

From: John Bertolli
To: [Raftery, Peter@Waterboards](mailto:Raftery_Peter@Waterboards); dlanduse@ph.lacounty.gov
Subject: LAMP / Septic - Public Comment
Date: Monday, April 23, 2018 5:16:29 PM
Attachments: [LAMP_PC Letter_w cosign_4-22-18.pdf](#)

Please accept the attached public comment regarding the proposed LAMP.

Thank you,

John Bertolli
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VIA email: LARWQCB: Peter.Raftery@waterboards.ca.gov
DPH: dlanduse@ph.lacounty.gov

April 22, 2018

TO: LA Regional Water Quality Control Board

RE: LAMP / Septic – Public Comment

Dear Members of the Board,

I, and many of my neighbors and concerned citizens here in Topanga, attended the public meeting regarding the LAMP on 4/2/18. We wholeheartedly support regulation that helps to maintain good water quality in our surface and ground waters. Our input relates to the *practicality, transparency, ease and affordability* of compliance with regulation taking into account that our specific area – Topanga, or more generally the Santa Monica Mountains – is geographically, geologically, and topographically unique.

Our understanding is that the current 2018 LAMP draft has been revised from a 2016 version for clarity and also to reflect concerns of stakeholders in areas subject to the LAMP. While it appears that many of the revisions do make the LAMP slightly more practical, we still have some concerns/thoughts that we would like to be heard by the Board.

The primary concern is what to do about failed/replacement systems and improvements, especially on smaller lots. Both County Health representatives and Water Board Representatives have alluded to “we’ll work with you” presumably on a case-by-case basis when compliance with regulation is not possible.

DPH FAQ updated 4/5/18 - Q10. *Many properties in our area are very small, are close to a creek, and the soil doesn’t drain well. When our systems fail, are variances allowed?*

Answer: In cases where there is less than 100 feet to a creek or stream or 200 feet to a lake or pond, a NOWTS is required. A NOWTS may also be required for poorly draining soils as it will remove bacteria and organic material in wastewater which clog the soil.

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DPH and the Water Board will determine what actions are required if an existing property is too small to install a NOWTS or lacks space for a properly sized replacement dispersal area.

The answer is (probably) deliberately vague due to the complexity and variability of specific cases. Generally, we would like to see a LAMP that has the ability to allow for solutions that can be customized to the unique geology, geography, and topography of our area. A specific area plan within the LAMP for Topanga/The Santa Monica Mountains that takes into account our unique problems might make the most sense. Regardless of that happening, here are some specific suggestions/thoughts that could help make compliance with the LAMP more user friendly and actually possible in difficult cases:

- 1) 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;
- 2) Allow and encourage property owners to mitigate, e.g. pumping, while going through the process and until a permanent solution can be employed;
- 3) Define and streamline the consultant information required to determine viable options;
- 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;
- 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 percolating/small dispersal area OWTS or NOWTS with above grade planter filtration systems to augment dispersal, a gray water system, and composting toilets;
- 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;
- 7) Allow composting toilets + gray water to be a sole viable option.
- 8) Allow regular periodic pumping as needed rather than maximum 3 times in 6 months to be a viable option.

Also, 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? Not ever does this seem to be any concern to the various agencies, including DPH and the Water Board – it really should be in the

interest of socio-economic fairness at the least. Additionally, 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?

We reiterate – we ALL want to protect our surface and ground waters. Septic systems have functioned very well in our area for many, many years – Topanga Creek is NOT considered an impaired water body. No doubt, care has to be taken going forward given increased population/density and aging systems but creating regulation that is impossible to comply with for many property owners will not work. If defiance results as a reaction to regulation that is impossible to meet, then the regulation will have the opposite effect to what it expects to achieve.

Sincerely,

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Attachment: Co-Signers in support of this letter

Co-Signers – RE: LAMP/Septic – Public Comment
Letter to LARWQCB Dated 4/22/18 – John Bertolli/Archetype Structures, Inc.

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