minor as defined in §13.12.420. In addition, the system shall be inspected to ensure that it is not failing. If it is, then corrective measures shall be required.
 - b. If such maintenance or repairs total a value of more than 10% of the assessed property value then modifications should be required to improve system capacity and function.
 - c. If maintenance and repairs total 25% or more of the total value of the property, then an upgrade to current standards should be required.
2. Alternative and Standard Systems with a Performance Rating of SATISFACTORY
 - a. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards. Systems with a performance rating of SATISFACTORY shall be inspected to ensure that they are still functioning at that level or better.
 - b. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, or which total 25% or more of the total property value, then upgrades to meet current standards and / or to accommodate the increased flows should be required.
3. Alternative and Standard Systems with a Performance Rating better than SATISFACTORY
 - a. For upgrades that do not increase the footprint of the building, add a bedroom, increase flows or increase the intensity of the use, no upgrades should be required.
 - b. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards.
 - c. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, then upgrades to accommodate the increased flows should be required according to current standards.

Please also see OWTS Ordinance §13.12.410.

Section 13.12.420 – Nonstandard OWTS

Nonstandard systems are those that require additional attention compared to a standard, gravity-fed OWTS. Advanced treatment units / systems are not meant to be discouraged, but do require notice of special maintenance requirements. Certain nonstandard systems require more attention than others, particularly certain nonconforming systems such as pit systems. Such system will require more inspections and maintenance, and modifications upgrades should be more easily triggered. Systems with only minor nonconformance that does not affect the functionality of the system, such as lack of 100% reserve area, or not meeting setbacks should generally be regulated as standard systems. Please also see OWTS Ordinance §13.12.420.

Section 13.12.430 – Notice of Nonstandard System

Required information to be included on the Notice of Nonstandard System

1. Description of the system characteristics such as size and location and limitations which cause the system to be a nonstandard system, such as: inadequate disposal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an alternative technology, special maintenance requirements, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in the Trinidad OWTS Program.
2. Statement of the operating requirements to ensure proper performance of the Nonstandard System, such as: use of water conservation measures, monitoring of effluent levels, pumping of a grease trap, shutting off of the disposal device when groundwater rises to a specified level, pump and alarm maintenance, maintenance of a contract for tank pumping, etc.
3. Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated or water consumed, restrictions on building additions, etc.
4. Notification that a maintenance contract with a qualified service provider for the system inspections and maintenance shall be required, as necessitated by the increased likelihood that a Nonstandard System might fail.
5. Statement that the Notice of Nonstandard System may be modified or expunged if the system is upgraded.

Please also see OWTS Ordinance §13.12.560.

Section 13.12.440 – Accessory Dwelling Units

In tracking water use to monitor systems connected to nonconforming accessory dwelling units, OWTS size and design is based on several assumptions. These include that households average two persons per bedroom and each person uses an average of 75 gallons of water per day. Therefore, water use will be limited based on these assumptions for which the system was designed. Water use will not be allowed to exceed an average of 150 gallons per day per bedroom over a month long period. Allowances for seasonal landscaping irrigation will be included in the calculation. If water used exceeds the allowed average, the owner may be required to enter into an agreement with the City regulating the use of the OWTS, such as restricting water use, laundry patterns or the use of a garbage disposal. Water use may be monitored on a daily basis (water usage should be restricted to a maximum of 150% of the design capacity in any one day (225 gallons per bedroom in a 24 hour period)) or monitoring wells may be installed to ensure proper performance of the system. Please also see OWTS Ordinance §13.12.560.

Section 13.12.450 – Modifications / Repairs Required

1. Inadequate system components:
 - a. Tank: Undersized tanks and tanks with single compartments will require shorter maintenance / inspection schedules as outlined in §13.12.380. Undersized tanks may be required to be replaced if the system is functioning at a less than SATISFACTORY

- performance rating, and / or if the property is being transferred (§13.12.400) or if development is proposed (§13.12.410)
- b. Leachfield:
 - i. Size: Systems with undersized leachfields will require shorter maintenance / inspection schedules as outlined in §13.12.380. Undersized leachfields may be required to be replaced if the system is functioning at a less than SATISFACTORY performance rating, and / or if the property is being transferred (§13.12.400) or if development is proposed (§13.12.410)
 - ii. Placement / setbacks: Generally, alterations to leachfields that do not conform to current location requirements will not require alteration unless a building alteration (§13.12.410) is proposed that would affect the existing leachfield or reserve area.
 - c. Other components: Based on individual site assessment and may include access (risers), effluent filters and / or tank baffles.
2. Different land use from which the system was designed:
 - a. Illegal Land Use: If the land use was converted illegally, then Nuisance Abatement proceedings should commence. As part of any application to permit the existing illegal land use, a septic system upgrade to current standards for that use should be required.
 - b. Nonconforming Land Use: Systems serving nonconforming land uses for which they were not designed shall be regulated as nonconforming systems.
 3. Less than Satisfactory rating after an inspection:
 - a. SATISFACTORY: No immediate upgrades should be required, but a shortened maintenance / inspection schedule should be instituted. Upgrades should be required in the case of property transfer or development according to §13.12.400 and §13.12.410.
 - b. POOR: A shortened maintenance / inspection schedule should be instituted and any upgrades deemed necessary by the Health Officer and / or OWTS Administrator to sure that the system does not fail shall be required.
 - c. FAILURE: Immediate action shall be take according to §13.12.490 to reduce flows to the system. In addition, a repair permit shall be submitted to the Health Officer within 5 days.
 4. Property Transfer – see §13.12.400:
 5. Building Alterations – see §13.12.410:
 6. Multiple violations of Operating Permit Conditions
 - a. Standard Systems: No additional guidance at this time at this time.
 - b. Nonstandard Systems: No additional guidance at this time at this time.
- Please also see OWTS Ordinance §13.12.560.

ENFORCEMENT

Section 13.12.460 –Public Nuisance Declared

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.470 – Investigative Powers

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.480 – Violations

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.490 – System Failure

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.500 – Order to Reduce or Discontinue Use

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.510 – Immediate Need to Pump

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.520 – Stop Work Orders

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.530 – Construction/ Repair Permit Revocation/Suspension

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.540 – Operating Permit Revocation

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.550 – Appeal Process

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.

Section 13.12.560 – Severability

No additional guidance at this time. Please see OWTS Ordinance §13.12.560.