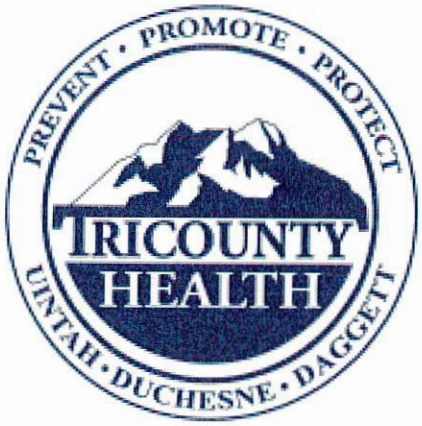

TriCounty Health Department

TCHD-WW-0317

Wastewater Regulation

Adopted by the TriCounty Board of Health
Adopted: July 15, 2015

Amended: December 16, 2025

Under Authority of Section 26A-1-114 Utah Code Annotated, 1953, as amended

Table of Contents

1. PURPOSE

1.1. The purpose of this regulation is to protect and promote public health, prevent disease, prevent the creation of nuisances, and prevent water pollution within Duchesne, Uintah, and Daggett Counties, with the intent to clarify the application, inspection, permitting, and approval process.

2. SCOPE

2.1. This regulation is applicable within all incorporated and unincorporated areas of Duchesne, Uintah, and Daggett Counties.

3. AUTHORITY AND APPLICABLE LAWS

3.1. This regulation is adopted under the authority of the TriCounty Board of Health in accordance with Utah Code Annotated Section 26A-1-121. The provisions of Utah Administrative Code R317-4, Onsite Wastewater Systems; Rule R317-5, Large Underground Wastewater Disposal Systems; Rule R317-560, Rules for the Design, Construction, and Maintenance of Vault Privies and Earthen Pit Privies; Rule R317-550, Rules for Liquid Waste Operations; and Rule R317-401, Graywater Systems; are hereby adopted and incorporated by reference.

4. DEFINITIONS

4.1. "Bedroom" means any portion of a dwelling that is so designed as to furnish the minimum isolation necessary for use as a sleeping area. It may include a den, study, sewing room, or sleeping loft. Unfinished basements shall be counted as at least one additional bedroom. Lofts intended for sleeping, such as seen in recreational properties, are counted as a bedroom. Lofts in most homes that are used as a view area are not counted as a bedroom.

4.2. "Department" means the TriCounty Health Department as established by the TriCounty Board of Health.

4.3. "Earthen pit privy" means a toilet facility consisting of a pit in the earth covered with a privy building affording privacy and shelter and containing 1 or more stools with an opening into the pit. Frequently referred to as an outhouse.

4.4. "Existing onsite wastewater system" means an onsite wastewater system that is connected to an existing structure. All onsite wastewater systems constructed after the year 1999 must show that they have gone through the proper permitting process to be considered an existing system.

4.5. "Graywater" means wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, or laundry tubs. Graywater does not include wastewater from toilets, kitchen sinks, photo lab sinks, dishwashers, water softeners, garage floor drains, or other sources that pose a public health hazard.

4.6. "Groundwater table" means the surface of a body of unconfined groundwater in which the pressure is equal to that of the atmosphere.

4.7. "Groundwater table perched" means unconfined groundwater separated

from an underlying body of groundwater by an unsaturated zone. Its water table is a perched water table. It is underlain by a restrictive strata or impervious layer. Perched groundwater may be either permanent, where recharge is frequent enough to maintain a saturated zone above the perching bed, or temporary, where intermittent recharge is not great or frequent enough to prevent the perched water from disappearing from time to time as a result of drainage over the edge of or through the perching bed.

4.8. "Holding tank" means a watertight receptacle designed to hold wastewater from a structure that is supplied with water.

4.9. "Liquid waste operator" means any person who conducts business activity or solicitation by which liquid wastes are collected, transported, stored, or disposed of by a collection vehicle. This shall include, but not be limited to, the cleaning out of septic tanks, wastewater holding tanks, chemical toilets, and vault privies.

4.10. "Lot split" means the act of dividing land to create one additional building lot. Additional lots may be on the plat, but not intended for building purposes. There may be additional agricultural lots, or a single lot left over for future development.

4.11. "Operating permit" means the permit that authorizes the operation and maintenance of an onsite wastewater system or wastewater holding tank. It may require periodic renewal.

4.12. "Registered designer" means any individual who has met the qualifications and made an application to the Department as stated in section 9.

4.13. "Registered evaluator" means any individual who has met the qualifications and made an application to the Department as stated in section 8.

4.14. "Registered Installer" means any individual who has met the qualifications and made an application to the Department as stated in section 10.

4.15. "Replacement area" means an area reserved for the construction of an onsite wastewater system when the current system fails. If the area between trenches is designated as a replacement area, the distance between trenches must be extended to allow consistent separation between new and existing trenches.

