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RESOLUTION NO. 2012-5

A RESOLUTION OF THE ALBANY CITY COUNCIL APPROVING THE UPPER SANITARY SEWER LATERAL COMPLIANCE PLAN, OCTOBER 2011 REVISION, PURSUANT TO CHAPTER XV OF THE ALBANY MUNICIPAL CODE

WHEREAS, 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 since the early 1980's; and

WHEREAS, in 1993 the City implemented a program to address the rehabilitation of upper sewer laterals, requiring rehabilitation at the point of sale or as a condition of the issuance of a building permit exceeding five (5%) percent of the existing value of the structure for residential properties within the City; and

WHEREAS, the City's Upper Sanitary Sewer Lateral Compliance Plan, adopted January 10, 1994, established the policies and procedures for implementing the rehabilitation of upper sanitary sewer laterals; and

WHEREAS, in 2009 the United States Environmental Protection Agency (EPA) issued the City an Administrative Order for Compliance (AO) to further develop and implement programs critical to reducing the amount of stormwater inflow and infiltration ("I & I") entering the sanitary sewer system; and

WHEREAS, 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; and

1 **WHEREAS**, the SO requires that in order for the City to continue implementing
2 its upper sewer lateral program, EPA must approve the City's upper sewer lateral
3 program as being no less stringent than the standards and provisions of the Regional
4 Private Sewer Lateral Ordinance, adopted March 26, 2010 by EBMUD under direction
5 from the EPA; and
6

7 **WHEREAS**, City's Upper Sanitary Sewer Lateral Compliance Plan (Plan)
8 required revision to demonstrate that the provisions of the City's program are no less
9 stringent than the Regional Private Sewer Lateral Ordinance; and
10

11 **WHEREAS**, the revised Plan continues to require rehabilitation of the upper
12 lateral at the point of sale or as a condition of the issuance of a building permit exceeding
13 five (5%) percent of the existing value of the structure for residential properties within
14 the City; and
15

16 **WHEREAS**, the revised Plan now delineates the duration of an Upper Lateral
17 Compliance Certificate to be twenty (20) years if the upper lateral was completely
18 replaced and seven (7) years if the upper lateral was spot repaired; and
19

20 **WHEREAS**, the revised Plan now bases compliance on the results of an air or
21 water performance test conducted after the upper sewer lateral has been rehabilitated; and
22

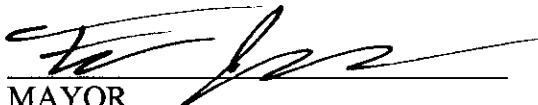
23 **WHEREAS**, the revised Plan continues to require rehabilitation of the upper
24 lateral prior to the close of escrow with the option for the property owner to post a bond
25 with the City if the rehabilitation work cannot be performed within this timeline and the
26 revised Plan increases the dollar value of the bond to be consistent with current
27 construction costs; and
28
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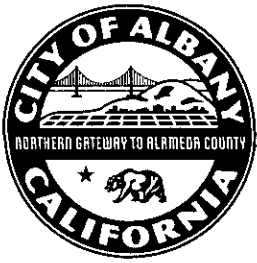
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WHEREAS, the revised Plan now will require property owners of multi-unit, office and commercial buildings to demonstrate their upper lateral is in compliance with City standards within seven years from the date of adoption of the revised Plan with recertification of the upper laterals occurring in twenty (20) year intervals thereafter; and

WHEREAS, the 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.

NOW THEREFORE, BE IT RESOLVED, that the Albany City Council hereby approves the Upper Sanitary Sewer Lateral Compliance Plan, October 2011 revision, pursuant to Chapter XV of the Albany Municipal Code.


MAYOR



City of Albany

1000 San Pablo Avenue • Albany, California 94706
(510) 528-5710 • www.albanyca.org

RESOLUTION NO. 2012-5

PASSED AND APPROVED BY THE COUNCIL OF THE CITY OF ALBANY,

this 17th day of January, 2012, by the following votes:

AYES: Council Members Atkinson, Lieber, Thomsen, Wile and Mayor Javandel

NOES:

ABSENT:

ABSTAINED:

WITNESS MY HAND AND THE SEAL OF THE CITY OF ALBANY, this 18th

Day of January, 2012.

Eileen Harrington
DEPUTY CITY CLERK

The City of Albany is dedicated to maintaining its small town ambience, responding to the needs of a diverse community, and providing a safe, healthy and sustainable environment.



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