



LOS ANGELES COUNTY ♦ DEPARTMENT OF PUBLIC HEALTH  
ENVIRONMENTAL HEALTH

Land Use Program  
5050 Commerce Drive, Baldwin Park, CA 91706  
(626) 430-5380 ♦ Fax (626) 813-3016



COUNTY OF LOS ANGELES  
**Public Health**

November 9, 2011

RECEIVED  
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DIVISION OF WATER QUALITY

State Water Resources Control Board  
P.O. Box 2231, Sacramento, CA 95812  
[owts\\_commentletters@waterboards.ca.gov](mailto:owts_commentletters@waterboards.ca.gov)

RE: AB 885 DRAFT OWTS POLICY

This is to provide you with comments regarding the proposed Draft OWTS Policy. We are committed to continue to participate in development of a policy that is protective and work very closely with both RWQCBs within the Los Angeles region in the future to develop an effective local program.

We are very appreciative of the fact that SWRCB has encouraged local agencies to participate in this endeavor and provide comments. We are grateful that SWRCB has considered and incorporated many of our comments. We believe, this policy will result in further conservation of water sources and will provide an opportunity for local agencies to develop protective OWTS management programs based on the geological and climatic uniqueness of their counties. We are particularly impressed that you have swiftly taken action in effort to present this policy for public commenting with an expected implementation date in year 2012.

With that in mind, we hereby express few concerns that have paramount importance to us and if not corrected could negatively impact the OWTS review and approval procedures that have been refined over many decades to better serve the public and safeguard the environmental and public health within Los Angeles County. We believe that certain portions of the proposed policy should be amended to allow continuation of practices that have been proven to be protective and safe. These comments (attachment) are cordially submitted for your consideration.

We understand that this is an evolving process and the proposed policy could change as the process continues. Therefore, our comments may also change based upon future renditions of the proposed policy.

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Again, we appreciate the opportunity to comment on the proposed draft policy. Should you have any questions regarding the enclosed comments, please contact me at 626-430-5390 or write to [pnejadian@ph.lacounty.gov](mailto:pnejadian@ph.lacounty.gov).

Respectfully,



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Patrick Nejadian, Chief REHS  
Environmental Health, Land Use Program

Attachment



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Attachment

COMMENTS REGARDING THE PROPOSED  
AB 885 DRAFT OWTS POLICY

Prepared by Los Angeles County Department of Public Health (DPH),  
Environmental Health Division / Land Use Program

Environmental Health / Land Use Program supports the continued development of the proposed AB 885 OWTS Policy subject to the following amendments:

1. Section 1.0 - Definitions

"Qualified professional" - As defined, both groups of professionals, i.e., professional engineers, REHS, etc., who are qualified to design OWTS and licensed contractors who are qualified to construct are classified as one group (Qualified Professional).

***We request that a distinction to be made between the professionals who are qualified to design OWTS and the contractors who are qualified to install OWTS. Therefore, these two groups should be defined separately as follows:***

***Qualified Professional – For the purpose of this policy, a qualified professional is defined as an individual who is licensed or certified by the State of California as a California Professional Geologist, a California Certified Engineering Geologist, a California Registered Professional Engineer, California Registered Professional Soil/Geotechnical Engineer or a California Registered Environmental Health Specialist to design new and replaced OWTS in accordance with California Business and Professions Code and Title 16 of the California Code of Regulations.***

***Qualified Contractor - For the purpose of this policy, a qualified contractor is defined as an individual who possesses a valid California License as General Engineering Contractor (Class A), General Building Contractor (Class B), Sanitation System Contractor (Specialty Class C-42), or Plumbing Contractor (Specialty Class C-36) to perform all work related to installation of new and replaced OWTS in accordance with California Business and Professions Code and Title 16 of the California Code of Regulations as further described under Section 8.2.1 of this policy.***

"Service provider" - As defined, a property owner may be qualified to act as a service provider for the OWTS installed on his/her property; hence, creating a "conflict of interest".

