

C. COMPARATIVE RESEARCH

We performed a survey of nearby sewer utilities to determine how they define the responsibility for laterals, whether lateral inspections are triggered by property sale or redevelopment, and what forms of assistance are available to property owners to help them with their cost responsibility. The jurisdictions surveyed were the City of San Mateo, East Bay Municipal Utility District (MUD), the City of South San Francisco, the Castro Valley Sanitary District, Midway City Sanitary District, and the City of Sacramento. The results of this survey are summarized in Appendix A.

Following are the main observations from this survey:

- ◆ Most of the jurisdictions in our survey consider the property owner to be responsible for the lower lateral. For South San Francisco, the City accepts responsibility for the lower lateral if the property owner has installed a City-approved cleanout wye in the sidewalk or within two-and-a-half feet of the main. Otherwise, the property owner is responsible for the whole lateral.
- ◆ Sausalito shows a middle option in terms of who is responsible for the lower lateral. The City is responsible if the lower lateral replacement is part of City work on adjacent sewer main; otherwise the property owner is responsible.
- ◆ Some jurisdictions require lateral inspections as part of either property redevelopment or acquisition. These examples include East Bay MUD, South San Francisco, and Sausalito.
- ◆ Various types of property owner assistance are available. Often, property owner assistance is part of a voluntary program, designed to reduce I/I by creating an incentive for property owners to maintain their laterals. East Bay MUD offers assistance in targeted areas only; South San Francisco offers no assistance. Of the jurisdictions with a mandatory inspection trigger, only Sausalito offers a general assistance program to property owners. Sausalito offers 50% of the repair/replacement cost up to \$1,000, plus a loan for up to \$2,000 per EDU. In addition, Sausalito pays for 100% of the video inspection cost upon the completion of the repairs or replacement.

In addition, we researched customer assistance programs related to sewer laterals in a few large cities across the country. Appendix A shows examples drawn from this brief survey, including a description of side sewer insurance programs and other types of financing offered. Daly City is reportedly pursuing an insurance program similar to the Phoenix program described in Appendix A.



