From:	Clark
To:	dlanduse@ph.lacounty.gov; Raftery, Peter@Waterboards
Cc:	John Hendra; Rosi Dagit; R. C. Brody
Subject:	RCDSMM input on Draft LAMP document
Date:	Monday, April 23, 2018 10:56:46 AM
Attachments:	180423 LAMP comments RD edits.pdf

Dear Mr. Raftery and staff,

Please find attached our comments on the Draft LAMP document. Thank you for the opportunity to submit, and please feel free to contact us regarding our input. We look forward to being of assistance in completing your task

best regards,
clark

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23 April 2018

Delivered via email

Mr. Peter Raftery, Groundwater Planning Unit
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320 West 4th Street, Suite 200
Los Angeles, CA 90013

Via email to:
dlanduse@ph.lacounty.gov
cc: Peter.Raftery@waterboards.ca.gov

Re: LA County Local Agency Management Plan (LAMP)

Dear Peter Raftery,

The Resource Conservation District of the Santa Monica Mountains appreciates the opportunity to provide additional input on the development of the LAMP. Our initial comments were dated 29 July 2016, and we became aware of the revised version of the LAMP in mid-March 2018. We appreciated the response to our 2016 comments provided by Michelle Tsiebos dated 20 March 2018. We also attended the public meeting held in Topanga on 2 April 2018 and have reviewed the 6 February 2018 version of the LAMP document.

We are glad to see the recognition that onsite wastewater treatment systems (OWTS) are an important tool for handling residential wastewater in less developed settings. The LAMP notes that there are over 49,000 OWTS in unincorporated LA County, with over 7,000 found just in the Santa Monica Mountains. These systems have generally worked well for over a hundred years and provide a viable option for handling sewage without concentrating everything into a sewer system that has a point source disposal in the ocean. If a single family home OWTS fails, at most there is 2,500 gallons of sewage to deal with. When Hyperion or Tapia fails, it is millions of gallons of pollution. The impetus to continue the slowing, spreading, sinking and diluting of sewage in distributed infrastructure is not only effective and desirable in the wildland-urban interface, but also far more environmentally feasible and friendly than trying to connect and centralize treatment systems in such areas.

Our work in monitoring the many critical species of the Santa Monica Mountains watersheds, and specifically our water quality monitoring projects in collaboration within Los Angeles County Supervisor District 3, have not shown impairment to our stream and coastal ecosystems due to functioning existing OWTS. And importantly, as a local resource conservation agency, we have received stakeholder input that priority should be given to maintaining a sustainable urbanism within the existing mountain communities, that allows for a healthy mix of residential and community-serving business activity, which could potentially be compromised through otherwise

well-meaning standards and process for maintaining OWTS. The RCDSMM agrees with these stakeholders, that regulatory frameworks should continue to ensure the economic viability of OWTS use over time, while maintaining and to the extent possible, improving the existing level of functionality over time. Our comments are intended to emphasize the need for regulatory standards that maintain good water quality in our surface and ground waters, while increasing the likelihood of effectiveness through widespread compliance. This will require processes and standards that maintain environmental quality by maintaining affordability, that are easily understood and specific, that educate and incentivize homeowners to maintain their OWTS, and so promote the enhancement of private property systems over the long term.

The following comments address the revised version of the LAMP being considered by the Los Angeles Regional Water Quality Control Board at their hearing on 10 May 2018.

1. **Make the LAMP document clear and user friendly.**

Overall we continue to find problems with the complexity of the language in the LAMP. While we recognize that the County must fulfill the template required by the Regional Board, it should not take an experienced reader several tries to figure out exactly what is being proposed. A clearly worded document that provides step-by-step directions for applying the regulations of the LAMP to individual properties is needed. In particular, providing a road map covering the contacts, clear steps to compliance, and how the variance process is proposed to works is critical to creating a final document that will gain the broad community support necessary for effectiveness. Integrating some of the bulleted slides presented at the public meeting is one way to provide more clarity; cross referencing between sections, the addition of page numbers in the document, and Case Study examples would also be helpful.

We recommend that an additional section be included to specifically address how to approach repairs for the thousands of non-conforming properties with OWTS that are NOT requesting major renovation, and for actually permitting old systems that were installed prior to regulatory oversight. To determine the true impact of proposed regulations, the areas most impacted by the proposed regulations can and should be mapped in GIS, and a range of potential system types and upgrade/replacement/new system scenarios identified and explained in case studies, so that the mystery and fear that often leads to regulatory non-compliance can be minimized.

2. Provide clear definitions of potential NOWTS including advanced, enhanced and alternative systems.

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. 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.

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.

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.

3. 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?

There are literally thousands of small rural lots throughout unincorporated LA County that cannot meet current setbacks or that have either too fast, or in the case of many parts of Topanga, too slow, percolation rates. Installation of most NOWTS is difficult if not impossible on many of these existing systems due to lack of space and/or prohibitive costs.

The LAMP notes that variances will be possible, but does not provide the detailed process proposed for applying for a variance. Please provide a clear and specific procedure in the proposed LAMP. The procedure should define initial contacts, the departments/offices in charge, the kind of information needed to process an application, and timetables for review and evaluation. While there are always unique elements to each situation, the basic function of an OWTS is fairly straightforward. It should be possible to provide such guidance that applies in the majority of situations.

Although the County will need to evaluate each problem within a site-specific context, the document should define the criteria the County (and ultimately the Regional Board) will use to determine when and what kinds of variances are possible. Letting people know up front the limitations of possible variances is critical to a transparent process, even if it only covers the most commonly observed problems, and will allow the rural real estate market to absorb these changes in regulation with a minimum of confusion and upheaval- unclear parameters and rules will not facilitate compliance nor achieve the desired environmental results.

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.

4. 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 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.

5. 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”.

6. 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.

It is often impossible to find space for future seepage pits or leach fields on small lots developed in the early 1900’s. Clear 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.

7. 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.

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.

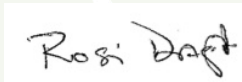
The RCDSMM works closely and collaboratively with a variety of agencies and private landowners in a non-regulatory capacity. We support environmental protection of our watershed health, but remain concerned that the implementation of the LAMP as it stands may not achieve the compliance that is needed. Incentives to upgrade existing OWTS and to avoid failure are key to providing sufficient residential building stock to meet population needs. If property owners are not clear about what is or is not a problem, then they will be unlikely to pursue measures to prevent failure and enhance their existing systems as a value-adding improvement.

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. 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.

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.

Respectfully submitted,



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