



Office Of The City Manager

## INFORMATION CALENDAR

December 18, 2007

To: Honorable Mayor and Members of the City Council

From: *PK* Phil Kamlarz, City Manager

Submitted by: Claudette R. Ford, Director, Public Works

Subject: Status Report–Private Sewer Lateral Rehabilitation Program

### INTRODUCTION

On October 1, 2006, the City initiated a Private Sewer Lateral (PSL) rehabilitation program to eliminate sewage overflows and protect watercourses, creeks and the Bay. It requires property owners to inspect, and if necessary, repair/replace their sewer laterals and obtain certificates at time of sale or major remodel. As of October 1, 2007, 1054 properties have been issued certificates. This report provides the status of the PSL Program.

### CURRENT SITUATION AND ITS EFFECTS

In the first year, the program received 1251 applications. Of that number 1054 applicants were given certificates upon original submittal, having either successfully repaired or replaced laterals, or submitted documentation declaring their existing laterals were in "satisfactory condition". The remaining applicants were issued deficiency notices and were required to perform repairs on their laterals. (Program data are summarized in the attached Tables 1 and 2.)

The certificates were granted based on outcome of the 446 CCTV tapes that were received for review, which represents approximately 36% of the PSL applications. 780 (64%) of the applications were based on documentation indicating the PSL was either repaired or replaced with permit from the City within the last 20 years.

A surprising number of applicants decided to proceed directly with repairs without performing or submitting videotapes. Based on staffs discussion with CCTV contractor technicians, it appears that those that skipped the taping would not have passed. Assuming this, and adding to those the number of deficiencies, indicates that 80% of the private sewer laterals were not in "satisfactory condition" to start with. This is somewhat higher than the 70% estimated at the start of the program.

696 of these applications were triggered as a result of property sale, which represents approximately 65% of the applications. One hundred fifty-three (153) of the applications were triggered as a result of major remodels, which represents approximately 14% of

the applications. The remaining 224 applications were either voluntary compliance, or unidentifiable, which represents approximately 21% of the applications.

The FY 2007 Finance Department property sales tracking report indicated that 250 properties had closed escrow without obtaining a Sewer Lateral Certificate (SLC). Subsequently, the property owners were issued a Notice of Violation and corrective action is required to fulfill the requirements of BMC 17.24.

By the end of October 2007, approximately 53% of the 250 property owners who were issued Notices of Violation have complied. Enforcement proceedings are continuing with the remainder.

It appears some title companies and realtors are still not aware of this requirement or are not complying, so additional outreach was performed to remind them of the new regulation and to advise them that the City is relying on their lawful participation in the implementation of this program.

A comparison of the original plan and the actual annual results for the first year is shown on Table 1. As shown on the table, the total number of private lateral applications received exceeded the number originally planned, of which 65% were from sale, 14% from major remodel and the remaining 21% from voluntary compliance or unidentifiable. However, the number of remodels was lower than the estimate. We will revise our projection for the next year.

## BACKGROUND

Under federal law, the City of Berkeley must reduce the amount of water flowing into its sewer system that causes overflows. It is estimated that half of the water that enters the City's sewer during wet weather comes from private property sewer lines, downspouts and yard area drains. To protect the water quality of our creeks, watersheds and the San Francisco Bay, the City passed an Ordinance in 2006 to address private property sewer lines.

A policy and enforcement program was developed and implemented effective October 1, 2006. The program was developed in close collaboration with the Public Works Commission. Property owners must obtain a SLC for their private sanitary sewer laterals prior to the sale of property, or before obtaining a permit for a major remodeling project, unless they can show that the lateral is less than twenty years old or has been recently repaired. The video inspection necessary to obtain a SLC may result in the need to replace or repair the lateral.

Program information and implementation procedures are available as hard copy or on the City's web site. This new law affects property owners if they are planning to either:

- Sell property with an escrow and expect to close on or after October 1, 2006; or
- Start a remodeling project that costs more than \$100,000, or costs more than \$50,000 and involves replacing or relocating two or more plumbing fixtures (see page 4 of the Compliance Guide).

