CALIFORNIA
Water Boards

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SECRETARY FOR
ENVIRONMENTAL PROTECTION

Los Angeles Regional Water Quality Control Board

May 3, 2018

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Mr. Patrick Wilson, Mayor
City of Rolling Hills
No. 2 Portuguese Bend Road
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RESPONSES TO COMMENTS – LOS ANGELES COUNTY, ONSITE WASTEWATER TREATMENT SYSTEMS, LOCAL AGENCY MANAGEMENT PROGRAM

Dear Sir or Madam:

On March 22, 2018, the Los Angeles County, Department of Public Health's draft Local Agency Management Program (LAMP) for Onsite Wastewater Treatment Systems (OWTS) was released for public comment. The comment period ended on April 23, 2018. Eight comment letters were received by the deadline. Regional Board staff has considered all comments submitted, made appropriate revisions to the draft LAMP, and prepared the Responses to Comments. Enclosed please find the Responses to Comments.

In accordance with administrative procedures, the Regional Board will consider the draft LAMP and comments thereon, at a public hearing to be held at 9:00 AM on **May 10, 2018**, at the Metropolitan Water District of Southern California, 700 North Alameda Street, Los Angeles, California. The Regional Board will hear any testimony pertinent to the LAMP.

Copies of the LAMP, all comment letters, and the responses to comments are available on the Regional Board's website at https://www.waterboards.ca.gov/losangeles/board_decisions/tentative_orders/other_resolutions/Los_Angeles_County/index.html

If you have any questions concerning this letter, please contact Mr. Peter Raftery at (213) 620-6156 (Peter.Raftery@waterboards.ca.gov) or me at (213) 576-6683 (Eric.Wu@waterboards.ca.gov).

Sincerely,

Eric Wu, Ph.D., P.E.
Chief of Groundwater Permitting Unit

Enclosure: Responses to Comments

cc: Scott Abbott, Los Angeles County Department of Public Health
Jehiel Cass, Lahontan Regional Water Quality Control Board
Patrice Copeland, Lahontan Regional Water Quality Control Board
Michelle Tseibos, Los Angeles County Department of Public Health

Response to Comments

Local Agency Management Program for
Los Angeles County
Comment Deadline: April 23, 2018

List of Commenters:

Comment No.	Commenter	Date Received
1	City of Rolling Hills	April 13, 2018
2	Los Angeles County, Department of Public Health (County)	April 20, 2018
3	Archetype Structures, Inc. (John Bertolli)	April 23, 2018
4	Topanga Town Council	April 23, 2018
5	Laurel Taylor	April 22, 2018
6	Resource Conservation District of the Santa Monica Mountains (RCDSMM)	April 23, 2018
7	Susan Nissman and Arthur Nissman	April 23, 2018
8	Topanga Creek Watershed Committee (TCWC) and Topanga Association for a Scenic Community (TASC)	April 23, 2018

Response to Comments:

No.	Comment	Response
City of Rolling Hills		
1-1	The City Council of the City of Rolling Hills respectfully requests the extension of existing waivers of waste discharge requirements (WDRs) in effect since 2004 until the Los Angeles County LAMP can be put into effect within the individual municipalities of Los Angeles County.	We have discussed the situation with LACDPH. They will continue to implement the existing processes and requirements of the 2004 MOUs and waivers until the Los Angeles County LAMP is approved by the County Board of Supervisors and the updated MOU between

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	Most properties within the City are served by onsite wastewater treatment systems (OWTS) as they are without access to a sanitary sewer connection. The City has been relying for decades on the services of the Los Angeles County Department of Public Health (LACDPH) to review and approve residential OWTS facilitated by the City's adoption of the Los Angeles County Health and Safety and Plumbing Codes. In 2004 the City executed a memorandum of understanding (MOU) with the Los Angeles Regional Water Quality Control Board (Regional Board) to enable a waiver of the Regional Board's 2004 General WDRs for individual OWTS property owners and to continue to regulate residential OWTS within the City through LACDPH. On February 5, 2016, the City received a letter from the Regional Board stating that due to the Statewide OWTS Policy, the 2004 MOU would no longer be in effect after May 13, 2018. The City responded by notifying the Regional Board of its intention to rely upon the Los Angeles County LAMP once the MOU expired. With the MOU set to be terminated on May 13, 2018 and delays in approval of the Los Angeles County LAMP by the Regional Board beyond the OWTS Policy timelines, the City and its residents/property owners have been placed in a difficult and burdensome position. Even after the Los Angeles County LAMP is approved by the Regional Board, the following additional steps must occur in order to fully implement the Los Angeles County LAMP within the City: 1. Los Angeles County Board of Supervisors must approve and adopt the final LAMP and ordinance. 2. City and Los Angeles County must enter into a 5-year MOU designating the County as the Qualified Local Agency to regulate OWTS within the City. 3. City must: adopt the Los Angeles County LAMP Ordinance, adopt the Los Angeles County Professional Guide on Conventional and Non-Conventional OWTS Requirements and Procedures, adopt any necessary revisions to the Los Angeles County Plumbing Code, and pass a Resolution authorizing Los Angeles County to enforce its code within the City. We have been informed that these steps will take a significant	the City of Rolling Hills and the Los Angeles County is in place.

