



REPORT TO CITY COUNCIL

DATE: JANUARY 9, 2019

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: GREG RAMIREZ, CITY MANAGER 

BY: RAMIRO ADEVA, DIRECTOR OF PUBLIC WORKS/ CITY ENGINEER 

SUBJECT: FIRST READING AND INTRODUCTION OF AN ORDINANCE OF THE CITY OF AGOURA HILLS ADOPTING BY REFERENCE TITLE 11, DIVISION 1 OF THE LOS ANGELES COUNTY CODE (HEALTH CODE) AND ADOPTING BY REFERENCE SECTION 8.04.420 OF TITLE 8, RELATING TO PUBLIC HEALTH MONITORING AND ENFORCEMENT OF ONSITE WASTEWATER TREATMENT SYSTEMS; AND AMENDING THE AGOURA HILLS MUNICIPAL CODE

In September 2000, the State of California adopted Assembly Bill 885, which required the State Water Resources Control Board (State) to adopt specific regulations outlining standards for the permitting and operation of Onsite Wastewater Treatment Systems (OWTS). On June 19, 2012, the State adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy), which became effective on May 13, 2013.

The OWTS Policy established a waiver for Waste Discharge Requirement permits covering OWTS systems that meet the criteria set by the OWTS Policy. In addition to the waiver requirements, the OWTS Policy authorized local agencies to submit a Local Agency Management Program (LAMP) to the State for approval of alternate methods for siting and design to achieve the same purpose.

The County of Los Angeles Department of Public Health (County) has operated an ongoing program for the approval of the siting, design, operation and maintenance of OWTS for individual residences within its Environmental Health Division. Subsequent to the State's adoption of the OWTS Policy, the County submitted a LAMP to the Los Angeles Regional Water Quality Control Regional Board (Regional Board) for approval. The Regional Board approved the County's LAMP on May 21, 2018, which covers those areas within both the Los Angeles and Lahontan Regional Water Quality Control Boards. As a result, a conditional waiver of waste discharge requirements for all OWTS, complying with the LAMP, was granted.

The Los Angeles County Board of Supervisors approved Ordinance No. 2018-0037 to implement the requirements of the LAMP on October 2, 2018. As such, the Los Angeles County Board of Supervisors delegated authority to the County Director of Public Health

to enter into agreements with local jurisdictions to provide services under the LAMP.

The City of Agoura Hills (City) has existing OWTS, located mostly within the Old Agoura area, which has limited access to a public sewer system. Currently, the County provides plan check & approval services, on behalf of the City, for development projects requiring the installation of a new OWTS. Under LAMP, existing OWTS will be required to be monitored on a regular basis with stringent enforcement of maintenance and upgrading of OWTS that are shown to be failing. Given that the County has the staffing with specific technical knowledge of the OTWS Policy and has provided these services to the City prior to the LAMP, the City proposes to continue designating the County as the Qualified Local Agency by entering into a Memorandum of Understanding (MOU), authorizing the County to implement its approved LAMP for those properties with OWTS in the City.

The LAMP does not require any changes for existing systems that are fully functional. Therefore, most residents will not have to do anything unless their existing system is failing, or if they decide to remodel and are required to install or upgrade to a new system. The City has a current MOU with the County to provide these services; however, this MOU will expire by the end of February 2019, which is an extension granted to the City after the Woolsey fires. Adoption of the MOU will allow the County to regulate OWTS and non-conventional OWTS (NOWTS) within the City, consistent with the County's existing practice. If authorized by the City Council, the new MOU would be effective upon the adoption of the proposed resolution.

The benefit of adopting the County's LAMP ordinance is that the City will have the County's qualified staff perform inspections, and monitor OWTS and NOWTS for compliance within the City's jurisdiction. There are no fiscal impacts to the City from the LAMP Program; however, the residents with existing OWTS will be assessed the following fees through LAMP:

- Adds a fee for annual permits for existing septic systems of \$5.00 to fund the annual Water Quality Assessment Program and the five-year program review. The fee will be assessed on the annual property tax bill.
- Adds a fee for annual permits for NOWTS of \$43 and a Sewage/Septage Pumping Vehicle Operator of \$124.00 to offset the costs of the programs. If the LAMP is not adopted, residents and businesses who do not meet State OWTS Policy standards will have to pay annual fees of \$1044 and \$2088.

There is no environmental impact from the LAMP. The State's approval of policies for water quality control is a regulatory program that has been certified as exempt from the requirements of the California Environmental Quality Act (CEQA) by the Secretary for Natural Resources. Since the approval of the LAMP by the Regional Board was part of the State's OWTS Policy, the adoption of a local ordinance to implement the County's LAMP is also considered exempt per the Substitute Environmental Document.

RECOMMENDATION

Staff respectfully recommends the following:

1. City Council introduce, read by title only, waive further reading of Ordinance No.19-441, and set the Public Hearing on the adoption of the ordinance for Wednesday, February 13, 2019; and
2. Authorize the City manager to execute a Memorandum of Understanding between the City of Agoura Hills and the County of Los Angeles, Department of Public Health regarding Onsite Wastewater Treatment Systems.

Attachments:

Ordinance No. 19-441
Proposed Memorandum of Understanding
Los Angeles County's Ordinance No. 2018-0037

ORDINANCE NO. 19-441

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF AGOURA HILLS ADOPTING BY REFERENCE DIVISION 1 (HEALTH CODE) OF TITLE 11 (HEALTH AND SAFETY) AND DIVISION 1 (PUBLIC HEALTH LICENSES REGULATIONS) OF TITLE 8 (CONSUMER PROTECTION, BUSINESS, AND USAGE REGULATIONS) OF THE LOS ANGELES COUNTY CODE RELATED TO PUBLIC HEALTH MONITORING, PUBLIC HEALTH LICENSES REGULATIONS, AND ENFORCEMENT OF ONSITE WASTEWATER TREATMENT SYSTEMS, AND AMENDING THE AGOURA HILLS MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF AGOURA HILLS DOES ORDAIN AS FOLLOWS:

Section 1. Chapter 1 (Health Code) of Article V (Sanitation and Health) of the Agoura Hills Municipal Code is hereby amended in its entirety to read:

“5100. - Adoption of Health Code.

Except as provided herein, Division 1 (Health Code) of Title 11, (Health and Safety) of the Los Angeles County Code, as amended and in effect on December 1, 2018, is hereby adopted by reference as the Health Code of the City of Agoura Hills. In the event that any conflict or ambiguity arises between the provisions of the health code adopted in this section and any other provisions of the Agoura Hills Municipal Code, the provisions of the Agoura Hills Municipal Code shall prevail.

5101. - Amendment to Health Code.

(a) Notwithstanding the provisions of section 5100, the following words and phrases used in the Division 1 (Health Code) of Title 11 (Health and Safety) of the Los Angeles County Code are hereby amended to be defined as follows:

1. “County of Los Angeles” shall mean the City of Agoura Hills, except where the County of Los Angeles is the correct notation due to circumstances.

2. “Unincorporated area or territory of the County of Los Angeles” shall mean and include the area of the City of Agoura Hills in its true geographical location.

(b) Notwithstanding the provisions of section 5100, the health code of the City

of Agoura Hills is hereby amended by amending Section 11.16.090 thereof to read:

11.16.090. Keeping animals and birds—location restrictions and sanitation requirements. A person shall not keep any animal, fowl or bird, wild or domestic, other than cats, dogs, canaries or birds of the psittacine family, within twenty-five (25) feet of any restaurant or food establishment, or within one hundred (100) feet of any school building, hospital building or other similar institutional building. It is unlawful to keep or maintain a premises, yard, coop or building in which fowl or animals are maintained in a foul or unsanitary condition. The provisions of this section regarding distances shall not apply to accredited laboratories regulated by the state department of public health.

5102. - Adoption of public health licenses regulations.

Except as provided herein, Division 1 (Public Health Licenses) of Title 8 (Consumer Protection, Business and Wage Regulations) of the Los Angeles County Code, as amended and in effect on December 1, 2018, is hereby adopted by reference as the Public Health Licenses regulations of the City of Agoura Hills. In the event that any conflict or ambiguity arises between the provisions of the Public Health Licenses regulations adopted in this section and any other provisions of the Agoura Hills Municipal Code, the provisions of the Agoura Hills Municipal Code shall prevail.”

Section 2. To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Agoura Hills Municipal Code, these provisions shall be construed as continuations of those provisions and not as new enactments.