4.16. "Subdivision" means the act of dividing land to create two or more additional building lots. Additional lots may be on the plat, but not intended for building purposes. There may be additional agricultural lots, or a single lot left over for future development.

4.17. "Vault Privy" means a toilet facility wherein the waste is deposited without flushing into a permanently installed, watertight vault or receptacle.

4.18. "Will serve letter" means a written or electronic correspondence from a public sewer or public water district stating that connections to services are available for all proposed building lots.

5. LOT SIZE REQUIREMENTS

5.1. Lots or parcels must be large enough to accommodate the onsite wastewater system, a replacement area, parking, and anticipated construction.

Location and installation of each wastewater system shall be such that, with reasonable maintenance, it will function in a sanitary manner and will not create a nuisance, public health hazard, or endanger the quality of any waters of the state, including groundwater. In determining whether lots are large enough, the following factors shall be used along with other available information:

A. Type and number of onsite wastewater systems proposed.

B. Soil type and depth.

C. Area drainage, lot drainage, and potential for flooding.

D. Protection of surface and ground waters.

E. Setbacks from property lines, water supplies, etc..

F. Source of culinary water, and protection areas.

G. Topography, geology, hydrology, and ground cover.

H. Availability of public sewers.

I. Activity or land use, present and anticipated.

J. Growth patterns, density of onsite wastewater systems.

K. Individual and accumulated gross effects on water quality.

L. Reserve areas for additional subsurface dispersal.

M. Anticipated wastewater volume.

N. Climatic conditions.

O. Installation plans for onsite wastewater systems.

P. Area to be utilized by dwelling and other structures.

Q. Irrigation practices and secondary water use.

5.2. Onsite wastewater systems, including replacement areas, shall be located on the same lot as the building served, unless when approved by the regulatory authority, a perpetual utility easement and right-of-way is established on an adjacent or nearby lot for the construction, operation, and continued maintenance, repair, alteration, inspection, relocation, and replacement of an onsite wastewater system, including all rights to ingress and egress necessary or convenient for the full or complete use, occupation, and enjoyment of the granted easement. The easement shall be large enough to accommodate the proposed onsite wastewater system and replacement area. The easement shall meet the setbacks specified in Section R317-4.

5.3. The Department, in coordination with the local land use authority, shall determine the required minimum lot size, and the suitability of a lot for the proposed use. The applicant may dispute a suitability finding or request a smaller lot size by submitting a written statement and data from a hydrogeologist, geotechnical engineer, or other person qualified to determine the suitability of a site or the appropriate density of onsite wastewater systems in the area. In all cases, the lot size shall meet or exceed the minimum lot size established by the land use authority.

6. REQUIREMENTS TO CONNECT TO PUBLIC SEWER

6.1. All wastewater shall have a connection to public sewer when such sewer is available or practicable for use.

6.1.1. Public sewer is considered available if a connection is located within 300 feet of the property line, and may be considered available when it is further than 300 feet. However, property owners are not expected to extend major sewer trunk lines for a single residence.

6.1.2. For subdivisions, public sewer is considered available if it is located within 150 feet multiplied by the number of proposed lots in all phases of development. Subdivision developments are expected to extend major sewer trunk lines if necessary.

6.1.3. Public sewer providers shall determine whether public sewer is practicable for use. Their determination must be submitted to the Department in writing.

7. DRINKING WATER

7.1. All structures for occupancy must have a connection to a public water system or comply with the non-public drinking water regulations of the Department.

7.1.1. Public Drinking water is regulated by the Department of Environmental Quality, Division of Drinking Water.

7.1.2. Non-public drinking water is regulated by TriCounty Health Department. A Non-public drinking water system is any system not regulated by the Department of Environmental Quality. Non-public drinking water systems are governed by the TriCounty Health Department Rules for non-public water systems.

7.1.2.1. Approval of non-public water systems generally requires:

A. Proof of water rights.

B. Chemical and bacterial analysis of the water.

C. Designation and map of a protection buffer area where possible contaminants are restricted.

D. Written agreements to share water if needed.

E. Engineered plans if the system is for commercial use or has more than 3 connections.

7.1.3. Onsite wastewater systems must comply with all public source protection zones. Onsite wastewater systems may not be located within 500 feet of any surface water reservoir that supplies drinking water to the public.

8. REGISTERED EVALUATORS

8.1. Individuals must be registered with the Department to conduct site assessments. To be registered, the individual must:

A. Show proof of Level 1 certification from the Utah Department of Environmental Quality.
B. Demonstrate their knowledge of State and Local wastewater and drinking water rules.
C. Demonstrate knowledge of soil characteristics.
D. Pay the appropriate fee.
E. Make an application to the Department.

8.2. Registration expires when the Utah Department of Environmental Quality certificate expires.

8.3. Registered evaluators must notify the Department at least one working day in advance of when onsite work is expected to happen.