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	amount of time, thereby creating a regulatory gap in local authority for permitting of residential OWTS if the MOU between the Regional Board and the City is not extended. Additionally, we understand that the currently implemented LACDPH siting and design requirements for OWTS are equivalent to those in the proposed Los Angeles County LAMP, as such, public health will be protected if the Regional Board's MOU with the City and waivers of WDRs are allowed to remain in force until the LAMP becomes fully effective within the incorporated cities of Los Angeles County. In order to avoid this regulatory snarl and to prevent unnecessary inconvenience and cost to both rural property tax payers of Los Angeles County and Regional Board staff, the City urges the Regional Board to extend the existing MOUs for waivers of WDRs for an additional year from the date of the Regional Board's approval of the Los Angeles County LAMP. This will provide the necessary time for the Los Angeles County LAMP to be put into effect within the individual incorporated municipalities of Los Angeles County consistent with the one year local authority adjustment period in the OWTS Policy Timelines. This will bridge the regulatory gap and allow the reliable services of LACDPH to regulate residential OWTS as it has been doing for decades.	
Los Angeles County, Department of Public Health (County)		
2-1	The County of Los Angeles, Department of Public Health's (DPH) has continued to clarify requirements of the Onsite Wastewater Treatment System Policy with Los Angeles Water Quality Control Board (Water Board) representatives.	Comments noted.
2-2	Based on the determination that neither the Tier 2 nor the Tier 3 standards require the testing of effluent for systems designed to reduce nitrogen in wastewater, DPH is requesting the removal of the requirement for effluent testing for Non-Conventional Onsite Wastewater Treatment Systems (NOWTS) unless the system is	Comments noted.

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	subject to the requirements for a bacteria impaired water body in Tier 3. Effluent testing will be required when the system is required to provide disinfection as a result of a TMDL or 303(d) listing for bacteria to determine the effectiveness of the disinfection system.	
2-3	DPH and the representatives of the Water Board agreed that the requirement to install a NOWTS that is certified to meet the NSF 245 Standard or complete DPH's own testing program to prove that the system meets the performance criteria, along with the requirement for an annual inspection by a technician certified by the system's manufacturer is sufficient to ensure the protection of the surface and groundwater.	Comments noted.
2-4	The Lahontan Water Board has subsequently requested that effluent testing be required on systems requiring supplemental treatment within their service area. DPH does not support this change and requests that the Los Angeles Water Board move forward as discussed and modify the LAMP to remove the requirement for effluent testing for Non-Conventional Onsite Wastewater Treatment Systems (NOWTS) unless the system is subject to the requirements for a bacteria impaired water body in Tier 3.	In April 20, 2018 and April 24, 2018 correspondence, DPH and the Lahontan Regional Board agreed that although the Lahontan Regional Board believes annual NOWTS effluent monitoring is desirable for all NOWTS discharging to the enclosed Antelope Valley groundwater basin, annual monitoring of commercial, industrial, and institutional NOWTS would be sufficient. DPH and the Lahontan Regional Board agreed that NOWTS at single-family dwellings, as defined in the State OWTS Policy, do not require monitoring. Los Angeles Regional Board staff concur with this decision.
2-5	As an alternative, in the Lahontan region, your Board might consider requiring effluent testing on Tier 2 "commercial" systems that are unable to meet standards for setbacks, percolation rates, or density requirements and expressly exclude such testing for single family residences.	Comments noted.
2-6	Based on additional comments provided by the Water Board representatives, DPH is correcting the information regarding the adoption dates of TMDLs, whether an implementation plan exists for a TMDL, and the requirements when a listed water body is a concrete lined flood channel that is not subject to contamination by OWTS.	Comments noted.
2-7	All of the requested changes are included in the attached updated version of the Los Angeles County LAMP.	Comments noted.

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	Archetype Structures, Inc. (John Bertolli)	
3-1	**What to do about failed/replacement systems and improvements, especially on smaller lots**. Define a CLEAR SIMPLIFIED PROCESS for what steps a homeowner or small business takes when a variance becomes necessary. Create a flow chart showing what information needs to be submitted and to whom and where, and with subsequent steps flowing depending on the outcome of critical variables / determinants;	The County will provide a new version of the Professional Guideline (Guideline) to implement the LAMP. We will include a flow chart for the repair process. Variances will be included. The Guideline will also include what information shall be submitted and the locations where the application can be submitted. The Land Use program inspectors will receive the applications. The inspectors shall refer the application to the Chief of the program if a variance is needed. *(Please see on page 1 of Los Angeles County's Responses to the LAMP dated February 6, 2018 Public Comments (LAC Responses); Tab 15.1.6.)*
3-2	Allow and encourage property owners to mitigate, e.g. pumping, while going through the process and until a permanent solution can be employed;	The County will allow frequent pumping while the property owner is working on getting compliance as directed by the Department. *(Please see on page 1 of LAC Responses; Tab 15.1.6.)*
3-3	Define and streamline the consultant information required to determine viable options;	The required information, such as percolation testing or setbacks will be included in the feasibility report requirements. The feasibility report requirements are included in the Guideline. *(Please see on pages 1 and 2 of LAC Responses; Tab 15.1.6.)*
3-4	Provide lists of accepted NOWTS systems and expand this list to incorporate the many non-conventional working systems that are employed around the world;	The County will provide a list of approved NOWTS in the Guideline. In addition, the Guideline will state that all National Standard Foundation (NSF) 245 standard certified NOWTS are approved in the County jurisdiction without additional requirements. All other NOWTS must follow the County demonstration process to be approved. The demonstration process is available in the Guideline. *(Please see on page 2 of LAC Responses; Tab 15.1.6.)*
3-5	Allow and provide examples of "hybrid" systems that may increase the treatment capacity of smaller lots / those that have a hard time complying. I.e., combine a very slow perc'ing/small dispersal area OWTS or NOWTS with above grade planter filtration systems to augment dispersal, a gray water system, and composting toilets;	The County will approve the use of Mound systems to provide above grade effluent filtration. The County already approves the use of a gray water system. The County has not approved the use of composting toilets for Single Family Residences (SFR) yet. The Department of Public Health (DPH) has some concerns

