



TOWN OF HILLSBOROUGH

San Mateo County
1600 Floribunda Avenue
Hillsborough, CA 94010

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**NEW BUSINESS
CITY COUNCIL MEETING
SEPTEMBER 13, 2010**

AGENDA STAFF REPORT

ITEM SUBJECT: DISCUSSION OF ORDINANCE AMENDING TITLE 13 OF THE HILLSBOROUGH MUNICIPAL CODE RELATING TO WATER LATERAL TESTS, SEWAGE AND SEWERS

SUMMARY: In order for the Town to meet the requirements of the Cease and Desist Order R2-2009-0020 that requires elimination of sanitary sewer overflows (SSOs) by December 31, 2018, and to meet the intent of the Baykeeper settlement that prescribes the reduction of SSOs to fewer than five per 100 miles of sewer main per year by 2014, the Town needs to aggressively address the issues of chronic root intrusion and inflow and infiltration (I/I). Specifically, the Town must address the condition of privately-owned sewer laterals, which likely account for more than 40%+ of all I/I. If root intrusion and I/I are addressed, the Town should be able to streamline its sewer operations, removing most segments from routine maintenance and minimizing the need to build additional capacity in sewer mains, which will save all property owners money in the long run.

The current ordinance requires the inspection of sewer laterals at the time of sale of a home. If a defect is found, the City Engineer can require the repair or replacement of the lateral. In recent years, the City Engineer has typically required the full replacement of sewer laterals that are over 25-years-old made of vitrified clay pipe or other material that is not likely to perform well over the next 25 years. On average, 2% of homes are sold annually in Hillsborough, which means it would take 50 or more years to comprehensively address all laterals.

At the July 14, 2010 meeting, the Financial Advisory Committee (FAC) recently considered a report from the Public Works Department regarding the need to rehabilitate sewer laterals, which is included in the City Council's agenda packet. At that time the FAC recommended that the City Council consider an ordinance to require property owners to properly maintain their laterals, while offering incentives and assistance to encourage compliance with the ordinance. Committee members commented that they did not feel it was appropriate to build the cost of lateral rehabilitations into the Town's rate, as many residents have already replaced their laterals. They also suggested that the Town should offer an option to let residents participate in capital projects supervised by the Town to replace laterals, in order to provide technical assistance and minimize costs.

The proposed ordinance would require that all property owners certify that their sewer laterals are free of root intrusion, are water tight at the point where the lateral meets the main, which is called the "wye" connection, and is properly installed by January 1, 2014. This would likely result in a majority of property owners replacing their sewer laterals to obtain certification. It also expands the authority of the City Engineer to require the replacement of laterals when they are the cause of an SSO or the sewer collection operation can become more efficient by relocating laterals.

Additionally, the ordinance provides direction regarding jointly owned laterals, which are common in Hillsborough.

Key provisions of the ordinance:

- A. Requires certification of laterals in short-term and then certification on long-term basis
- B. Town to develop annual projects to assist residents with installing new laterals
- C. Defines responsibilities for jointly owned laterals
- D. Creates penalties if residents fail to obtain certification
- E. Creates penalties for SSOs caused by laterals
- F. Provides authority for the Town to replace private laterals and charge the property owner

Because this ordinance could cause residents to incur substantial costs for the replacement of the lateral, staff is recommending that prior to considering the first reading or adoption of the ordinance, a blue card be sent to residents and a couple of community meetings be held to gather public input on the ordinance. Similarly, the Town's website can be updated with the proposed ordinance language. If this ordinance is adopted, it will be one of strictest applied to an existing sewer system in California.

Staff will be recommending an implementation plan that phases in compliance dates based on the sewer sub-basin to which a lateral flows. The Town is divided into 11 sub-basins, in which inflow/infiltration was monitored during recent flow monitoring studies. Flow monitoring data indicates that some sub-basins are more prone to I/I than others. Thus initial efforts will be focused on the area with the highest I/I, before spreading the mandate Town-wide. This will result in staff assuming responsibilities in a more gradual manner to ensure compliance is occurring.

The ordinance separates reference to water laterals from the section of the code discussing sewer laterals, making the municipal code clearer on what is required at the time of sale or upgrade.

FISCAL IMPACT: The ordinance will have several and varied fiscal impacts:

- A. Residents – May have to replace their laterals, which could cost between \$2,000 and \$30,000. The average cost for a lateral replacement in 2009 was \$5,000.
- B. Town – Will incur staff time costs to monitor progress of certifications and coordinate projects to assist residents, which can be absorbed into existing operations. If the Town creates capital projects to rehabilitate laterals, these would need to be added to the capital improvement plan.

ENVIRONMENTAL ISSUES: Reduction of inflow and infiltration will improve environmental water quality, as less water will be delivered to the sewage treatment plants during wet weather, preventing near-shore discharges and SSOs.

ATTACHMENTS: Ordinance and FAC Report

PREPARED BY: Martha DeBry, Public Works Director

RECOMMENDATION: Provide comments on the proposed ordinance and schedule the introduction of the ordinance at a future City Council meeting.