9. REGISTERED DESIGNERS

9.1. Individuals must be registered with the Department to design onsite wastewater systems or Tier 1 gray water systems. To be registered, the individual must:

A. Show proof of Level 2 certification from the Utah Department of Environmental Quality.
B. Demonstrate their ability to make accurate, complete, and legible designs.
C. Demonstrate knowledge of State and Local regulations regarding wastewater system design.
D. Pay the appropriate fee.
E. Make an application to the Department.

9.2. Registration expires when the Utah Department of Environmental Quality certificate expires.

10. REGISTERED INSTALLERS

10.1. Individuals must be registered with the Department and possess the appropriate Division of Occupational and Professional license to install onsite wastewater systems as defined by R317-4 and R156-55a. To be registered, the individual must:

A. Show proof of Level 2 state certification or attend the wastewater class provided by the Department.
B. Demonstrate competency through 3 approved installations. While prospective installers are in the process of becoming registered, they will be listed under the subheading "in process" to secure jobs and demonstrate their competency.
C. Pay the appropriate fee.

D. Make an application to the Department.

10.2. Registration expires when the Utah Department of Environmental Quality certificate expires or after three years if attending a Department wastewater installation class.

10.3. A property owner/homeowner may install their own system, however, it is recommended that installations have oversight from a registered installer. They may also request additional inspections from the Department.

10.4. Installers must notify the Department at least one working day in advance of when onsite work is expected to happen.

11. REGISTRATION REVOCATION

11.1. Registration may be revoked for disregarding regulations, lack of competency, illegible submissions, or falsifying information.

11.2. Significant deficiencies, such as approving a site in close proximity to surface water, groundwater, a water well, or bedrock, utilizing unapproved materials, or causing major reconstruction of the system, will result in the immediate revocation of registration.

11.3. Deficiencies such as poor designs, insufficient paperwork, or other mistakes that would not likely cause failure of the system will result in revocation of registration after three notices in a 12-month period.

12. REGISTRATION GRIEVANCE PROCESS

12.1. Any person/s aggrieved by the notice of registration revocation, may appeal the decision in writing to the Health Officer, within ten days of the date of revocation. The aggrieved person must include a brief statement of the reasons for seeking an appeal. A hearing shall take place within ten calendar days after the request unless the Health Officer is unavailable due to time off, illness, or unforeseen circumstances. A written notice of the Health Officer's final determination shall be given within ten calendar days after adjournment of the hearing. The decision may be appealed to the TriCounty Board of Health within 10 days of the Health Officer's decision.

12.2. Registration may be renewed if the individual attends a training approved by the department addressing the issue for revocation and meeting all other requirements for registration.

13. SITE ASSESSMENTS

13.1. The purpose of a site assessment is to determine if an onsite wastewater system is feasible in a specific location on the property and for a specific project proposed by the property owner or authorized agent. The property may not be feasible for the specific project proposed, but may be for another type of project. If the exploration hole dug on a lot is determined not feasible, there are often other locations on that lot that an exploration hole can be dug that would show

feasibility for an onsite wastewater system. A site assessment is to determine if an onsite wastewater system is feasible, **not** to determine if the lot is a suitable building lot. Some of the factors that are evaluated are: depth to groundwater, depth of soil and soil type, setback distances, size of the lot, and availability of public drinking water. There may be other avenues for wastewater disposal such as; public sewer, the creation of a sewer district, etc. Things such as wastewater rules, irrigation practices, storm drainage, road construction, excavation, pond and waterway construction, building construction, etc., may change the site over time, which may change the feasibility of an onsite wastewater system.

13.2. Application

13.2.1. The Site Assessment request application shall be filled out completely and shall include;

A. The property Tax ID form indicating the legal owner of the property, property serial number, and legal description.

B. Maximum groundwater table determination.

C. Soil log

D. Percolation test results and data if conducted

E. County plat indicating the location of soil logs and percolation tests.

F. Appropriate fees.

G. Attestation to visiting the site and conducting the site assessment in accordance with State and Local wastewater rules.

13.3. Expiration

13.3.1. All site assessments are valid for 2 years from the date on the Department's site assessment form.

14. GROUNDWATER

14.1. A registered evaluator, licensed hydrogeologist, geotechnical engineer, or other qualified licensed person, must submit a signed statement indicating the anticipated maximum groundwater elevation, at the proposed wastewater site, to the Department.

14.1.1. If there is evidence that the groundwater is expected to rise within five feet of the ground surface, the qualified person must conduct regular monitoring of the groundwater for a period of one year or for the period of maximum groundwater. Groundwater records and climatological records may be used in determining the monitoring period and in determining the anticipated maximum groundwater elevations.

14.1.1.1. The following are potential indications of groundwater and must be evaluated if encountered:

A. Pooling of water in a ten-foot exploration hole.

B. Exploration holes that are not excavated to ten feet.

Exploration holes must be open for 24 hours to view water elevation.

