



Public Works Commission

WORK SESSION
October 18, 2005

To: Honorable Mayor and
Members of the City Council

From: Public Works Commission

Submitted by: Sarah Shumer, Chair, Public Works Commission

Subject: Abatement of Nonconforming/Substandard Sanitary Sewer Laterals on Private
Property

RECOMMENDATION

Authorize and implement a program for the testing, repair, replacement and maintenance of privately owned upper sewer laterals in Berkeley.

The recommended program would be implemented upon the following four tiers:

1. Sale of property;
2. Issuance of a building permit exceeding \$50,000;
3. In conjunction with public sewer main rehabilitation (City projects constructed after adoption of the proposed ordinance);
4. In conjunction with public sewer main rehabilitation performed since the start of the program in 1986 to the date of adoption of the new ordinance. (This last tier of the program would start up three years after adoption of the proposed ordinance.)

It should be noted that during tiers 3 and 4, considerable assistance would be offered by the City during sewer main construction in the neighborhood, including video tape inspection services and the opportunity to use the City's contractors to perform any needed repairs or replacement. The staff report provides the details on how this would be implemented.

Due to the environmental and regulatory significance of this program, the Public Works Commission recommends the adoption of all four tiers of this program at this time.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impacts are detailed in the staff report. It should be noted that the program is designed to be fully self-supporting when it is up and running after approximately six months.

There will also be fiscal impacts to private property owners whose upper sewer laterals are determined to be in need of replacement, primarily due to reaching the end of their natural life cycle. Estimates of these costs are contained in the staff report.

CURRENT SITUATION AND ITS EFFECTS

The 30-Year Infiltration/Inflow (I/I) reduction program is now in its eighteenth year. Although I/I effects from private portions of the system were originally known to be a significant contributor, it is considered to be an even greater factor today for two reasons. First, it has been concluded that original estimates were understated, and second, since significant reductions have been achieved in public portions, the private contribution to the remaining amount of I/I is magnified.

BACKGROUND

The Public Works Commission has been studying the issues associated with private sewer laterals for over two years, in close collaboration with Public Works staff. The topic has been on many of the Commission's agendas for public discussion. There has been almost no public turnout nor comment. The Commission hopes that this is a positive indicator for this environmentally important program.

RATIONALE FOR RECOMMENDATION

This is a required element of the I/I Sewer Correction Program, the City's Discharge Permit, and its Cease and Desist Order. Further, it is a serious environmental protection measure, especially in light of the Regional Water Quality Board's stepped-up enforcement of Sanitary Sewer Overflows (SSO's), with required reporting of overflows of any magnitude and possible imposition of large fines.

Over time, this program will allow systematic evaluation of the contribution to infiltration/inflow based on the condition of private laterals.

ALTERNATIVE ACTIONS CONSIDERED

If there are concerns about the financial burdens of this program on Berkeley's residents, there is an alternative of delaying the third and fourth tier of the program for one or more years. That would mean that those tiers that would kick in for those neighborhoods where public construction of sewer main improvements occurs would be postponed.

However, the downside of postponement is that environmental compliance would be slowed down and there would a greater risk of enforcement and possible fines for resulting sewer overflows. Although these tiers have not been implemented by any other city known at this point, Berkeley could maintain its record of environmental leadership by doing so.

CITY MANAGER

See companion report.

CONTACT PERSON

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