

## CHAPTER X. LIQUID WASTE PUMPERS.

### Sec. B11-210. Purpose.

The purpose of this chapter is to establish standards for permitting and to set requirements for operations of persons or entities pumping, or transporting wastes from septic tanks, seepage pits, cesspools, portable toilets, sewage holding tanks, and other repositories of such wastes, to ensure that environmental and public health hazards, nuisances and pollution do not occur as a result of improper handling, transportation or disposal.

### Sec. B11-211. Authority for enforcement.

The department is designated as the enforcement authority for the purposes of this chapter pursuant to State of California Health and Safety Code section 117400 et seq. (Septic Tanks, Chemical Toilets, Cesspools, and Seepage Pits); and other applicable state laws.

### Sec. B11-212. Definitions.

In addition to the definitions in chapter I, the following terms are defined for purposes of this chapter:

- (a) Airline lavatory waste transport vehicle means any vehicle or cart designed to transport airline lavatory wastes from commercial airlines to the approved disposal station.
- (b) Applicant means any individual or group of individuals acting on their own behalf or authorized to represent any individual, firm, partnership, joint venture, association, corporation, estate, trust, receiver, syndicate or other group or combination acting as a unit in conjunction with any liquid waste handling business or operation.
- (c) Back Up Pumper vehicle means a dedicated vehicle, designed and used to pump and/or transport septage or portable toilet waste as herein defined, only for use in the event the primary vehicle is temporarily disabled.
- (d) Chemical Substances mean any substance placed in the waste receptacle of a portable toilet for the purpose of controlling odors and/ or decomposition.
- (e) Disposal Site Area means a publicly owned wastewater treatment plant, or a privately owned wastewater disposal system treatment plant that is approved as a disposal site by the director and the appropriate regional

water quality control board.

- (f) Liquid Wastes mean liquid or semi-liquid wastes contained within septic tanks, portable toilets, seepage pits, cesspools, sewage holding tanks, septage or other repositories of human body wastes, or similar materials, which may contain human pathogens.
- (g) Portable Toilet means an enclosed unit intended for temporary use at a given location. Portable toilets can also be known as, but not limited to, chemical toilets in this chapter.
- (h) Pumping/cleaning means the removal of the contents of any portable toilet, septic tank, or other septage repository.
- (i) Pumper Vehicle means a dedicated vehicle designed and used to pump and/or transport septage or portable toilet waste as herein defined. This definition does not include recreation vehicles.
- (j) Septage means the contents, both liquid and solid, of any septic tank, portable toilets, sewage seepage pit, cesspool, non-hazardous liquid waste vault or pit privy.
- (k) Septic tank and/or chemical toilet cleaner means any person, firm or their representative, not including sewage treatment facilities, who engages or aids in the business or practice of pumping, removing, handling, transporting or disposing of liquid wastes or aids in the disposal of the cleanings thereof.
- (l) South County Service Area means all that unincorporated territory within and, for purposes of access, adjacent to the area of Santa Clara County as designated on a map maintained by the department. South county service area is specifically defined as follows:
  - (1) Beginning at Mount Stakes at the common border of Santa Clara County and Stanislaus County; thence in a straight line westerly to the East Dunne entrance of Henry Coe State Park; thence west on East Dunne Avenue to the high water line on the southwest side of Anderson Reservoir; thence in a northwest direction along the high water line of Anderson Reservoir to the incorporated city limits of San Jose; thence westerly along the incorporated city limits of San Jose to a point that Burnett Avenue would intersect if extended in a northeasterly direction from the point that Burnett Avenue crosses the Coyote River; thence southwesterly on Burnett Avenue to the intersection of Monterey Highway; thence north on Monterey Highway to Tilton Avenue; thence west on Tilton Avenue to Santa Teresa Boulevard; thence north on Santa Teresa Boulevard to Willow Springs Road; thence west on Willow Springs Road to Oak Glen Avenue; thence west on Oak Glen Avenue to Uvas Road;

thence south on Uvas Road to Croy Road; thence west on Croy Road to the entrance of Uvas Canyon County Park; thence in a straight line west to the common border of Santa Clara County and Santa Cruz County; thence, starting in a southerly direction, along the common boundary lines of the County of Santa Clara with the Counties of Santa Cruz, San Benito, Merced and Stanislaus back to the point of beginning.