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		about the handling of the compost by the homeowner. Installation of composting toilets would have to comply with the County Plumbing Code requirements, which are enforced by the Department of Public Works. In addition, the installation of a composting toilet in a SFR still requires a conventional toilet to be installed. *(Please see on page 2 of LAC Responses; Tab 15.1.6.)*
3-6	Marry water conservation efforts with effluent disposal. Seems like a no brainer that given droughts/water supply issues, that "recycling" of water should be encouraged emphatically by regulatory agencies. Define and demonstrate how recycling systems can work within standards acceptable to DPH and the Water Board and encourage such systems;	The County already allows the use of gray water systems and drip dispersal systems for a NOWTS effluent. A Clothes Washer System does not require a permit from the County. Simple Gray Water Systems (less than 250 gallons per day) and Complex Systems require a permit from the County. Information for graywater systems are available on the DPH-Environmental Health Website from the Cross Connection and Pollution Control Program under "Recycled Water": http://publichealth.lacounty.gov/eh/business/graywater.htm *(Please see on page 2 of LAC Responses; Tab 15.1.6.)*
3-7	Allow composting toilets + gray water to be a sole viable option.	Please see 3-5 and 3-6. *(Please see on page 2 of LAC Responses; Tab 15.1.6.)*
3-8	Allow regular periodic pumping as needed rather than maximum 3 times in 6 months to be a viable option.	Frequent pumping is considered pumping more than 3 times in a 6-month period. Systems typically only require pumping to remove solids every 3 to 5 years. Pumping frequently to remove wastewater in order to prevent it from surfacing or backing up into the house may indicate that the soil below the dispersal system is clogged and preventing the wastewater from draining, which is considered a failed system. Frequent pumping can be a short term remediation method but it does not replace the need for a functioning system. *(Please see on page 2 of LAC Responses; Tab 15.1.6.)*
3-9	Economic factors *should* be considered in the scheme of all this. Many property owners in our area do not have the means to pay the often very high consultant evaluation costs and installation costs of NOWTS, etc. that result from attempting to comply with regulation. What are they supposed to do?	The County will be working with the Regional Water Quality Control Board (Water Board) on the option to obtain low cost loans for property owners in need of financial assistance. *(Please see on page 3 of LAC Responses; Tab 15.1.6.)*

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3-10	If compliance that is impossible to meet is enforced upon legally established lots, could that not be considered an impairment of property rights to such an extent as to be an unconstitutional taking of property?	he California Legislature directed the State Water Board to develop regulations for septic systems in 2000, due to problems with contaminated surface water and groundwater throughout the State. The State Policy are the regulations developed in response to the directive. However, it is not the intent of the County to deprive homeowners of their properties. The County will work with the Water Board to find acceptable alternative means to maintain the homeowner in her property while protecting public health and the ground and surface water. *(Please see on page 3 of LAC Responses; Tab 15.1.6.)*
Topanga Town Council		
4-1	The TTC respectfully and strongly disagrees with the LAMP definition of a 'failed' septic system as one which has to be pumped three times within 180 days, a scientifically unsupported standard on OWTS systems.	The County does not define a failed system as one which has to be pumped three times within 180 days. The County is using frequent pumping as an indicator only. A property owner with a septic system meeting this pumping frequency will be directed to provide an evaluation of the system to the Department of Public Health (DPH). The result of the evaluation will determine if the system is failing. *(Please see on page 3 of LAC Responses; Tab 15.1.6.)*
4-2	Some residents have already chosen to augment their septic system with Sludgehammer, Pirana or similar type equipment as a preventative measure that helps preserve their current functioning system. Other preventative measures include owners who frequently pump to extend the system's longevity. People who take such proactive measures should not be penalized when they are not effectively contaminating the environment.	Systems typically only require pumping to remove solids every 3 to 5 years. Pumping frequently to remove wastewater in order to prevent it from surfacing or backing up into the house may indicate that the soil below the dispersal system is clogged and preventing the wastewater from draining, which is considered a failed system. Property owners using frequent pumping to extend the system's longevity can maintain the pumping frequency below the three times within 180 days which would trigger a system evaluation. *(Please see on page 3 of LAC Responses; Tab 15.1.6.)*
4-3	Requiring telemetric monitoring when no indicators of contamination are present seems an overreach and could feel like a violation of property rights.	The County is requiring telemetric monitoring for Nonconventional Onsite Wastewater Treatment System (NOWTS) as a mean to control that the mechanical components of the system are working as intended. The telemetric requirement reduces the need for frequent

