

CITY OF LOS ANGELES  
CALIFORNIA

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2006 OCT 27 AM 9:12  
CITY ADMINISTRATIVE DEPARTMENT

ANTONIO R. VILLARAIGOSA  
MAYOR

OFFICE OF THE  
BOARD OF PUBLIC WORKS  
200 N. Spring St., Rm. 355, City Hall  
LOS ANGELES, CA 90012

JAMES A. GIBSON  
EXECUTIVE OFFICER

GENERAL INFORMATION  
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OFFICE OF THE MAYOR  
CITY OF LOS ANGELES  
OCT 27 AM 9:01

October 18, 2006

MOTION

Mayor Antonio Villaraigosa  
Room 305  
City Hall  
Attn: June Lagmay

Subject: RE: COUNCIL FILES 06-0810-REPORT ON VIABLE ALTERNATIVES FOR A REVISED DEFINITION OF A STREAM AND THE PROTECTION AND RESTORATION OF CITY'S STREAMS, INCLUDING EFFORTS TO OBTAIN GRANT FUNDING FOR THESE PURPOSES

As recommended in the accompanying motion, adopted by the Board of Public Works on October 18, 2006, the Board of Public Works requests approval and forwarding to the City Council for approval and adoption of the recommendations of the Septic Tanks Policy Review Task Force including the development of a revised definition of a stream as part of an interim On-site Wastewater Treatment Systems (OWTS) policy, and protection restoration of City's streams.

**FISCAL IMPACT**

Authority for a Civil/Sanitary Engineering Associate III (with professional license in Civil area) will be required in the Bureau of Sanitation's FY 07/08 budget to oversee the OWTS permitting process. This position will be funded initially by the (SCMF) and later upon ordinance adoption will be supported by an OWTS plan review fee. Additionally, other impacts will likely occur and will be assessed as specific programs are developed and implemented in the future.

Respectfully submitted,

*Jim Schmidt for JAG*

James A. Gibson, Executive Officer  
Board of Public Works

JAG:mp

# CITY OF LOS ANGELES

CALIFORNIA



## BOARD OF PUBLIC WORKS MEMBERS

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## OFFICE OF THE BOARD OF PUBLIC WORKS

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JAMES A. GIBSON  
EXECUTIVE OFFICER

ANTONIO R. VILLARAIGOSA  
MAYOR

ADOPTED BY THE BOARD OF  
PUBLIC WORKS OF THE CITY  
OF Los Angeles, California  
AND REFERRED TO THE MAYOR  
OCT 18 2006  
<http://www.lacity.org/BPW>

## Board Motion

City Council Districts: All

*James A. Gibson*  
Secretary

### RE: Council Files 06-0810 - Report on Viable Alternatives for a Revised Definition of a Stream and the Protection and Restoration of City's Streams, Including Efforts to Obtain Grant Funding for these Purposes

Whereas in 2005, the City issued permits to construct seven properties with septic tanks in the Mandeville Canyon area.

Whereas a number of homeowners in the area, along with the Regional Water Quality Control Board, opposed the construction of the seven new septic tanks along Mandeville Canyon Road due to close proximity to the Mandeville Canyon stream, watercourse or flow path.

Whereas the issue of requirements for "set back" or clearance between a septic tank and a stream is addressed in the California Plumbing Code and the Los Angeles Municipal Code (LAMC). Appendix K of the California Plumbing Code, (LAMC Section 94.100.0 et al) requires a set back of 100 feet for seepage pits or cesspools and the nearest stream or lake; and 50 feet between the nearest stream or lake and septic tanks, building sewers and disposal fields. These minimum clear horizontal distances shall also apply between disposal fields, seepage pits, and the ocean mean higher high tide line.

Whereas during the course of the discussions on this matter, it was learned that there was an interpretation of the Plumbing Code (LAMC Section 94.100.0 et al.) by the Department of Building and Safety, which led them to the conclusion that the area in question was not a stream as defined therein.

Whereas other agencies, including the Regional Water Quality Control Board, did view the watercourse in the area as a stream.

