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May 4, 2012

#54

OWTS Policy
State Water Resources Control Board
P.O. Box 2231
Sacramento, CA 95812

Attention: Jeanine Townsend, Clerk to the Board

COMMENT LETTER FINAL DRAFT: WATER QUALITY CONTROL POLICY FOR SITING, DESIGN, OPERATION, AND MAINTENANCE OF ON-SITE WASTEWATER TREATMENT SYSTEMS (MARCH 19, 2012)

The City of Los Angeles Bureau of Sanitation (City) thanks the State Water Resources Control Board (SWRCB) for the opportunity to comment on the final draft of the Policy regulating Onsite Wastewater Treatment Systems (OWTS).

In general, the City supports the goals of the OWTS Policy for protecting groundwater and surface water, particularly impaired water bodies, as well as the risk-based, tiered approach to regulating OWTS. However, the City is concerned about some of the provisions in the final draft of the OWTS Policy and requests the following changes in order to make the OWTS Policy more protective.

The City has reached an agreement and has an approved Memorandum of Understanding (MOU) with the Regional Water Quality Control Board (RWQCB) and is in the final stages of passing an ordinance regulating OWTS within the City. This proposed ordinance differs in some areas from the OWTS Policy being proposed. The areas of concerns are listed below:

1. Cesspools - The City believes that the OWTS Policy does not adequately address existing cesspools. Cesspools have been banned and no new cesspool has been allowed in the City since 1953. To address existing cesspools in a more proactive and protective manner, the City of Los Angeles recommends the following example language to be included in the new State OWTS Policy:



- 1 → a. Owners of existing cesspools, depending on their proximity (600 feet) to nitrogen or bacteria impaired water bodies, or within 900 feet of drinking water wells are to 1) connect to the sewer, 2) upgrade to a standard or conventional septic system, or 3) upgrade to an advance or supplemental on-site treatment system within 5 years of the effective date of the new State OWTS Policy, provided a sewer is available within 200 feet of the property and financial assistance is made available; and
- b. All other existing cesspools should have to connect to the sewer or upgrade within 10 years of the effective date of the new State OWTS Policy - provided financial assistance is made available.

The City recommends that the State Policy follow the more protective City's ordinance approach.

- 2 → 2. 303(d) List - The City believes that the 303(d) list of impaired water bodies provided on attachment #2 in the OWTS Policy is not comprehensive enough and should address all known impaired water bodies due to high levels of nitrates and/or bacteria. The City recommends that the OWTS Policy confirm and verify the selection process.

- 3 → 3. 150 feet Minimum Horizontal Set-back - The City is not in support of 150 feet minimum horizontal setback requirements from public water wells where the depth of the effluent dispersal system does not exceed 10 feet or 200 feet from public water wells where the depth of the dispersal system exceeds 10 feet. A horizontal distance of 900 feet from public water wells is more protective of groundwater quality.

- 4 → 4. Seepage pits - The City believes that in addition to leachfields, seepage pits (with pretreatment units) should be allowed as dispersal systems under Tier 1 - whether a Local Agency Management Program (LAMP) is in place or not. If proper site evaluation, design and construction standards are followed, seepage pits are technologically sound dispersal systems that should be allowed based on geographical limitations, local site conditions, local water impairments, or proximity to drinking water aquifers. This will allow for a more comprehensive policy that will include sound and reliable systems for areas where leachfields are not suitable.

- 5 → 5. High Strength Commercial Wastewaters - The City does not support the inclusion of high strength commercial wastewaters into the OWTS Policy. The inclusion of this new requirement after extensive efforts and financial investment at the local level to develop an RWQCB approved MOU, City Ordinance, and OWTS program for domestic strength "high risk" OWTS is unwarranted and will do little to protect groundwater or beneficial uses. The City does not allow septic systems for commercial purposes in areas with known groundwater pollution issues. The City believes that the SWRCB should retain jurisdiction over OWTS that receive high strength commercial wastewater.

- 6 → 6. Funding Issues - The City believes that the intent of the California Legislature when developing AB 885 was to provide private property owners with financial assistance for OWTS related costs and to encourage the SWRCB to facilitate a low interest loan program. The City recommends that the State Policy should include more detail on how funds will become available to local agencies and OWTS owners.

The City is committed to protecting public health, beneficial uses, and the environment and believes the OWTS Policy will help to reduce pollution and nuisance statewide. The City appreciates the efforts of State Board staff and looks forward to working with the SWRCB and RWQCB in reducing the OWTS pollution incidents in a manner that is cost effective, fair, and reasonable.

If you should have any additional comments or questions, please contact Ali Poosti of the Wastewater Engineering Services Division at (323) 342-6228 or H.R. (Omar) Moghaddam of the Regulatory Affairs Division at (310) 648-5423.

Sincerely,



ENRIQUE C. ZALDIVAR, Director
Bureau of Sanitation

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