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		physical inspections of the system. Most NOWTS are installed in response to a variance or a requirement such as near impaired water bodies or Total Maximum Daily Load areas. It is important that these systems work as intended. *(Please see on page 3 of LAC Responses; Tab 15.1.6.)*
4-4	requiring installation of even more advanced and emerging treatment technologies, without clear specification of what they are and if they have proven to work successfully, is confusing and creates an undue burden. No long-term (15-25 years) studies demonstrate these new technologies actually do what they purport to do.	Please see 3-4. The County relies on either the NSF certification process or the County demonstration phase for the performance of the NOWTS. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*
4-5	Demanding all properties require installation of the highest tier treatment technology under the state's current definition of a failed system, when other less expensive options exist, such as pumping more often, seems unwarranted and extremely punitive. Furthermore, property owners should not have to function as guinea pigs for emerging and/or unproven technologies.	The County is not demanding that all failed systems be replaced by Nonconventional Onsite Wastewater Treatment System (NOWTS). NOWTS are only required in specific occasions listed in the LAMP section 3.5 (NOWTS Requirements). Please see 3-8 for frequent pumping. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*
4-6	Since the frequency of pumping does not in itself indicate a failed system, a contractor should only be required to report when there is evidence of an 'over-flow' or when 'daylighting' occurs and impacts the watershed. Most times, the existing process is self-regulating and activates when a complaint is reported to the county by a neighbor or contractor or when a rebuild or renovation permit is acquired. It is important to note that if a current septic system shows an impairment to our stream and coastal eco systems, then a cost-effective NOWTS system should be available.	Please see 3-8. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*
4-7	Topanga is almost completely developed and therefore presents little or no additional risk of septic impacts to the environment. Notably, we have successfully managed to be an unimpaired area without the implementation of extreme measures for over 100 years.	The County LAMP has the obligation to monitor the status of septic systems in order to protect ground and surface water from potential contamination from failed septic systems. Existing septic systems that may have functioned perfectly in the past may be failing now. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*
4-8	Affordable and proven solutions should be available to businesses and residents. We request a commitment from the county and the state to	Please see 3-5. for composting toilet. Please see 3-5 and 3-6. for graywater systems. The County is allowing vertical seepage pits under the LAMP. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*

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	incorporate alternative solutions such as composting toilets, allowance for vertical seepage pits, advanced grey water systems, and other systems used throughout the United States that can safely reduce the load.	
4-9	One reasonable and cheap alternative solution would be expanding the current grey water allowances to include shower water that has a negligible bacterial component (certainly no more than washing machines) and helps ease the drought's effect.	The County currently allows shower water as part of a gray water system but it requires a permit. Allowing the addition of shower water as part of the permit-free Clothes Washer graywater system will be a violation of current County Plumbing Code. *(Please see on page 4 of LAC Responses; Tab 15.1.6.)*
4-10	As with all inventions, new septic technologies tend to be expensive. Prices will only come down over time and/or with volume purchases. In order for residents and businesses to comply with LAMP's OWTS and NOWTS requirements, we request the county and/or state to negotiate discounts among different providers or offer individual incentives (i.e. solar panel program, water conservation programs) and/or other payment options. The objective would be to provide alternative financial solutions if a property owner is faced with installing a cost-prohibitive system.	Please see 3-9 for financial assistance. *(Please see on page 5 of LAC Responses; Tab 15.1.6.)*
4-11	Realistically, compliance on this level should have an extended roll-out period of at least a five-year timeline and ideally longer.	The County will work with homeowners on an acceptable compliance period for repair/replacement systems based on particular situations. Total Maximum Daily Loads (TMDL) requirements have a roll-out period of 10 years usually. *(Please see on page 5 of LAC Responses; Tab 15.1.6.)*
4-12	A reasonable approach would be to focus on system performance and not necessarily prescriptive requirements. It is our recommendation that the county/state perform regular and frequent water quality studies to determine if more stringent requirements are necessary. If the results indicate that additional measures should be taken, they can be considered at that time and implemented gradually with adequate notice and education.	The County is considering the performance of the Nonconventional Wastewater Treatment Systems (NOWTS) based on their certification, and is not requiring effluent testing to measure prescriptive requirements, except where required in the County area under the jurisdiction of the Lahontan Water Board. The County LAMP includes a Water Quality Assessment Program (WQAP) which requires monitoring of ground and surface water to prevent potential contamination from septic systems. *(Please see on page 5 of LAC Responses; Tab 15.1.6.)*
4-13	Educational outreach to the community is a necessary component to a successful implementation.	Please see 3-1 and 3-3 for the Guideline. *(Please see on page 5 of LAC Responses; Tab 15.1.6.)*

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	Whatever policies the county and state adopt, they need to be presented in a timely manner and straightforward language that all property owners can understand. We urge the county to develop clearly worded guidelines that can be disseminated through annual public workshops, handouts, online videos, and include specific contact information, advanced notifications, financial options and support.	
4-14	The Town Council and other local volunteer organizations can assist with educational outreach if given adequate notice and support. We encourage the county to take an active role in informing and assisting the community. Due to the potential excessive financial burden this LAMP proposal imposes, it is imperative that property owners have adequate knowledge of what is required and the time to comply with any new regulations.	The County will work with Town Councils through the coordination of the Board of Supervisors Deputies for any requests for educational outreach. The County will also make available educational materials for homeowners on the Department of Public Health – Environmental Health Website. *(Please see on page 5 of LAC Responses; Tab 15.1.6.)*
4-15	With studies performed by the RCDSMM from 1994 and 2014, sometimes with the assistance of the County of Los Angeles, it was concluded that "Topanga Creek's upper watershed was NOT contributing to the bacterial exceedances observed at Topanga Beach. And while occasional elevated levels of bacteria and nutrients were found, this was primarily associated with first flush rain events that were quickly diminished. The natural processes still work in the Topanga Creek watershed and are not carrying ecologically problematic loads from OWTS."	Please see 4-7. *(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
4-16	The Topanga Town Council is in agreement with the RCDSMM in the following: having the LAMP document be clear, concise and user friendly so residents and business owners can understand standards and why they must comply with the regulations,	Please see 3-1 and 3-3. *(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
4-17	provide clear examples of potential NOWTS including advanced, enhanced and alternative systems so an owner can understand which systems are available and what works best for their property and budget,	Please see 3-4. In addition, for clarity purposes, we removed the terms "enhanced and advanced" in the LAMP as they were used for synonym of NOWTS. The term "alternative" relate to the type of dispersal systems as opposed to conventional ones (leach lines, seepage pits). This will be outlined in the Professional Guideline for the LAMP. *(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
4-18	provide clearer information on the variance process, procedures,	Please see 3-1.

