

**LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH
FAQ ABOUT LOS ANGELES COUNTY DRAFT LAMP AND THE STATE OWTS POLICY**

Updated 9/19/18

Q1. I heard that the County is proposing new regulations for septic systems. Can you tell me why?

The State Onsite Wastewater Treatment Systems Policy, which became effective on May 13, 2013, requires the County to adopt new regulations for Onsite Wastewater Treatment Systems (OWTS). In order to better serve the residents of LA County, DPH elected to adopt a Local Agency Management Program (LAMP), which provides less restrictive requirements and for local regulation of Non-Conventional Onsite Wastewater Treatment Systems, known as NOWTS for short. The Water Board must approve the County's LAMP for it to become effective.

Q2. How does the LAMP benefit the residents?

The LAMP is less restrictive than the State Policy on when a NOWTS is required. Also, the LAMP allows DPH to regulate NOWTS and prevents residents from having to obtain a Waste Discharge Requirements (WDR) permit from the Water Board. A WDR costs \$1044 for the initial application and annually and requires the homeowner to perform quarterly monitoring. Under the LAMP, the resident doesn't have to pay for a WDR, the County will be able to keep the permit fee significantly lower, and the County only requires an annual inspection.

Q3. What would happen if the County didn't submit a LAMP or if the Water Board doesn't approve the LAMP?

Without approval of the LAMP, the County would only be able to approve low risk installations from the State Policy. Any property owner whose property doesn't meet the requirements and needed to install a NOWTS would be referred to the local Water Board to apply for a Waste Discharge Requirement permit. In addition, the WDR doesn't replace the need for approval of the system by DPH as part of obtaining their permit from Building and Safety.

Q4. Why are the requirements so stringent? No one will comply and they will try to go around the system.

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The California Legislature directed the State Water Board to develop regulations for septic systems in 2000, due to problems with contaminated surface water and groundwater throughout the State. The State Policy are the regulations developed in response to the directive. DPH is attempting to make compliance with the standards easier by adopting the LAMP.

Q5. I heard that all existing systems need to be inspected to prove that they meet the new Tier 1 requirements or they are required to upgrade. Is this true?

No action is required for existing septic systems as long as they are not failing. Owners of NOWTS will still be required to have their system inspected annually but will no longer be required to have the waste water tested at a laboratory.

Q6. Can an existing system without a permit be repaired or replaced?

An existing system without permits on file can be repaired or replaced. An evaluation of the system by a qualified contractor would need to be completed to determine why it failed. If a replacement tank or dispersal system were required, it would have to meet the requirements of the LAMP.

Q7. How do the new regulations impact businesses and restaurants?

Small businesses that generate less than 10,000 gallons per day of domestic wastewater will be regulated by DPH and will not be required to obtain a WDR permit from the Water Board. This will save small businesses nearly \$2044 in permit fees annually and reduce the monitoring required of the systems.

Restaurants which generate under 10,000 gallons per day, have a functioning grease interceptor, and produce wastewater with a Biochemical Oxygen Demand less than 900 mg/L will be regulated by DPH and will benefit from the same cost savings. Restaurants that don't meet these requirements will remain under permit by the Water Board.

Q8. I am planning on building a house on property I own. Under what conditions would I be required to install a NOWTS instead of a conventional septic system?

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For construction of a new house there are a few conditions that require the installation of a NOWTS:

- The soil percolates faster than five (5) minutes per inch for a leach field and there is less than 20 feet of separation to groundwater.
- You propose to build a house larger than 4 bedrooms with a seepage pit as the dispersal system.
- Your property is located within 600 feet of an impaired water body or in an area subject to a Total Maximum Daily Load, issued by the local Water Board, which identifies OWTS as a contributing factor to the deterioration of the water quality.
- The property was sub-divided after May 13, 2018, and the resulting parcel doesn't meet the density requirements in the OWTS Policy for Low Risk installations. In LA County, this typically requires the parcel to be 2.5 acres or larger.
- The proposed location is unable to meet horizontal distance requirements to a water well or a surface water intake for a public water system and the parcel was legally created prior to May 13, 2018.

Q9. Why is percolating too fast a bad thing and why do fast percolation rates require the use of a NOWTS?

When wastewater percolates too fast it is able to contaminate groundwater because the soil pores do not filter out fecal bacteria and nitrate concentration in wastewater isn't reduced by soil bacteria.

A NOWTS provides a location for the good bacteria to grow which reduces fecal bacteria and nitrate content in the wastewater.

Q10. Many properties in our area are very small, are close to a creek, and the soil doesn't drain well. When our systems fail, are variances allowed?

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In cases where there is less than 100 feet to a creek or stream or 200 feet to a lake or pond, a NOWTS is required. A NOWTS may also be required for poorly draining soils as it will remove bacteria and organic material in wastewater which clog the soil. DPH and the Water Board will determine what actions are required if an existing property is too small to install a NOWTS or lacks space for a properly sized replacement dispersal area.

Q11. Are seepage pits allowed?

Existing seepage pits are allowed and may be replaced when an existing seepage pit fails. Seepage pits will also be allowed for construction of a new home of 4 bedrooms or less.

The construction of a new home larger than 4 bedrooms or a commercial property would require the installation of a NOWTS if a seepage pits would be used.

Q12. Why does the OWTS Policy have density requirements?

When homes with OWTS are too close together and there is limited rainfall, it is more likely that the nitrate in the wastewater will cause an increase in nitrate in the groundwater. Since drinking water with nitrate can cause blue baby syndrome, it is important to limit how much nitrate enters the groundwater.