C. Nearby irrigation

D. Wetland vegetation

E. Alkali on the ground surface.

F. Canals, ditches, ponds, or nearby surface water

G. Wet soil

H. Crystals of salt or mottled colored soil may be evidence of groundwater elevation. These may be historical and may not reflect current conditions.

14.1.2. If the maximum groundwater elevation cannot be determined during the initial groundwater monitoring period, monitoring shall continue until a determination can be made.

15. CONSTRUCTION PERMITS

15.1. Application

15.1.1. The onsite wastewater construction permit application shall include:

A. A complete, signed application, on a form provided by the Department.

B. Proof of drinking water.

C. An estimate of wastewater quantity with calculations.

D. Current Tax ID form if it has changed since the site assessment was done.

E. Appropriate fees.

F. A Detailed drawing of the proposed onsite wastewater system. The designer's name, signature, and registration number must be included on the design.

15.2. Plans

15.2.1. (1-2000) gallons per day discharge. The onsite wastewater system must be designed by a registered designer.

15.2.2. (2000-5000) gallons per day discharge. A registered designer must design the onsite wastewater system. A licensed engineer must approve the design.

15.2.3. (5000+) gallons per day discharge. A licensed engineer with level 3 wastewater professional certification must design the onsite wastewater system. The requirements of Utah Administrative Rule R317-5 must be met.

15.2.4. The Department may require that the building sewer be extended to the road easement, or right-of-way line, if public sewer is within one mile or if expansion of the sewer system to the area is

likely.

15.3. Expiration

15.3.1. Construction permits are valid for one year. The applicant may request an extension for an additional year after paying the approved fee and demonstrating that the plans are in compliance with the current rule.

15.3.2. If the onsite wastewater system is under construction, the Department will extend construction permits an additional 60 days.

16. Graywater Systems

16.1. "Tier 1 system" means a gravity-fed graywater system that does not include any surge tank, pretreatment, or pressurized components. A Tier 1 system may be appropriate for retrofit situations. A Tier 1 system is intended to be simple to operate and can be easily disconnected during winter months or other periods when the system may not be in use. Tier 1 systems can be permitted independently or in conjunction with a typical onsite wastewater system.

16.2. "Tier 2 system" means a graywater system that employs a surge tank, pretreatment, drip line irrigation system, or pressurized components. Tier 2 systems are considered an alternative system and can be permitted independently or in conjunction with an onsite wastewater system.

16.3. Graywater systems may be permitted and installed where public sewer is available.

17. FINAL INSPECTION

17.1. The department must conduct final inspections to ensure that the construction adheres to the submitted plans and complies with current local and state regulations. To determine compliance, all construction must remain sufficiently exposed. Approved methods, such as open pipes, may be used to verify gravel and groundwater depths. Inspections can be requested by anyone seeking compliance assistance, and such requests will incur a fee approved by the Board of Health. The department reserves the right to inspect any construction at any point during the permitting process to facilitate compliance.

18. OPERATING PERMIT

18.1. All onsite wastewater systems must have an operating permit. The operating permit will indicate the intended use and capacity of the onsite wastewater system. The property owner is responsible for the continued maintenance of the onsite wastewater system.

18.2. The Department issues an operating permit after the onsite wastewater system is inspected and approved by the Department, all paperwork is in order, the drinking water is approved, and all fees are paid.

19. EXISTING ONSITE WASTEWATER SYSTEMS

19.1. Application

19.1.1. The application shall include:

A. Name of person requesting the inspection.

B. Reason for the inspection.

C. Current Tax ID form.

D. A liquid waste operator inspection form, if required.

E. Appropriate fees.

19.2. Verification inspection of existing onsite wastewater system

19.2.1. Inspections for verification of a functioning onsite wastewater system are usually done when buying or selling property, or when obtaining a business license.

19.2.1.1. A complete existing onsite wastewater application must be submitted and fees paid to the Department.

19.2.1.2. A search will be conducted to see if any records regarding the specified property exist in the Department's files.

19.2.1.3. If an operating permit was obtained from the Department, and the final inspection report indicates the system was installed within 5 years of applying for the existing inspection, the status of the existing system will be recorded on the inspection form. A "Liquid Waste Operator" inspection form is not needed.

19.2.1.4. If no record exists or if the final inspection shows that the existing wastewater system was installed more than 5 years ago, a "Liquid Waste Operator" inspection form must be submitted. The "Liquid Waste Operator" must have pumped the septic tank within the last 120 days and must have filled out the inspection form at the time of inspection.

19.2.1.5. An onsite inspection will be conducted of the property. The septic tank must be open for inspection. If the records indicate that the system was not approved, the property owner must apply for a permit, and the system must be upgraded to meet current code requirements. All onsite wastewater systems constructed after the year 1999 must show that they have gone through the proper permitting process to be considered an existing system.