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	and possibilities since many Topangans have small lots, setback issues, slow percolation rates and other constraints affecting their properties.	*(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
4-19	In addition, to better serve the needs of a community such as Topanga, we encourage the county to provide flexible and customized variance language and procedures so residents and businesses can comply.	Please see 3-1 and 3-10. *(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
Laurel Taylor		
5-1	Los Angeles County Department of Public Health-Environmental Health FAQ sheet. Q15 "What is a failed system and how will you identify them?" ....." DPH will require the owner of the failing OWTS to have the system inspected by a licensed and qualified septic contractor to determine if repairs are required or if... the system must be replaced." The system as it is suggested currently would set up a serious conflict of interest. Given the amount of money to be made from removing, installing and set up of a new NOWTS, the contractor has a clear financial gain to "fail' systems and over report incidents. The DPH should hire an independent inspector who does not have a financial incentive to inspect the systems.	The Department of Public Health-Environmental Health is not involved with the hiring of contractors by homeowners. If the homeowner perceives a potential conflict of interest with the contractor evaluating the septic system may exist, the homeowner could hire a contractor for the evaluation only, and another one for a second opinion and repairs if required. *(Please see on page 6 of LAC Responses; Tab 15.1.6.)*
Resource Conservation District of the Santa Monica Mountains (RCDSMM)		
6-1	Make the LAMP document clear and user friendly. The general term being used in the 6 February 2018 version of the LAMP is NOWTS (non- conventional onsite wastewater treatment system), but this does not provide the general user with information on what types of systems are potentially available for use. More information on examples of NSF 245 approved systems would be helpful. Even if it is not an exhaustive list, it will help provide examples of types of systems that are approved.	Please see 3-4. *(Please see on page 7 of LAC Responses; Tab 15.1.6.)*
6-2	Also helpful would be an explanation on why an NSF 40 system does not qualify. Although these systems are not specifically designed to reduce Nitrogen, in reality, systems like Sludgehammer actually achieve this reduction as well, along with meeting the Total Suspended Solids (TSS) 30 day average of 30 mg/l. For remediation of OWTS in non-conforming situations this could be a useful alternative to allow.	The County can approve a NSF 40 system as a NOWTS if it complies with the demonstration phase proposed by the County in order to show a 50% reduction in total Nitrogen, and other criteria outlined in the Professional Guideline. Please see 3-4. *(Please see on page 7 of LAC Responses; Tab 15.1.6.)*

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6-3	There is also concern that many of the technological systems available for use in single family homes are not capable of achieving the higher performance standards proposed in the LAMP. Revising the language to read "best available technology" and recognition of this potential conflict is needed.	The County is not asking for effluent testing for Single Family Residences. The NOWTS approved by the County are either NSF 245 certified or have demonstrated meeting NSF 245 standards. Therefore, homeowners are only required to maintain and inspect their systems. The County will monitor these requirements through the mandated reporting by the homeowner. *(Please see on page 7 of LAC Responses; Tab 15.1.6.)*
6-4	One big constraint for many older systems is the inability to meet current percolation standards, as they are usually considered too slow. However, these systems are often still functioning properly to accommodate the usage of the property. It does not seem reasonable to require installation of the highest tier treatment technology if less expensive options such as a Sludgehammer or other pre-treatment are possible.	An existing septic system working properly is categorized as a Tier 0. It is only mandated to meet any requirement in place before the LAMP; For a NOWTS that will be the annual inspection of the system only as effluent testing has been eliminated for Single Family Residences, except in Tier 3 for Pathogens. For a conventional OWTS functioning properly, no requirement has been added by the LAMP. *(Please see on page 7 of LAC Responses; Tab 15.1.6.)*
6-5	Provide more clear information on the variance process. What procedure will people need to follow to work with the County to handle the repair and continuation of thousands of existing systems that will not be able to meet either density, setback or percolation requirements under the proposed LAMP?	Please see 3-1 and 3-10. *(Please see on page 7 of LAC Responses; Tab 15.1.6.)*
6-6	Finally, it is not clear which regulatory staff have authority to grant approval and/or variances and what procedures will be required. These details are critical when handling such sensitive issues and so we request that the proposed LAMP be revised to provide clear direction.	Please see 3-1. In addition, many variances are already stated in the LAMP and will be outlined in the Professional Guideline; such as a variance for density. Those variances will be handled by the field inspectors. For any variances not listed in the Guideline, the field inspector will refer the application to the Chief of the Land Use program. The Chief will elevate requests for variances that cannot be resolved at that level to a higher decision making Manager. *(Please see on pages 7 and 8 of LAC Responses; Tab 15.1.6.)*
6-7	**System function prescriptive monitoring makes sense.** We concur that the proposed telemetric monitoring of NOWTS rather than quarterly or even annual influent/effluent testing is a more appropriate strategy for monitoring NOWTS, especially in non-impaired watersheds. Reliance on annual maintenance	Tier 3 requirements for impaired water bodies and TMDLs are mandated by the Water Board. *(Please see on page 8 of LAC Responses; Tab 15.1.6.)*

