

Onsite Wastewater Treatment System and Cesspool-Related Questions Asked by Participants

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ENVIRONMENTAL HEALTH



1. If a property owner rebuilds beyond the originally approved house, would they need to upgrade the septic system while waiting for sewer service?

If the rebuild includes adding a bedroom or bedroom equivalent, adding an ADU/JADU, or if the new structure encroaches on the required setbacks for the existing OWTS or its future expansion area, the OWTS must be modified or upgraded to meet current requirements.

However, the County has inquired with the Water Board as to whether this requirement may be waived if the property owner agrees to connect to the sewer once it becomes available. Before a decision can be made, additional details regarding the proposed sewer installation must be provided to the Water Board.

2. Can a property owner continue using an existing cesspool if it is still functioning?

Public Health requested that the Water Board provide guidance on whether an existing cesspool may be used when completing a fire rebuild. The Water Board provided the following criteria for the reuse of a cesspool:

- a) Construction must be substantially similar to the original house, with no increase in wastewater flows. There may be no addition of bedrooms or bedroom equivalents, and no addition of an ADU or JADU.
- b) The cesspool must be evaluated by a Certified Qualified Professional through a percolation test to confirm that it can accept and dispose of the intended liquid waste.
- c) The cesspool must be structurally sound.
- d) The cesspool must not be contaminating groundwater.
- e) The owner must agree to connect to the public sewer once it becomes available.
- f) If the public sewer does not become available within three years, the Water Board may require the property owner to upgrade the cesspool to an OWTS. In that case, the Water Board has indicated its intent to assist the County in identifying and obtaining funding for the upgrades.

3. If a cesspool fails, must the owner upgrade the system or connect to the public sewer if it is available?

Yes. If the cesspool fails the percolation test or is determined to be structurally unsound, it must be abandoned. If a public sewer is available within 200 feet, connection to the sewer

is required. If a public sewer is not available, a new OWTS or NOWTS is required, as determined by a Qualified Professional through percolation testing.

If the cesspool fails after reconstruction of the house, the owner must immediately connect to the public sewer, if available, or install a new OWTS or NOWTS.

4. Is there a five-year limit related to like-for-like rebuilds and the continued use of cesspools?

The Water Board has indicated that the continued use of cesspools will be reevaluated if the County is unable to construct public sewers within three years. If the Water Board determines that cesspools must be upgraded to OWTS, it has committed to assisting the County in identifying and obtaining funding for the upgrades.

5. Did the Water Board change or clarify the five-year rule?

The use of cesspools has been banned by the State since the adoption of the State's Onsite Wastewater Treatment Policy in June 2012. The Water Board has indicated that it intends to phase out existing cesspool use. In response to a request from Public Health, the Water Board has agreed to allow the continued use of cesspools for properties destroyed by the fire (for conditions of reuse, see response to Question 2).

6. What is allowed under current onsite wastewater requirements for like-for-like rebuilds versus non-like-for-like rebuilds?

If you wish to rebuild using the existing OWTS:

- a) The proposed house must be in a similar location in order to meet all required setback regulations.
- b) The house must not increase wastewater flows by adding bedrooms, bedroom equivalents, or an ADU or JADU.
- c) The OWTS must be evaluated by a qualified contractor to determine that it is properly sized and in good working order.
- d) This may allow for the construction of a larger house, as long as the number of bedrooms is not increased. (Note: Adding more than 10% to the existing house square footage will require designating 100% of the future expansion area, as the addition could occupy space needed for a future septic system).

If you wish to rebuild with the addition of bedrooms, bedroom equivalents, or an ADU or JADU:

- a) Continued use of a cesspool is not allowed. The existing cesspool may be used as part of an upgrade to a conventional OWTS through the addition of a septic tank and conversion of the cesspool to a seepage pit. The cesspool must first be evaluated by

a Qualified Professional using a percolation test to verify its functionality and to determine whether, if converted to a seepage pit, it can accommodate the proposed increase in wastewater flow. The percolation test results, along with the system design prepared by the Qualified Professional based on those results, must be submitted for review and approval by Public Health prior to approval of any rebuilding or expansion.

- b) Connection to the public sewer is required if it is available within 200 feet at the time of permitting.
- c) The existing OWTS must be upgraded, or a new OWTS installed, to accommodate the additions. This may require a larger septic tank and expansion of the existing dispersal system.
- d) A future expansion area must be designated where a replacement dispersal system can be installed. This requires percolation testing to ensure the area is suitable. No structures may be constructed within the designated future expansion area or within the required setbacks of the dispersal system.

7. If a homeowner adds bedrooms or expands the home, would that trigger septic system upgrades or sewer connection requirements?

Yes. If the expansion results in an increase in the number of bedrooms or bedroom equivalents, the addition of an ADU or JADU, or an increase in wastewater flow to the septic system, it will require either a connection to the public sewer line (if available within 200 feet of the building) or an upgrade of the existing OWTS. This may include a new design flow calculation, percolation testing, expansion of the existing disposal system, an increase in septic tank size, and the designation and testing of 100% of the future expansion area.

If the expansion is limited to increasing the size of the house through larger rooms, the existing OWTS may continue to be used, provided that all setback requirements between the house and the OWTS are met. (Note: Adding more than 10% to the existing house square footage will require designating 100% of the future expansion area, as the addition could occupy space needed for a future septic system.)