***We request that the term service provider be defined as follows:***

***Service provider" means a person certified/accepted by the local agency to operate, monitor, and maintain an OWTS in accordance to this Policy and other applicable regulations.***

**2. Section 3.3 – Local Agency Requirements and Responsibilities**

*As prescribed, we believe Section 3.3 and Sub-Sections 3.3.1, 3.3.2, 3.3.3, and 3.3.4 will impose excessive financial burden to local agencies outweighing any possible benefit could be achieved through enforcing such requirements. Annual reporting is unrealistic in respect to staffing and funding available to local agencies.*

***We request that the referenced Section and Sub-Sections to be amended to reflect that the frequency of reporting and availability of such information should be negotiated as a condition of MOU with the Regional Water Boards. The request by the Regional Water Board for such inexhaustible records should be justified and be based on staffing and financial capability of each local agency.***

***In concurrence with CCDEH, we reiterate that CA Health and Safety Code, Section 117435 allows a local environmental health agency to require such information from sewage pumpers, but does not mandate the information be collected, Collection of this information is not currently required by all local environmental health agencies and should continue to be at the discretion of the local agency.***

**3. Section 7.4 – Minimum Site Evaluation and Siting Standards**

The section prescribes the siting standards and elaborates details as they pertain to the percolation rates.

*However, this section does not provide guidance as to what method of percolation test should be utilized.*

***We request that the policy should either establish a standardized method for percolation testing that can be uniformly utilized by all counties, or allow each local agency to continue to utilize the existing procedures or develop new procedures as deemed necessary by the agencies.***

*Furthermore, the policy does not acknowledge that seepage pits are prevalent in certain regions and seemingly it's oblivious of the fact that "minute per inch" concept does not necessarily correlate with the percolation test for seepage pits. This is more evident when the policy does not establish what method to be utilized for the seepage pits percolation test, but yet discusses a range of 1 to 90 MPI.*

**4. Section 7.5.2 and 7.5.4 - Minimum Site Evaluation and Siting Standards**

The section prescribes the siting standards pertaining to setback requirements to wells and surface water bodies.

*However, this section does not make distinctions that the setback from seepage pits should be greater.*

***We request that the policy to include 150 feet of setback to seepage pits in concurrences with the Plumbing Code.***

**5. Section 7.8 - Minimum Site Evaluation and Siting Standards**

The section prescribes a minimum lot size of 2.5 acres as an average density for new subdivision projects.

*We believe that this requirement is excessively restrictive and will negatively impact the development of great number of rural communities. Under current General Waste Discharge Requirement OWTS is allowed on 1 acre lot.*

*A one acre lot will provide ample area to accommodate all typical horizontal setback requirements.*

*Nonetheless, the restriction should be based on the soil conditions and geological constraints exist on the lot and not the size of the lot; as we may very well have 2.5 acre lot with fractured bedrock that could potentially contaminate the groundwater. Moreover, during the subdivision phase, the information provided regarding the geology is limited and more often is not used at the time of construction of residence as the new owner may choose a new location for the house pad or due to grading the tested area that provided a basis for the subdivision approval is compromised.*

***We cordially request that the lot size requirement to be reverted to 1 acre.***

**6. Section 8.1.6 – Minimum OWTS Design and Construction Standards**

*The information on Table 1 is in conflict with the Appendix K of the California Plumbing Code.*

***We request that the referenced table to be amended to correspond to the Plumbing Code which allows a range of 5 to 60 MPI with 10 feet of vertical separation to the groundwater with a contingency that any MPI beyond 5 to 60 will render the OWTS as Tier 2 system. Similarly, the Plumbing Code provides a range of 0.83 to 5.12 gallons/square foot/day for seepage pits with a minimum 10 feet of vertical separation to the groundwater.***

***We suggest that a similar table to be developed to address the required vertical separation form seepage pits to the groundwater when the application rate is beyond the acceptable range.***

**7. Section 8.1.7 – Minimum OWTS Design and Construction Standards**

*Table 2 is composed to provide comparison for different application rates as they relate to their respective percolation rates.*

*However, the table does not make any reference as to what method of percolation test was utilized to conclude such results.*

***We respectfully request that the seepage pits should not to be categorized under Tier 2.***

***Moreover, as described earlier in number 3, we request that the policy to be amended to either establish a standardized method for percolation testing that can be uniformly utilized by all counties, or allow each local agency to continue to utilize the existing procedures or develop new procedures as deemed necessary by the agencies.***