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	reports on treatment system operational status provided by the service provider under contract to the owner should be sufficient. We suggest that this level of compliance might also be applicable in the upper tributary areas of impaired watersheds such as Malibu Creek, where Tier 3 setbacks are not able to be met, but where potential ground or surface water impacts are extremely limited. Recognizing that this level of performance is not required in non-impaired watersheds is a critical revision needed in the LAMP. The requirements should be no more stringent than the actual conditions require, which again can be explained in case study examples tied to specific watershed areas.	
6-8	Clarify how pumper truck reports for systems pumped more than 3 times per 6 months will be reviewed and handled. The use of pumping as a management action to prevent problems with overloading a percolation system does not always equal system failure, as was discussed at the recent public meeting. Please describe the process the county would use to determine when pumping frequency signals a failing system, rather than a "managed system".	Please see 4-1 For frequent pumping and failed system. Pumper truck reports will be entered into a data system to allow for analysis. Reports will be periodically reviewed for addressed pumping more than twice within a 6-month period. DPH will issue a notice to the homeowner to have the septic system evaluated. If the evaluation revealed failure of the system DPH will issue a notice to repair/replace the system as appropriate. A failed system is one which allows sewage to either back up into the house, reach the ground surface, discharge at a point other than intended, contaminate surface or groundwater, or a system that requires frequent pumping to prevent one of the above conditions. Failing systems also include a NOWTS that isn't treating waste water as intended. *(Please see on page 8 of LAC Responses; Tab 15.1.6.)*
6-9	**Seepage pit use for new construction with fewer than four bedrooms.** Providing an allowance for seepage pits rather than leach fields on properties with limited space is critical. However, the language suggests that only horizontal seepage pits are allowed. We ask that vertical seepage pits, many of which are operational throughout the County, continue to be allowed for repair of existing OWTS systems, many of which are located within critical woodland and habitat areas for which additional horizontal impact would be environmentally detrimental.	The County is allowing the use of vertical seepage pits. It is included in the LAMP. *(Please see on page 8 of LAC Responses; Tab 15.1.6.)*
6-10	It is often impossible to find space for future seepage pits or leach fields on small lots developed in the early 1900's. Clear	Currently when it is not possible to install a future dispersal area, the installation of a Nonconventional

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	direction on how systems for such lots- both existing and proposed-will be handled on otherwise legally created lots should be added to the proposed LAMP. This also speaks to the requirement of 2.5 acres for installation of a new system. Again, many of the existing legal lots in mountain communities do not meet this size requirement. Rather than make each subject to an uncertain variance process, a clear roadmap on how this common situation will be handled should be provided.	Wastewater Treatment System (NOWTS) is required. This requirement is not changed under the LAMP. The density requirement based on the annual rainfall, which will require a minimum lot size of 2.5 acres for a Single Family Residence in most area of the County only applies to subdivision parcels that will be created when the LAMP becomes effective. Existing parcels are not subject to that density requirement. The variance for not meeting the density requirement is included in the LAMP. It will require the installation of a NOWTS. In areas of the County under the jurisdiction of Lahontan Water Board existing parcels are currently subject to density requirements; these requirements remain effective under the LAMP. *(Please see on pages 8 and 9 of LAC Responses; Tab 15.1.6.)*
6-11	**Education and outreach are key to success.** The short timeline for commenting on the LAMP before the Regional Board hearing and statewide deadline for adoption provides little opportunity for meaningful conversation, input from the public, and adjustments prior to the hearing on 10 May 2018. The version of the LAMP currently available also omits key elements such as the Professional Guidelines, and does not provide any materials that would assist property owners in learning how to take care of their OWTS to avoid failure.	Please see 3-1 and 3-3 for the Professional Guideline, and 4-14 for the Outreach. *(Please see on page 9 of LAC Responses; Tab 15.1.6.)*
6-12	Simple, clearly worded information in the Professional Guidelines document would help. This document should identify when hydrologic exceptions are feasible, clarify if civil engineers can perform the hydrologic analysis, and provide consistent information on the certification levels needed and roles and responsibilities of contractors. Circulating and approving the LAMP without all the proposed sections makes it difficult to determine if all elements are in alignment or not.	The current Professional Guideline already includes all the information stated above. The next Guideline to accompany the LAMP will build on the existing one, and provide directions for the changes brought by the LAMP. The Guideline will be made available on the Department of Public Health (DPH) – Environmental Health website. DPH is always open to discussion about the guideline, which is a working document subject to modification as we move along with the implementation of the LAMP. *(Please see on page 9 of LAC Responses; Tab 15.1.6.)*
6-13	In conclusion, we note that RCDSMM studies of water quality between 1999 and 2014 clearly documented that the upper watershed of Topanga Creek was NOT contributing to the bacterial exceedances observed at Topanga Beach (Dagit et al.	Please see 4-7 for Topanga and Water Quality. The County in collaboration with the Los Angeles Regional Water Quality Control Board is providing a water quality study in the Santa Clara River Lakes Total Maximum