**Sec. B11-213. Partnership.**

If a permit is issued to a partnership and the partnership is changed by the addition or deletion of partners, the director may transfer the permit to the new partnership if the new partnership makes application for the transfer in the same manner as for a new permit and pays to the department a transfer fee in an amount as established by resolution of the board of supervisors.

**Sec. B11-214. Reserved**

**Sec. B11-215. Bond requirement.**

The director may require the applicant to file a surety bond in an amount to be determined by the director to guarantee the faithful compliance with this chapter and with all rules and regulations of the director.

**Sec. B11-216. Application for permit; contents.**

All applications for permit under this chapter must be filed with the director and will be part of the permit. In addition to the requirements of Sec. B11-21, the application must include information as the director may require.

**Sec. B11-217. Transfer generally; lease.**

Permits are nontransferable to any person or entity. A permittee may not lease, sublet or subcontract the activities regulated under the permit to any person. If a pumping vehicle must be replaced during the permit year, and is taken entirely out of service and a new vehicle is to be used as a replacement vehicle, then the director may transfer the permit to the new vehicle for a fee as established by resolution of the board of supervisors.

**Sec. B11-218. Report of change of address.**

A change of ownership, dba, or home or business address for any person issued a permit under this chapter must be reported in writing by certified mail by the permittee within ten days after said changes occur.

**Sec. B11-219. Required registration sticker.**

It is unlawful for any septic tank or chemical toilet cleaner to pump or dispose of septage or chemical toilet waste within Santa Clara County unless proper annual inspection and permitting of the vehicle has occurred. Upon issuance of a permit, a registration sticker supplied by the director will be affixed to the lower right hand

corner on the windshield of each vehicle. Registration stickers must be valid only for the unexpired portion of the calendar year. Failure to properly display a current windshield sticker may result in a citation to either the vehicle operator or owner.

**Sec. B11-220. Examination of applicant, equipment and proposed place and manner of cleanings disposal.**

A permit will be issued only after a satisfactory examination by the director covering the equipment to be used, the applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, and the reliability of the applicant in observing sanitary laws, ordinances and directions, and in selecting laborers and employees who may clean out septic tanks, chemical toilets, cesspools and sewage seepage pits without endangering human health or comfort; and only after examination of the place or places and manner of disposal of the cleanings proposed by the applicant.

**Sec. B11-221. Records and reports.**

It is unlawful to pump or dispose of septage or chemical toilet waste without keeping proper records and submitting a monthly report to the director. A report to the director is required each month whether or not pumping and disposal has occurred. All reports must be made on forms provided by the director, or on forms acceptable to the director, and must be submitted monthly to the director not later than the 10th of each succeeding month. A copy of the pumping/disposal report must be delivered to or left with the generator and the disposal site operator and be retained by the cleaner for three years. Reports must be made available for inspection on request of the director. Persons operating airline lavatory waste transport vehicles may, under the discretion of the director, keep records onsite instead of submitting them as described above.

**Sec. B11-222. Conditions of permit; required statements.**

Applicants may be permitted under such terms, conditions, orders and directions as the director may deem necessary for the protection of human health and comfort. The director may require any and all persons who are permitted to clean septic tanks, cesspools, sewage seepage pits or chemical toilets or to dispose of the cleanings there from, to file with the department at any time and at such frequency as necessary, a statement giving the name and address of the owner or tenant of every premise where a septic tank, cesspool, sewage seepage pit or chemical toilet has been cleaned out by said permittee or his employees or by others on his behalf. The statement must describe in precise terms the amount pumped and the place where the cleanings have been disposed of and by whom. The director may require the statement to be sworn to before a notary.