***We also suggest that a procedure for percolation test for seepage pits to be developed.***

*We would like to take this opportunity and offer the percolation test procedure that we have developed over decades as an example or assist you in development of a different percolation test procedure for seepage pits.*

*Furthermore, trenches generally extend 3 feet below the perforated pipe; credit for only 6 inches of sidewall is unreasonable. The Plumbing Code allows credit for 2 feet of infiltrative sidewall surfaces as well as the 3 feet at the bottom of the trench; no credit is given for the first foot of infiltrative sidewall surfaces directly below the perforated pipe.*

***We request that this section to be amended to allow credit for the infiltrative sidewall surfaces up to 2 feet in concurrence with the Plumbing Code.***

**8. Section 8.1.11 – Minimum OWTS Design and Construction Standards**

This section requires that the information regarding the “soil surrounding the dispersal system” to be provided.

*The rock content of the soil surrounding a dispersal system is in all probability the same as the trench which constitutes the native earthen material for the area. The soil within the proposed trench will be determined through the percolation test and soil profile study; why do we need to overburden the OWTS designer to perform excavations outside the proposed trench to determine the content for the “surrounding soil”?*

***We suggest that if the term “soil surrounding the dispersal system” is a reference to the soil within the trench that had been tested and/or excavated, the word “surrounding” to be replaced with the word “within”.***

**9. Section 8.2.6 – Minimum OWTS Design and Construction Standards**

This section requires each OWTS to be equipped with a filtration system.

*It's perceived to be impossible to prevent solids in excess of 3/16 of an inch in diameter from passing to the dispersal system without use of filters. Typical conventional septic tanks are not designed with access compartment to house filters.*

***We request that the referenced filter requirements to be waived for OWTS classified under Tier 1.***

**10. Section 9.3.2 – Local Agency Management Program**

***Refer to comment number 2***

**11. Section 9.3.7 – Local Agency Management Program**

This section states that a list of all new OWTS installation within 500 feet of a sewer system shall be maintained.

*The Plumbing Code requires a house sewer lines to be connected to public sewer system when such sewer system is available within 200 feet of the house.*

***We request that this section to be removed.***

**12. Section 9.3.8 thru 9.3.9 – Local Agency Management Program**

This sections mandate an annual reporting to Regional Water Board summarizing items 9.3.1 through 9.3.8 and an assessment of whether the water quality is being impacted by OWTS and the remediation measures taken by the local agency.

*Although a system to collect the data for sections 9.3.1 thru 9.3.7 is already in place, we believe the requirements specified under this section, particularly sections 9.3.8 thru 9.3.9 are excessive. The policy presumes seepage pits as Tier 2 OWTS and realizing that within our jurisdiction approximately 50% of the dispersal systems are composed of seepage pits, this will create an enormous workload, requiring financial means and greater number of personnel.*

***We request that this requirement to be limited only to Tier 3 and the OWTS installed within 303(d) impaired water bodies.***

**13. Section 10.7.1 – Advanced Protection Management Program**

This section establishes equivalency between NSF and “an approved third party tester”. However, the policy does not establish standards for approval of a third party tester.

*We cordially point out that the third party testers hired by the manufactures of the products could possibly be biased to the product being tested; hence, generating reports that are unreliable and influenced by the obligation to their clients.*

***We suggest that the State Water Board to compile a list of approved third party testers and furnish such data and periodic updates to all local agencies or remove the third party tester approval presented as an alternative to NSF approval.***

**14. Section 10.12 – Advanced Protection Management Program**

This section states that where telemetry is not possible, the owner shall inspect the system at least monthly as directed and instructed by a service provider and notify the service provider not less than quarterly of the observed operating parameters of the OWTS.”

*We believe this statement conflicts with the principle of having a telemetry component in order to warn the service provider of an urgent situation and to ensure timely maintenance and the proper operation of the supplemental treatment unit. The referenced statement contradicts with the basis of having a certified service provider in charge of monitoring the OWT.*

***We request that this statement to be removed.***

The abovementioned amendments will better serve the premise of the policy, intended to allow local agencies develop and implement OWTS management programs based on the geological and climatic uniqueness of their counties.

We look forward to your consideration of our comments and requests expressed herein.