Public Works will issue a SLC at no charge if property owner can provide one of the following:

- Evidence that the private sewer lateral is less than 20 years old; or
- A signed copy of a plumbing permit showing repair or replacement work within the last 10 years.

#### POSSIBLE FUTURE ACTION

The City of Berkeley has approximately 31,300 private sewer laterals. Assuming the current rate of 1054 PSL Certificates per year, it will take approximately thirty years (31,300/1054) to complete all the work.

It would be desirable, and environmentally beneficial to speed up this rate of correction. Moreover, impending federal regulations will probably require it in the foreseeable future. Staff and the Public Works Commission have considered two additional tiers of the compliance program, as identified previously to Council: 1) in conjunction with public sewer main rehabilitation and 2) in conjunction with public sewer main rehabilitation, performed since the beginning of the program in 1986, to the date of adoption of the new ordinance.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To expand the program to fully address Infiltration/Inflow (I/I) from private laterals and non-conforming storm connections to the sanitary sewer system as discussed above would require an expanded public outreach and education program. Plus, additional resources would be needed for inspection, monitoring, management and administration for such a program. Although these costs have not been estimated at this time, this financial analysis would be developed at the time that Council may consider the expansion of the program. This analysis would also involve low-income assistance provisions.

#### CONTACT PERSON

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#### Attachments:

1: Table 1—Statistical Summary - Actual VS Planned

2: Table 2—Statistical Summary—First Year Results by Months

**CITY OF BERKELEY  
PRIVATE SEWER LATERAL REHABILITATION PROGRAM  
STATISTICAL SUMMARY  
FIRST YEAR RESULTS - ACTUAL VS PLANNED**

Table 1

SECT	DESCRIPTIONS	ACTUAL ANNUAL TOTAL	PLANNED ANNUAL TOTAL	PERCENT ACTUAL / PLANNED
	SEWER LATERAL CERTIFICATE (SLC) APPLICATIONS	1251		83.4%
	CITATION LETTERS ISSUED - (Failure to Comply)	200		13.3%
	COMPLIANCE WAIVED - (Family Transfer)	50		3.3%
	<b>TOTAL</b>	<b>1501</b>	<b>1500</b>	<b>100.1%</b>
	<b>PSL - SALE</b>			
	a - Applicants	696		69.6%
	b - Citation Letters Issued - (Failure to Comply)	200		20.0%
	c - Compliance Waived (Family Transfer)	50		5.0%
	<b>SALES TOTAL</b>	<b>946</b>	<b>1000</b>	<b>94.6%</b>
	<b>PSL - REMODEL Applicants</b>	<b>153</b>	<b>500</b>	<b>30.6%</b>
	<b>PSL - OTHER (voluntary or unidentifiable)</b>	<b>224</b>		
	<b>NUMBER OF RE-APPLYS</b>	<b>178</b>		
	<b>TOTAL</b>	<b>1501</b>		

**CITY OF BERKELEY  
PRIVATE SEWER LATERAL REHABILITATION PROGRAM  
STATISTICAL SUMMARY - 1ST YEAR RESULTS BY MONTHS**

Table 2

SECT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	ANNUAL TOTAL
<b>SEWER LATERAL CERTIFICATE (SLC) APPLICATIONS (TOTAL)</b>	105	66	35	68	72	95	133	153	179	147	111	87	1251
SLC GRANTED - APPLICATIONS	96	54	23	45	57	81	109	133	154	135	92	75	1054
DEFICIENCY NOTICE ISSUED - APPLICATIONS	9	12	11	18	15	14	25	20	23	7	19	12	185
NON - APPLICANTS*													250
NO OF TAPES RECEIVED FOR REVIEW	44	27	17	31	24	31	41	61	56	42	43	29	446
NO OF DOCUMENTATION RECEIVED FOR REVIEW	61	39	18	34	48	64	92	81	118	105	63	57	780

