



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Cal/EPA Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

December 15, 2010

Mr. Adel H. Hagekhalil, Assistant Director
Bureau of Sanitation
1149 South Broadway, 9th Floor
Los Angeles, CA 90015

PROPOSED ONSITE WASTEWATER TREATMENT SYATEMS (OWTS) MANAGEMENT PROGRAM AND AN EXTENSION REQUEST FOR THE OWTS MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY (CITY) OF LOS ANGELES

Dear Mr. Hagekhalil:

The Los Angeles Regional Water Quality Control Board (Regional Board) received your letter dated September 24, 2010, (copy attached) wherein you were seeking an extension to adopt an ordinance requiring operating permits until December 31, 2011.

The MOU requires the City to review and amend its Municipal Code by May 11, 2010 to adopt an ordinance requiring operating permits for high-risk OWTS. In a letter dated February 8, 2010, the City acknowledged that it can not meet the May 11, 2010 deadline to adopt an ordinance requiring operating permits for high-risk OWTS and requested an extension until December 31, 2010. On March 11, 2010, the Regional Board granted the City such extension.

Regional Board staff acknowledges the many challenges local agencies face in passing an ordinance. We are aware of the two obstacles, you mentioned in your September 24, 2010, as the reasons for the delay of passing the ordinance. You mentioned the absence of the state mandated AB885 regulation as the first obstacle. While it is a fact that the state mandated AB885 has not been passed, Regional Board staff believes that the Los Angeles Region's Basin Plan and policies when used in conjunction with the local plumbing codes are sufficient to craft an ordinance that will be protective of groundwater and surface water. Your second reason of public resistance to more government rules and interference in the public's daily life will always be there regardless of the state or local economic conditions. We must not lose sight of the fact that the government rules are not meant to interfere with the general public's life, but rather steps taken to protect their health and safety.

While Regional Board staff believes that the two reasons you cited for the delay are true, they are not insurmountable. Therefore, the Regional Board is extending a final deadline to pass an ordinance to June 30, 2011.

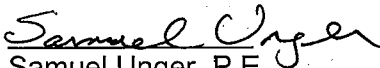
California Environmental Protection Agency



Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

If you have any questions regarding this letter, please call the Project Manager, Miss Dionisia Rodriguez at (213) 620-6122 or the Section Chief of Groundwater Permitting and Land Disposal, Dr. Rebecca Chou at (213) 576-6618.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Attachment: City of Los Angeles Letter dated September 24, 2010

Cc: Cynthia Ruiz, President, City of L.A. Board of Public Works
Paula Daniels, Commissioner, City of L.A. Board of Public Works
Doug Walters, Bureau of Sanitation
Hyginus Mmje, Bureau of Sanitation
Mike Mullin, Mayor's Office
Dana Prevost, Department of Building and Safety

CITY OF LOS ANGELES

CALIFORNIA



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1149 SOUTH BROADWAY, 9TH FLOOR
LOS ANGELES, CA 90015
TEL: (213) 485-2210
FAX: (213) 485-2979

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ANTONIO R. VILLARAIGOSA

MAYOR

LOS ANGELES REGIONAL
WATER QUALITY CONTROL BOARD

September 24, 2010

Samuel Unger, Executive Officer
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, CA 90013

OW.RE

Dear Mr. Unger:

PROPOSED ONSITE WASTEWATER TREATMENT SYSTEMS (OWTS) MANAGEMENT PROGRAM AND AN EXTENSION REQUEST FOR THE OWTS MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CITY (CITY) OF LOS ANGELES

The City of Los Angeles and the LARWQCB signed a five-year Memorandum of Understanding (MOU) regarding Onsite Wastewater Treatment Systems (OWTS) that is to expire on December 31, 2010. The MOU has eight requirements intended to protect water quality by regulating the discharge of wastewater from OWTS where the public sewer system is not available or is not utilized. The City has completed six of the requirements to date and the remaining two requirements are:

1. The City shall review all applicable Codes 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).
2. The City shall review and amend its Municipal Code by May 11, 2010 to adopt an ordinance requiring operating permits for high-risk OWTS. All properties with high-risk OWTS shall be enrolled within 10 years.

On February 8, 2010, the Bureau of Sanitation submitted a request to the Los Angeles Regional Water Quality Control Board (LARWQCB) to extend the MOU to December 31, 2010. On March 15, 2010, the LARWQCB granted the request and concurred with the Bureau's effort to meet the requirements of the MOU. Additionally, the LARWQCB concurred with the City's proposed OWTS Management Program, which will require operating permits for all OWTS and upgrades for new OWTS in high risk area.



Samuel Unger, Executive Officer
LARWQCB
Proposed OWTS Management Program
September 24, 2010
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Since then the Bureau of Sanitation has undertaken an extensive public outreach effort, in order to gain public acceptance of the proposed program including conducting four citywide listening sessions and 30 presentations to various Neighborhood Councils and community groups.

While conducting public outreach for the proposed ordinance, the City has encountered strong public sentiment and numerous concerns particularly in two areas:

1. In the absence of the State mandated AB885 regulation, the public is resistant to any change to the existing operating conditions and
2. Current economic condition has made it difficult for the public to agree to pay for any additional or new fees. Many of the constituents have voiced their objection of more government rules and interference in their daily lives.

We remain hopeful to eventually succeeding in gaining the necessary public support for getting the proposed program approved by the Board of Public Works, the City Council and the Mayor, but we are not there yet. We now realize that additional time will be needed to achieve this goal and we are requesting, by way of this letter, an extension to our MOU until December 31, 2011, when we now expect to adopt an ordinance for the program. Once the program ordinance is adopted, we expect its implementation to start one year later, on January 1, 2013.

This extension would allow us to complete the on-going public outreach effort and the approval process required to adopt and implement a new ordinance for the OWTS Management Program. Please contact Ali Poosti, at (323) 342-6228 or Doug Walters at (323) 342-6256 for any questions or further discussion on this request.

Sincerely,



ADEL H. HAGEKHALIL, Assistant Director
Bureau of Sanitation

- c: Rebecca Chou, Groundwater Permitting, RWQCB
Dionisia Rodriguez, Groundwater Permitting, RWQCB
Mike Mullin, Mayor's Office
Cynthia Ruiz, Board of Public Works
Paula Daniels, Board of Public Works
Ali Poosti, Bureau of Sanitation
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