



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

Agenda Item No.: 4-B
Mtg. Date: 01/14/19

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, P.E., CITY MANAGER

SUBJECT: ORDINANCE NO. 359 - AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE.

DATE: JANUARY 14, 2019

ATTACHMENTS:

- 1. November 26, 2018 Staff Report**
- 2. Memorandum of Understanding between Los Angeles County Department of Public Health and City of Rolling Hills**

RECOMMENDATION

It is recommended that the City Council waive full reading and adopt the following:

ORDINANCE NO. 359 - AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE.

BACKGROUND

This proposed ordinance was introduced for first reading at the November 26, 2018 City Council Meeting. After consideration and discussion by the City Council, the proposed ordinance was unanimously approved for a second reading and adoption at the next City Council meeting of January 14, 2019.

CONCLUSION

It is recommended that the City Council waive the full reading and adopt Ordinance No. 359 - An Ordinance of the City of Rolling Hills Amending Chapter 8.04 (Health Code) of the City of Rolling Hills Municipal Code to Adopt the Most Recent Version of the Los Angeles County Health and Safety Code.



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CA 90274
(310) 377-1521
FAX (310) 377-7288

Agenda Item No: 8-B
Mtg. Date: 11/26/2018

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: ELAINE JENG, P.E., CITY MANAGER *EXT*

SUBJECT: AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE AND CONSIDERATION OF APPROVAL OF THE LOCAL AREA MANAGEMENT PROGRAM MEMORANDUM OF UNDERSTANDING WITH LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH.

DATE: NOVEMBER 26, 2018

ATTACHMENTS:

- 1. ORDINANCE NO. 359 - AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE**
- 2. MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN LOS ANGELES COUNTY DEPARTMENT OF PUBLIC HEALTH AND THE CITY FOR THE REGULATION OF ONSITE WASTEWATER TREATMENT SYSTEM (OWTS) WITHIN THE CITY**

BACKGROUND

On October 2, 2018, the Los Angeles County Board of Supervisors adopted an ordinance amending the Los Angeles County Health and Safety Code for the regulation of onsite wastewater treatment systems (OWTS), commonly known as septic systems,

for consistency with statewide policy. In order to authorize the Los Angeles County Department of Public Health (LACDPH) to regulate the installation and monitoring of OWTS within the City of Rolling Hills under the newly adopted Los Angeles Local Area Management Program (LA County LAMP), the City must enter into a Memorandum of Understanding (MOU) with LACDPH and adopt the most recent version of the Los Angeles County Health and Safety Code. Attached for City Council consideration is an MOU between LACDPH and the City for the regulation of residential OWTS within the City and an ordinance amending Chapter 8.04 Health Code.

The State Water Resources Control Board (State Board) regulates OWTS through its Water Quality Control Policy for Siting, Design, Operation and Maintenance of OWTS (OWTS Policy) adopted in 2012 along with a schedule for implementation. As a result of the Statewide OWTS Policy implementation schedule, the City's previous MOU with the Los Angeles Regional Water Quality Control Board (Regional Board) that waived the requirement for residential property owners to obtain a permit with the Regional Board for their septic systems was terminated by the Regional Board in May 2018. Execution of this proposed MOU with LACDPH will continue to waive the requirement for property owners to obtain a permit with the Regional Board by authorizing LACDPH to regulate residential OWTS in the City under the LA County LAMP using a more flexible alternative method than that required by the State Board's OWTS Policy while still being equally protective of public health and the environment. The Los Angeles County LAMP was approved by the Executive Officer of the Regional Board on May 21, 2018. The amendments to the Los Angeles County Health Code implement the LA County LAMP provisions.

DISCUSSION

The City Attorney has prepared the attached ordinance, which adopts the updated Title 11 Health and Safety of Los Angeles County in effect as of November 1, 2018 by reference as the public health and safety code of the City. This will place into effect the necessary code provisions to implement the LA County LAMP within the City. By executing the MOU with LACDPH the City will authorize LACDPH to implement the LA County LAMP within the City and will waive the requirement for individual property owners to obtain a permit, i.e., apply for individual Waste Discharge Requirements with the Regional Board.

City staff understands that the siting and design requirements for OWTS under the LA County LAMP are substantially similar to those that LACDPH had been implementing within the City prior to adoption of the LAMP. However, there are new requirements in the Health and Safety Code and LAMP that will more closely track the operation and functionality of existing OWTS and initiate the phase out of cesspools.