Section 3. Civil Remedies Available. The violation of any of the provisions of this Ordinance or the Codes adopted hereby shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance or any part hereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

Section 5. The City Clerk shall certify to the adoption of this Ordinance, cause the same to be posted as required by law, and a certified copy hereof to be forthwith

transmitted to the California Building Standards Commission.

PASSED, APPROVED AND ADOPTED THIS ____ day of February, 2019, by the following vote to wit:

AYES: ()
NOES: ()
ABSENT: ()
ABSTAIN: ()

Linda L. Northrup, Mayor

ATTEST:

Kimberly M. Rodrigues, MMC, City Clerk

APPROVED AS TO FORM:

Candice K. Lee, City Attorney

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF LOS ANGELES, DEPARTMENT OF PUBLIC HEALTH
AND
THE CITY OF _____
REGARDING ONSITE WASTEWATER TREATMENT SYSTEMS**

EFFECTIVE DATE: _____

I. RECITALS

WHEREAS, the State of California adopted Assembly Bill 885 in September 2000, to require the State Water Resources Control Board to adopt specific regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS).

WHEREAS, the State Water Resources Control Board adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems (OWTS Policy) on June 19, 2012 and it became effective on May 13, 2013.

WHEREAS, the OWTS Policy establishes a waiver of Waste Discharge Requirement permits for OWTS systems meeting the criteria of the OWTS Policy.

WHEREAS, the OWTS Policy establishes low risk siting and design requirements for OWTS subject to the OWTS Policy and authorizes local agencies to submit a Local Agency Management Program (LAMP) to the Regional Water Quality Control Board for approval of alternate methods of siting and design to achieve the same purpose.

WHEREAS, the County of Los Angeles, Department of Public Health (DPH) operates a program for the approval of the siting, design, operation and maintenance of OWTS for individual residences within its Environmental Health Division and has adequate staffing and technical knowledge to meet the requirements of the OWTS Policy.

WHEREAS, the County of Los Angeles (County) has submitted a LAMP to the Los Angeles Regional Water Quality Control Board for approval.

WHEREAS, the California Regional Water Quality Control Boards, upon mutual agreement, may designate one Regional Water Quality Control Board to regulate a person or entity that is under the jurisdiction of two or more Regional Water Quality Control Boards (Water Code Section 13228).

WHEREAS, the OWTS Policy Section 4.3 states that the Regional Water Quality Control Board designated in Attachment 3 shall review, and if appropriate, approve a Local Agency Management Program submitted by the local agency pursuant to Tier 2 in this Policy.

WHEREAS, OWTS Policy Attachment 3 identifies Los Angeles Quality Control Regional Board as the designated Regional Water Quality Control Board for the County of Los Angeles for purposes of reviewing and, if appropriate, approving new Local Agency Management Plans (LAMP).

WHEREAS, the Los Angeles Regional Water Quality Control Board has reviewed the County's LAMP, determined that it meets the requirements of the OWTS Policy, approved the County's LAMP on {Date} for those areas within both the Los Angeles and Lahontan Regional Water Quality Control Boards, and as a result has granted a conditional waiver of waste discharge requirements for all OWTS complying with the LAMP.

WHEREAS, the Los Angeles County Board of Supervisors approved Ordinance # _____ to implement the requirements of the LAMP on {Date}.

WHEREAS, the Los Angeles County Board of Supervisors delegated authority to the Director of Public Health to enter into agreements with local jurisdictions to provide services under the LAMP.

WHEREAS, the City of _____ (City) has existing OWTS and areas without access to a public sewer system.

WHEREAS, both the County of Los Angeles and the City are desirous of protecting the public's health and the quality of groundwater within the City.

NOW THEREFORE THE COUNTY OF LOS ANGELES AND THE CITY OF _____
HEREBY AGREE AS FOLLOWS:

II. DESIGNATION AND AGREEMENT

1. The City designates the County as the Qualified Local Agency (QLA) and the County accepts the designation for the implementation of the County's approved LAMP for the siting, design, operation, and maintenance of certain OWTS within the City's incorporated area.
2. The County and City agree that the County Health and Safety Code, Title 11, Chapter 38 and Requirements and Procedures adopted by the Director of DPH and/or Health Officer of the County and the County Plumbing Code will govern the applicable siting, design, operation, and maintenance of OWTS within the City. City will adopt County's ordinance governing OWTS into City's municipal code by resolution or ordinance.
3. The MOU shall be effective upon the date that City adopts County Ordinance # _____ into its municipal code and shall be in effect until terminated by either party in accordance with Section V.

III. APPLICABILITY

1. OWTS subject to this agreement shall consist of those OWTS within the jurisdiction of the City that generate 10,000 gallons per day or less of domestic wastewater (as that term is defined in the OWTS Policy), that dispose of wastewater below the ground surface, that is generated from single family residences, multi-family residences, commercial buildings where the wastewater is from domestic sources (i.e., toilets, urinals, bathtubs, showers, dishwashing facilities, laundry washing, and garbage disposals), buildings which are a combination of commercial and residential, and commercial food service buildings with a wastewater with a Biological Oxygen Demand (BOD) of 900 mg/L or less and a properly functioning grease interceptor.

2. This MOU shall not apply to any other OWTS within the incorporated area of the City, including those that:
 - a) Generate more than 10,000 gallons per day,
 - b) Discharge high strength wastewater, other than commercial food service buildings meeting the above requirements,
 - c) Are commercial food service buildings that don't meet the above requirements,
 - d) Generate industrial wastewater,
 - e) Accept wastewater from Recreational Vehicles,
 - f) Utilize methods to dispose of wastewater above ground,
 - g) Treat and reuse wastewater onsite for non-potable uses.
3. Nothing in this MOU shall diminish or affect the ability of the City to exercise its authority through the Plumbing Code to regulate the type, siting, design and installation, for those OWTS that are exempt from the MOU to be operated within the incorporated area of the City. Issuance of a Waste Discharge Requirement or other permit by a Regional Water Quality Control Board shall not constitute authorization for any person or entity to construct, install, or operate any OWTS without City approval.

IV. GENERAL PROVISIONS

COUNTY RESPONSIBILITIES

1. The County will notify the appropriate Regional Water Quality Control Board that the City has entered an agreement to be regulated under the County's LAMP.
2. The County will review all applications for new, replacement or repair of OWTS for siting and design.
3. The County will review all applications for building permits where an OWTS is present on the property to evaluate whether the proposed construction will impact the OWTS by:
 - Potentially increasing wastewater flows,
 - Changing the strength of the wastewater,
 - Impinging upon required setbacks of the OWTS, any of its components, or the required 100% future expansion area.
4. The County shall provide the owner of the property or his/her representative with an approval of the application, a detailed list of corrections needed to proceed with the application, or a detailed reason why the project is unable to be approved. Projects that the County determines may impact ground or surface water may be directed to file a Report of Waste Discharge with the Regional Water Quality Control.
5. The County will maintain an inventory of all OWTS permitted within the City's incorporated area including OWTS Policy Tier, depth to groundwater, setback

information, and if a non-conventional onsite wastewater treatment system (NOWTS) was required.

6. The County will require an evaluation by a qualified professional of all OWTS and NOWTS which are determined to be exhibiting signs of failing. The County will issue compliance orders to owners of OWTS or NOWTS when a qualified professional determines the OWTS or NOWTS is in need of replacement or repair.
7. The County will issue an operating permit to all existing and new OWTS and NOWTS. The County will maintain a database of all NOWTS, including when the system was serviced by a service technician and the results of any effluent testing performed by a California certified laboratory, as required by the LAMP.
8. The County will license all Sewage Pumper Trucks that service OWTS within the City's jurisdiction.
9. The County will complete and submit an annual report by February 1 of each year detailing the number, location, and description of permits issued for OWTS where a variance is granted and assess the impact of OWTS discharges based on analysis of water quality data, complaints, inspection results, monitoring data, and failures. Other data outlined in the OWTS Policy, Section 9.32 will be reviewed if available.
10. The County will refer to the City for legal enforcement, any violation of the City's ordinance where the property owner has failed to comply with the written directives of the Health Officer or his/her duly authorized deputy.
11. The County may direct any property owner whose permit for a NOWTS is suspended or revoked for failure to comply with the directives of the Health Officer to file a Report of Waste Discharge with the Regional Water Quality Control Board. The County shall also inform the Regional Water Quality Control Board that the property owner is no longer operating under a waiver of Waste Discharge Requirements and is required to file a Report of Waste Discharge.

