

**MEMORANDUM OF UNDERSTANDING
BETWEEN
CALIFORNIA REGIONAL WATER QUALITY
CONTROL BOARD, LOS ANGELES REGION
AND
THE CITY OF LOS ANGELES
REGARDING ONSITE WASTEWATER
TREATMENT SYSTEMS (OWTS)**

Effective Date: May 12, 2005 (Execution Date by City) C-108122

**ANNUAL PROGRESS AND IMPLEMENTATION
REPORT**

AS OF: MAY 11, 2007

ANNUAL REPORT NO. 2

CITY OF LOS ANGELES

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PURPOSE:

The purpose of this report is to review the progress of the various Memorandum of Understanding (MOU) projects, coordinate activities, resolve issues, and ensure compliance with the mandated schedules.

BACKGROUND:

On May 12, 2005, the City of Los Angeles (City) entered into a Memorandum of Understanding with the Regional Water Quality Control Board (RWQCB) that requires the City to:

- Conduct an inventory of existing septic tank properties in the City by May 11, 2006,
- Inform property owners of their responsibilities to properly maintain and operate their septic tanks located within the City by May 11, 2007,
- Amend City Code by adopting an ordinance, within five years, which will require operating permits for high-risk septic tank properties (those within 900 feet of active water well or within 600 feet from impaired water bodies).

Additionally, the MOU has other requirements, all of which the City is in compliance with.

CURRENT ACTIVITIES:

The City's Onsite Wastewater Treatment Systems (OWTS) Taskforce, and the various City staff continue to review the MOU and implement its requirements. There are eight separate responsibilities or requirements listed in Article IV of the MOU and three of these have specific deliverables in the second year. These deliverables are:

Requirement 3: Mail out a verification survey to those properties that are identified as potentially having OWTS based on the initial inventory and updating the initial inventory based on the completed survey (Article IV, Item No. 3)

Requirement 5: Identify those properties with OWTS that may pose a potential threat to water quality and submitting the list of high-risk systems to the RWQCB. (Article IV, Item No. 5)

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Requirement 7: Review the City's current enforcement procedures relating to OWTS that are not properly installed, operated and maintained. (Article IV, Item No. 7)

Detailed progress on the various requirements of the MOU is reported later herein.

SUMMARY OF COMPLIANCE AND PROGRESS REPORT

The City continues to work on completing all the requirements in the MOU and on issues outside the current scope of the MOU related to septic tanks. The second year of MOU requirements has been successfully completed and specific deliverables have been completed.

MOU REQUIREMENTS (Responsibilities)

Requirement No. 1

1. The City shall remain the agency responsible for the enforcement of all applicable Code requirements for the siting, design, approval, installation, operation, maintenance, and monitoring of City-regulated OWTS.

Due Date

On-going.

Progress/Status

On-Schedule

Los Angeles Department of Building and Safety (LADBS) continues to process OWTS permits applications including new construction, repairs, additions, and abandonment. In instances where septic tanks are proposed in close proximity to streams, the LADBS staff will work with the Bureau of Sanitation (BOS) staff and with the RWQCB to determine the best course of action, including but not limited to requiring supplemental septic treatment systems. These requirements are now set forth by the LADBS in the Plan Check and Inspection System (PCIS) and in the new Information Bulletin.

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In accordance with this MOU, the City accepted and shall remain the agency responsible for the enforcement of all applicable Code requirements for the siting, design, approval, installation, operation, maintenance, and monitoring of City-regulated OWTs. However, the RWQCB is developing State regulations regarding existing and future septic tanks that may require connection to sewers or addition of supplemental septic treatment systems to existing and new septic tanks where the site is not suitable for a conventional septic system, and where water quality objectives are violated due to the discharge of the septic system. Because of the changes, the City will be discussing with the RWQCB regarding whether or not to reopen the MOU.

Requirement No. 2

2. The City shall review the Code within the time required under applicable state law or regulation following the effective date of any statewide standards adopted pursuant to sections 13290 and 13291 of the California Water Code (CWC), if necessary, in order to retain its Qualified Local Agency (QLA) status under this MOU.