19.3. Subdivision/Lot split /Lot line adjustments with existing onsite wastewater systems.

19.3.1. Two plats must be submitted to the Department. One plat must show the current boundaries of the property, including any existing property lines, before subdivision or changes to the property lines. This is usually obtained from the County Recorder's office. A surveyed plat must be submitted, showing proposed lot boundaries and the location of all existing onsite wastewater systems.

19.3.2. If more than one new building lot is being created, the developer must complete a subdivision application and pay subdivision fees.

19.3.2.1. If only one new building lot is being created the property owner must submit the Existing Onsite Wastewater application for each existing system and pay the existing inspection fees.

19.3.2.2. If a file with a final inspection report for the property resides with the Department, or can be made available to the Department, the onsite system does not need to be uncovered.

19.3.2.3. If a final inspection report for the property cannot be provided to the Department, the septic tank and portions of the drainfield must be uncovered. The existing onsite wastewater system must be uncovered enough to verify its location on the property.

19.3.2.3.1. The requirement to uncover existing onsite wastewater systems may be waived if the applicant submits a request in writing to waive this requirement. The submittal must demonstrate that there is no need to uncover the system because of its obvious location and distance from any boundary. The existing onsite wastewater system must be located on the parcel that it services. If the request is approved, the onsite wastewater system must be surveyed on the plat.

19.3.2.4. A site assessment may be conducted on the property to see if an onsite wastewater system can be constructed on the property if problems are known to exist with the existing onsite wastewater system.

19.3.2.5. The Department will review the submitted information from a registered individual, conduct an on-site inspection, and correspondence will be sent indicating whether more information is needed, the proposal is denied, or the subdivision is approved.

19.3.2.6. Subdivision approval does not mean that the existing wastewater system meets current code, or that it is functioning properly.

19.4. Existing wastewater system inspections to obtain a building permit

19.4.1. An existing wastewater system inspection application must be submitted and fees paid to the Department.

19.4.2. A search will be conducted to see if any records regarding the specified existing onsite wastewater system exists in the Department's files

19.4.3. If a file with an approved "final inspection" report and drawing of the system exists for the property, the onsite system does not need to be pumped. The Department will determine if the existing system is sized to accommodate the new construction. If the wastewater system needs to be enlarged, moved, or altered to accommodate new construction, the owner must apply for an "onsite wastewater permit".

19.4.4. If a "final inspection" report or drawing does not exist for the property, the septic tank must be pumped, and a complete "existing onsite

wastewater application" and a "Liquid Waste Inspection" form must be submitted.

19.4.5. All new construction must meet current wastewater rule requirements. All existing components of the system must function properly and must have met code requirements at the time of construction. Sizing of the system must meet current code requirements to accommodate the new home.

19.4.6. If the existing home is completely removed from the property, or will be removed, the entire onsite wastewater system must meet current code requirements.

19.5. Existing onsite wastewater system approval

19.5.1. Approval means that the onsite wastewater system appears to be constructed properly and is functioning properly. It does not mean that the system meets current code requirements.

19.5.2. Existing onsite wastewater systems cannot be approved when public sewer is available. (See Section 6)

19.6. Existing onsite wastewater construction permit

19.6.1. A permit must be obtained from the Department for the replacement, alteration, extension, or change of use of any existing onsite wastewater system. A site assessment may be required in order to design the system. If fees were paid for the existing inspection, no additional fees are required for the site assessment.

20. ALTERNATIVE WASTEWATER SYSTEMS

20.1. Alternative wastewater systems are governed by the Department's rule governing the use, permitting, and maintenance of alternative onsite wastewater systems and gray water systems.

20.1.1. Fractured rock and saprolite that cannot be classified using the USDA classification may not be feasible or may require an alternative system. A typical deep wall trench may be allowed in high plateau areas in saprolite/fractured rock if:

A. The deep wall trench meets all requirements in R317-4

B. A percolation test was conducted, which has a percolation rate of 1-60 minutes per inch.

C. The deep wall trench is sized using the percolation rate plus 50%.

D. The deep wall trench and replacement area will be located 100 feet from a downslope angle of 35% or greater.

E. The estimated groundwater depth is 100 feet or greater.

(Refer to TriCounty Health Department Guidelines Regarding the Installation of Wastewater Treatment Systems in Saprolite and Fractured Rock)

21. HOLDING TANKS

21.1. Holding tanks are only permitted in the following circumstances:

A. As temporary use.

B. To repair a failed system.

C. Under the control of a management district.

D. For other essential and unusual situations that provide long-term protection of the waters of the state.

E. To prevent contaminants from entering an onsite wastewater system.

21.1.1. A holding tank permit is not issued to obtain a building permit. The applicant must go through the plan review, construction permit, and operating permit processes. Waste from a holding tank must be removed according to Utah Administrative Rule R317-550, Rules for Liquid Waste Operations. A site assessment may be required.