An existing OWTS that is properly functioning may continue to operate unless or until there is evidence that the system is failing at which point it must be repaired or replaced in a manner that satisfies the LA County LAMP requirements. Additionally, if the property owner with an existing OWTS proposes to expand or add onto an existing structure, a review of the existing OWTS may be triggered. If a public sewer is available within 200 feet of a residence, the repair or replacement of an existing OWTS will not be approved and instead the property must be connected to the sanitary sewer. If proposed, new or replacement OWTS cannot not meet the siting and design requirements for conventional OWTS, a non-conventional OWTS may be necessary. Non-conventional OWTS utilize one or more supplemental treatment components in addition to the septic tank and dispersion system that comprise a conventional OWTS. In recent years, such systems have been approved and installed on some properties within the City. Going forward, owners of non-conventional OWTS will be required to obtain an annual public health operating permit and will need to contract for telemetric monitoring and reporting.

The use of cesspools will be phased out. A cesspool is an excavation with permeable sides and/or bottom receiving untreated sewage that retains solids but allows liquids to seep into the ground; whereas a conventional OWTS consists of a water-tight compartmentalized septic tank and a separate dispersal system for effluent from the septic tank. An existing cesspool serving a residential property may continue to be used until: (1) the cesspool fails and must be replaced, (2) there is evidence that the cesspool is contaminating groundwater or surface water, or (3) the property owner seeks a permit to remodel the home in a manner that could increase wastewater flow.

Operators of seepage/sewage pumping vehicles that service OWTS are required to be licensed with LACDPH. The operator's license may be suspended or revoked for failing to comply with the requirements of the Health and Safety Code including failing to submit quarterly reports identifying all of the OWTS serviced by the operator or failing to report evidence of a failing OWTS or cesspool. As a condition of approval of the LA County LAMP, the Executive Officer of the Regional Board is requiring that LACDPH annually report on the results of OWTS pumper quarterly reports and where excessive pumping is occurring, as well as on the number and location of known cesspools. Evidence of a failing OWTS as defined in the Health Code includes but is not limited to:

- A. Backup of sewage into a structure caused by a malfunctioning septic tank or dispersal system
- B. Discharge of sewage or effluent to the ground surface
- C. A septic tank that requires pumping more than twice within 180 days in order to provide adequate dispersal of sewage
- D. Structural failure that causes effluent to discharge to a location other than intended or that allows groundwater to enter the system

- E. A system that affects or will likely affect groundwater or surface water to a degree that makes it unfit for drinking or domestic use or that causes a human health hazard or other public nuisance condition
- F. Inability to use the OWTS as intended

New fees will be assessed by the County Office of the Assessor on residential properties served by OWTS in order to recover the cost associated with the increased level of service reflected in the LA County LAMP to make this a cost neutral program. LACDPH will notify affected property owners in advance of the initial fee assessment. The first billing of property owners for the fees will occur beginning with property tax bills issued in 2019 as follows:

- \$5 per year for properties served by conventional OWTS
- \$43 per year for properties served by non-conventional OWTS

FISCAL IMPACT

Since the LACDPH LAMP is intended to be self-sustaining from the fees assessed on property owners with OWTS, the only fiscal impact to the City will be in the form of staff time to periodically report to LACDPH regarding the items listed under City Responsibilities in the MOU so that LACDPH can prepare the annual water quality assessment required by the OWTS Policy.

RECOMMENDATION

The City Attorney has reviewed the template MOU prepared by County Counsel and provided editorial comments for the County Counsel's consideration as shown in the attached redline version.

It is recommended that the City Council waive the full reading and introduce on first reading Ordinance No. 359 - An Ordinance of the City of Rolling Hills Amending Chapter 8.04 (Health Code) of the City of Rolling Hills Municipal Code to Adopt the Most Recent Version of the Los Angeles County Health and Safety Code. It is also recommended that the City Council authorize the Mayor to sign the MOU between LACDPH and the City for the regulation of OWTS within the City subject to final approval by the City Attorney.

ORDINANCE NO. 359

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE.

The City Council of the City of Rolling Hills does ordain as follows:

Section 1. Chapter 8.04 (Health Code) of Title VIII (Health and Safety) of the Rolling Hills Municipal Code is hereby amended to read as follows:

Chapter 8.04 - HEALTH CODE

8.04.010 - Short title.

This chapter shall be known as the health code of the City and may be cited as such.

8.04.020 - County ordinance adopted.

Title 11, entitled "Health and Safety," of the Los Angeles County Code, as amended and in effect on November 1, 2018, is adopted by reference as the public health and safety code of the city. A copy of the county health and safety code has been deposited in the office of the city clerk and shall be maintained by the city clerk for use and examination by the public. In the event there is any inconsistency between the provisions of Title 11 of the Los Angeles County Code and other provisions of this code, the other provisions of this code shall prevail.