Whereas that due to these conflicting views and concerns about water quality in the area, the Board of Public Works formed a Septic Tank Policy Review Task Force consisting of the representatives of the Office of the City Attorney, Chief Legislative Analyst, Los Angeles Department of Building and Safety, the Bureaus of Engineering and Sanitation, the Board of Public Works, Council District 11, the Department of Environmental Affairs and the Planning Department.

Whereas the Septic Tanks Policy Review Task Force examined the policy issues raised by the situation and worked with the seven property owners, the Department of Building and Safety (LADBS) and the Regional Water Quality Control Board (RWQCB) to ensure the Mandeville Canyon stream is adequately protected.

Whereas the RWQCB issued a Waste Discharge Requirement (WDR) requiring supplemental septic treatment systems to be installed.

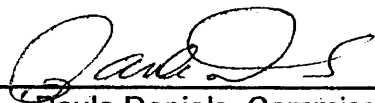
Whereas on April 11, 2006, the City Council passed a motion, Council files 06-0810 , a copy of which is attached, requesting the Septic Tanks Policy Review Task Force to provide an update relative to a revised definition of a stream as part of an interim on-site wastewater treatment systems (OWTS) policy and an update relative to the protection and restoration of City's streams, including any effort to obtain related grant funding for the purposes of safeguarding and protecting City streams, surface water and groundwater resources.

Whereas the Septic Tanks Policy Review Task Force has completed the tasks requested in the Council Motion, Council Files 06-0810, and has developed the following two primary recommendations:

1. That the Board adopt and recommend to the City Council to authorize the Septic Tanks Policy Review Task Force to continue its work of developing comprehensive OWTS policy recommendations for the City's compliance with the Memorandum of Understanding (MOU) between the City and the State Regional Water Quality Control Board (RWQCB); and for the City's overall water quality goal of protecting its streams, surface water and groundwater resources.
2. That the Board adopts the revised stream definition and the interim OWTS policy as contained in the attached City Council report, and forward the report to City Council for their consideration.

NOW THEREFORE, be it resolved that the Board of Public works adopt this attached report and forwards it to the Mayor and the City Council for their consideration.

Signed



Paula Daniels, Commissioner, Board of Public Works

Signed

Commissioner, Board of Public Works

Attachments: City Council Report  
Streams and Flow Paths Map  
Memorandum of Understanding (MOU) with the RWQCB  
Council Motion 06-0810 of April 11, 2006

PD:AHH:HOM/KD:hom

Prepared by: Hyginus Mmeje, 323-342-6241  
File: OWTS/Interim Policy/Board Motion

# CITY OF LOS ANGELES

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

## BOARD OF PUBLIC WORKS MEMBERS

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JAMES A. GIBSON  
EXECUTIVE OFFICER

<http://www.lacity.org/BPW>

October 13, 2006

The Honorable City Council  
City of Los Angeles  
Room 395, City Hall  
Los Angeles, CA 90012

### REVISED REPORT

ADOPTED BY THE BOARD OF  
PUBLIC WORKS OF THE CITY  
AND REFERRED TO THE MAYOR  
OCT 18 2006

*James A. Gibson*  
Secretary

Honorable Councilmembers:

**RE: Council Files 06-0810 - Report on Viable Alternatives for a Revised Definition of a Stream and the Protection and Restoration of City's Streams, Including Efforts to Obtain Grant Funding for these Purposes**

### RECOMMENDATIONS:

The Septic Tanks Policy Review Task Force has completed the tasks requested in Council Motion 06-0810 of April 11, 2006, a copy of which attached, and has developed the following two primary recommendations, with other specific recommendations contained elsewhere in this report:

1. That the City Council adopt the herein stated revised stream definition and the interim On-site Wastewater Treatment Systems (OWTS) policy, and
2. That the City council authorize the Septic Tanks Policy Review Task Force to continue its work of developing comprehensive OWTS policy recommendations for the City's compliance with the Memorandum of Understanding (MOU) between the City and the State Regional Water Quality Control Board (RWQCB); and for the City's overall water quality goal of protecting its streams, surface water and groundwater resources.

### A. PURPOSE

In response to Council Motion 06-0810 of April 11, 2006, this report provides an update relative to a revised definition of a stream as part of an interim on-site wastewater treatment systems (OWTS) policy and an update relative to the protection and restoration of City's streams, including any effort to obtain grant funding for these purposes. Additionally, this report recommends an Interim OWTS Policy to coordinate safe permitting of construction activities of OWTS in close proximity to streams to ensure safeguard and protection of streams, surface water and groundwater resources.