21.2. Permits may be issued for temporary events or uses, such as labor camps, drill sites, mass gatherings, emergency housing, construction sites, etc., where the use will not exceed one year.

21.2.1. Drill Sites

21.2.1.1. Drill sites use holding tanks during the exploration of gas and oil. These are temporary and have oversight of the drilling company. Drill rigs constantly move location; therefore, an application or written permit is not required. However, such use requires the payment of applicable fees and is subject to random inspections by the Department to ensure compliance with the Holding Tank rules.

21.3. Repair of a failed system

21.3.1. Permits may be issued where an onsite wastewater system has failed and a holding tank is the only option.

21.4 Under the control of a management district

21.4.1. The management district must be legally formed according to Utah State Code.

21.5. Other essential and unusual situations

21.5.1. Permits may be issued when both the Division of Water Quality and the Department concur that the proposed holding tank will be designed, installed, and maintained in a manner that provides long-term protection of the waters of the state.

21.6. Non-sewage holding tank

21.6.1. A holding tank permit may be issued so that contaminants that hinder the function of an onsite wastewater system, such as oil, antifreeze, and chemicals, may be contained and hauled to a proper disposal facility. The Department shall determine if a non-sewage holding tank is required.

22. VAULT PRIVIES AND EARTHEN PIT PRIVIES

22.1. Vault privies and earthen pit privies are typically used at campgrounds, roadway rest stops, and parks, where running water will not be introduced to the privy.

22.2. Vault Privy wastes must be periodically removed and disposed of in accordance with Rule R317-550. Rules for Liquid Waste Operations.

22.2.1. Earthen pit privies are only allowed in remote areas where it is impractical to transport or maintain a vault.

22.2.2. Vault privies and earthen pit privies are required to go through the application, plan approval, and operating permit process.

22.2.3. These permits cannot be used to obtain a building permit.

23. LOT SPLITS/LOT LINE ADJUSTMENTS

23.1. Lot splits with public drinking water and public sewer can be approved by submitting "will serve" letters from the providers to the Department.

23.2. If onsite wastewater systems or non-public water systems are proposed, a lot split application must be submitted to the Department.

23.3. Property boundaries must be marked on site.

23.4. Application

23.4.1. The application shall include:

A. A complete, signed application on a form provided by the Department.

B. Property Tax ID form.

C. Appropriate fees.

D. A survey plat.

23.5. Drinking water

23.5.1. Public drinking water

23.5.1.1. A "will serve" letter must be submitted from the public water system that will provide drinking water.

23.5.2. Non-public drinking water

23.5.2.1. The applicant must submit the following:

A. Evidence of water rights.

B. Adequate source protection area.

23.6. Sewer

23.6.1. An application for a site assessment or an existing wastewater inspection must be submitted to the Department for the proposed building lot or adjusted lot.

24. SUBDIVISIONS

24.1. All building lots require approved drinking water and wastewater systems. True agricultural divisions "Actively devoted to agricultural use" do not require Department approval. The survey shall designate such parcels as " agricultural" or "not a proposed building lot".

24.2. Subdivisions with public drinking water and public sewer can be approved by submitting "will serve" letters from the providers to the Department.

24.3. If onsite wastewater systems or non-public water systems are proposed, a subdivision application must be submitted to the Department.

24.4. Application

24.4.1. The application shall include:

A. A current Property Tax ID form.

B. A county plat of the property as existing prior to subdivision.

C. A subdivision plat

D. A statement from a licensed hydrogeologist, geotechnical engineer, or other qualified person, indicating the present and maximum groundwater table throughout the development.

24.4.1.1. If there is evidence that the groundwater is expected to rise within five feet of the ground surface, the qualified person must conduct regular monitoring of the groundwater for a period of one year or for the period of maximum groundwater. Groundwater records and climatological records shall be used in determining the monitoring period in determining anticipated maximum groundwater elevations.

24.4.1.2. The following are potential indicators of groundwater and must be evaluated if encountered:

A. Pooling of water in a ten-foot exploration hole.

B. Exploration holes that are not excavated to ten feet.

C. Nearby irrigation

D. Wetland vegetation

E. Alkali on the ground surface.

F. Canals, ditches, ponds, or nearby surface water

G. Wet soil

H. Crystals of salt or mottled colored soil may be evidence of groundwater elevation. These may be historical and may not reflect current conditions.

24.4.1.2.1. If the maximum groundwater elevation cannot be determined during the initial groundwater monitoring period, monitoring shall continue until a determination can be made.

24.4.2. A statement indicating the proposed wastewater treatment systems.

24.4.3. A statement from the nearest public sewer district indicating the

distance, in a straight line from the nearest sewer district service line to the proposed subdivision. If it is evident that the sewer cannot be reached, the developer may submit a statement explaining why the sewer is inaccessible.