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	2014). Additionally, upper watershed monitoring showed that while there were occasional elevated levels of bacteria and nutrients in the upper watershed, this was primarily associated with first flush rain events and diminished quickly thereafter. Topanga Creek is one LA County system that is still functioning to filter and use the nutrient inputs as water flows downstream. Water quality problems, in the locations where they periodically exist, are clearly associated with "direct deposits" of human feces or discharge from recreational vehicles only at specific locations and so not associated with OWTS. The natural processes still work in the Topanga Creek watershed and are not carrying ecologically problematic loads from OWTS. We recommend that more such studies be undertaken and assessed prior to the definition of OWTS standards in other LA county watersheds.	Daily Loads (TMDL) to eliminate the requirement for OWTS to upgrade to NOWTS if the study reveals those systems are not contributing to the water contamination. The County will make every effort to provide such studies wherever needed. *(Please see on pages 9 and 10 of LAC Responses; Tab 15.1.6.)*
6-14	We appreciated the opportunity to review this document and look forward to working with both the County and Regional Board to develop an implementation ordinance that very clearly addresses the details required to make this LAMP work effectively, achieve the desired environmental results, and maintain the quality of life in our rural communities. The goal should be to provide guidance on how property owners can avoid failure of existing OWTS to the best extent possible, and provide very clear evaluation and design guidelines to those who seek to develop otherwise legally-created properties on which no current system exists.	Please see 4-14 for Outreach and 3-1 and 3-3 for the Guideline. *(Please see on page 10 of LAC Responses; Tab 15.1.6.)*
Susan Nissman and Arthur Nissman		
7-1	While we appreciate the opportunity to provide input and comments on the proposed LACO LAMP, we did want to note our concern that the timeframe provided has not adequately given enough time for Topanga residents and small businesses to fully understand the complexity of the new state rules and regulations regarding OWTS's, and what they mean to homeowners, small business owners, and property owners, in this historic, rural, mountain community.	The County recognizes and understands the residents' concern about the LAMP. The County will make available outreach materials to homeowners (please see 4-14 for outreach). The Department of Public Health (DPH) – Environmental Health has posted on its website the draft LAMP, presentations and FAQs available at http://publichealth.lacounty.gov/eh/about/land-use-program.htm *(Please see on page 10 of LAC Responses; Tab 15.1.6.)*
7-2	Besides the complexity of the document, the rush to meet state mandated deadlines is compounded by a lack of a clearly	Please see 3-1 and 3-3 for the Guideline. *(Please see on page 10 of LAC Responses; Tab*

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	defined Process: how will the regulations be implemented? what's the roadmap?	*15.1.6.)*
7-3	What is the burden of compliance on existing property owners? how extensive a process of investigation and testing will existing small-lot homeowners, and small restaurants (less than 10,000 gpd) have to go through to prove they qualify for a variance?	There is no requirement for septic systems working properly under the LAMP. Please see 6-4 for Tier 0. For systems requiring repair/replacement, please see 3-1 and 3-3 for the Guideline. *(Please see on page 10 of LAC Responses; Tab 15.1.6.)*
7-4	what is the variance process? A clearly worded document that provides step-by-step directions for applying the regulations of the LAMP to individual properties is needed.	Please see 3-1 and 3-10 for Variances and Acceptable alternative measures. *(Please see on page 10 of LAC Responses; Tab 15.1.6.)*
7-5	While the vast majority of our homes operate on functioning OWTS, whether conventional tank and leech field, or vertical, or horizontal seepage pits, the new standards appear to cast into doubt what is accepted as a functioning system. The generally accepted definition of a functioning system has always been one that is not daylighting, potentially sending wastewater and effluent onto the surface and into our creeks and drainage courses.	Please see 6-8 for a definition of a failed system. *(Please see on pages 10 and 11 of LAC Responses; Tab 15.1.6.)*
7-6	Now, we are told that responsible maintenance and practicable management practices, like pumping a system 3 or more times in a 6-month period, will trigger requirements to hire a contractor, test the existing system, and if the "perc" rate does not meet the current standards, the system will be deemed as "failing", and corrective actions determined to bring the existing system up to current standards. Where did this number "3" come from as the cutoff?	Please see 3-8 and 4-2 for Pumping frequency. Please see 4-1 for Pumping frequency and Failed system. A system evaluation does not require percolation testing. The current Guideline includes the elements required for an evaluation. The Guideline that will accompany the LAMP will do too. *(Please see on page 11 of LAC Responses; Tab 15.1.6.)*
7-7	Of course, zero percolation (rare) would possibly require more frequent pumping maintenance depending on use, but it appears the State has already acknowledged that pumping a tank or pit regularly is an acceptable maintenance and management practice for the restaurants at Topanga State Park property across from Topanga State Beach & Lagoon, as well as Porta Potties instead of public restrooms for the winery operating there, in order for these commercial tenants to continue operating and serving their customers.	The County does not have jurisdiction over restaurants in the area covered by the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) until the LAMP is effective. The County will consult with the Los Angeles Water Board for the variances applied to their current facilities that will be transferred to the County under the LAMP. *(Please see on page 11 of LAC Responses; Tab 15.1.6.)*
7-8	For instance, a lower-than-standard perc rate on an older system doesn't mean the system is "failing", and there are	Please see 3-5 and 3-6 for Graywater systems and Composting toilets.

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	certainly options to enhance mitigation: water conservation, grey water systems, composting, etc., that can be added to a broad menu of smart and green options that continue to protect our natural and human environment at the same time, while reducing the load on, and the life of an OWTS.	*(Please see on page 11 of LAC Responses; Tab 15.1.6.)*
7-9	Education, Innovation and Incentivization are critical to a working program. Workshops with contractors and county planners from Public Health, Regional Planning, and Public Works in mountain communities like Topanga where the LA County LAMP will apply to everyone, are important. Highlighting and promoting information like the "Care and Feeding of Your Septic System" developed by the original Topanga Watershed Committee in April 1999 is an example of material that should be made available to all, including new residents.	Please see 4-14 for Outreach. *(Please see on page 11 of LAC Responses; Tab 15.1.6.)*
7-10	We look forward to working with the County in helping assure an implementation ordinance that clearly addresses the details required to achieve positive environmental results while maintaining the quality of life in our rural communities.	The County is looking forward to working collaboratively with the residents for the implementation of the LAMP. The LAMP ordinance will be presented to the County Board of Supervisors (BOS) for their consideration. The County will ensure residents have the opportunity to review the ordinance through the coordination of the BOS Deputies. *(Please see on page 11 of LAC Responses; Tab 15.1.6.)*
	Topanga Creek Watershed Committee (TCWC) and Topanga Association for a Scenic Community (TASC)	
8-1	While there are multiple homes and businesses with under-performing systems in our area who should be compelled to take steps to ensure that their systems do not pollute the environment, we ask for flexibility and reasonableness in how this is achieved.	Please see 3-1 and 3-3 for the Guideline. *(Please see on page 12 of LAC Responses; Tab 15.1.6.)*
8-2	As far as our concerns about the LAMP proposal, we were struck by the fact that the septic system industry had so much input into the types of systems that should be required. While they do have expertise to contribute, they also have undeniable conflicts of interest that could skew their recommendations. Manufacturers of new systems and products tend to promise the moon when it comes to what they can do, but far too often, the products fall far short of what they claim. Moreover, the marketing-oriented *research* that companies often rely on to	Please see 3-4for the approval process for NOWTS. *(Please see on page 12 of LAC Responses; Tab 15.1.6.)*