APPENDIX A: SURVEY OF SEWER LATERAL PROGRAMS AND ASSISTANCE MECHANISMS

Question	City of San Mateo	East Bay MUD
Combined or sanitary system?	Sanitary	Sanitary
Public & private boundary definition?	Sec. 7.38.432: "The owner of the property(ies) serviced shall be responsible for any portion of the private sewer lateral extending from a building to the public sewer main" This is true whether the main is under the public right-of-way or on private easement."	EBMUD Guidebook (p4): "A private sewer lateral (PSL) is the pipe that connects the plumbing in a home or business to the sanitary sewer main, usually located in the street . The PSL carries sewage from a building to a public sanitary sewer."
Financial responsibility for side sewer repair and replacement?	7.38.432: "Responsibility for such repairs, replacement and maintenance is that of the owner of the property(ies) serviced by the lateral."	EBMUD Guidebook (p4): "It is the responsibility of the property owner to maintain the sewer lateral."
Financial or other relief mechanisms available?	Grant and or loans are available through the City (eligible applicants can combine both). Free video inspection is provided. Grants: a) 50% of approved repair costs, max \$5,000. Owner-occupied single family, w/ annual household income below county median (\$81,573) b) 50% of approved repair costs, max \$2,000. Regardless of property type w/ annual household income above county median (\$81,573) Loans: Single-family, owner occupied eligible, regardless of income. Terms: 1-2 year financing currently with 1.25% interest. Capped at \$6,000 or repair cost (lesser)	A 180-day time extension is available when selling a property, when also accompanied by a \$4,500 refundable deposit. PSL Rebate Program Pilot Project: Rebate offered in targeted areas where property owners do not meet triggers: a) Testing & Inspection: \$575 b) Testing, Inspection, and Repair: \$1,070 c) Testing, Inspection, and Replacement: \$3,000
Triggers for forced inspections or voluntary program?	This is a voluntary program, funding on first-come first-serve availability.	This regional ordinance applies when: a) Buying or selling a property; b) Building or remodeling in excess of \$100,000; or c) Changing the size of the water meter Note: Voluntary compliance certification available, as well as exemptions for recently replaced PSLs.
What is the funding source for program?	"In 2009, the California Regional Water Board fined the City of San Mateo for excessive sanitary sewer overflows. Rather than pay the entire fine, the City was allowed to invest the fine money into our community in the form of a grant and loan program to help residents make needed private lateral repairs."	Per phone call with agency: The program's funding source is \$2 million per year, per the ordinance concerning this issue. Per the PSL Guidebook, a \$150 inspection fee applies.
What is the goal of program?	"The Private Sewer Lateral Cost Sharing Program was created to assist and encourage property owners to properly maintain their lateral and ultimately reduce the amount of inflow and infiltration (I&I) into the City's sewer system. Sewer laterals in poor condition cause surcharging of public sewers, potentially posing health and environmental risks, and studies have shown that as much as 50% of I&I can be attributed to private laterals due to poor maintenance . . . by residents."	"The EPA and Regional Water Quality Control Board (RWQCB) are requiring the East Bay Municipal Utility District (EBMUD), six East Bay cities, and one sewer district to fix old, cracked sanitary sewer pipes to ensure they don't allow the infiltration of rainwater which can overwhelm wastewater treatment facilities, resulting in untreated or partially treated sewage being released into the Bay. "
Are there any legal constraints affecting the program?	n/a	Per phone call with agency: No legal constraints
Sources:	http://qcode.us/codes/sanmateo/ http://www.cityofsanmateo.org/DocumentView.aspx?DID=9426 www.cityofsanmateo.org/DocumentCenter/View/36653 http://www.cityofsanmateo.org/fag.aspx?TID=30	http://www.eastbaypsl.com/eastbaypsl/faq.html http://www.eastbaypsl.com/eastbaypsl/guidelines.html http://www.ebmud.com/sites/default/files/pdfs/private-sewer-lateral-brochure-2012_0.pdf

Question	City of South San Francisco	Midway City Sanitary District (MSD)
Combined or sanitary system?	Sanitary	Sanitary
Public & private boundary definition?	14.14.040: "The city shall maintain the building sanitary sewer lateral from a city-approved cleanout wye to the city sanitary sewer main when a cleanout is provided either in the sidewalk, or if there is no sidewalk within the public right-of-way then it shall be installed within two and one-half feet of the city main"... "When the cleanout is located outside of designated areas, the property owner is responsible for maintaining the building sanitary sewer lateral all the way to the city sanitary sewer main including the building sanitary sewer lateral's wye junction to the main."	Website: The owner is responsible for the lateral from the building to the city's sewer main.
Financial responsibility for side sewer repair and replacement?	14.14.040: "The property owner is responsible at his or her expense to construct, operate, clean and maintain all building sanitary sewer laterals...to either the point of connection with the cleanout wye on the building sanitary sewer lateral or to the city sanitary sewer main."	ORDINANCE NO.13 SECTION 19: The private sewer lateral (building to main) is the financial responsibility of the property owner.
Financial or other relief mechanisms available?	14.14.170: A 180-day time extension is available when selling a property, when also accompanied by \$7,500 to be deposited in an escrow account. Funds released in accordance to escrow instructions when lateral passes inspection and certificate of compliance is issued by City.	Reimbursement of up to 50% of approved costs, not to exceed \$1,800 (Owner-occupied, single-family units eligible).
Triggers for forced inspections or voluntary program?	Per phone call with City: Inspection and Certificate required with home sale / title transfer.	This is a voluntary program, funding on first come first serve availability.
What is the funding source for program?	n/a: The City does not have any financial incentive program. A \$75 fee is required for inspection by the City.	Per the Policy Document: "Annual allocations of monies by the Board. When funds have been exhausted in a given budget year, the Program is finished."
What is the goal of program?	Reduce I&I and promote infrastructure integrity of the sewer system.	Website: "MSD is obligated by State law to prevent sanitary sewer overflows, and privately owned and maintained sewer laterals can cause SSO through I&I that end up in the public system. The district found it is in their best interest to establish a program for financial assistance to replace sewer laterals."
Are there any legal constraints affecting the program?	n/a	Per the Policy Document: "By participating in the cost of replacement of a privately owned sewer lateral, the applicant agrees that the District is not assuming any ownership or maintenance responsibilities for the lateral upgrades. The lateral continues to be the sole responsibility of the owner being served."
Sources:	http://www.ssf.net/index.aspx?NID=1020 http://qcode.us/codes/southsanfrancisco/view.php?topic=14-14_14&showAll=1&frames=on	http://midwaycitysanitarydistrict.com/sewer/sewer_lateral_assistance_program.htm http://midwaycitysanitarydistrict.com/sewer/sewer_faq.htm http://midwaycitysanitarydistrict.com/pdf_forms_publications/policy_for_financial_assistance_to_replace_sewer_laterals_SFR.pdf http://midwaycitysanitarydistrict.com/sewer/laterals.htm