Permits issued pursuant to this chapter will impose the condition that septic tank and/or chemical toilet cleaners disposing of cleanings generated in whole or in part from within the south county service area may do so only at the south county

regional wastewater treatment plant. This section is to remain in effect until all indebtedness incurred on behalf of the residents of the south county service area for their share of the cost of constructing the south county regional wastewater treatment plant has been paid in full. Upon the repayment of this indebtedness the board of supervisors may terminate or amend this permit requirement.

**Sec. B11-223. Disposal of liquid wastes.**

Liquid wastes as described within this chapter, including wash or rinse water used to clean the interior of the liquid waste vehicle tank or any portable toilet, must be disposed of by discharge to a publicly owned sewage treatment plant, to a privately owned sewage disposal systems approved by the director, or as otherwise approved by the director.

**Sec. B11-224. Disposal of liquid wastes from South County Service area.**

No cleanings from the south county service area may be disposed of at any location except the south county regional wastewater treatment plant. Mixed loads must be disposed of only at the south county regional wastewater treatment plant. A mixed load is one consisting of partial loads of waste from outside the south county service area mixed with any waste from within the south county service area.

This section is to remain in effect until all indebtedness incurred on behalf of the residents of the south county service area for their share of the cost of constructing the south county regional wastewater treatment plant is paid in full. Upon the repayment of this indebtedness the board of supervisors may terminate or amend this disposal requirement.

**Sec. B11-225. Identification of vehicle.**

No septic tank or chemical toilet cleaner may pump, store or dispose of cleanings without proper vehicle business identification. The business name, address, and the telephone number and tank capacity in gallons must be displayed on both sides of the vehicle in letters and numbers no less than four inches high by three-eighths of an inch wide. The color of the numbers and letters must contrast with the background color of the vehicle. All markings must be kept legible at all times. Markings other than as described herein must be approved by the director.

A certificate of capacity for the waste tank must be obtained from the Santa Clara County Department of Weights and Measures, the tank manufacturer or from another certification source approved by the director and must be kept with the vehicle.

**Sec. B11-226. Required equipment and standards.**

It is unlawful to operate a septic tank and/or chemical toilet pumper vehicle without the required equipment maintained in good condition. A certificate of tank capacity from a certification source approved by the director may be

required. Equipment includes but is not limited to the following:

- (a) Leak-proof and water-tight tanks.
- (b) Appurtenances, fittings, or access openings that are without leaks.
- (c) A reliable gauge, sight tube, bubble gauge, or gauge stick, or other device approved by the director to indicate the volume of waste tank contents.
- (d) Leak-proof discharge valves. All discharge valves must be made operable only at the valve itself and not actuated from the vehicle cab or by remote control.
- (e) Pumps must be leak-proof and spill-proof.
- (f) A dedicated clean up hose must be kept on the vehicle to clean the equipment. Rinsate from equipment cleaning must be collected and handled as septage and removed from the site or returned into the waste tank. The customer's hose must not be used to rinse the equipment.
- (g) Vacuum hoses that are in good repair, properly stored on the vehicle and reasonably clean.
- (h) The pumper vehicle and equipment must be maintained in a clean condition.

**Sec. B11-227. Portable Toilets.**

All liquid wastes haulers that provide portable toilets must comply with the following:

- (a) Portable toilets must be operated and kept in a clean, well-maintained condition.
- (b) Portable toilets must be pumped weekly or more often if necessary.
- (c) Portable toilets must be cleaned and disinfected thoroughly, including the inner walls, receptacle, seats, and lids with every pumping.
- (d) Chemical additives used in portable toilets must be chosen from the list of acceptable additives provided by the California Regional Water Quality Control Board.

**Sec. B11-228. Storage of cleanings.**

No septage or portable toilet waste is to be stored in the pumping vehicle for more than three consecutive days.

**Sec. B11-229. Pumper vehicle storage yards.**

No septage or portable toilet pumper vehicles may be stored or parked overnight at any location other than a site approved by the director.

**Sec. B11-230. Required maintenance of pumper vehicle storage yards.**

All pumper vehicle storage yards must be maintained in good repair, clean and free of offensive odors.