24.4.4. A statement indicating the proposed drinking water source.

24.4.5. A statement explaining past and planned irrigation practices within the subdivision, including the distribution of water rights.

24.5. Plat Requirements

A. A vicinity map.

B. Street and lot layout. All lots must be consecutively numbered.

C. Surface drainage systems.

D. Flood plain areas, wetlands, waterways, and water bodies.

E. Location of all soil exploration pits and percolation test holes shall be clearly identified and surveyed on the plat and shall be visibly marked and identified with stakes on site.

F. GPS coordinates of percolation tests and exploration holes.

G. Location of drinking water sources and their protection areas.

H. Existing onsite wastewater systems.

I. All easements.

24.5.1. If a lot is designated on the plat as agricultural land, it must be an agricultural lot "actively devoted to agricultural use" as defined in UCA 59-2-502 and designated as Ag/Greenbelt on the county's tax rolls. Agricultural lots must be labeled on the plat.

24.5.2. If a lot is not designated as agricultural land, but is not a proposed building lot, it must be: 5 or more continuous acres, **or** be marked on the plat as a future phase of development. Non-proposed building lots are intended for leftover acreage when dividing off a building lot**.** A subdivision may only have ONE non-proposed building lot. Non-proposed building lots must be labeled on the plat as "not a proposed building lot", "remainder", or applicable future "phase" on the plat.

24.6. Drinking water

24.6.1. All lots shall have a connection to a public water system or be in compliance with non-public drinking water rules of the Department.

24.6.2. If public water system connections are available without new construction, an availability letter from the water system must be submitted to the Department.

24.6.3. If construction of distribution lines is required, a plan approval letter is required from the Division of Drinking Water.

24.6.4. If non-public wells or springs are proposed to supply water, ten percent of the sources must be developed in accordance with the Department's rules, and the following must be submitted to the Department:

A. Written verification of adequate water rights from the Division of Water Rights.

B. A chemical analysis of the water from each source.

C. A bacteriological water sample from each source.

D. Evidence of adequate source protection areas.

24.7. Sewer

24.7.1. All lots shall have a connection to public sewer when such sewer is available and practicable for use.

24.7.2. Sewer is considered available if it is located within 150 feet multiplied by the number of proposed lots in all phases of the subdivision. Subdivision developments are expected to extend major sewer trunk lines if necessary.

24.7.3. Public sewer providers determine whether public sewer is practicable for use. Their determination must be submitted to the Department.

24.7.4. Onsite wastewater systems

24.7.4.1. Soil evaluations

24.7.4.1.1. Soil evaluations must be conducted on each proposed lot. There may be a single lot remaining that is intended for future phases of the development or lots left as agricultural land. Agricultural lots must meet the definition of agricultural land, be used for agriculture, and be taxed as such. Lots not reviewed by the Department must indicate that they are agricultural land, future phase, or not a proposed building lot on the plat.

24.7.4.1.2. Soil pits, percolation tests, and lot boundaries must be identified onsite. Identification must match the paperwork submitted.

24.7.5. Existing onsite wastewater systems

24.7.5.1. If an existing onsite wastewater system exists in the subdivision, an inspection of that system must be performed in accordance with Section 19 above.

24.8. Expiration of subdivision application

24.8.1. A subdivision application is valid for one year. If the approval process cannot be completed within 1 year; the applicant must re-apply. Expired applications will be discarded.

24.8.2. Site assessments are generally not completed for subdivision feasibility and will need to be conducted prior to building a structure on each lot. However, if it is known what project/structure is going to be built on a proposed lot/s, a site assessment can be conducted while performing the subdivision feasibility inspection. If a site assessment application is not submitted at the same time as the subdivision feasibility application, a site assessment application with associated fees will have to be

conducted prior to building on any lots.

24.8.3. The Department may request additional information to determine feasibility.

24.9. Approval

24.9.1. Subdivision feasibility approval by the Department is *not subdivision approval*. Approval must be obtained from the appropriate local land use authority.

24.9.2. All items required on the surveyed plat for feasibility review must be on the final plat before the department signs the plat for approval or issues an approval letter.

24.9.3. When all requirements are met the Department will sign the subdivision plat. An approval letter will also be written explaining approval requirements.

25. LIQUID WASTE OPERATIONS

25.1. Application

25.1.1. Prior to initiating a liquid waste operation, the liquid waste operator shall submit a complete application to the Department. The application shall include:

A. Name, address, and telephone number of applicant. If the applicant is a partnership, the names and addresses of the partners; and if a corporation, the name and address of the corporation.

B. Name and address of the places of business, if different from above.

C. The applicant shall state the number of collection vehicles to be used, description of vehicles or skids (make, model, year, VIN, and license number), tank capacity, and any other related information required by the Department.

D. A list of all sites shall be provided that are used for the disposal of wastes resulting from the liquid waste operation. Applicants must provide proof of permission to dispose of wastes at such sites.

