

Mendocino County Division of Environmental Health

Policy 4211.05

NEW USE OF OLD UNKNOWN EXISTING SYSTEMS

Intent and Benefit

The intent of this policy is to allow property owners the new use of old existing systems where it is certain that it will operate satisfactorily protecting the public health and not harm the environment. This policy relates specifically to existing unknown systems which are not connected to an acknowledged, historic wastewater generating use. The benefit is that property owners are allowed to make use of certain existing sewage systems thus containing the cost of a development project. Another benefit is that the EH Department is perceived as flexible, capable of making reasonable decisions and inspiring the confidence and cooperation of the public generally. This policy is not intended to apply to the remodel or expansion of an existing use.

Background

Previously there has been no guidance in this area and there may have been variation between EH staff as to how such a problem was handled. This policy will bring consistency to the issue of new use of old unknown existing sewage systems.

Statement of the Problem

A property owner's discovery of the existence of an old, albeit unknown, sewage system on their property, which is not connected to a current use, is often perceived as a "vested right" which deserves to be "grandfathered". EH staff may feel very uncomfortable approving a building permit application based on an old, unknown, undocumented sewage system. The question is; how much discovery and documentation is necessary to make use of such a system and what criteria will be used to deem it permissible. Because it is pre-code, does that necessarily mean the EH staff must accept it as suitable per se? If not, what criteria are used to judge its suitability?

Policy Implementation

Use of an existing unknown system may be authorized provided a Site Evaluation Report be prepared by a qualified individual and submitted to DEH for review and approval, similar to any other new project on an unimproved parcel. The EH staff shall analyze the suitability of the existing system dimensions, soil conditions, design, and system construction using the Mendocino County LAMP as the standard. This determination shall be documented to the file using the *Mendocino County Site Evaluation Report Format for On-Site Sewage Systems*.

Effective Date: 9/23/2003

Revised Date: March 19, 2026

Note:

Director's Initials: MBD, JDR