CITY RESPONSIBILITIES

1. The City will provide the County with a list of all known domestic OWTS, all OWTS with septic tanks greater than 10,000 gallons, OWTS with probable high strength waste streams, and cesspools within the City's jurisdiction within 60 days of the effective date of this agreement.
2. The City will annually provide the County with a list of properties where an existing OWTS was decommissioned and the property connected to the public sewer.
3. The City shall notify the County whenever a new building with a NOWTS is issued a Certificate of Occupancy.
4. The City shall refer any building permit application for a new building, remodel of an existing building, repair of an existing OWTS, or construction of any building or

permanent structure which may impinge upon an OWTS or future expansion area to the County. The City shall not issue a building permit for a project referred to the County unless plans are first approved by the County.

5. The City shall require a property owner to submit a Report of Waste Discharge (RWD) for issuance of Waste Discharge Requirements (WDR) by the appropriate Regional Water Quality Control Board for any OWTS project that does not meet the requirements identified in Section III of this agreement.
6. The City shall refer to the County any complaint alleging an OWTS is failing. The City shall indicate whether the City desires to conduct a joint investigation of the complaint.
7. The City shall investigate any complaint alleging construction of an OWTS or modification of an existing OWTS without obtaining the appropriate permits.
8. The City shall provide legal enforcement for any property owner who fails to comply with the City's ordinance and written directives issued by the Health Officer or his/her authorized deputy.
9. The City, upon cancellation of this MOU, shall comply with the Tier 1 requirements in the State OWTS Policy until the Regional Water Quality Control Board has approved a LAMP authorizing the City to use alternative requirements. If as a result of termination of this contract the Regional Water Quality Control Board determines that a WDR is required for existing NOWTS, the City shall be responsible for issuing a notice to the owner of each property where a NOWTS is installed within their jurisdiction directing the owner to obtain a WDR.
10. The City shall provide the County by December 31st of each year with surface or groundwater quality monitoring data for nitrates and pathogens that may be useful in the County's annual Water Quality Assessment Program. The data may be collected by the City as part of its National Pollutant Discharge Elimination System (NPDES) Permit requirements, a City operated water utility, or other monitoring program.

V. TERM AND TERMINATION

1. The City may terminate this MOU, with or without cause, upon ninety (90) days written notice. The City shall send all notices related to this MOU to:

County of Los Angeles Department of Public Health - Environmental Health Division

Director of Environmental Protection Branch

5050 Commerce Drive

Baldwin Park, CA 91706

The County shall send all notices related to this MOU to:

2. The County may terminate this MOU, with or without cause, upon ninety (90) days written notice from the Director of Public Health to the City.
3. Upon the effective date of the termination, the City shall become responsible for enforcement of the State OWTS Policy within its jurisdiction.
4. In addition to the above, in the event that the State Water Board adopts new regulations regarding OWTS, the County may, at its discretion terminate this MOU upon the effective date of the new regulations. The City and the County, at their mutual agreement, may negotiate and adopt an amendment to this MOU to include the new regulations.

AUTHORIZING SIGNATURES

DRAFT

ANALYSIS

This ordinance amends Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11 – Health and Safety, to add a public health permit and regulatory framework to enforce health and safety requirements for onsite wastewater treatment systems (OWTS).

The State Water Resources Control Board (SWRCB) has regulatory authority over OWTS. OWTS are septic systems installed on separate parcels of property that are unable to connect to a municipal sewer system. OWTS capture and treat domestic wastewater to reduce its polluting effect on the environment and protect public health. SWRCB has promulgated an OWTS Policy that provides minimum design and siting standards for low risk, new and replacement OWTS. SWRCB allows local agencies to create their own alternative regulatory requirements that meet all OWTS Policy requirements.

In response, the Environmental Health Division of the Department of Public Health (DPH) created its Local Agency Management Program (LAMP) for OWTS. LAMP provides alternate health and safety requirements for OWTS that have been approved by both the Los Angeles Water Board and SWRCB. The LAMP requirements, which will be incorporated into the Los Angeles County Code, will allow DPH to regulate OWTS both within the unincorporated County and within cities that enter into agreements with DPH for OWTS regulation by using a more flexible enforcement scheme that is equally protective of public health as the OWTS Policy.

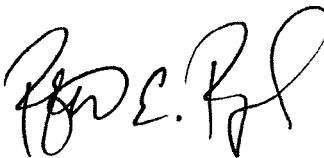
This ordinance has two regulatory components. It amends Title 8, Chapter 8.04 to include new LAMP permit fees for Conventional OWTS, Non-conventional OWTS, and Sewage/Septage Pumping Vehicle Operators. Further, this ordinance amends Title 11, Division 1, Chapter 11.38, Parts 1 and 3. The ordinance adds definitions to Part 1 of Chapter 11.38 that are needed for DPH's LAMP regulatory requirements. The ordinance also renames Part 3 to Privies, Chemical Toilets, and Cesspools. In Part 3, the ordinance deletes provisions that are out of date, and creates

new requirements for the use and maintenance of privies, chemical toilets, and cesspools.

This ordinance also adds new Parts 5 and 6 to Title 11, Division 1, Chapter 11.38. The new Part 5 adds the new LAMP requirements for DPH's regulation of OWTS, both conventional and non-conventional. These new provisions include plan review, siting, permitting, and operational requirements of OWTS. The new Part 6 adds permitting requirements for Sewage Pumping Vehicles.

This ordinance will be effective in the unincorporated areas, and within the jurisdictions of cities that enter into agreements with the County for the provision of these OWTS inspection services. This action will permit DPH to enforce public health permit requirements for OWTS within those jurisdictions. The County's costs for conducting these regulatory services will be offset by permit fees paid by owners of OWTS.

MARY C. WICKHAM
County Counsel

By 

ROBERT E. RAGLAND
Principal Deputy County Counsel
Health Services Division

RER:rg

Requested: 7/19/18
Revised: 8/30/18

ORDINANCE NO. 2018-0037

An ordinance amending Title 8 – Consumer Protection, Business and Wage Regulations, and Title 11 – Health and Safety of the Los Angeles County Code, relating to public health monitoring and enforcement of onsite wastewater treatment systems.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 8.04.420 is hereby amended to read as follows:

8.04.420 ~~Septic tank, cesspool, chemical toilet or sewage seepage-pit cleaning vehicle.~~ **Seepage/Sewage Pumping Vehicle.**

"~~Septic tank, cesspool, chemical toilet or sewage seepage-pit cleaning vehicle~~" **Seepage/sewage pumping vehicle**" means any vehicle used in whole or in part for the transportation of septic tank, cesspool, chemical toilet, or sewage seepage-pit cleanings.

SECTION 2. Section 8.04.720 is hereby amended to read as follows:

8.04.720 **Fee Schedule.**

Business Classification	Permit Fee
Animal food market	\$175.00
...	
<u>Onsite Wastewater Treatment Systems:</u>	
<u>Conventional</u>	<u>\$5.00</u>
<u>Non-Conventional</u>	<u>\$43.00</u>

<u>Seepage/sewage pumping vehicle operator</u>	<u>\$124.00</u>
Personal hawker:	<u>\$224.00</u>
...	

SECTION 3. Section 11.38.015 is hereby added to read as follows:

11.38.015 Average Annual Rainfall.

"Average annual rainfall" means the average annual amount of precipitation for a location over a year as measured by the nearest National Weather Service station for the preceding three decades. For example, the data set used to make a determination in 2016 would be between 1981 – 2010.

SECTION 4. Section 11.38.018 is hereby added to read as follows:

11.38.018 Cesspool.

"Cesspool" means an excavation with permeable sides and/or bottom that receives untreated sewage, wastewater, or drainage and is designed to retain organic matter or solids but permits liquids to seep through the bottom or sides.

SECTION 5. Section 11.38.025 is hereby added to read as follows:

11.38.025 Covenant.

"Covenant" means a written agreement between the property owner and the Director that runs with the land for the benefit of the County, which is recorded and filed with the Los Angeles County Registrar-Recorder/County Clerk.