8.04.030 - Amendments.

Title 11, entitled "Health and Safety," of the Los Angeles County Code, as amended and in effect on November 1, 2018 is amended as follows:

- A. Whenever in said ordinance reference is made to the unincorporated area of the County of Los Angeles, such areas shall be deemed to include in its true geographical location the area of the City.
- B. "The violation of this Ordinance is punishable by a fine of not more than \$500 or by imprisonment in the City Jail for a period of

not more than six months or by both fine and imprisonment. Each day during any portion of which any violation of any provision of this Ordinance is committed, continued, or permitted, makes such violation a separate offense."

Section 2. Severability.

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any Person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other Person or circumstance. The City Council of the City of Rolling Hills hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3. Effective Date.

This ordinance shall take effect thirty days after its passage and adoption pursuant to California Government Code section 36937.

Section 4. Certification.

The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Rolling Hills's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

PASSED, APPROVED and ADOPTED this ____ day of _____ 2019.

PATRICK WILSON, MAYOR

ATTEST:

YVETTE HALL, CITY CLERK

6/14

8/23

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) §§
CITY OF ROLLING HILLS)

I certify that the foregoing Ordinance No. 359 entitled:

AN ORDINANCE OF THE CITY OF ROLLING HILLS AMENDING CHAPTER 8.04 (HEALTH CODE) OF THE CITY OF ROLLING HILLS MUNICIPAL CODE TO ADOPT THE MOST RECENT VERSION OF THE LOS ANGELES COUNTY HEALTH AND SAFETY CODE.

was approved and adopted at a regular meeting of the City Council on _____, 2019 by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

and in compliance with the laws of California was posted at the following:

Administrative Offices.

YVETTE HALL, CITY CLERK

7/14

9/23

THIS PAGE INTENTIONALLY LEFT BLANK

8/14

10/23

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF LOS ANGELES, DEPARTMENT OF PUBLIC HEALTH
AND
THE CITY OF ROLLING HILLS

Deleted:

REGARDING ONSITE WASTEWATER TREATMENT SYSTEMS

EFFECTIVE DATE: _____

I. RECITALS

WHEREAS, the State of California adopted Assembly Bill 885 in September 2000, to require the State Water Resources Control Board (State Board) to adopt specific regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS).

WHEREAS, the State Board adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of OWTS (OWTS Policy) on June 19, 2012 and it became effective on May 13, 2013.

Deleted: Water Resources Control

Deleted: Onsite Wastewater Treatment Systems

WHEREAS, the OWTS Policy establishes a waiver of Waste Discharge Requirement permits for OWTS systems meeting the criteria of the OWTS Policy.

WHEREAS, the OWTS Policy establishes low risk siting and design requirements for OWTS subject to the OWTS Policy and authorizes local agencies to submit a Local Agency Management Program (LAMP) to the Regional Water Quality Control Board for approval of alternate methods of siting and design to achieve the same purpose.

WHEREAS, the County of Los Angeles, Department of Public Health (DPH) operates a program for the approval of the siting, design, operation and maintenance of OWTS for individual residences within its Environmental Health Division and has adequate staffing and technical knowledge to meet the requirements of the OWTS Policy.

WHEREAS, the County of Los Angeles (County) has submitted a LAMP to the Los Angeles Regional Water Quality Control Board (Los Angeles Board) for approval.

Deleted: WHEREAS, the California Regional Water Quality Control Boards, upon mutual agreement, may designate one Regional Water Quality Control Board to regulate a person or entity that is under the jurisdiction of two or more Regional Water Quality Control Boards (Water Code Section 13228.4)

WHEREAS, the OWTS Policy Section 4.3 states that the Regional Water Quality Control Board designated in Attachment 3 shall review, and if appropriate, approve a LAMP submitted by the local agency pursuant to Tier 2 in the OWTS Policy.

Deleted: Local Agency Management Program

Deleted: this

WHEREAS, OWTS Policy Attachment 3 identifies the Los Angeles Board as the designated Regional Water Quality Control Board for County of Los Angeles for purposes of reviewing and, if appropriate, approving new LAMPs.

Deleted: Quality Control Regional

Deleted: the

WHEREAS, the Los Angeles Board has reviewed the County's LAMP, determined that it meets the requirements of the OWTS Policy, approved the County's LAMP on May 21, 2018 for those areas within both the Los Angeles and Lahontan Regional Water Quality Control Boards, and as a result has granted a conditional waiver of waste discharge requirements for all OWTS complying with the LAMP.