Due Date

On-going.

Progress/Status

On-schedule, pending the final development and adoption of the State Regulations regarding septic tanks.

The RWQCB continues to work on developing State regulations regarding existing and future septic tanks that may require connection to sewers or the addition of supplemental septic treatment systems to existing and new septic tanks where the site is not suitable for a conventional septic system, and where water quality objectives are violated due to the discharge of the septic system. Because of the potential changes and to ensure alignment with the potential State regulations, the City is holding off on any review of the Code and the regulation pending the final development and adoption of the State regulations. Once the State regulations are adopted, the City

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will review them and their impacts and evaluate the necessary action including whether to reopen the MOU.

Requirement No.3

Upon the effective date of this MOU, the City shall begin an initial inventory of all existing City-regulated OWTSS, utilizing an electronic database. This may be accomplished using water meter computer records that do not pay sewer fees. Such initial inventory shall be completed within one (1) year of the effective date of this MOU. The initial inventory shall consist of:

- The total number of existing City-regulated OWTSS
- The location of each existing City-regulated OWTSS by street address.

Notwithstanding the earlier termination or expiration of this MOU, the City shall continue to compile the inventory described above until it is completed.

Due Date

May 11, 2006.

Progress/Status

Completed, please refer to the first annual report (Report No. 1), which was due May 11, 2006 and previously submitted to the RWQCB.

Requirement No. 3 (second part)

The City shall mail out a verification survey to those properties that are identified as potentially having OWTSS based on the initial inventory. The survey shall inform the property owners of their responsibilities to properly maintain and operate their OWTSS and shall include a questionnaire verifying the OWTSS records, including the type of subsurface disposal system in use, if such information is available to the property owner. The City shall consult with the Regional Board in the development of the survey. The initial inventory will then be updated based on the completed surveys. The time frame for mailing out the survey and updating the initial inventory will be two (2) years from the effective date of the MOU. The City shall provide annual updates of the inventory to the RWQCB.

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Due Date

May 11, 2007.

Progress/Status

Completed, the City prepared a questionnaire (**Attachment 1**), and submitted it to the RWQCB for their review for MOU Requirement No. 3. The subject questionnaire was mailed to those properties that the City had identified as potentially having OWTS based on the initial inventory. The initial OWTS inventory was included in the Annual Report No. 1 submitted last year.

The City mailed out the questionnaire to 13,892 properties listed on the OWTS initial inventory plus 65 additional properties that were later identified as potentially having OWTS. This brings the total to 13,957. To provide the OWTS customers with some useful information on maintenance and operations of their system, a Homeowner's Guide to Septic System, prepared by the City (**Attachment 2**) was included along with the questionnaire.

Also, the internet link to the City's website for the septic system: http://www.lasewers.org/private_sewers_septic/septic_systems/index.htm (**Attachment 3**) is now provided for reference and will be included in our updated version of the Homeowner's Guide to Septic System.

The recipients of the survey were given the option of returning their questionnaire via mail, or fax, or internet. The City staff also offered help to those who wanted to complete their surveys over the phone.

As of April 1, 2007 the City received 5405 completed surveys out of a total of 13,957 that were mailed out. A total of 564 surveys stated that their properties were connected to the sewer and 3,258 surveys stated their properties were connected to a septic system. Also, there were 831 bad addresses and 14 duplicate data entries. Based on the survey result, the City has updated the initial inventory, showing 12,548 properties ($13,892+65-564-831-14=12,548$) as potentially having OWTS. Please see **Attachment 4** for locations of the updated list of existing potential 12,548 OWTS properties in the City.



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Requirement No. 4

4. Within one (1) year of the effective date of this MOU, the City shall provide the Board with estimated depths to groundwater based on available data in areas in which OWTS have been identified.

Due Date

May 11, 2006.

Progress/Status

Completed, please refer to the first annual report (Report No. 1), which was due May 11, 2006 and previously submitted to the RWQCB.