SECTION 6. Section 11.38.033 is hereby added to read as follows:

11.38.033 Domestic Wastewater.

"Domestic wastewater" means wastewater normally discharged from plumbing fixtures, appliances, and other household devices including toilets, sinks, showers, bathtubs, kitchen sinks, laundry washing machines, dishwashing machines, and garbage disposals. Domestic wastewater includes wastewater normally discharged from commercial buildings such as office buildings, retail stores, and restaurants with a properly sized and functioning grease interceptor where, the wastewater does not exceed nine hundred (900) mg/L Biochemical Oxygen Demand (BOD) or from industrial facilities where domestic wastewater is segregated from industrial wastewater. Domestic wastewater does not include onsite wastewater treatment systems receiving a majority of its wastewater from recreational vehicle (RV) holding tank discharges, such as at RV dump stations.

SECTION 7. Section 11.38.035 is hereby added to read as follows:

11.38.035 Effluent.

"Effluent" means sewage or partially treated sewage flowing out of a septic tank, aerobic treatment unit, dispersal system, or other onsite wastewater treatment system component.

SECTION 8. Section 11.38.042 is hereby added to read as follows:

11.38.042 Failing Onsite Wastewater Treatment System.

"Failing onsite wastewater treatment system" means a conventional or non-conventional onsite wastewater treatment system that is no longer able to safely treat or

discharge wastewater, which may present a health risk to humans or adversely impact the environment. Factors that evidence a failing onsite wastewater treatment system include, but are not limited to:

- A. A backup of sewage into a structure which is caused by a septic tank or dispersal system malfunction other than a plumbing line blockage.
- B. A discharge of sewage or effluent to the ground surface.
- C. A septic tank that requires pumping more than two (2) times within a one hundred eighty (180) day period in order to provide adequate dispersal of sewage.
- D. A structural failure that causes effluent to discharge at a location other than where intended or allows groundwater to infiltrate the system.
- E. A system affects or will likely affect groundwater or surface water to a degree that makes the water unfit for drinking or other domestic uses or causes a human health hazard or other public nuisance condition.
- F. Inability to use the onsite wastewater treatment system as intended.

SECTION 9. Section 11.38.044 is hereby added to read as follows:

11.38.044 Feasibility Report.

"Feasibility report" means the documents, test results, and geological reports required to be prepared and submitted to the Director in order to demonstrate the feasibility of installing an onsite wastewater treatment system or a non-conventional onsite wastewater treatment system, including the entirety of any future expansion area.

SECTION 10. Section 11.38.046 is hereby added to read as follows:

11.38.046 Future Expansion Area.

"Future expansion area" means an area designated and tested as the location for an additional dispersal system capable of handling one hundred (100) percent of the wastewater from the onsite wastewater treatment system once the original dispersal system fails.

SECTION 11. Section 11.38.048 is hereby added to read as follows:

11.38.048 Groundwater.

"Groundwater" means water located below the land surface in the saturated zone of the soil or rock. Groundwater includes perched water tables, shallow water tables, and zones that are seasonally or permanently saturated.

SECTION 12. Section 11.38.052 is hereby added to read as follows:

11.38.052 Impaired Water Body.

"Impaired water body" means those surface water bodies or segments thereof that are identified on a list approved first by the State Water Resources Control Board and then approved by the U.S. Environmental Protection Agency (EPA) pursuant to Section 303(d) of the Federal Clean Water Act.

SECTION 13. Section 11.38.055 is hereby added to read as follows:

11.38.055 Non-Conventional Onsite Wastewater Treatment System (NOWTS).

"Non-conventional onsite wastewater treatment system" or (NOWTS) means an onsite wastewater treatment system that utilizes, in addition to the septic tank, one (1)

or more supplemental treatment components and may include an alternative dispersal system. Supplemental treatment may include systems to reduce the nitrogen concentration of the effluent, provide disinfection of the effluent, or both.

SECTION 14. Section 11.38.075 is hereby added to read as follows:

11.38.075 Onsite Wastewater Treatment System (OWTS).

"Onsite wastewater treatment system" or (OWTS) means a sewage disposal system consisting of a wastewater holding tank and a method to dispose of treated effluent below the ground surface. The term OWTS refers to both conventional and non-conventional onsite wastewater treatment systems.

SECTION 15. Section 11.38.078 is hereby added to read as follows:

11.38.078 OWTS Requirements and Procedures.

"OWTS requirements and procedures" means the required standards and procedures promulgated by the Director for the installation, operation, and discharge of effluent by conventional and non-conventional OWTS.

SECTION 16. Section 11.38.080 is hereby amended to read as follows:

11.38.080 Privy sStructure.

"Privy structure" means a room or compartment constructed over ~~an earth pit,~~ a water tight vault or tank, into which human fecal matter or urine is to be deposited.

SECTION 17. Section 11.38.092 is hereby added to read as follows:

11.38.092 Seepage Pit.

"Seepage pit" means an excavation at least ten (10) feet deep and three (3) to six (6) feet in diameter, typically cylindrical in shape with six (6) inches of rock between

the pit wall and a concrete or brick liner, constructed for the purpose of disposing of sewage effluent from a septic tank or treatment tank.

SECTION 18. Section 11.38.094 is hereby added to read as follows:

11.38.094 Septic Tank.

"Septic tank" means a water tight, compartmentalized, covered receptacle designed for primary treatment of wastewater and constructed to:

- A. Receive wastewater discharged from a building.
- B. Separate settleable solids from liquid.
- C. Digest organic matter by anaerobic bacterial action.
- D. Store digested solids.
- E. Clarify wastewater for further treatment with final subsurface discharge.

SECTION 19. Section 11.38.096 is hereby added to read as follows:

11.38.096 Sewage.

"Sewage" means waste substance, liquid or solid, which contains or may contain human or animal excreta or excrement.

SECTION 20. Section 11.38.098 is hereby added to read as follows:

11.38.098 Telemetric Monitoring.

"Telemetric monitoring" means the ability to automatically measure and transmit OWTS data by wire, radio, or other means.

SECTION 21. Division 1, Part 3 of Chapter 11.38 of the Los Angeles County Code amended to read as follows:

Part 3 Sanitation, Sewage Disposal and Industrial Waste Privies, Chemical Toilets, and Cesspools.

SECTION 22. Section 11.38.450 is hereby deleted in its entirety:

~~11.38.450 Waste disposal systems—Plan review and permit requirements.~~

~~A. The Director shall have the authority to review and approve or disapprove all plans and specifications pertaining to sewage and industrial waste disposal systems, and shall have the authority to require the submission of such plans and specifications.~~

~~B. No person shall construct, install, alter or repair any private sewage disposal system or part thereof without first making application and securing a permit from the Director. Application shall be made on forms provided for that purpose by the Director. All applicable fees, as provided for in Chapter 11.06 of this title, shall be paid at the time of application.~~

SECTION 23. Section 11.38.460 is hereby deleted in its entirety:

~~11.38.460 Location specifications—Water mains and sanitary sewers.~~

~~Beginning with September 25, 1959, the effective date of the ordinance codified herein, the relative location of water mains serving the public, and sanitary sewers, shall be as follows:~~

~~A. Water mains shall be at a location as far as possible above the elevation of nearby sewers. In the case of pressure water mains, the horizontal distance between such mains and such sanitary sewers shall be at least 10 feet. In the case of gravity water mains, the horizontal distance between such mains and such sanitary sewers shall be at least 25 feet. Where a water main and a sewer line must cross, the water main shall be at an elevation above the sewer and shall be separated from such sewer by at least three feet of undisturbed or compacted earth.~~

~~B. Where the above requirements cannot be met because of topography or other physical conditions, the materials and joints of both water mains and sewer lines shall be installed in such a manner and shall possess the necessary strength and durability as to prevent the escape of solids, liquids and gases therefrom, under all known adverse conditions such as corrosion, strains due to temperature changes, settlement and superimposed loads.~~

SECTION 24. Section 11.38.470 is hereby deleted in its entirety:

~~**11.38.470 Location specifications Private sewage disposal systems.**~~

~~When the installation of private sewage disposal systems is permitted by the provisions of pertinent ordinances, the locations of such systems shall conform to the following table:~~

~~Location of Sewage Disposal Systems~~

~~Minimum Distance in Clear Required From:~~

House Sewer	Septic Tank	Disposal Field	Seepage Pit or Cesspool	
2 feet	5 feet	8 feet	8 feet	Buildings or structures
Clear	5 feet	5 feet	8 feet	Property line adjoining private property**
50 feet	50 feet	50 feet	100 feet	Water supply wells**
50 feet	50 feet	50 feet	100 feet	Streams**
—	10 feet	10 feet	10 feet	Large trees
—	5 feet	5 feet	12 feet	Seepage pits or cesspools*
—	5 feet	4 feet	5 feet	Disposal field*
4 feet	5 feet	5 feet	5 feet	Domestic water line**
25 feet	25 feet	25 feet	25 feet	Gravity domestic water lines

