

# FREQUENTLY ASKED QUESTIONS (FAQ)

## Proposed Onsite Wastewater Treatment System (OWTS)/Septic Tank Ordinance

### 1. What are the current proposed ordinance requirements?

*Please see table below:*

	<b>NON HIGH RISK OWTS</b> <i>(11,443 properties)</i> <i>98.37% of total</i>	<b>HIGH RISK CONVENTIONAL OWTS</b> <i>(182 properties)</i> <i>1.56%</i>	<b>HIGH RISK SUPPLEMENTAL/ ADVANCED TREATMENT OWTS</b> <i>(8 Properties) 0.07%</i>
Initial Registration or Permit	Register and self certify that OWTS are being properly maintained at all times.	Submit a valid certified inspection report from a qualified service provider and pay permit fee of \$350. *	Submit a valid Operation & Maintenance Agreement, from a qualified service provider or manufacturer that includes routine service inspections and pay permit fee of \$800.
Renewal Period	Renew registration once every three years, within 90 days of registration expiration.**	Renew operating permit every three years, within 90 days of permit expiration.**	Renew operating permit annually, within 90 days of permit expiration.**
Self- Certify	When registering, self-certify that OWTS are properly maintained at all times.	n/a	n/a
Certified Inspection	n/a	Required; must submit proof (evidence or a report) of a passing certified inspection by a qualified (licensed and certified) service provider.	Covered by the submission of a valid Operations & Maintenance Agreement from a qualified service provider or manufacturer that includes routine service inspections.
Operations & Maintenance Agreement	n/a	n/a	Required; must submit a copy of the Operations & Maintenance Agreement, from a qualified service provider or manufacturer that includes routine service inspections, within 90 days of permit expiration.
Monitoring Report	n/a	n/a	Required; must submit annual monitoring report within 90 days of permit expiration.
Record Plan & and Operation and Maintenance (O&M) Manual Retain copy of all OWTS related records, on-site, for a minimum of five years.			
Transfer Requirements & Fees	New owner shall register and self certify, if there is no valid registration and certification, or the new owner shall re-register and self re-certify if there is a valid registration and certification that OWTS are being properly maintained at all times, within 30 days of the close of escrow (no fee).	Pay \$50 at point of sale. Must be submitted by new owner within 30 days of the close of escrow and the operating permit will remain valid for the remaining period of the operating permit cycle. If there is no valid operating permit, one shall be obtained by the buyer or new owner, within 30 days of the close of escrow.	Pay \$50 at point of sale. Must be submitted by new owner within 30 days of the close of escrow and the operating permit will remain valid for the remaining period of the operating permit cycle. If there is no valid operating permit, one shall be obtained by the buyer or new owner, within 30 days of the close of escrow.
Payment/ Registration or Permit Options	Complete on-line, by mail, phone, or in person.***	Complete on-line, by mail, phone, or in person.***	Complete on-line, by mail, phone, or in person.***
<b>Fees</b>	<b>No fee (Free)</b>	<b>\$350 every three years, paid within 90 days prior to permit expiration.</b>	<b>\$800 annual fee, paid within 90 days prior to permit expiration.</b>

\* - A certified inspection is provided by a licensed certified service provider, who must have a valid state contractor C-36 or C-42 license and possess California Onsite Wastewater Association or National Association of Wastewater Transporters certification.

\*\* - Requirements for the first operating permit and registration cycle shall be completed by **July 1, 2012 deadline or one year after ordinance is adopted, whichever is later.**

\*\*\* - Bureau staff is currently working on the on-line procedure, and expects to have it in place before registration begins.

## ***2. What is the purpose of the ordinance? Why is it needed now?***

The State has mandated the City to develop this ordinance as part of a Memorandum of Understanding with the State Water Resources Control Board. The ordinance needs to be in place by June 30, 2011. In addition, under the City's stormwater permit and water quality regulation for bacteria, the City is required to diligently address and eliminate any potential sources of pollution, especially bacteria. Having properly operating OWTS is required for the protection of our water quality and compliance with the law.

## ***3. What happens if the City doesn't pass the ordinance?***

The City will be in violation of the MOU and the law and may be subject to penalties and fines. The MOU no longer will be in effect, and the City will have to relinquish the ability to issue construction permits for OWTS. This will require all permits for construction of OWTS to go to the State for approval, which may lead to long delays and more stringent requirements/conditions.

## ***4. Why are commercial and multifamily residences not included within this ordinance? Are their properties exempt from inspection, even though they are documented polluters? Shouldn't those be the first systems monitored?***

Multi-family and commercial properties are not exempt from OWTS inspection. These OWTS are regulated by the State Regional Water Quality Control Board (RWQCB). Any sightings of leakage from a home or a business-owned septic system should be reported to the City by calling 311, and the complaint will be directed to the appropriate agency for remediation. For additional information regarding multi-family and commercial properties please contact Dr. Rebecca Chou, State RWQCB Groundwater Permitting Section, at (213) 576-6618 or [rchou@waterboards.ca.gov](mailto:rchou@waterboards.ca.gov).