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Recyclable and made from recycled waste



## **B. SEPTIC TANK POLICY REVIEW TASK FORCE**

### **Background**

In 2005, the City issued permits to construct seven properties with septic tanks in the Mandeville Canyon area. A number of homeowners in the area, along with the RWQCB, opposed the construction of the seven new septic tanks along Mandeville Canyon Road due to close proximity to the Mandeville Canyon stream, watercourse or flow path. During the course of the discussions on this matter, it was learned that there was an interpretation of the Plumbing Code (LAMC Section 94.100.0 et al.) by the Los Angeles Department of Building and Safety (LADBS), which led them to the conclusion that the area in question was not a stream as defined therein. However, other agencies, including the RWQCB, did view the watercourse in the area as a stream.

As a result of these conflicting views and concerns about water quality in the area, the Board of Public Works formed a Septic Tank Policy Review Task Force consisting of the representatives of the Office of the City Attorney, Chief Legislative Analyst, LADBS, the Bureaus of Engineering and Sanitation, the Board of Public Works, Council District 11, the Department of Environmental Affairs and the Planning Department. The Septic Tanks Policy Review Task Force examined the policy issues raised by the situation; it also worked with the seven property owners, the LADBS and the RWQCB to ensure the Mandeville Canyon stream is adequately protected. In this case, the RWQCB issued a Waste Discharge Requirement (WDR) requiring supplemental septic treatment systems to be installed. However, this situation also raised the issue of stream definition in the Los Angeles Municipal Code (LAMC) and the current requirements for "set back" or clearance between a septic tank and a stream. Appendix K of the California Plumbing Code, (LAMC Section 94.100.0 et al) requires a set back of 100 feet for seepage pits or cesspools and the nearest stream or lake; and 50 feet between the nearest stream or lake and septic tanks, building sewers and disposal fields. These minimum clear horizontal distances shall also apply between disposal fields, seepage pits, and the ocean mean higher high tide line.

### **Current Interpretation of a Stream:**

The City of Los Angeles Department of Building and Safety has been using the United States Geological Survey [USGS] stream map for their interpretation of the setback or clearance requirements when permitting installation of septic tanks near streams per LAMC Section 94.100.0 et al. The areas mentioned above, specifically, the Mandeville Canyon areas were not noted on those maps. There are no other formal definitions of stream within any LADBS Information Bulletin, nor in any applicable City ordinance of which we are aware. Hence, there is a need for the City to adopt a working definition for streams for the purposes of OWTS construction permitting only.

Recommendation: After researching various sources and reviewing the maps used by the RWQCB, the Task Force recommends using the most protective maps and information on streams for the purposes of OWTS construction permitting. Due to the inconsistency in the location of streams in the available maps, the Task Force recommends the use of a combination of the available maps to come up with the most protective stream location. For the purpose of review of OWTS construction permits,

the City will use the existing USGS maps, combined with the Environmental Protection Agency (EPA) maps as modified or supplied by the RWQCB to determine the most protective stream location based on a specific property location. In Mandeville Canyon area, a third stream map is available and will be combined with the other two stream maps to determine the most protective stream location. The referenced map for Mandeville Canyon was prepared by the Bureau of Engineering using topographic computer modeling to generate Simulated Stream Flow Paths based on Digital Elevation Mapping. A map depicting the streams and Flow Paths using the combined three sources of stream maps is enclosed with this report as Attachment No.1. This map does not specifically show the high risk OWTS properties but shall be used as a guideline to identify Potential High Risk OWTS Properties (PHROP) as part of the OWTS construction permitting process. The most protective stream/flow paths map will be used to identify PHROPs and to trigger a detailed review of "set back" requirements and/or technology and permit requirements. The actual stream location for Potential High Risk OWTS Property will be determined by a licensed field survey, on a case-by-case basis, as part of the permit review process. In the future, topographic computer modeling may be used to generate more accurate stream flow paths maps for other areas of the City.