Deleted: Local Agency Management Plans (LAMP)

Deleted: Regional Water Quality Control

Deleted: (Date)

WHEREAS, the Los Angeles County Board of Supervisors approved Ordinance No. 2018-0037 to implement the requirements of the LAMP on October 2, 2018.

Deleted: Ordinance #

WHEREAS, the Los Angeles County Board of Supervisors delegated authority to the Director of Public Health to enter into agreements with local jurisdictions to provide services under the LAMP.

WHEREAS, the City of Rolling Hills (City) has existing OWTS and areas without access to a public sewer system.

Deleted:

WHEREAS, both the County of Los Angeles and the City are desirous of protecting the public's health and the quality of groundwater within the City.

NOW THEREFORE THE COUNTY OF LOS ANGELES AND THE CITY OF ROLLING HILLS HEREBY AGREE AS FOLLOWS:

Deleted:

II. DESIGNATION AND AGREEMENT

1. The City designates the County as the Qualified Local Agency (QLA) and the County accepts the designation for the implementation of the County's approved LAMP for the siting, design, operation, and maintenance of certain OWTS within the City's incorporated area.
2. The County and City agree that the County Health and Safety Code, Title 11, Chapter 38, the "Requirements and Procedures Policy" promulgated by the Director of Department of Public Health, and the County Plumbing Code, Title 28, will govern the applicable siting, design, operation, and maintenance of OWTS within the City. City will adopt County's ordinance governing OWTS into City's municipal code by resolution or ordinance.
3. The MOU shall be effective upon the date that City adopts County Health and Safety Code, Title 11 Chapter 38 into its municipal code and shall be in effect until terminated by either party in accordance with Section V.

Deleted: and

Deleted: adopted

Commented [1]: Is the "Requirements and Procedures" Policy referring to the LAMP itself? If not, will you please provide a copy of the "Requirements and Procedures" Policy? Thank you.

Deleted: and/or Health Officer of the County

Deleted: County Ordinance #

Deleted: is

Deleted: , multi-family residences,

Deleted: where the wastewater is from domestic sources (i.e., toilets, urinals, bathtubs, showers, dishwashing facilities, laundry washing, and garbage disposals), buildings which are a combination of commercial and residential, and commercial food service buildings with a wastewater with a Biological Oxygen Demand (BOD) of 900 mg/L or less and a properly functioning grease interceptor.

III. APPLICABILITY

1. OWTS subject to this agreement shall consist of those OWTS within the jurisdiction of the City that generate 10,000 gallons per day or less of domestic wastewater (as that term is defined in the OWTS Policy), that dispose of wastewater below the ground surface, and that are generated from single family residences and commercial buildings.

2. This MOU shall not apply to any other OWTS within the incorporated area of the City, including those that:

- a) Generate more than 10,000 gallons per day,
- b) Discharge high strength wastewater, ~~Accept wastewater from~~ Recreational Vehicles,
- c) Utilize methods to dispose of wastewater above ground, ~~and~~
- d) Treat and reuse wastewater onsite for non-potable uses.

Deleted: other than commercial food service buildings meeting the above requirements, ¶
Are commercial food service buildings that don't meet the above requirements, ¶
Generate Industrial wastewater, ¶

3. Nothing in this MOU shall diminish or affect the ability of the City to exercise its authority through the Plumbing Code to regulate the type, siting, design and installation, for those OWTS that are exempt from the MOU to be operated within the incorporated area of the City. Issuance of a Waste Discharge Requirement permit or other permit by a Regional Water Quality Control Board shall not constitute authorization for any person or entity to construct, install, or operate any OWTS without City approval.

IV. GENERAL PROVISIONS

COUNTY RESPONSIBILITIES

1. The County will notify the ~~the Los Angeles Board that the City has entered an agreement~~ to be regulated under the County's LAMP.

Deleted: appropriate Regional Water Quality Control Board

2. The County will review all applications for new, replacement, or repair ~~OWTS and non-conventional~~ onsite wastewater treatment system (NOWTS) for siting and design.

Deleted: of

3. The County will review all applications for building permits where an OWTS or NOWTS is present on the property to evaluate whether the proposed construction will impact the OWTS by:

- Potentially increasing wastewater flows,
- Changing the strength of the wastewater,
- Impinging upon required setbacks of the OWTS, any of its components, or the required 100% future expansion area.

4. The County shall provide the owner of the property or his/her representative with an approval of the application, a detailed list of corrections needed to proceed with the application, or a detailed reason why the project is unable to be approved. Projects that the County determines may impact ground or surface water may be directed to file a Report of Waste Discharge with the ~~Los Angeles Board~~.

