

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda date: January 17, 2012
Reviewed by: BP

Subject: Upper Sanitary Sewer Lateral Compliance Plan Revisions

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STAFF RECOMMENDATION

That the City Council approve the Upper Sanitary Sewer Lateral Compliance Plan, October 2011 revision, pursuant to Chapter XV of the Albany Municipal Code.

BACKGROUND

Since the mid 1980's the City of Albany has been rehabilitating and replacing the publicly owned portion of its sanitary sewer collection system pursuant to an Infiltration/Inflow Correction Program (I/ICP) negotiated with the State Water Board. However, the amount of infiltration/inflow reduction achievable through rehabilitation of sewer mains and lower laterals alone is limited. The privately owned upper laterals, generally defined as the portion of the lateral from the building to the curb cleanout, can contribute as much as 70 percent of total infiltration into sewers. With this understanding, the City was proactive in 1993 by adopting and implementing a program to address the rehabilitation of upper sewer laterals. The program has been successful and used as a model by other municipalities in developing their own programs.

With the continued influx of stormwater into the City's aging infrastructure, the United States Environmental Protection Agency (EPA) issued the City an Administrative Order for Compliance (AO) in 2009. The AO was intended to further develop and implement programs critical to reducing the City's contributing amount of Infiltration/Inflow entering the EBMUD interceptor and wet weather facilities. Among other provisions, the AO required that in order for the City to continue implementing its upper sewer lateral program, a "No Less Stringent Application" must be submitted to EPA for approval. The application's intent is to demonstrate that the provisions of the City's upper sewer lateral program are no less stringent than the standards and provisions of the Regional Private Sewer Lateral Ordinance, recently adopted by EBMUD under direction from the EPA.

On September 6, 2011, Albany and the other six sewer agencies in the East Bay entered into Stipulated Order for Preliminary Relief (SO) with EPA and the State and Regional Water Boards. The provisions of the AO were essentially translated to the SO with little functional change in the requirements.

DISCUSSION

Section 15-1.22 of the Albany Municipal Code requires a property owner to obtain an upper sewer lateral "Certificate of Compliance" prior to the sale of any property or as a condition of the issuance of a building permit for construction that exceeds five percent of the existing value of the structure. The City's Upper Sanitary Sewer Lateral Compliance Plan (Plan), adopted January 10, 1994, established the policies and procedures for implementing Section 15-1.22.

Approval of Albany's current "No Less Stringent" application is contingent on revisions being made to this 1994 Plan. Since rehabilitation of upper sewer laterals in the City will continue to be based on the same triggers, revision to the Municipal Code is not required at this time.

The 1994 Plan based the initial inspection and subsequent rehabilitation of upper sewer laterals on the evaluation of visual defects seen from a closed circuit television (CCTV) video. The City would then determine a composite compliance rating that dictated the amount of time a property owner had to rehabilitate the upper sewer lateral. In a more simplified manner, the revised plan bases compliance on the results of an air or water performance test conducted after the upper sewer lateral has been rehabilitated. An initial condition assessment of the upper lateral is now an option with a \$45 fee for the submittal of CCTV video inspection.

Rehabilitation of the upper lateral has been and will continue to be required prior to the close of escrow. If the rehabilitation work cannot be performed within this timeline, the property is required to post a bond with the City and have the work completed within a year. The revised Plan increases the bond amount from \$2,000 to \$4,500 for consistency with current costs.

The City issues a Certificate of Compliance upon demonstration that the upper lateral is in compliance with City standards. The 1994 Plan declared this certification valid for 20 years without consideration as to whether the upper lateral was repaired or replaced prior to the performance test. For consistency with the EBMUD Regional Ordinance, the Plan was revised to specify certification validity for seven years if the upper lateral was spot repaired and twenty years if the entire upper lateral was completely replaced/rehabilitated.

In addition, the 1994 Plan did not explicitly address apartment, office or commercial buildings, which typically do not transfer title as frequently as single occupancy dwellings. A new provision, therefore, was added to the revised Plan requiring property owners to demonstrate their upper lateral is in compliance with City standards within seven years from the date the revised Plan is adopted. Re-certification of these laterals will then occur at 20 year intervals.

EPA has reviewed the provisions of the revised Plan and is prepared to approve the City's No Less Stringent Application upon City Council adoption of the revised Plan.

SUSTAINABILITY IMPACT

Ensuring that the City has a tight sanitary sewer system is essential to preventing surcharging of EBMUD conveyance and treatment capacities. Surcharging of these systems can lead to the discharge of under-treated sewage to San Francisco Bay. Thus, implementing an effective upper sewer lateral rehabilitation program will help improve the water quality of the Bay, leading to healthier wildlife and human populations.

FINANCIAL IMPACTS

The upper sewer lateral program is primarily implemented by Community Development staff. The revised Plan will increase costs - to be borne by the Sewer Enterprise Fund - due to the necessity to prepare information documents, conduct outreach, and pursue enforcement of the Plan's provisions.

Attachments:

1. Upper Sanitary Sewer Lateral Compliance Plan, October 2011