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	support their promises are based on very small samples and highly controlled laboratory conditions that do not sufficiently replicate what happens in a real-world setting. Before we start requiring any new, "bells and whistles" systems, we would like to see some truly independent, longitudinal studies that are not funded, designed or performed by the industry pushing the product. Based on some articles we have read, many of these newer systems have been unable to perform as expected "in the field."	
8-3	Though the LAMP document is somewhat noncommittal in terms of specifying the exact types of systems it requires, it appears that residents and business owners will be required to install cost-prohibitive, advanced technologies with limited track records. While people always gripe about costs when it comes to new regulations (even when the cost is minimal), in this case, we believe that the fears are warranted. For residents, advanced NOWTS could cost upwards of $80,000 to $100,000, based on actual quotes from local contractors for a proposed residence in Topanga. For businesses, the costs could easily run between $200,000 and $500,000. One well-known, local restaurant owner had to spend roughly $500,000 on her new system. And it still has issues! These are not "worst case" scenarios; this is what WILL be faced by anyone seeking to renew a business license or make any change to their property. While large and flourishing businesses may be able to easily afford that, the majority of our local businesses and homeowners simply cannot. Our commercial district consists entirely of tiny, independent entrepreneurs struggling to survive in an era of mass homogenization and "Big Box" everything. While some residents are quite affluent, many (*i.e.* the majority) are not.	Please see 3-4 for the approval process for NOWTS. In addition, the cost for a NOWTS depends on the amount of wastewater generated, the method the system uses to treat the wastewater, and whether a special dispersal system is required. DPH doesn't receive cost information as part of our plan review process and is unable to provide accurate cost estimates. Residents are advised to contact multiple manufacturers of NOWTS to determine the best one for their situation. *(Please see on page 12 of LAC Responses; Tab 15.1.6.)*
8-4	We are also concerned that the LAMP language is confusing and unclear about several critical aspects of the proposal. Even the non-technical portions of the document were often worded in an oddly confusing manner, including the explanation for how systems would be classified or tiered. We are still confused about which, if any, systems would be classified as Tier 1 (and if none can be in LA County, why is it even in the document as an option?). To be honest, many of us (all of whom are quite intelligent and educated) found ourselves downright baffled by	The County will provide a Professional Guideline for the LAMP implementation. Please see 3-1 and 3-3 for the Guideline. The Department of Public Health (DPH) – Environmental Health has posted on its website the draft LAMP, presentations and FAQs available at http://publichealth.lacounty.gov/eh/about/land-use-program.htm Both presentations detail what the Tiers are. Tier 1 are new or replacement systems meeting all the setbacks and percolation rate for a

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	the lengthy, 122-page document and seemingly contradictory and/or incomplete discussion. Many situations and septic system arrangements were insufficiently addressed or not addressed at all. Our concerns about the sheer length and complexity of the document are not trivial. A lengthy, overly complicated set of requirements will make implementation, compliance and enforcement very challenging and highly stressful. Let's try to minimize that with clearer guidance and some additional flexibility that gives residents and businesses a wider array of options *without* sacrificing water quality.	conventional system. That would be the majority of the County systems. *(Please see on pages 12 and 13 of LAC Responses; Tab 15.1.6.)*
8-5	The core elements of the LAMP proposal and the regulation it seeks to enforce really need to be winnowed down to a couple of pages, with a flow chart and decision tree indicating how various types of residents or businesses should proceed with: (i) determining their classification; (ii) finding a suitably certified contractor; (iii) obtaining the requisite reports and permits; and (iv) selecting an affordable system or method that will enable them to comply. We believe that, in tandem with the LAMP proposal, some changes should also be made to the Plumbing Code, including an expanded allowance for greywater systems to include "gently used" shower and bathroom sink water.	Please see 3-1 and 3-3 for the Guideline. Please see 3-5 and 3-6 for graywater systems. *(Please see on page 13 of LAC Responses; Tab 15.1.6.)*
8-6	Residents have a right to know and weigh in on exactly what will be expected of them. We are a very active and vocal community, and we deeply appreciate the efforts that our local representatives have made over the years to keep us all informed and in the loop on any policy measure that could affect us-*especially one of this magnitude*. Please follow our elected officials' example in hearing, respecting and responding to our valid concerns.	The County is committed to working with the residents in addressing their concern within the framework of the State mandated regulation. *(Please see on page 13 of LAC Responses; Tab 15.1.6.)*
8-7	The TCWC and TASC are both sticklers when it comes to watershed protection (and proud of it), so we are not advocating giving anyone a free pass. We are simply asking for clearer direction, more flexibility, truly affordable options, and general reasonableness in the implementation approach and phase-in. Please empower our local representatives with the latitude needed to create customized approaches that work for their constituents while also protecting the watershed and larger environment.	The County will implement LAMP and county staff will be your contacts for any customized approaches.