Deleted: Regional Water Quality Control

5. The County will maintain an inventory of all OWTS and NOWTS permitted within the City's incorporated area including ~~Policy Tier, depth to groundwater, setback~~ information.

Deleted: OWTS

Deleted: , and if a non-conventional onsite wastewater treatment system (NOWTS) was required.

6. The County will require an evaluation by a qualified professional of all OWTS and NOWTS which are determined to be exhibiting signs of ~~failure~~. The County will issue

Deleted: failing

compliance orders to owners of OWTS or NOWTS when a qualified professional determines the OWTS or NOWTS is in need of replacement or repair.

7. The County will issue an operating permit to all existing and new OWTS and NOWTS. The County will maintain a database of all OWTS and NOWTS, including when the system was serviced by a service technician and the results of any effluent testing performed by a California certified laboratory, as required by the LAMP.
8. The County will license all Sewage Pumper Trucks that service OWTS and NOWTS within the City's jurisdiction. The County will provide the City with a copy of the licenses for the those Sewage Pumper Trucks and inform the City if any of those licenses are suspended or revoked.
9. The County will complete and submit an annual report by February 1 of each year detailing the number, location, and description of permits issued for OWTS and NOWTS where a variance is granted and assess the impact of OWTS and NOWTS discharges based on analysis of water quality data, complaints, inspection results, monitoring data, and failures. Other data outlined in the OWTS Policy, Section 9.32 will be reviewed if available.
10. The County will refer to the City for legal enforcement, any violation of the City's ordinance where the property owner has failed to comply with the written directives of the Health Officer or his/her duly authorized deputy.
11. The County may direct any property owner whose permit for a OWTS or NOWTS is suspended or revoked for failure to comply with the directives of the Health Officer to file a Report of Waste Discharge with the Los Angeles Board. The County shall also inform the Los Angeles Board that the property owner is no longer operating under a waiver of Waste Discharge Requirements and is required to file a Report of Waste Discharge.

~~Deleted: Regional Water Quality Control Board~~

~~Deleted: Regional Water Quality Control Board~~

CITY RESPONSIBILITIES

1. The City will provide the County with a list of all known domestic OWTS, all OWTS with septic tanks greater than 10,000 gallons, OWTS with probable high strength waste streams, and cesspools within the City's jurisdiction within 60 days of the effective date of this agreement.
2. The City will annually provide the County with a list of properties where an existing OWTS or NOWTS was decommissioned and the property connected to the public sewer.
3. The City shall notify the County whenever a new building with a OWTS or NOWTS is issued a Certificate of Occupancy.
4. The City shall refer any building permit application for a new building, remodel of an existing building, repair of an existing OWTS or NOWTS, or construction of any building or permanent structure which may impinge upon an OWTS, NOWTS, or future

expansion area to the County. The City shall not issue a building permit for a project referred to the County unless plans are first approved by the County.

5. The City shall require a property owner to submit a Report of Waste Discharge for any OWTS project that does not meet the requirements identified in Section III of this agreement.
6. The City shall refer to the County any complaint alleging an OWTS or NOWTS is failing. The City shall indicate whether the City desires to conduct a joint investigation of the complaint.
7. The City shall investigate any complaint alleging construction of an OWTS or NOWTS or modification of an existing OWTS or NOWTS without obtaining the appropriate permits.
8. The City shall provide legal enforcement for any property owner who fails to comply with the City's ordinance and written directives issued by the Health Officer or his/her authorized deputy.
9. The City, upon cancellation of this MOU, shall comply with the Tier 1 requirements in the State OWTS Policy until the Los Angeles Board has approved a LAMP authorizing the City to use alternative requirements. If as a result of termination of this contract the Los Angeles Board determines that a Waste Discharge Requirement permit is required for existing NOWTS, the City shall be responsible for issuing a notice to the owner of each property where a NOWTS is installed within their jurisdiction directing the owner to obtain a Waste Discharge Requirement permit.
10. The City shall provide the County by December 31st of each year surface and groundwater quality monitoring data for nitrates and pathogens that may be useful in the County's annual Water Quality Assessment Program. The data may be collected by the City as part of its National Pollutant Discharge Elimination System (NPDES) Permit requirements, a City operated water utility, or other monitoring program.