25.2. Inspection

25.2.1. The Department shall inspect the business location, equipment, and any documentation required.

25.2.1.1. If the liquid waste operation is compliant, it will be issued an operating permit.

25.2.1.2. Each vehicle or skid shall be inspected to see that it is in compliance with Utah Administrative Code R317-550.

25.2.1.3. If the vehicle or skid is compliant, it will be issued a decal from the Department.

25.3. Expiration

25.3.1. A liquid waste operation permit and equipment decals are valid for one year. All liquid waste operation permits and decals expire April 1.

25.4. Renewal

25.4.1. The owner or agent of the liquid waste operation must ensure that the file information at the Department is complete and accurate, applicable fees are paid, and inspections of the business and equipment are scheduled prior to the expiration of the permits.

25.5. Signage

25.5.1. Liquid waste operation vehicles or skids must be labeled with the word "SEWAGE" in a manner that is readily identifiable to the public and emergency personnel.

25.5.2. The capacity of the tank in U.S. gallons shall be determined accurately by calculation, metering, or as specified by the manufacturer, and shall be plainly, legibly, and permanently marked or stamped on the exterior of the tank.

25.6. Records

25.6.1. The liquid waste operation shall submit summary data of their business activity to the Department upon request. Summary data must be retained for at least 5 years. Summary data information shall include:

A. Source of all waste pumped on each occurrence, including name and address of source. If necessary, this information may be provided in code and made available for inspection at the business address of the liquid waste operation.

B. Specific type of waste disposal; system services on each occurrence.

C. Quantity of wastes pumped on each occurrence.

D. Name and location of authorized disposal site where liquid wastes were deposited for disposal.

26. VARIANCE REQUIREMENTS

26.1. An applicant may request a variance from the requirements of this rule only when a property has been deemed not feasible for the design or construction of an onsite wastewater system. A variance may not be granted for separation distances from public culinary water sources or to the minimum lot size requirements of the land use authority.

26.2. Variance Criteria

26.2.1. A variance will not be approved unless the applicant demonstrates that all of the conditions for a variance in Utah Administrative Rules R317-4 are met.

26.2.2. A Department may not issue an approval or an operating permit for an onsite wastewater system that does not comply with this rule unless a variance has been approved.

26.2.3. Notice of the conditions upon which a variance is granted shall be recorded in the chain of title for the property in the office of the county recorder. The notice shall include:

A. The description of the system and variance conditions.

B. Operation and maintenance requirements.

C. Permission for the Department to access the property for the purpose of inspection and monitoring of the system; and the owner's responsibilities to correct, repair, or replace the system at the direction of the Department.

26.3. Application Requirements

26.3.1. The variance application shall include all information and documentation necessary to ensure that the standards in Utah Administrative Rules, R317-4 "Conditions for a Variance" will be met.

26.3.2. As appropriate, the information required under this section shall be submitted in a report by a professional engineer or a professional geologist who is certified at the appropriate level to perform onsite wastewater system design. An engineer or geologist who submits a report shall be licensed to practice in Utah and shall have sufficient experience and expertise to make the determinations in the report, as determined by the Department. Any such report shall include the engineer's or geologist's name and registration number, and a summary of qualifications. The report shall be imprinted with the engineer's or geologist's registration seal and signature. Information shall include at least the following:

A. Information demonstrating that connection to a public or community-based sewage system is not available or practicable

B. Technical justification and appropriate engineering, geotechnical, hydrogeological, and reliability information justifying the request for a variance and how the conditions for a variance in Utah Administrative Rule R317-4 will be met.

C. A detailed description of the proposed system, including a detailed explanation of wastewater treatment technologies allowed by this rule that have been considered for use, and that will provide the best available treatment.

D. A statement of alternatives considered in lieu of a variance.

E. An operation, maintenance, and troubleshooting plan to keep the proposed system operating as described in the application.

F. Documentation that the adjoining landowners have been notified and provided an opportunity for comment on the proposed variance.

26.4. Review

26.4.1. The Environmental Health Director, or designee, will review documentation submitted to the Department. The Department may ask for review by other people with knowledge about the request.

26.4.2. The Environmental Health Director, or designee, will submit a decision in writing. Any decision may be appealed in writing to the TriCounty Board of Health within 30 days of receipt of written notice of the decision.

27. ENFORCEMENT

27.1. The Department may initiate legal action, civil or criminal, to abate any condition that exists in violation of these rules and regulations.

27.2. Any person, association, or corporation, and the officers of the association or corporation, who is in violation of these rules and regulations either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years he is guilty of a class A misdemeanor pursuant to Section 26A-1-123, Utah Code Annotated, 1953, as amended.

27.3. In addition to other penalties imposed, any person found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, or sanitation violation.

Passed by the TriCounty Board of Health on this 25 day of March 2026.

Signatures:

Board Chair: _____
John Mathis

Health Officer: _____
Kirk Benge