NOTE:

* ~~Distribution boxes must be separated from seepage pits or disposal field by at least five feet of tight line.~~

** ~~Where special hazards are involved, the distance required may be increased, as may be directed by the Director of public health.~~

SECTION 25. Section 11.38.490 is hereby amended to read as follows:

11.38.490 Privies—Location ~~r~~Restrictions.

~~It is unlawful to construct, maintain or keep a privy within 35 feet from any residence or dwelling, or other building used for the habitation of human beings. A privy or privy structure shall only be installed in remote public or private recreation areas, where there is no running water or practical means of sewage disposal. Privies shall only be permitted to be installed where they are accessible for servicing by a seepage/sewage pumping vehicle. A privy or privy structure shall not be in close proximity of any food establishments of any kind or character. A privy or privy structure shall not be associated with any residential dwelling. When determined by the Director that necessity for permitted privy or privy structure no longer exists, the Director may revoke the permit. No person shall continue to maintain a privy after the permit for maintenance thereof has been revoked. Whenever any privy or privy structure is to be abandoned or no longer in service, notification shall be provided to the Director, and destruction of the privy or privy structure shall be accomplished in a manner approved by the Director.~~

SECTION 26. Section 11.38.500 is hereby amended to read as follows:

11.38.500 Privies—Construction ~~s~~Specifications.

It is unlawful to erect or maintain a privy unless a suitable shelter is provided to afford privacy and protection from the elements. The openings of such structure shall be enclosed by metal mosquito-screening. The door thereof shall be so constructed as to close automatically by means of a spring or other device.

The construction of the privy structure shall be such as to exclude all rodents, flies and other insects from the ~~pit~~tank or vault. The privy structure shall be maintained in good repair, in a clean and sanitary condition, and free from flies, other insects and rodents, and shall be properly ventilated. The tank or vault where waste is held shall be made of a water tight material and all seams or joints shall be water tight. The privy structure over the ~~earth~~pittank or vault shall completely cover the ~~earth~~pittank or vault and shall be mounted on a cement or masonry foundation at least four (4) inches wide and extending at least six (6) inches above and twelve (12) inches below ground level. The ~~earth~~pittank or vault shall be at least four (4) feet deep and shall be provided with a vent at least six (6) inches in cross-Sectional dimension, extending from the pit to a point higher than the highest point of the roof. Such vent shall be effectively screened. There shall be an access port to allow cleaning of the tank or vault by a sewage cleaning and carrying vehicle.

SECTION 27. Section 11.38.510 is hereby amended to read as follows:

11.38.510 Privies—Maintenance.

The ~~earth~~pittank or vault of a privy shall not be permitted to become filled with excreta nearer than two (2) feet from the surface of the ground. The content of the privy shall be pumped out as needed by a seepage/sewage pumping vehicle permitted by the Director.

SECTION 28. Section 11.38.520 is hereby amended to read as follows:

11.38.520 Privies—Prohibited where—Chemical toilet

restrictions. Earthen Pit Privies and Cesspools – Construction Prohibited

~~No privy shall be maintained where, within a radius of 500 feet therefrom, there is situated either one or more restaurants, itinerant restaurants, food establishments, slaughterhouses, dairy farms, milk depots, milk plants, milk products plants, or five or more residential or commercial establishments of any kind or character, whether such one or more restaurants, itinerant restaurants, food establishments, slaughterhouses, dairy farms, milk depots, milk plants, milk products plants, or five or more residential or commercial establishments of any kind or character are located in the unincorporated territory of the county of Los Angeles or not; provided, however, that where there is no running water or there is no practical means of sewage disposal, or when the operation or maintenance of a water flush toilet would be liable to contaminate or pollute the waters of any stream, water channel, spring, wells, pond, lake, reservoir, infiltration gallery or underground water from which water may be drawn for domestic consumption, a privy or chemical toilet may be maintained. No privy or chemical toilet may be maintained under such circumstances unless a permit therefor shall have been obtained from the Director. Upon ascertaining that the necessity for such permit as herein set forth no longer exists, the Director, shall revoke such permit. No person shall continue to maintain a privy or chemical toilet after the permit for maintenance thereof has been revoked. Whenever any privy pit is abandoned such pit and the material it contains shall be properly treated, and shall be filled with compacted soil at least to~~

~~the original ground level. The construction of new earthen pit privies and cesspools is prohibited. An earthen pit privy or cesspool currently in existence may continue to be used until it is determined that the earthen pit privy or cesspool has failed, is contaminating groundwater, or a building permit is issued to modify the residential structure served by a cesspool in a manner that could increase wastewater flow.~~

SECTION 29. Section 11.38.530 is hereby amended to read as follows:

11.38.530 Privies—Contamination of ~~w~~Water ~~p~~Prohibited.

It is unlawful for any person to construct, maintain or keep a privy in any location in which it may contaminate or pollute any stream, channel, pond, lake, reservoir or any source of water. In no case shall a privy be constructed, maintained, or kept less than ~~50~~one hundred (100) feet from any stream, water channel, spring, or well, and two ~~hundred (200) feet from any pond, lake, reservoir or infiltration gallery unless permission has been first applied for and obtained from the Director as to the type and location of~~ the privy.

SECTION 30. Section 11.38.535 is hereby added to read as follows:

11.38.535 Chemical Toilets.

Chemical toilets are intended to serve non-residential, limited use activities, such as field labor operations, special events, and temporary construction sites where connection to the sewer or construction of an OWTS is not practicable. Except for those activities covered under California Occupational Health and Safety requirements or businesses permitted by the Department of Regional Planning to operate under electric transmission lines, the use of chemical toilets at a location for over three (3) days requires a public health permit.

SECTION 31. Part 5, Chapter 11.38 of the Los Angeles County Code is hereby added to read as follows:

Part 5 Requirements for Onsite Wastewater Treatment

Systems.

11.38.700 Discharge of Material or Liquid.

A. No person shall allow sewage, domestic or industrial wastewater, or any matter or substance, offensive, injurious, or dangerous to health, to empty, flow, seep, or drain onto the surface of any land.

B. No person shall allow sewage, treated effluent, or any matter or substance, offensive, injurious, or dangerous, to health to empty, flow, seep, or drain into, or affect any well, spring, stream, river, lake or other waters.

C. A violation of this Section is declared a public nuisance.

11.38.710 OWTS Requirements and Procedures.

The Director shall promulgate the OWTS requirements and procedures within thirty (30) calendar days of the adoption of this ordinance. The OWTS requirements and procedures shall be made available to the public at no charge, upon request. The Director shall review the requirements and procedures a minimum of once every five (5) years and amend the OWTS requirements and procedures as necessary to protect the health of the public and the waters of the State. The Director shall provide notice to the public of any proposed change(s) and provide members of the public an opportunity to comment prior to implementation.

11.38.720 Onsite Wastewater Treatment Systems – Plan Review

and Permit Requirements.

A. The Director shall have the authority to require the submission of any plans and specifications pertaining to or impacting onsite wastewater treatment systems. Such plans include, but are not limited to, subdivision of parcels where a public sewer is not available, building expansion, and the addition of a structure on a parcel of property utilizing an onsite wastewater treatment system.

B. A person proposing to construct, install, alter or repair any onsite wastewater treatment system or part thereof, or a privy structure shall submit an application and receive plan approval from the Director in accordance with the requirements of this Chapter and Title 28, Plumbing Code, including Appendix H, of the Los Angeles County Code and with the OWTS requirements and procedures prior to any work being performed.

C. A person proposing to construct or expand a building or other structure, upon which property an onsite wastewater treatment system or non-conventional onsite wastewater treatment system is installed, shall submit an application and receive a plan approval from the Director. The Director's evaluation of the proposed construction or expansion plan shall determine whether the new building, structure or expansion interferes with the existing onsite wastewater treatment system or any future expansion area required by Los Angeles County Code, Title 28, Plumbing Code.

D. An application shall be made on forms provided for that purpose by the Director. Any required fee shall be paid at the time of application.

E. The Director's approval of an onsite wastewater treatment system plan under this Section is separate from, and does not constitute compliance with, any permit requirements contained elsewhere in this code, including, but not limited to, the requirements under this Title 11 for obtaining a renewable operating permit for NOWTS and any requirements under Title 28, Plumbing Code for obtaining a permit for the construction or installation of an OWTS.