#### **OWTS Memorandum of Understanding:**

On May 12, 2005, the City of Los Angeles entered into a Memorandum of Understanding (MOU) with the RWQCB that requires the City of Los Angeles to conduct an inventory of existing OWTS properties that are single or two family dwellings in the City by May 11, 2006, which has been done; to inform single and two-family dwellings property owners of their responsibilities to properly maintain and operate their septic tanks located within the City by May 11, 2007; and to amend City Code by adopting an ordinance, within five years, which will require the City to issue operating permits for high-risk septic tank properties with single and two-family dwellings. Currently, High Risk OWTS are those within 100 feet of the nearest stream or lake; or within 900 feet of an active water well or within 600 feet of an impaired water body. Additionally, the MOU has other requirements, all of which the City is fully in compliance with. A copy of the MOU is enclosed with this report as Attachment No.2.

Recommendation: Even though the MOU does not require it at this time, the Septic Policy Review Task Force is recommending that the setback requirements for impaired water bodies and active water wells be incorporated in the Interim OWTS Policy proposed herein. The Task Force shall continue to review and identify policies to enable City's compliance with the MOU between the City and the RWQCB; and to continue to work to implement the City's overall water quality goal of protecting the groundwater, surface water and streams by encouraging property owners currently on septic systems to connect to the sanitary sewer system as soon as possible.

#### **Proposed Statewide Septic Tank Regulations:**

The State Water Resources Control Board is 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. The existing OWTS MOU may need to be amended to incorporate any new regulations and the City may also need to adopt new ordinance(s) requiring supplemental treatment systems for those properties without access to the sewer and where the site is not suitable for a conventional OWTS

Recommendation: The Septic Tank Policy Review Task Force is recommending that the Interim OWTS Policy discussed in this report be adopted until the State regulations are finalized and go into effect. The Task Force will continue to work with the RWQCB to review and collaboratively implement the future State septic system management requirements, and reopen the MOU, if necessary.

### **C. INTERIM OWTS POLICY FOR CITY OF LOS ANGELES**

Recommendations: The Septic Tanks Policy Review Task Force recommends that an interim policy be adopted for future permitting of septic systems and that these systems be referred to as OWTS to remain consistent with the language adopted by the RWQCB. The Septic Tanks Policy Review Task Force recommends the following Interim OWTS Policy, which is consistent with the current Plumbing Code:

- The Bureau of Sanitation will be responsible for reviewing proposed OWTS applications for OWTS construction as referred by the LADBS to determine whether the proposed OWTS construction is considered a Conventional OWTS or a High Risk OWTS. Conventional OWTS shall be located a minimum of 100 feet away from the nearest stream or lake. All conventional OWTS shall be located a minimum of 900 feet away from an Active Water Well or 600 feet away from Impaired Water Bodies as defined herein. All other OWTS systems will be considered high-risk and defined herein as High Risk OWTS.
- Conventional OWTS will be referred to the Department of Building and safety for conventional OWTS construction permit. High Risk OWTS will be referred to the Los Angeles RWQCB for their review. The RWQCB will issue a General Waste Discharge Requirement (WDR), Order No. R4-2004-0146 and a Monitoring and Reporting Program (MRP) for High Risk OTWS. The RWQCB will require an Advanced or Supplemental Treatment system to be installed at the High Risk OTWS. The Building/Grading Permit issued by the LADBS will incorporate the requirements of the WDR and M&RP. The RWQCB will take enforcement actions against the property owner for violations of the requirements of the WDR.

For purposes of the review of the OWTS construction permit application and due to the potential inaccuracies in stream maps and to provide the most protective review, the City may designate a property with an OWTS construction application as PHROP if any part

of the property/parcel is within 500 foot from the most protective (nearest) stream or flow path location. If a property is designated as a PHROP, the applicant for any proposed OWTS or modifications to existing OWTS, on such a parcel shall be required to submit a licensed survey report to the Bureau of Sanitation indicating the distance from the various OWTS components to the edge of the nearest stream location as verified in a field survey prior to making final determination on the OWTS application.

Recommendation: It is recommended that the LADBS in coordination with the Septic Tanks Policy Review Task Force issue an Information Bulletin, within 30 days of the City Council adoption of this report, to implement the provisions of this report and to further clarify and/or assist other City Departments in effective enforcement of the septic tank provisions of the Los Angeles City Plumbing Code and the Los Angeles Municipal Code (LAMC) throughout the City and related policies.