8. What are the current Public Health requirements for onsite wastewater treatment systems after a fire rebuild?

- a) The OWTS must be maintained in good repair. Any surfacing of sewage from the septic tank or dispersal system must be promptly investigated and corrected.
- b) Public Health review and approval are required for any construction of any new structures to ensure that they do not impact wastewater flows, setbacks, system components, or the future expansion area.
- c) It is recommended that an OWTS be inspected and serviced periodically by a qualified contractor, with pumping performed as needed — commonly every 3–5 years, depending on usage, tank size, and sludge/scum accumulation.

- d) The effluent filter should be inspected and cleaned periodically by a qualified contractor or homeowner, as needed, based on system usage and solids accumulation. Cleaning frequency may vary significantly but is often recommended every 3 to 12 months, depending on conditions.
- e) Guidance documents on maintaining your OWTS are available on the DPH-EH website: <http://www.publichealth.lacounty.gov/eh/business/onsite-wastewater-treatment-system.htm>.

9. What does the Water Board allow or not allow regarding cesspool reuse, septic upgrades, and expanded rebuilds?

The Water Board's requirements for the reuse of cesspools are identified in the response to Question 2. The Water Board does not allow the use of cesspools for rebuilds that do not meet these requirements.

The Water Board places conditions on the County for the regulation of OWTS. These conditions are contained in an agreement between the County and the Water Board known as the Local Agency Management Program (LAMP). The LAMP identifies the standard requirements for the use of a conventional OWTS, when a non-conventional OWTS is required due to proximity to impaired water bodies, and how failing systems need to be repaired. The LAMP also requires Public Health to submit annual reports on the status of OWTS within the County, as well as a five-year report on OWTS impacts on groundwater quality.

All projects must comply with the terms of the LAMP and the Plumbing Code. These requirements are summarized in Public Health's "Requirements and Procedures for Conventional and Non-Conventional Onsite Wastewater Treatment Systems."

Key requirements include:

- a) Septic tank size based on the number of bedrooms
- b) Dispersal area size based on projected wastewater flow and percolation test results
- c) Designation and testing of a 100% future expansion area for a replacement dispersal system
- d) Compliance with setback requirements between the OWTS and structures, trees, slopes, water wells, and water lines
- e) Site and soil evaluation
- f) Evaluation of OWTS and cesspools by qualified contractors or professionals
- g) Requirements for when a non-conventional onsite wastewater treatment system is necessary due to the inability to meet conventional OWTS requirements

The majority of structural requirements for OWTS and expanded rebuilds are set forth in the California Plumbing Code and the Los Angeles County Plumbing Code.

10. Can homeowners simply reconnect to their old cesspool after rebuilding, or are additional evaluations and approvals required?

No. Please see the response to Question 2.

11. What costs should homeowners expect if they stay with an onsite wastewater system instead of connecting to sewer?

- a) System evaluation for conventional systems (determined by the contractor).
- b) Percolation test to evaluate the cesspool (as determined by a Qualified Professional).
- c) Percolation test for expanded rebuilds requiring upgraded or new systems (as determined by a Qualified Professional).
- d) Percolation test to designate 100% future expansion areas, if needed (as determined by a Qualified Professional).
- e) Applicable fees for review and approval, if not qualified for the fee waiver.
- f) Excavation of the existing septic tank and installation of a new septic tank, and expansion of the dispersal system, if inadequately sized for the expanded house.
- g) Annual charges of \$5 for OWTS and \$43 for NOWTS, collected via property tax to fund Public Health LAMP activities and required reporting.
- h) Maintenance costs for cleaning the effluent filter every 3 to 12 months and pumping the system every 3 to 5 years, or as needed.

12. Should the presentation compare public sewer costs with the potential cost of upgrading individual septic or cesspool systems?

The presentations are being provided so that property owners can compare the cost of public sewer with the quotes they obtain from a contractor for upgrading their OWTS, if required.

13. How do covenants and agreements affect property owners who continue using existing cesspools or onsite wastewater systems?

A covenant and agreement is a binding document that the property owner enters into, indicating what actions are required under specific conditions. For example, a property owner who upgrades a cesspool to an OWTS is not required to designate and test a future expansion area if they sign and file a covenant agreeing that they will install a NOWTS if the OWTS fails prior to the installation of the sewer service.

A covenant and agreement is recorded against the property and applies to future owners. It ensures that future owners are aware of the requirements at the time of the purchase, supports long-term regulatory compliance, and helps protect public health.

14. Could onsite wastewater upgrade costs be close to or similar to the proposed public sewer cost, especially in Area B?

It is up to each property owner to obtain quotes for septic system improvements if they are considering building a home with more bedrooms than their previous house.

Costs for using the existing OWTS for a similar house are significantly lower than the cost of installing a public sewer. In addition, annual public sewer charges typically exceed the annual cost of maintaining an OWTS.

Please Note:

All Onsite Wastewater Treatment System installation and approval determinations are subject to site-specific evaluation and approval by Public Health and must comply with the Local Agency Management Program (LAMP), and DPH/EH Onsite Wastewater Treatment Program (OWTP) Professional Guidelines, the California Plumbing Code, and applicable Water Board requirements for the Eaton and Palisades Fire Rebuilds.