F. All onsite wastewater treatment systems must be installed in accordance with the plans as approved by the Director. Any changes in the installation plans must be reviewed and approved by the Director prior to installation.

G. Any plan approval issued by the Director shall be valid for one (1) year from the date of approval. If a property owner has not obtained a building permit within one year, a property owner may request an extension of the plan approval for up to one (1) additional year. If the property owner has not obtained a building permit within two (2) years, the property owner must submit a new application meeting the requirements of the most recent version of the California Plumbing Code, and pay the required fee.

11.38.730 Restrictions on Use of OWTS when a Public Sewer is Available.

The Director shall not issue a permit for a new onsite wastewater treatment system, approve the repair or replacement of an onsite wastewater treatment system, nor approve a project requiring the evaluation of an existing onsite wastewater treatment system if a public sewer is available within two hundred (200) feet of the building or proposed building.

11.38.740 Limitations on Sub-Divisions without Public Sewer

Available.

Land development projects including Conditional Use Permits (CUP) and parcel sub-division projects where a public sewer is not available and that are proposed after the effective date of this ordinance, shall require the installation of a non-conventional onsite wastewater treatment system if the parcel size is smaller than the allowable density values in the following table for a single family dwelling unit, or its equivalent. The requirement for a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk as part of the approval of the CUP or approval of the new parcels.

Average Annual Rainfall (inches/year)	Allowable Density Value (acres/ single family dwelling unit)
0 – 15	2.5
>15 – 20	2
>20 – 25	1.5
>25 – 35	1
>35 – 40	0.75
>40	0.5

11.38.750 Horizontal Setback Requirements.

OWTS shall not be installed in such a manner that any of its components are located within the horizontal setbacks identified in the following table.

Minimum Horizontal Distance in Clear Required From:	Septic Tank	Disposal Field	Seepage Pit
Buildings or Structures ¹	5 feet (1.52 meters)	8 feet (2.44 meters)	8 feet (2.44 meters)
Property line adjoining private property	5 feet (1.52 meters)	5 feet (1.52 meters)	8 feet (2.44 meters)
Public Water Well, Where depth of effluent dispersal system >10 feet ^{7,8}	200 feet (61 meters) ⁸		200 feet (61 meters)
Public Water Well, Where depth of effluent dispersal system ≤10 feet ⁷	150 feet (45.7 meters)	150 feet (45.7 meters)	
Springs, and Flowing Surface Water ^{7,9}	100 feet ⁹ (30.5 meters)	100 feet ^{6,9} (30.5 meters)	150 feet ^{6,9} (45.7 meters)
Vernal Pools, Wetlands, Lakes, Ponds, or Other (Non-Flowing) Surface Water Bodies ^{7,10}	200 feet ¹⁰ (61 meters)	200 feet ^{6,10} (61 meters)	200 feet ^{6,10} (61 meters)

Seepage pits	5 feet (1.52 meters)	5 feet (1.52 meters)	12 feet (3.66 meters)
Disposal field	5 feet (1.52 meters)	4 feet ⁴ (1.22 meters)	5 feet (1.52 meters)
On site domestic water service line	5 feet (1.52 meters)	5 feet (1.52 meters)	5 feet (1.52 meters)
Distribution box		5 feet (1.52 meters)	5 feet (1.52 meters)
Pressure public water main	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)
Private Water Wells ⁷	100 feet (30.5 meters)	100 feet (30.5 meters)	150 feet (45.72 meters)
Monitoring wells ¹¹	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
Unstable Land Mass or Areas Subject to Earth Slides ¹²	100 feet (30.5 meters)	100 feet (30.5 meters)	100 feet (30.5 meters)
High Water Mark of Reservoir, Lake, or Flowing Water Body, Type I ¹³	400 feet (122 meters)	400 feet (122 meters)	400 feet (122 meters)

High Water Mark of Reservoir, Lake, or Flowing Water Body, Type II ¹⁴	200 feet (61 meters)	200 feet (61 meters)	200 feet (61 meters)
Trunk of any tree ¹⁵	10 feet (3.05 meters)	10 feet (3.05 meters)	10 feet (3.05 meters)

*Notes:

When disposal fields and/or seepage pits are installed in sloping ground, the minimum horizontal distance between any part of the leaching system and ground surface shall be fifteen (15) feet (4.57 meters).

1. Including decks, patios, porches and steps, whether covered or uncovered, breezeways, roofed porte-cocheres, roofed patios, carports, covered walks, covered driveways, and similar structures or appurtenances.
2. Reserved.
3. Reserved.
4. Plus two (2) feet (.61m) for each additional one (1) foot (.305 meters) of depth in excess of one (1) foot (.305 meters) below the bottom of the drain line. (See also Section K 6 in Appendix K of the Plumbing Code.)
5. Reserved.
6. These minimum clear horizontal distances shall also apply between disposal field, seepage pits, and the ocean mean higher high tide line.

7. Where special hazards are involved, the distance required shall be increased as may be directed by the authority having jurisdiction.

8. If the depth of the effluent dispersal system exceeds twenty (20) feet (6.1 meters) and is within six hundred (600) feet (182.88 meters) of a public water well, the setback must be such that there is at least two-year travel time for microbiological contaminants.

9. Includes springs and flowing surface water bodies where the edge of that water body is the natural or levied bank for creeks and rivers, or may be less where site conditions prevent migration of wastewater to the water body.

10. Distance from vernal pools, wetlands, lakes, ponds, or other surface water bodies where the edge of that water body is the high water mark for lakes and reservoirs, and the mean high tide line for tidally influenced water bodies.

11. Where regulatory or legitimate data requirements necessitate, the required distance to monitoring wells may be decreased as may be directed by the authority having jurisdiction. If the monitoring well is installed to monitor the groundwater at the waste effluent discharge, the setbacks do not apply.

12. Unstable land mass or areas subject to earth slides shall be identified by a registered engineer or registered geologist; other setback distances are allowed, if recommended by a geotechnical report prepared by a qualified professional.

13. Four hundred (400) feet (121.92 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is within one thousand two hundred (1,200) feet (365.76 meters) from a public water systems'

surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

14. Two hundred (200) feet (60.96 meters) from the high water mark of a reservoir, lake, or flowing water body when the effluent dispersal system is located more than one thousand two hundred (1,200) feet (365.76 meters) but less than two thousand five hundred (2,500) feet (762 meters) from a public water systems' surface water intake point, within the catchment of the drainage, and located such that it may impact water quality at the intake point such as upstream of the intake point for flowing water bodies.

15. For oak trees, this requirement extends to five (5) feet (1.52m) outside of the drip line or fifteen (15) feet (4.57 meters) from the trunk, whichever is greater.

In the event of inconsistencies between the setback requirements specified in the Los Angeles County Plumbing Code, Title 28, Appendix H, the California Well Standards, and Chapter 38, Part 2 of this code, the more restrictive requirements shall prevail.

11.38.760 Requirements for Soil Depth and Vertical Distance to Groundwater.

A. A conventional OWTS shall have a minimum five (5) feet of natural undisturbed soil, excluding bedrock, below the bottom of a leach line, leach bed, or infiltrative chamber.

B. A conventional OWTS shall have a minimum five (5) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level if the percolation rate is five (5) minutes per inch to sixty (60) minutes per inch.

C. A conventional OWTS shall have a minimum of twenty (20) feet of vertical separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater if the percolation rate is greater than one (1) minute per inch but less than five (5) minutes per inch.

D. A NOWTS shall have a minimum of three (3) feet of natural undisturbed soil, excluding bedrock, below the bottom of the leach line, leach bed, or infiltrative chamber.

E. A NOWTS shall have a minimum of two (2) feet of separation from the bottom of the leach line, leach bed, or infiltrative chamber and the highest known groundwater level, except in areas near impaired water bodies where the minimum distance shall be three (3) feet.

F. Any OWTS utilizing a seepage pit shall have a minimum separation of ten (10) feet from the bottom of the pit to the highest known groundwater.

11.38.770 Structural Requirements for Septic Tanks.

It shall be unlawful to install a septic tank in a manner that does not comply with the following requirements:

A. All new or replacement tanks shall be approved by the International Association of Plumbing and Mechanical Officers (IAPMO) or stamped and certified by

a California registered civil engineer as meeting industry standards and installation shall be accomplished to the manufacturer's recommendations.