Recommendation: It is recommended that the City Council instruct the Septic Tanks Policy Review Task Force to evaluate the feasibility and appropriateness of designating Mandeville Canyon area, along with other canyons without sewers, located in environmentally sensitive areas, and in proximity to 303(d) impaired waters bodies as special districts that require the installation of supplemental treatment systems as part of any new construction, repairs or upgrades to their septic systems. The review will consider whether this designation is appropriate and warranted for addressing water quality issues by working with the Regional Water Quality Control Board, community groups and other stakeholders.

#### **D. DEFINITIONS:**

**Active water well** is any active production water well.

**Conventional OWTS** also referred to as "Private Sewage Disposal Systems (PSDS)" in the Los Angeles Municipal Code is an Onsite Wastewater Treatment System (OWTS) consisting of a septic tank and typically a subsurface effluent dispersal system, for example a leach field, seepage pit, or an evapotranspiration and absorption system. A conventional system may include septic tank effluent pumping where the dispersal area is located at a higher elevation than the associated septic tank. Conventional OWTS shall be located a minimum of 100 feet from the nearest stream, flow path or lake. All conventional OWTS shall be located a minimum of 900 feet from all Active Water Wells or 600 feet from all Impaired Water Bodies as defined herein.

**Impaired water body:** For the purposes of the City's interim OWTS policy, impaired water body is defined as any water body identified by the Regional Water Quality Control Board under section 303d of the Clean Water Act.

**Onsite Wastewater Treatment System (OWTS)** includes individual disposal systems, community collection and disposal systems, and alternative collection and disposal systems that use subsurface disposal of effluent.



**High Risk OWTS** is any OWTS located within 100 feet from the nearest stream, flow path or lake; or 900 feet from an Active Water Well; or 600 feet from Impaired Water Bodies as defined herein and shown on the attached map.

**Potential High-Risk OWTS Property (PHROP)** is any parcel completely or partially within 500 feet from the nearest stream or flow path as defined herein, or 900 feet from an Active Water Well; or 600 feet from Impaired Water Bodies. The applicant for any proposed OWTS or modifications to existing OWTS, on such a parcel shall be required to submit a licensed survey report to the Bureau of Sanitation indicating the distance from the various OWTS components to the edge of the nearest stream location as verified in a field survey.

**Stream:** For purposes of siting/permitting OWTS the identification of streams shall be based on, but not limited to their identification as streams (see definition below) and flow paths on: the RWQCB modified EPA Streams Map; the National Hydrologic Data Stream Map (from USGS 100:000 scale); or as any stream as shown on the Simulated Stream Flow Paths Map generated from Digital Elevation Model. The definition of stream/creek shall include, but is not limited to the following: a Watercourse that is naturally occurring swale or depression, or engineered channel or conduit which carries fresh or Estuarine water either seasonally, year round subsurface within the City boundaries, and/or any area identified through field investigation by a trained biologist, licensed civil engineer, licensed landscape architect, hydrologist, fluvial geomorphologist, or ecologist as meeting the above criteria and as verified by Department of Public Works, City of Los Angeles. Stream/creeks include tributary drainages that carry storm water runoff from any size watershed that connect to larger streams.

**Supplemental OWTS** is any OWTS or component of an OWTS, except a septic tank or dosing tank, that performs additional wastewater treatment prior to discharge of effluent into the dispersal field. Supplemental Septic treatment systems must be acceptable to the RWQCB or approved by the RWQCB and it must meet the performance requirements that may be set by the RWQCB.