Requirement No. 5

5. Within two (2) years of the effective date of this MOU, the City shall utilize the inventory to identify those properties with OWTSs that may pose a potential threat to water quality (defined thereafter as high-risk systems). High-risk systems shall be defined as those properties with OWTS that are within 900 feet of active water well or within 600 feet from water bodies identified as impaired due to high levels of nitrates and/or bacteria under section 303(d) of the Clean Water Act. The City shall submit the list of those high-risk systems to the Regional Board no later than two (2) years from the effective date of this MOU.

Due Date

May 11, 2007.

Progress/Status

Completed.

The City has utilized the updated OWTS inventory of 12,548 potential existing OWTS in the City to identify 100 properties with OWTS that may pose a potential threat to the water quality. They are listed in **Attachment 5**, and depicted on a map as **(Attachment 6)**. 87 of the 100 properties are

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within 600 feet of impaired water bodies, while 13 properties are within 900 feet of active water wells.

Requirement No. 6

6. Within five (5) years of the effective date of this MOU, the City shall review and amend its Code by adopting an ordinance requiring an operating permit for high-risk systems in accordance with code. The operating permit will require the owner to submit an inspection certification once every three years to the City. The period for enrolling all properties that are considered a high-risk system will be ten (10) years from the effective date of this MOU.

Due Date

May 11, 2010; Adopting the ordinance.
May 11, 2015; Enrollments.

Progress/Status

On-Schedule.

Requirement No. 7

7. Within two (2) years of the effective date of this MOU, the City shall review its current enforcement procedures relating to OWTSS that are not properly installed, operated and maintained.

Due Date

May 11, 2007.

Progress/Status

Completed; the City has reviewed its enforcement procedures as summarized in **Attachment 7**.

Additionally, the City's LADBS has finalized and adopted an Information Bulletin (**Attachment 8**) that sets forth the minimum criteria for the approval of OWTS, for single to two family dwelling units in the City of Los Angeles.

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The Information Bulletin is also available online at:
http://www.lasewers.org/private_sewers_septic/septic_systems/owts.pdf

Requirement No. 8

8. The City shall require any applicant for a Sewer Permit for a Private Sewage Disposal System ("Permit") to install or repair an OWTS that is required to obtain a Waste Discharge Requirement (WDR) from the Regional Board pursuant to Section III hereof to notify the Regional Board and shall not issue any such Permit until the applicant has received a WDR from the Regional Board.

Due Date

On-going.

Progress/Status

On-Schedule.

The City has adopted the OWTS permitting flowchart (**Attachment 9**) for proper handling of the OWTS permit applications. This includes referring OWTS applications that are determined to be multi-residential (more than 2 units on a property), commercial, or located in high-risks areas to the RWQCB. The City of Los Angeles continues to comply with this requirement as necessary.

ADDITIONAL CITY EFFORTS OUTSIDE THE MOU

Septic Tanks Policy Review Task Force

As delineated in our last report (Report No. 1), a group, known as the Septic Tanks Policy Review Taskforce (Taskforce) was formed at the request of Commissioner Paula Daniels of the Board of Public Works, to coordinate activities related to the septic tank issues and to develop any necessary policy changes and modifications. The Septic Tanks Policy Review Task Force consists of representatives of the Office of the City Attorney, Chief Legislative Analyst, Los Angeles Department of Building and Safety, the Bureau of Engineering and Sanitation, the Board of Public Works, and Council District 11. The following are to show progress reports on initiatives undertaken by the Taskforce and reported in our last annual report:

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Council Report

The Taskforce prepared and submitted a council report (**Attachment 10**) on issues of septic tanks which was adopted by the Board of Public Works on October 18, 2006 and forwarded to the City Council for consideration. The purpose of the report is to provide updates on City's efforts to address specific issues of septic tanks and water quality in the City, and the broader issues of defining, restoring and protecting streams from impacts of construction activities and close proximity of septic tanks to streams.