B. New and replacement tanks on conventional OWTS shall be equipped with an effluent filter to prevent solids in excess of 3/16th of an inch from passing to the dispersal area. Septic tanks that use a National Sanitation Foundation/American National Standards Institute (NSF/ANSI) Standard forty-six (46) effluent filter shall be deemed in compliance with this requirement.

C. All joints between the septic tank and its components shall be watertight and constructed of solid, durable materials to prevent excessive corrosion or decay.

D. The invert level of the inlet pipe shall be at least two inches higher than the invert level of the outlet pipe.

E. All septic tank access points shall have watertight risers the tops of which are set not more than six (6) inches below grade. Access openings at grade or above shall be locked or secured to prevent unauthorized access.

11.38.780 OWTS Utilizing Pumps to Move Effluent.

OWTS that utilize pumps to move effluent to the septic tank or from the septic tank to the dispersal system shall:

A. Be equipped with a visual, audible, or telemetric alarm that alerts the owner or service provider in the event of pump failure.

B. Provide sufficient additional storage space in the second compartment of the septic tank or pump chamber during a twenty-four (24) hour power outage or pump failure and shall not allow an emergency overflow discharge. The capacity for the

storage space shall be equal to 60 – 75 percent of the interior capacity of the pipes to be dosed.

11.38.790 Percolation Rates for Dispersal Fields.

As an alternative to the percolation rates required in Appendix H of Los Angeles County Code, Title 28 (Plumbing Code), proposed OWTS utilizing a leach bed, leach field, or infiltrative chamber may report percolation test results as Minutes Per Inch (MPI). Percolation rates in MPI shall be either:

A. In the range between five (5) MPI and sixty (60) MPI for use with a conventional OWTS.

B. In the range between one (1) MPI and 4.9 MPI with a separation between the bottom on the dispersal system and groundwater of at least twenty (20) feet.

11.38.800 Interconnection of Dispersal Systems.

Upon installation of a new dispersal system, the new system shall be interconnected with the existing system with an approved flow diversion device to allow for the alternating use of the two dispersal systems.

11.38.810 Prohibition on the Use of Seepage Pits for New Construction.

A. The use of a seepage pit is prohibited for use with construction of onsite wastewater treatment systems for new buildings with applications submitted after the effective date of this ordinance, unless the system is equipped with additional treatment that meets the requirements of a NOWTS.

B. Notwithstanding Section A, the use of a seepage pit in conjunction with a conventional OWTS is permitted for new construction for single unit dwellings with four (4) or fewer bedrooms.

11.38.820 Evidence of a Failing OWTS.

Whenever the Director is made aware that an OWTS is at risk of failing, the Director shall send a letter directing the property owner to have the system evaluated by a qualified contractor within seven (7) calendar days to determine whether the system must be repaired or replaced. If the evaluation reveals that the system requires repair or replacement the property owner shall:

A. Prevent any further discharges of sewage by having the system pumped by a sewage pumper truck at a frequency that will prevent overflow.

B. Follow any directive issued by the Director that is necessary to protect groundwater or prevent surfacing of sewage effluent.

C. Complete all repairs within a time determined by the Director.

11.38.830 When a NOWTS is Required.

A. A NOWTS is required to be installed for new construction when any of the following conditions exist:

1. The percolation rate is faster than 5.12 gallons per square foot per day for a replacement seepage pit.

2. A seepage pit is proposed for installation at a new building other than a single unit dwelling with four (4) or fewer bedrooms.

3. The percolation rate for a leach field or leach bed system is faster than one (1) MPI or greater than one (1) MPI but less than 4.9 MPI and groundwater is within twenty (20) feet of the bottom of the dispersal system for a new or replacement OWTS.

4. There is less than five (5) feet but at least two (2) feet of continuous, natural, undisturbed soil beneath a dispersal system.

5. The property of the proposed system is within six hundred (600) feet of an impaired water body that is listed for pathogens or nitrogen and no established Total Maximum Daily Load (TMDL) for that water body is present.

6. The property of the proposed system is within the area defined by an Advanced Protection Management Program (APMP) established by a TMDL implementation plan.

B. A NOWTS proposed to be installed in the areas of the Antelope Valley within the jurisdiction of the Lahontan Regional Water Quality Control Board (LRWQCB) shall not be required to include a disinfection system.

C. In addition to the circumstances listed in A above, the Director may require the installation of a NOWTS as a condition of a variance to setback requirements for repair of a failed existing system. All variances shall comply with the OWTS requirements and procedures to the maximum extent possible.

11.38.840 Minimum Conditions for Authorization to Install a

NOWTS.

All NOWTS shall meet the following minimum conditions:

A. The system shall be certified by an agency accredited by the American National Standards Institute (ANSI) as meeting the National Sanitation Foundation (NSF) Standard two hundred forty-five (245) or the system shall be approved by the Director after completing a demonstration test described in the OWTS requirements and procedures.

B. NOWTS requiring a disinfection system, shall be certified by an ANSI accredited agency as meeting NSF Standard forty-six (46) for disinfection devices.

C. The septic tank shall be part of the NSF certified system, certified by the IAPMO, or evaluated by the local plumbing official and determined to be Plumbing Code equivalent.

D. The NOWTS shall be equipped with a visual or audible alarm as well as a telemetric alarm that notifies the owner and the service provider of the NOWTS in the event of system malfunction. If the property requiring an NOWTS is in a location where telemetric monitoring is not possible, more frequent physical inspections are required per Section 11.38.880.

E. The owner shall record a covenant against the title of the property meeting the requirements of Section 11.38.890.

F. The owner, prior to approval of the NOWTS, shall enter into and maintain in effect at all times throughout the operational life of the system, a contract signed by

both the property owner and a service provider certified by the components' manufacturer. The contract shall include:

1. Telemetric monitoring of the system for component failures or quarterly inspections of the disinfection system when telemetric monitoring is not available.
2. Annual inspections of the system or more frequent routine maintenance as recommended by the manufacturer when telemetric monitoring is available.
3. Any required sampling of influent and effluent based on the system type, age, and location.

G. The Director may, at any reasonable time, require samples to be taken from the NOWTS while a department representative and/or a contractor or agent of the department is present.

11.38.850 Performance Standards for NOWTS.

A. All NOWTS shall be designed to produce effluent that meets the following criteria:

1. Total Suspended Solids of less than thirty (30) mg.
2. Biological Oxygen Demand five (5) day average (BOD₅) of less than thirty (30) mg/l.
3. PH not less than 6.0 or greater than 9.0.

B. NOWTS treatment of nitrogen must result in a fifty (50) percent reduction in Total Nitrogen.

C. NOWTS provide disinfection that does not exceed a fecal coliform content of two hundred (200) per one hundred (100) milliliters using the Most Probable Number (MPN) analytical method with a minimum detection limit of 2.2 MPN.

11.38.860 NOWTS Permit.

A. A permit shall be issued by the Director for the operation of a NOWTS upon the approval of the system. A permit shall be valid for the location, type of system, and conditions of the approval, unless suspended or revoked by the Director.

B. The permit fee shall be collected in accordance with Los Angeles County Code Title 8, Sections 8.04.950 – 8.04.995.

C. A permit may be suspended or revoked by the Director for the following reasons:

1. The NOWTS is contributing to the contamination of groundwater, surface water, or resulting in the surfacing of effluent, and the owner has not returned the NOWTS to operating condition within the time required by the Director.

2. The owner does not submit records of maintenance inspections or results of effluent testing as required by this ordinance within the time required by the Director.

D. It shall be a violation of this code to operate a NOWTS for which the permit has been suspended or revoked.

E. The owner of the NOWTS shall make the system available within five (5) calendar days for inspection upon notice by the department.

11.38.870 Maintenance Required and Reporting Results.

A. The property owner shall have the NOWTS inspected and serviced at the rate set by the manufacturer as set forth in the manufacturer's operation and maintenance manual or at least annually, by a service provider certified by the manufacturer.

B. If the property is located in an area where telemetric monitoring is not possible, the property owner shall cause the NOWTS to be inspected monthly by the NOWTS owner as directed and instructed by a NOWTS service provider, and quarterly by the NOWTS service provider, in order to determine whether the NOWTS is operating as required.

C. The service provider shall submit copies of all inspection and maintenance reports to the Director within thirty (30) days of any inspection or maintenance of the NOWTS.