#### **E. PROVIDING SEWERS TO UNSEWERED AREAS OF THE CITY OF LA:**

The Septic Tanks Policy Review Task Force is looking at potential installation of sewers in areas of the City of Los Angeles that are presently unsewered and to possibly require properties of one or two residential dwellings and eventually all properties to connect to sewers at point of sale, if sewers are available. The current City inventory of septic tanks

serving residential zoned properties of one or two dwellings as estimated for each City Council District is as follows:

<b>Council District</b>	<b>OWTS Total</b>	<b>OWTS 200' to Sewer Lines from Parcel Boundary</b>	<b>Percent (%) of OWTS near Sewers (200 ft From Active Sewers)</b>
1	246	151	61%
2	4494	2819	63%
3	1386	1157	83%
4	512	392	77%
5	1430	1025	72%
6	898	848	94%
7	1414	1161	82%
8	41	41	100%
9	16	16	100%
10	22	22	100%
11	748	345	46%
12	1896	1518	80%
13	56	55	98%
14	551	337	61%
15	163	149	91%
Address*	11	1	9%
Out of City Boundary	8	5	63
<b>Total</b>	<b>13892</b>	<b>10042</b>	<b>72%</b>

\*For further investigation

Out of City Boundary: West Hollywood and L. A. County in San Pedro area.

Based on initial analysis, it appears that approximately more than seventy percent (72%) of the existing septic tanks have an active sanitary sewer line available to them within 200 feet from the parcel boundary. However, there is no City requirement for these existing systems to connect to the sanitary sewers.

**Recommendation:** We recommend that the City Council instruct the Septic Tanks Policy Review Task Force to evaluate the feasibility of developing a policy recommendation or ordinance that would require all properties within 200 feet of existing public sewers to connect to the public or sanitary sewers, at time of sale. Such policy recommendation or ordinance shall also consider the following but not limited to these considerations:

- The possibility of requiring all properties within 200 feet of existing public sewers to connect to the sanitary sewers; after a specified time period from the date the sanitary sewer becomes available; before or during major modification or alteration of the property that exceeds certain size and/or amount; at the point of sale of the property; or at any time that may be mandated by City Council for safety reasons after such incidents as earthquakes, floods or fires.
- The possibility of the City of Los Angeles providing sanitary sewers in unsewered parts of the City and fully recovering the cost of providing the sanitary sewers from the affected properties as they connect to the system, using a reasonable method or formula to distribute the costs to the affected properties.

**F. STREAM PROTECTION, RESTORATION AND GRANT FUNDING SOLICITATION EFFORTS:**

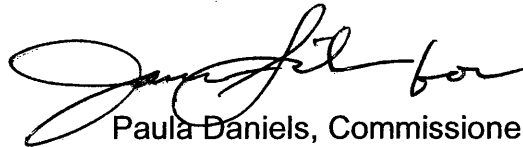
The Board of Public Works has formed a task force to look into creating a stream protection ordinance with assistance from the Bureau of Sanitation, Council Districts 5 and 11, Bureau of Engineering, LADBS, Heal the Bay, Baykeeper, Santa Monica Bay Restoration Commission, and the City Attorney's Office. This task force meets monthly and has recently developed a definition of a stream, which they have recommended to the Septic Tanks Policy Review Task Force.

**G. FISCAL IMPACT:**

Authority for a Civil/Sanitary Engineering Associate III (with professional license in Civil area) will be required in the Bureau of Sanitation's FY 07/08 budget to oversee the OWTS permitting process. This position will be funded initially by SCMF and later on

upon ordinance adoption will be supported by an OWTS plan review fee. Additionally, other impacts will likely occur and will be assessed as specific programs are developed and implemented in the future.

Sincerely,



Paula Daniels, Commissioner  
Board of Public Works

Attachment No.1 - Streams and Flow Paths Map

Attachment No.2 - Memorandum of Understanding (MOU) with the Regional Water Quality Control Board

Other attachment: Council Motion 06-0810 of April 11, 2006

PD:AHH:HOM/KD:hom






Prepared by: Hyginus Mmeje, 323-342-6241

File: OWTS/Interim Policy/Council 45-day Report

CITY OF LOS ANGELES  
  
**SANITATION**  
DEPARTMENT OF  
PUBLIC WORKS



## Mandeville Canyon

-  Mandeville Canyon Street
-  Regional Water Board Alter EPA Stream
-  968 Parcels 500ft From Stream
-  9 Home Sites Cited by Regional Water Board
-  500ft Stream Buffer

WASTEWATER ENGINEERING SERVICES DIVISION  
BUREAU OF SANITATION  
DEPARTMENT OF PUBLIC WORKS  
CITY OF LOS ANGELES

PRODUCED BY GIS UNIT  
September 7, 2006

0 1,800 3,600 7,200 Feet  