Although, the City Council has yet to consider the referenced report, the implementation on the interim policy for permitting septic tanks within the report is already being implemented and has been included in the LADBS procedures (Attachment 7).

**Coordination among City Departments and Bureaus and with the RWQCB
– Permitting Flowchart**

Various City Departments, RWQCB and the Taskforce worked together to develop and review the attached permitting flowchart (Attachment 9)

Providing Sewers to Unsewered Areas of the City of Los Angeles:

The City continues to pursue its overall goal of protecting the groundwater, surface waters, and streams by encouraging people to move away from septic systems and connect to the sewers. The Taskforce may be looking at potential installation of sewers in areas of the City of Los Angeles that are presently unsewered and to possibly require properties to connect to sewers, at some point in the future depending on the State regulations for OWTS.

Additionally, the City is open to seeking funding sources including grants to provide for sewers.

OWTS Outreach Efforts

The City has undertaken progressively enhanced outreach efforts. The homeowner's guide developed by the City was sent to about 14,000 residences potentially having OWTS system. The homeowner's guide has been provided to various departments and Council offices for distribution. Additionally, upon request, we will provide the Homeowner's Guide to libraries, Neighborhood Councils, non-governmental organizations, environmental groups and others

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planning similar public outreach events. Furthermore, we are in the process of translating the Homeowner's Guide into Spanish. The City has a septic system website with valuable information for upkeep, maintenance and cleaning of septic system.

APPENDIX A

THE FOLLOWING INFORMATION ITEMS ARE REQUIRED FOR EVALUATION OF THE ONSITE WASTEWATER TREATMENT SYSTEM PROGRAM OF THE CITY OF LOS ANGELES.

1. The City of Los Angeles ("City") shall submit the following information to the Regional Board once every five years upon request:
 - A. The number of Permits (as that term is defined in the Memorandum of Understanding to which this Appendix A is attached ("MOU")) issued for new construction, repairs, additions, and abandonment, organized by type (conventional or alternative) of City-regulated OWTSS (as that term is defined in the MOU).
 - B. The results of any monitoring program for City-regulated OWTSS.
 - C. A log containing complaints, directives to take corrective action and status of responses to directives for City-regulated OWTSS.
2. The five-year evaluation of the City's implementation of the MOU by the Regional Board may include:
 - A. Office review of the Code.
 - B. Field review of City staff activity pertaining to its performance under the MOU.
 - C. Field review of various types of City-regulated OWTSS. Any inspection of such OWTSS shall be done with the permission of the property owner or pursuant to appropriate legal process, the obtaining of which shall be the sole responsibility of the Regional Board.

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- D. Office review of files, inspection records, monitoring results and reports, plans or other information pertaining to City-regulated OWTSSs.
- E. Review of City-regulated OWTS owner outreach, education, and compliance assistance programs.
- F. Review of any groundwater-monitoring program implemented by the City for the purpose of monitoring discharges from City-regulated OWTSSs.

**CITY OF LOS ANGELES COMPLIANCE WITH APPENDIX A - INFORMATION
REQUIRED FOR EVALUATION OF THE ONSITE WASTEWATER
TREATMENT SYSTEM PROGRAM OF THE CITY OF LOS ANGELES**

Due Date

January 10, 2010, and every five years thereafter

Progress/Status

On Schedule

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ATTACHMENTS

Attachment 1: The verification survey to those properties that are identified as potentially having OWTSs based on the initial inventory.

Attachment 2: The Homeowner's Guide to Septic System prepared by the City.

Attachment 3: Internet link to the City's website for the septic system:
http://www.lasewers.org/private_sewers_septic/septic_systems/index.htm

Attachment 4: The updated OWTS inventory.

Attachment 5: High-risk OWTS systems referred to the RWQCB.

Attachment 6: Map of the active water wells and close streams relative to properties with OWTS.

Attachment 7: OWTS Enforcement Procedures.

Attachment 8: LADBS Information Bulletin on OWTS.

Attachment 9: OWTS permitting flowchart.

Attachment 10: OWTS proposed council report.