## ***5. How will we know when it is time to register our OWTS and what to do? When will we have to pay fees or register?***

You will receive, in the mail, all the necessary information to register, or the requirements for a permit, etc. You will be required to pay fees or register one year after the ordinance is passed.

**6. How can we give the RWQCB feedback and technical input about the regulations of the ordinance? What if the State designates our property as high-risk, how do we appeal that?**

You may obtain additional information regarding the high risk determination by contacting Dr. Rebecca Chou, State RWQCB Groundwater Permitting Section, at (213) 576-6618 or [rchou@waterboards.ca.gov](mailto:rzhou@waterboards.ca.gov). For information on the 303(d) listing process, you may contact Dr. LB Nye at (213) 576-6785 or [lnye@waterboards.ca.gov](mailto:lnye@waterboards.ca.gov).

**7. Will you get more aggressive with penalties to make people comply?**

Property owners who fail to comply with any of the requirements for their category of OWTS as stated above will be subject to fines for non-compliance at the following rates:

	Monthly Penalty (First 90 Days)	Monthly Penalty (91+ Days)
Non High Risk OWTS	\$25	\$25
High Risk OWTS Conventional	\$50	\$250
High Risk OWTS Advanced/Supplemental	\$100	\$500

These penalties will be used to finance the non-compliance process, including enforcement actions and other remedies. The City Attorney's Office has reviewed the penalties above and advises that a violation will be considered a misdemeanor. In addition to fines, the penalty upon conviction shall not be more than a fine of \$1,000 or imprisonment in the county jail, not exceeding six months, or both fine and imprisonment. Violations are deemed to be continuing violations, and each day that a violation continues is deemed to be a new and separate offense.

**8. Does the City of Los Angeles have its own list of certified service providers, or do we have to look at the City of Malibu's list?**

No, the City of Los Angeles does not have a list, nor do you *have* to use Malibu's list. See National Association of Wastewater Transporters for a list of certified service providers at [www.nawt.org/search.shtml](http://www.nawt.org/search.shtml). A certified service provider shall be qualified and certified to perform operation, monitoring, reporting, inspections, and routine maintenance of OWTS. Service providers should possess a valid and current State of California contractor license C36 or C42, and should have valid and current certification from National Association of Wastewater Transporters (NAWT) approved training, through training with California Onsite Wastewater Association (COWA) or other organizations that offer appropriate training approved by NAWT.

## **9. What is a high risk OWTS?**

Based on the latest survey, there are approximately 190 high risk residential OWTS in the City of Los Angeles that would be regulated by the proposed OWTS ordinance. Approximately 43 of them are within 900 feet of active water wells, and 139 are within 600 feet of an impaired water body as defined in Section 303(d) of the Clean Water Act as defined by the United States EPA and the SWRCB. Of the 190 high risk OWTS, 182 are classified as High Risk Conventional OWTS. There are an additional 8 OWTS that are using Advanced Supplemental Systems. These systems are in sensitive areas and require more oversight by the City.

## **10. For all non high risk residents, if their status changes to high risk, will they be notified? When an area is designated high risk can it never be removed or downgraded from the list? How can we check if our high-risk status changes or the list gets new addresses?**

When a specific OWTS is designated as high risk, the status can change. The RWQCB updates their list of 303(d) impaired water bodies biannually. As water bodies become impaired they are added to the list and subsequently as they improve, they are removed from the list. OWTS within 600 ft of the added 303(d) listed water body become high risk; OWTS within 600 ft of a removed 303(d) listed water body are no longer considered high risk and thus are removed from the high risk list. BOS updates our list annually, every May and the information is available online at [www.lasewers.org](http://www.lasewers.org). For information on the 303(d) listing process, you may contact Dr. LB Nye at (213) 576-6785 or [lnye@waterboards.ca.gov](mailto:lnye@waterboards.ca.gov).

## **11. Do we have to connect to the sewer if a sewer is within 200 feet?**

No, this proposed ordinance does not address sewer connection. However, existing requirement LAMC 94.01.15.2 is that you may be required to connect to sewer if your septic system is damaged beyond repair or needs to be replaced, and there is a public sewer within 200 feet of your property.

## **12. What is the cost of connecting to the sewer?**

The City's sewer connection fee is \$776 for a 3-bedroom single family home. The construction cost for the house sewer connection (from the house to the City sewer) varies based on the length and geologic condition, but should be around \$15,000 on average.