Deleted: (RWD) for issuance of Waste Discharge Requirements (WDR) by the appropriate Regional Water Quality Control Board

Deleted: Regional Water Quality Control

Deleted: Regional Water Quality Control

Deleted: WDR

Deleted: WDR

Deleted: with

Deleted: or

V. TERM AND TERMINATION

1. The City may terminate this MOU, with or without cause, upon ninety (90) days written notice. The City shall send all notices related to this MOU to:

County of Los Angeles Department of Public Health - Environmental Health Division
Director of Environmental Protection Branch
5050 Commerce Drive
Baldwin Park, CA 91706

The County shall send all notices related to this MOU to:

City of Bellin: Hills

Deleted:

City Manager Elaine Jen

Rollin Hills California 90274

2. The County may terminate this MOU, with or without cause, upon ninety (90) days written notice from the Director of Public Health to the City.
3. Upon the effective date of the termination, the City shall become responsible for enforcement of the State OWTS Policy within its jurisdiction.
4. In addition to the above, in the event that the State Water Board adopts new regulations regarding OWTS, the County may, at its discretion terminate this MOU upon the effective date of the new regulations. The City and the County, at their mutual agreement, may negotiate and adopt an amendment to this MOU to include the new regulations.

Deleted: ¶

Deleted:

AUTHORIZING SIGNATURES



City of Rolling Hills

INCORPORATED JANUARY 24, 1957

NO. 2 PORTUGUESE BEND ROAD
ROLLING HILLS, CALIF. 90274
(310) 377-1521
FAX: (310) 377-7288

December 20, 2018

The County of Los Angeles Department of Public Health – Environmental Health
Division
Director of Environmental Protection Branch
5050 Commerce Drive
Baldwin Park, CA 91706

**SUBJECT: MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE
COUNTY OF LOS ANGELES, DEPARTEMENT OF PUBLIC
HEALTH AND THE CITY OF ROLLING HILLS REGARDING
ONSITE WASTEWATER TREATMENT SYSTEMS**

Dear Director of Environmental Protection Branch:

We have enclosed two copies of the Memorandum of Understanding (MOU) for your execution. Once you have signed the documents, please return an original copy to us for our records.

We look forward to a continuing positive relationship between the City of Rolling Hills and The County of Los Angeles Department of Public Health – Environmental Health Division. Thank you for your cooperation and support.

Sincerely,

Elaine Jeng, P.E.
City Manager

cc: Jane Abzug

**MEMORANDUM OF UNDERSTANDING
BETWEEN
THE COUNTY OF LOS ANGELES, DEPARTMENT OF PUBLIC HEALTH
AND
THE CITY OF ROLLING HILLS
REGARDING ONSITE WASTEWATER TREATMENT SYSTEMS**

EFFECTIVE DATE: _____

I. RECITALS

WHEREAS, the State of California adopted Assembly Bill 885 in September 2000, to require the State Water Resources Control Board (State Board) to adopt specific regulations or standards for the permitting and operation of onsite wastewater treatment systems (OWTS).

WHEREAS, the State Board adopted the Water Quality Control Plan for Siting, Design, Operation, and Maintenance of OWTS (OWTS Policy) on June 19, 2012 and it became effective on May 13, 2013.

WHEREAS, the OWTS Policy establishes a waiver of Waste Discharge Requirement permits for OWTS systems meeting the criteria of the OWTS Policy.

WHEREAS, the OWTS Policy establishes low risk siting and design requirements for OWTS subject to the OWTS Policy and authorizes local agencies to submit a Local Agency Management Program (LAMP) to the Regional Water Quality Control Board for approval of alternate methods of siting and design to achieve the same purpose.

WHEREAS, the County of Los Angeles, Department of Public Health (DPH) operates a program for the approval of the siting, design, operation and maintenance of OWTS for individual residences within its Environmental Health Division and has adequate staffing and technical knowledge to meet the requirements of the OWTS Policy.

WHEREAS, the County of Los Angeles (County) has submitted a LAMP to the Los Angeles Regional Water Quality Control Board (Los Angeles Board) for approval.

WHEREAS, the California Regional Water Quality Control Boards, upon mutual agreement, may designate one Regional Water Quality Control Board to regulate a person or entity that is under the jurisdiction of two or more Regional Water Quality Control Boards (Water Code Section 13228).

WHEREAS, the OWTS Policy Section 4.3 states that the Regional Water Quality Control Board designated in Attachment 3 shall review, and if appropriate, approve a LAMP submitted by the local agency pursuant to Tier 2 in the OWTS Policy.

WHEREAS, OWTS Policy Attachment 3 identifies the Los Angeles Board as the designated Regional Water Quality Control Board for County of Los Angeles for purposes of reviewing and, if appropriate, approving new LAMPs.

