



County of Santa Cruz

Health Services Agency ♦ Environmental Health

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Deed Recordation Required by the Sewage Disposal Ordinance

Under County Code Section 7.38 Sewage Disposal, Nonstandard systems require Deed Recordation at final permitting. (7.38.184 (E)(1) and 7.38.186)

Nonstandard systems include enhanced treatment systems, nonconforming interim sewage disposal systems, low-flow systems, limited expansion systems, and haulaway systems. (7.38.030 (W)(3))

New development, Upgrades and Repairs may require an installation of an enhanced treatment system and thus a **Deed Recordation**.

All other Nonstandard Systems are only allowed in situations involving a Repair. Repair (or Major Repair) is a replacement of the treatment and/or dispersal system in order to correct a failure of an existing dispersal system. It may also include a replacement of the septic tank, if the tank requires replacement. All of them must comply with Prohibitions (7.38.042).

The allowance of these Nonstandard systems for a repair is to allow the OWTS to continue to be used though it does not meet current standards.

Deed Recordation is not required under county code, and should not be requested, for New development or Upgrade that does not require an enhanced treatment system.

Deed Recordation is not required under county code, **and should not be requested**, for a Repair that does not involve a Nonstandard system or in the situation described below involving an illegally build structure.

Please note the recordation for properties rebuilding in-kind and included in study to sewer as part of the Boulder Creek Water Quality and Recovery Project is a non-conforming interim sewage disposal system.

The following situations involve Recordation but not specifically related to Nonstandard systems:

If a violation of any of the provisions of the Sewage Disposal Ordinance (7.38), any condition of a permit issued under this chapter, or any term of an agreement executed under SCCC 7.38.186, the Health Officer may provide a notice of intent to record a notice of violation to the owner of the property on which the violation is located. The Sewage Disposal Ordinance describes the process of this recordation. (7.38.295)

In situations where a repair of an on-site wastewater treatment system (OWTS) is needed but the OWTS will serve illegally built structures, the parcel owner will be required to complete and get notarized a Septic System Agreement, which they will record. (EH Sewage Policy 16, Process for Repair Permit Applications Involving Illegal Land Uses/Zoning Violations, November 20, 1995.)