**13. How can we find out the location of the nearest sewers, and how do we connect to the sewer? If a sewer connection is not there, does the City pay for it to be brought in?**

To find the location of the nearest sewers go to <http://navigatela.lacity.org>. To find out how to connect to the sewer Contact the Bureau of Engineering (BOE) Valley District Office, at 818-374- 5090, the Central District Office at (213) 482-7030, the West LA District Office at (310) 575-8384, the Harbor District Office at (310) 732-4677 or online at <http://eng.lacity.org/index.cfm>. You may obtain additional District phone numbers at <http://eng.lacity.org/permits/services/index.htm>. The City will provide a sewer when a septic system is located in a Ground Water Improvement District (GID); otherwise, the homeowner is responsible for the costs to bring in a mainline sewer. For estimated costs to bring in a mainline sewer please contact your nearest BOE District office at one of the numbers above.

**14. What controls are in place to make sure fees are not imposed later, or go up in the future?**

Bureau staff indicated that while they do not have control over future events, the Bureau plans to keep the cost of its operations and programs to a minimum. As it is, the Bureau has worked with the community and the RWQCB to reduce the expected financial impacts, where there will be no fees for 98.4 percent of the OWTS owners, and lower fees than the RWQCB's current charges, for the remaining OWTS owners in high risk areas.

**15. What financial assistance is available for owners of OWTS required to connect to public sewers and owners of OWTS in high risk areas who must pay a fee in order to obtain operating permits from the Bureau?**

The Bureau emphasized that the proposed ordinance will not impose any new requirements or fees for connecting to the public sewer and that only the existing City sewer connection fees and policies will continue to be implemented via the existing plumbing and building code regulations. Additionally, the Bureau pointed out that as long as homeowners properly operate and maintain their OWTS and their systems continue to function, they will not have to connect to an existing sewer. To assist homeowners in the proper operation and maintenance of their OWTS, the Bureau designed, published, and distributed a Homeowner's Guide to Septic Systems in English and Spanish (Transmittal #10 ?) to 14,000 OWTS owners and residents. That guide is located on our website. Please visit: [http://lasewers.org/private\\_sewers\\_septic/septic\\_systems/city\\_of\\_la\\_septic\\_systems.pdf](http://lasewers.org/private_sewers_septic/septic_systems/city_of_la_septic_systems.pdf)

With the introduction of Assembly Bill 964, in February of 2011, the State would provide funds for a revolving loan program, administered by local agencies, for onsite sewer improvements, including connection to the sewer or possibly OWTS repairs or replacements. The Bureau is actively commenting on this bill and watching its progress, so that there may be help for OWTS owners. Additionally,

the Bureau is actively searching for other ways to minimize and reduce costs for OWTS owners while remaining cost neutral for the program.

***16. Why focus on the small potential pollution from OWTS and not on the much larger pollution potential from the aging public sewer system and its related huge sewage spills?***

The Bureau responded to this issue by pointing out that the City has successfully reduced sewage spills by 80 percent over the last few years through implementation of an active sewer Capital Improvement Program (CIP) that continually replaces or rehabilitates aging sewer infrastructure at an average rate of 60 miles annually. In addition to the CIP, the City has an aggressive sewer cleaning program that averages at least 5,400 miles of sewer pipelines cleaned annually. The City continues to pursue environmental protection from all potential sources of bacteria & nitrogen pollution, including septic systems.

***17. Why is the City proposing the OWTS ordinance when most owners have properly maintained their OWTS for years without failures and when there is no concrete scientific evidence that proves OWTS contribute to impairment of water bodies?***

The Bureau recognizes that the majority of owners who properly operate their OWTS do so without experiencing failure. Studies indicate that an average of 10% of OWTS in the City fail annually, so the proposed ordinance is needed to protect our increasingly limited water resources. Based on data from storm water sampling along Santa Monica Bay, several tributary watersheds exceed the Total Maximum Daily Loads (TMDL) for bacteria and other pollutants. These watersheds contain a significant number of OWTS, and some additional OWTS are upstream as well.

***18. What is the appeal process?***

Based on stakeholder input during the initial public outreach effort, the Bureau has incorporated a process to appeal the registration, operating permit and/or penalty fees or any other requirements of the proposed ordinance. Two levels of appeals will be available. The first level of appeal will be a written administrative appeal to the Director of the Bureau of Sanitation for a fee of \$100. The second level of appeal will be to the Board of Public Works, for a hearing, at a cost of \$150. The total maximum appeal fee shall be \$250. The fee shall be used to finance the cost of the appeal process.

The number of appeals may not be limited, however repeat appeals based on the same issues may be denied. The property owner or her/his representative must demonstrate that the requirements of the ordinance:

1. Will result in extreme financial, or
2. Were improperly applied or
3. Were unessential to the overall purpose of such requirements, and the continued operation of the OWTS will not have any significant adverse effect to public health and the environment.

***For any questions, please, visit us on the web at:***

[http://www.lasewers.org/private\\_sewers\\_septic/septic\\_systems/index.htm](http://www.lasewers.org/private_sewers_septic/septic_systems/index.htm),

or contact

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