11.38.880 Influent and Effluent Testing and Reporting

Requirements.

Owners of NOWTS shall have their maintenance service provider collect and submit samples for laboratory testing of influent and effluent to determine if the system meets the performance standards specified in Section 11.38.850. The frequency of this sampling shall comply with the following table.

Type of System	When Testing is Required
All NOWTS	After completions of repairs (Within seven (7) days)

NOWTS installed in within six hundred (600) feet of a water body impaired for pathogenic bacteria or in response to a TMDL for bacteria	Annually with telemetric monitoring or Quarterly without telemetric monitoring
NOWTS larger than a single family residence located in the Antelope Valley	Annually

The service provider shall submit a copy of the laboratory analysis of effluent testing to the Director within thirty (30) days of the date the results are provided to the owner or service provider by the laboratory.

11.38.890 Covenant.

A. The approval of a NOWTS for a future expansion area requires recordation of a covenant through the County office of the Registrar-Recorder/County Clerk.

B. The installation of a NOWTS requires recordation of a covenant through the County Office of the Registrar-Recorder/County Clerk.

C. The covenant shall inform all future prospective owners of the property of the following:

1. A NOWTS is installed on the property.
2. Operation and maintenance of the NOWTS is required to comply

with State and local laws.

3. A service agreement for maintenance and monitoring is required at all times with an approved servicing company.

4. The Director must be notified in writing within thirty (30) days of a change of servicing company.

5. Maintenance records and effluent testing results must be submitted to the Director within thirty (30) days of annual servicing.

6. The owner is required to repair the system and conduct effluent testing of the system if inspection reveals that it is not in compliance with State or local laws.

7. The owner is required to replace the NOWTS at their own expense if it cannot be repaired to be in compliance.

8. The owner agrees to allow inspection of the NOWTS within five (5) calendar days, upon notice by the Director, absent an emergency.

SECTION 32. Part 6, of Chapter 11.38 of the Los Angeles County Code is hereby added to read as follows:

Part 6 Sewage Pumping Vehicles

11.38.900 Seepage/Sewage Pumping Vehicle Operator.

An operator of a seepage/sewage pumping vehicle is required to register with the local jurisdiction as per California Health and Safety Code Sections 117400-117450. A public health license shall be issued to the owner of a seepage/sewage pumping vehicle when that person has demonstrated that either the owner or an employee of the owner has adequate knowledge to train other employees as described in Section 11.38.910.

A change of address of the owner including a member of a partnership that is registered and of the place of business thereof shall be reported in writing by the owner to the Director within two (2) days after the change of address.

11.38.910 Adequate Knowledge.

A public health license shall only be issued after the applicant or his or her representative submits demonstrates adequate knowledge of the following topics:

A. Knowledge of the equipment to be used.

B. The applicant's knowledge of sanitary principles and of the laws and ordinances affecting human health or nuisances, including the factors that evidence a failing OWTS and appropriate locations for disposal of septage. Proper use of personal protective equipment.

C. Clean up of spills or discharges of sewage from failed plumbing systems.

Knowledge may be demonstrated by submitting curriculum for the training of new staff to the Director for approval, completion of a training course from a professional organization, such as the California Onsite Water Association (COWA), or an approved public entity or an online course acceptable to the Director. The individual receiving the training shall be designated as the trainer for his or her organization. The applicant shall maintain a trainer as part of the organization. If the trainer leaves the organization, it has ninety (90) days to obtain a new trainer.

The owner shall be responsible for ensuring that employees responsible for the clean out of septic tanks, chemical toilets, cesspools and sewage seepage pits are properly trained before they work independently, and get trained annually thereafter.

The owner shall have available for the Director upon request the name of the trainer and records of the employee's annual trainings.

11.38.920 Required for Seepage/Sewage Pumping Vehicle.

No person shall operate a sewage pumping vehicle without first making application and securing a license from the Director.

11.38.930 Application and Issuance Conditions

A. Applications for seepage/sewage pumping vehicles shall be made on forms provided for that purpose by the Director. All applicable fees, shall be paid at the time of the application.

B. The application shall include the Vehicle Identification Number (VIN), the year and make of vehicle, the vehicle license number, the tank capacity, the owner information, the location where the vehicle shall be stored, and any other data required by the Director.

C. Upon receipt of an application, the Director shall make an inspection of the seepage/sewage pumping vehicle. If the applicant has complied with all applicable laws and regulations, and the vehicle meets the requirements of the inspection, the Director shall approve the application, and issue an annual license.

11.38.940 Suspension and Revocation of License.

The Director may suspend or revoke the license of an operator of one (1) or more seepage/sewage pumping vehicles or the license of an individual seepage/sewage pumping vehicle.

The Director may suspend or revoke a license issued to an operator of one (1) or more sewage pumping vehicle for any of the following violations:

- A. Discharge of sewage or the contents of one (1) or more trucks in a location other than one approved by the Director.
- B. Failure to submit quarterly reports identifying all of the locations serviced and where the contents of the truck were discharged.
- C. Failure to report locations that evidence conditions of a failing OWTS, a cesspool, or an earthen pit privy.

The Director may suspend or revoke a license issued to a sewage pumping vehicle for violations of this code, including, leakage of sewage from the tank, valves, piping, or other equipment that may discharge to the ground surface.

11.38.950 Identification of Vehicle.

Seepage/Sewage pumping vehicles shall be identified with the business name, City, State, Zip Code and phone number on both sides of vehicle. The business name shall be in letters and numbers at least three (3) inches in height, additional information shall be at least one (1) inch in height and all letters and numbers shall be of a color contrasting to the vehicle. The public health registration number shall be located on the rear of the vehicle in letters and numbers at least three (3) inches high and of a color contrasting to the vehicle.

11.38.960 Construction of Seepage/Sewage Cleaning Vehicle.

A seepage/sewage pumping vehicle shall be constructed and maintained at all times with the following components in good working order:

- A. A water tight tank, valves, piping, pumps and equipment maintained free from leakage.
- B. A hose for flushing contaminated areas.
- C. A quick release valve on the discharge outlet.
- D. A metal sleeve or other suitable device provided to reach from discharge outlet to manhole.
- E. Tight fitting covers for tank openings.

11.38.970 Seepage/Sewage Pumping Vehicle Operation

Requirements.

- A. All contents of the sewage holding tank shall be deposited in an approved County Sanitation District location or at a location approved by the Director.
- B. Personal protective equipment including gloves, goggles, and boots shall be provided to all employees working with sewage or septage.
- C. A sewage spill kit shall be maintained on the vehicle for use in cleaning-up any sewage spills. The sewage spill kit shall contain at a minimum:
 - 1. Containment barriers to prevent the spill from entering a storm drain.
 - 2. Absorbent material.
 - 3. A shovel.
 - 4. Garbage bags.
 - 5. Liquid disinfectant and powdered lime.
- D. The vehicle registration shall be maintained on the vehicle.

E. The vehicle exterior shall be maintained free of sewage or other waste material.

11.38.980 Seepage/Sewage Pumping Vehicle Service Reports.

A. Seepage/sewage pumping vehicles are required to file with the Director a quarterly report specifying all of the following:

1. The name and address of the owner or tenant of each and every one of the premises where a septic tank, cesspool, or sewage seepage pit has been cleaned out by the registrant, his or her employees, or by others on his or her behalf and the date of each cleaning.

2. The location where the cleanings are disposed of.

3. Discharges of waste that may result in violation of laws or ordinances required to be known by the registrant pursuant to Health and Safety Code Section 117420.

B. OWTS showing symptoms of failure must be reported to the Director within twenty-four (24) hours of pumping. Factors evidencing a failing OWTS are identified in Section 11.38.042.

[804420RRCC]

SECTION 33 This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Sheila Kuehl
Chair

ATTEST:

Celia Zavala
Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of October 2, 2018 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

<u>Ayes</u>		<u>Noes</u>	
Supervisors	<u>Hilda Solis</u>	Supervisors	<u>None</u>
	<u>Mark Ridley-Thomas</u>		
	<u>Sheila Kuehl</u>		
	<u>Janice Hahn</u>		
	<u>Kathryn Barger</u>		

Effective Date: November 1, 2018
Operative Date: _____

Celia Zavala
Celia Zavala
Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

CELIA ZAVALA
Executive Officer
Clerk of the Board of Supervisors

By [Signature]
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
County Counsel

By [Signature]
Lester J. Tolnai
Chief Deputy County Counsel