WHEREAS, the Los Angeles Board has reviewed the County's LAMP, determined that it meets the requirements of the OWTS Policy, approved the County's LAMP on May 21, 2018 for those areas within both the Los Angeles and Lahontan Regional Water Quality Control Boards, and as a result has granted a conditional waiver of waste discharge requirements for all OWTS complying with the LAMP.

WHEREAS, the Los Angeles County Board of Supervisors approved Ordinance No. 2018-0037 to implement the requirements of the LAMP on October 2, 2018.

WHEREAS, the Los Angeles County Board of Supervisors delegated authority to the Director of Public Health to enter into agreements with local jurisdictions to provide services under the LAMP.

WHEREAS, the City of Rolling Hills (City) has existing OWTS and areas without access to a public sewer system.

WHEREAS, both the County of Los Angeles and the City are desirous of protecting the public's health and the quality of groundwater within the City.

NOW THEREFORE THE COUNTY OF LOS ANGELES AND THE CITY OF ROLLING HILLS
HEREBY AGREE AS FOLLOWS:

II. DESIGNATION AND AGREEMENT

1. The City designates the County as the Qualified Local Agency (QLA) and the County accepts the designation for the implementation of the County's approved LAMP for the siting, design, operation, and maintenance of certain OWTS within the City's incorporated area.
2. The County and City agree that the County Health and Safety Code, Title 11, Chapter 38, the "Requirements and Procedures Policy" promulgated by the Director of Department of Public Health, and the County Plumbing Code, Title 28, will govern the applicable siting, design, operation, and maintenance of OWTS within the City. City will adopt County's ordinance governing OWTS into City's municipal code by resolution or ordinance.
3. The MOU shall be effective upon the date that City adopts County Health and Safety Code, Title 11, Chapter 38 into its municipal code and shall be in effect until terminated by either party in accordance with Section V.

III. APPLICABILITY

1. OWTS subject to this agreement shall consist of those OWTS within the jurisdiction of the City that generate 10,000 gallons per day or less of domestic wastewater (as that term is defined in the OWTS Policy), that dispose of wastewater below the ground surface, and that are generated from single family residences and commercial buildings where the wastewater is from domestic sources (i.e., toilets, urinals, bathtubs, showers, dishwashing facilities, laundry washing, and garbage disposals) and buildings which are a combination of commercial and residential.

2. This MOU shall not apply to any other OWTS within the incorporated area of the City, including those that:
 - a) Generate more than 10,000 gallons per day,
 - b) Discharge high strength wastewater,
 - c) Accept wastewater from Recreational Vehicles,
 - d) Utilize methods to dispose of wastewater above ground, and
 - e) Treat and reuse wastewater onsite for non-potable uses.

3. Nothing in this MOU shall diminish or affect the ability of the City to exercise its authority through the Plumbing Code to regulate the type, siting, design and installation, for those OWTS that are exempt from the MOU to be operated within the incorporated area of the City. Issuance of a Waste Discharge Requirement permit or other permit by a Regional Water Quality Control Board shall not constitute authorization for any person or entity to construct, install, or operate any OWTS without City approval.

IV. GENERAL PROVISIONS

COUNTY RESPONSIBILITIES

1. The County will notify the Los Angeles Board that the City has entered an agreement to be regulated under the County's LAMP.

2. The County will review all applications for new, replacement, or repair OWTS and non-conventional onsite wastewater treatment system (NOWTS) for siting and design.

3. The County will review all applications for building permits where an OWTS or NOWTS is present on the property to evaluate whether the proposed construction will impact the OWTS by:
 - Potentially increasing wastewater flows,
 - Changing the strength of the wastewater,
 - Impinging upon required setbacks of the OWTS, any of its components, or the required 100% future expansion area.

4. The County shall provide the owner of the property or his/her representative with an approval of the application, a detailed list of corrections needed to proceed with the application, or a detailed reason why the project is unable to be approved. Projects that the County determines may impact ground or surface water may be directed to file a Report of Waste Discharge with the Los Angeles Board.

5. The County will maintain an inventory of all OWTS and NOWTS permitted within the City's incorporated area including Policy Tier, depth to groundwater, setback information.

6. The County will require an evaluation by a qualified professional of all OWTS and NOWTS which are determined to be exhibiting signs of failure. The County will issue compliance orders to owners of OWTS or NOWTS when a qualified professional determines the OWTS or NOWTS is in need of replacement or repair.