Q13. What is an impaired water body and what is a TMDL?

An impaired water body is one that has been determined to be contaminated to the point that the water quality is degraded. For the purposes of the OWTS Policy, DPH is only concerned with contamination by nutrients (Nitrate) or fecal bacteria. Impaired water bodies are listed in Attachment 2 of the OWTS Policy, which is available on the State Water Resources Control Board website www.waterboards.ca.gov by searching for OWTS Policy.

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TMDL stands for Total Maximum Daily Load. These documents identify the current water quality, the sources that are causing contamination, and the maximum amount of a pollutant that can be discharged into a water body by each source. A TMDL may establish an area where septic systems are required to be replaced with a NOWTS to meet the discharge limitation.

Q14. Will the County be requiring inspections, effluent testing, or an annual permit for properties where a NOWTS is installed?

The OWTS Policy requires that any proposal for NOWTS include an annual inspection. The County is proposing that property owners will obtain the inspection from a private contractor certified by the NOWTS manufacturer to service their equipment and submit the information to DPH. This method will keep permit costs to a minimum and allow the property owner to obtain the least expensive service available. A Public Health Permit will be required.

Q15. What is a failed system and how will you identify them?

A failed system is one which allows sewage to either back up into the house, reach the ground surface, discharge at a point other than intended, contaminate surface or groundwater, or a system that requires frequent pumping to prevent one of the above conditions. Failing systems also include a NOWTS that isn't treating waste water as intended.

DPH will respond to complaints about failing OWTS, require sewage pumper truck operators to report when they service a failing OWTS, and review service logs submitted by sewage pumper trucks to identify OWTS that have been serviced more than twice in a 6-month period.

DPH will require the owner of the failing OWTS to have the system inspected by a licensed and qualified septic contractor to determine if repairs are required or if the dispersal system must be replaced. If the dispersal system must be replaced and the location is unable to meet requirements for percolation rates, setbacks or is near an impaired water body, a NOWTS is most likely required.

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Q16. Why is frequent pumping a sign of system failure?

Frequent pumping is considered pumping more than 2 times in a 6-month period. Systems typically only require pumping to remove solids every 3 to 5 years. Pumping frequently to remove wastewater in order to prevent it from surfacing or backing up into the house may indicate that the soil below the dispersal system is clogged and preventing the wastewater from draining, which is considered a failed system.

Q17. Can a new addition or accessory dwelling units be allowed without triggering the new requirements?

The addition of an accessory dwelling unit will result in an increase in wastewater flows and as a result the septic system will need to be expanded, triggering the new requirements.

An addition to an existing residence that doesn't increase wastewater flows, such as a family room, would require the designation of a future expansion area if it doesn't currently exist. This is needed to prevent the addition from taking the only remaining space suitable for the future dispersal area. The future expansion area would be required to comply with the new requirements.

An addition that includes a new bedroom or a room that could be used as a bedroom requires the modification of the septic system due to the potential to increase wastewater flows. Any modifications would be required to meet the new requirements.

Q18. Does the OWTS Policy or the LAMP address graywater?

No, graywater requirements are addressed in the California Plumbing Code and neither the OWTS Policy nor the LAMP addresses graywater.

Q19. Who determines groundwater level?

A geologist or similar professional is required to evaluate distance to groundwater and percolation rates as part of the application for a new system or replacement dispersal system. See our Requirements and Procedures on our website at

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<http://publichealth.lacounty.gov/eh/about/local-agency-management-program.htm> for more information on which professionals are eligible to perform these studies.

Q20. How do I identify a qualified contractor?

A qualified contractor is an individual who possesses a valid California License as General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36).

DPH does not certify a contractor's qualifications or provide a list of approved contractors. It is important for homeowners to assess the experience of any qualifying contractor who is hired to perform work related to the installation of new and replaced septic systems, and repair of existing septic systems. A qualified contractor hired to install a NOWTS should be approved by the manufacturer of the system.

Q21. What is the cost of a typical NOWTS?

The cost for a NOWTS depends on the amount of wastewater generated, the method the system uses to treat the wastewater, and whether a special dispersal system is required. DPH doesn't receive cost information as part of our plan review process and is unable to provide accurate cost estimates. Residents are advised to contact multiple manufacturers of NOWTS to determine the best one for their situation.

Q22. Are septic systems required to be evaluated as part of the sale of a home?

The County does not have a requirement for a septic system to be evaluated at the time of sale of a home. Some lenders may make this a requirement for the approval of a home loan.

It is a good practice for the buyer to request the opportunity to have a septic system evaluated as condition of an offer to purchase a home. This prevents the buyer from finding out after moving in that the septic system has failed and being faced with expensive repairs.

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Q23. Do the new requirements apply when rebuilding a home destroyed by a fire or flood?

DPH's goal is to restore you to your condition prior to the fire or flood. The septic system will need to be evaluated as part of the process to obtain your building permit. If it was not damaged by the fire or flood, the system will be approved for a home with the same number of bedrooms built on the same foundation as the original home. If your replacement home will have more bedrooms or be located on a different part of the property, your septic system will have to be upgraded to meet current requirements. More information is available on our website at <http://www.publichealth.lacounty.gov/eh/about/land-use-program.htm>

Q24. Will owner/builders be able to obtain permits to install septic systems?

The Department of Building and Safety is responsible for evaluating requests for owner/builder permits.