7. The County will issue an operating permit to all existing and new OWTS and NOWTS. The County will maintain a database of all OWTS and NOWTS, including when the system was serviced by a service technician and the results of any effluent testing performed by a California certified laboratory, as required by the LAMP.
8. The County will license all Sewage Pumper Trucks that service OWTS and NOWTS within the City's jurisdiction. The County will provide the City with a list of licensed Sewage Pumper Trucks and inform the City if any of those licenses are suspended or revoked.
9. The County will complete and submit an annual report by February 1 of each year detailing the number, location, and description of permits issued for OWTS and NOWTS where a variance is granted and assess the impact of OWTS and NOWTS discharges based on analysis of water quality data, complaints, inspection results, monitoring data, and failures. Other data outlined in the OWTS Policy, Section 9.32 will be reviewed if available.
10. The County will refer to the City for legal enforcement, any violation of the City's ordinance where the property owner has failed to comply with the written directives of the Health Officer or his/her duly authorized deputy.
11. The County may direct any property owner whose permit for a OWTS or NOWTS is suspended or revoked for failure to comply with the directives of the Health Officer to file a Report of Waste Discharge with the Los Angeles Board. The County shall also inform the Los Angeles Board that the property owner is no longer operating under a waiver of Waste Discharge Requirements and is required to file a Report of Waste Discharge.

CITY RESPONSIBILITIES

1. The City will provide the County with a list of all known domestic OWTS, all OWTS with septic tanks greater than 10,000 gallons, OWTS with probable high strength waste streams, and cesspools within the City's jurisdiction within 60 days of the effective date of this agreement.
2. The City will annually provide the County with a list of properties where an existing OWTS or NOWTS was decommissioned and the property connected to the public sewer.
3. The City shall notify the County whenever a new building with a OWTS or NOWTS is issued a Certificate of Occupancy.
4. The City shall refer any building permit application for a new building, remodel of an existing building, repair of an existing OWTS or NOWTS, or construction of any building or permanent structure which may impinge upon an OWTS, NOWTS, or future expansion area to the County. The City shall not issue a building permit for a project referred to the County unless plans are first approved by the County.

5. The City shall require a property owner to submit a Report of Waste Discharge for any OWTS project that does not meet the requirements identified in Section III of this agreement.
6. The City shall refer to the County any complaint alleging an OWTS or NOWTS is failing. The City shall indicate whether the City desires to conduct a joint investigation of the complaint.
7. The City shall investigate any complaint alleging construction of an OWTS or NOWTS, or modification of an existing OWTS or NOWTS without obtaining the appropriate permits.
8. The City shall provide legal enforcement for any property owner who fails to comply with the City's ordinance and written directives issued by the Health Officer or his/her authorized deputy.
9. The City, upon cancellation of this MOU, shall comply with the Tier 1 requirements in the State OWTS Policy until the Los Angeles Board has approved a LAMP authorizing the City to use alternative requirements. If as a result of termination of this contract the Los Angeles Board determines that a Waste Discharge Requirement permit is required for existing NOWTS, the City shall be responsible for issuing a notice to the owner of each property where a NOWTS is installed within their jurisdiction directing the owner to obtain a Waste Discharge Requirement permit.
10. The City shall provide the County by December 31st of each year surface and groundwater quality monitoring data for nitrates and pathogens that may be useful in the County's annual Water Quality Assessment Program. The data may be collected by the City as part of its National Pollutant Discharge Elimination System (NPDES) Permit requirements, a City operated water utility, or other monitoring program.

V. TERM AND TERMINATION

1. The City may terminate this MOU, with or without cause, upon ninety (90) days written notice. The City shall send all notices related to this MOU to:

County of Los Angeles Department of Public Health - Environmental Health Division

Director of Environmental Protection Branch

5050 Commerce Drive

Baldwin Park, CA 91706

The County shall send all notices related to this MOU to:

City of Rolling Hills

City Manager, Elaine Jeng

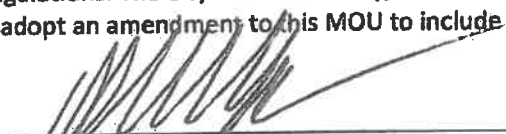
2 Portuguese Bend Road

Rolling Hills, California 90274

2. The County may terminate this MOU, with or without cause, upon ninety (90) days written notice from the Director of Public Health to the City.
3. Upon the effective date of the termination, the City shall become responsible for enforcement of the State OWTS Policy within its jurisdiction.
4. In addition to the above, in the event that the State Water Board adopts new regulations regarding OWTS, the County may, at its discretion terminate this MOU upon the effective date of the new regulations. The City and the County, at their mutual agreement, may negotiate and adopt an amendment to this MOU to include the new regulations.

12/19/18

Date



City of Rolling Hills Mayor, Patrick Wilson

Date

Director of the Los Angeles County Department of
Public Health