Question	Castro Valley Sanitary District	City of Sausalito	City of Sacramento
Combined or sanitary system?	Sanitary	Sanitary	Both
Public & private boundary definition?	CVSAN Brochure: "The building lateral portion spans from the building plumbing system extending to and including the connection to the public sewer main. The building lateral is private responsibility."	18.12.110: "The entire lateral from the building connection to and including the wye connection to the sewer main shall fall within the owner's responsibility for installation and maintenance except at such times as the city may be reconstructing, repairing or rehabilitation a sewer main to which a sewer lateral is connected." During that time, the connecting laterals may be simultaneously repair / replaced, then responsibility reverts back to the property owner.	Property owner owns lateral up to the city's main.
Financial responsibility for side sewer repair and replacement?	CVSAN Brochure: "The building lateral is the private property of the property owner who is, therefore, responsible for all costs relating to the installation, connection, maintenance, repair, construction, alteration, abandonment or removal of the building lateral."	18.12.110: "Service laterals shall be installed and maintained by the owner of the property which the lateral serves."	The property owner is responsible for repair and replacement. As a courtesy, the city will sometimes inspect and possibly clear clean-outs at the property line.
Financial or other relief mechanisms available?	Qualifying applicants will be reimbursed of up to 50% of approved costs, not to exceed \$2,000.	a) The City will pay for 100% of video inspection upon repair or replacement. b) The City will reimburse 50% of the repair and replacement cost, up to a \$1,000 maximum. c) The City offers loans for registered property owners of up to \$2,000 per EDU, with a maximum of \$10,000. (Loans have a 5-year term with 5% interest rates)	Not at this time.
Triggers for forced inspections or voluntary program?	The grant program is voluntary.	18.12.100: Proposed remodeling or proposed sale of building triggers a sewer service inspection.	n/a
What is the funding source for program?	Allocated programmatic funds; \$50,000 authorized for the 2012-2013 fiscal year. There is no inspection fee associated with CVSan supervising the testing of the new line.	The City's Loan Program is funded by the ratepayers of the Sewer Enterprise Fund.	n/a
What is the goal of program?	CVSAN Brochure: "The Lateral Replacement Grant Program is designed to help defray a portion of the costs of replacing the sewer lateral. These laterals are a significant source of I&I."	Per the City's website: The goal of the program is to reduce storm water from entering into the sewer system which can result in overflows and / or overloading of the treatment facilities. Additionally, "the upgrading of the private laterals contributes to the physical, environmental, and economic revitalization of the City."	n/a
Are there any legal constraints affecting the program?	Per phone call with City: No legal constraints	n/a	n/a
Sources:	http://www.cvsan.org/grants http://www.cvsan.org/sites/default/files/1213%20Brochure.pdf	http://www.ci.sausalito.ca.us/Index.aspx?page=121 http://www.ci.sausalito.ca.us/Index.aspx?page=793	Phone call to City

Other Examples

Question	City of Phoenix	Metropolitan Sewer District (MSD) - Louisville Metro	Boston Water & Sewer Commission
System Type(s)	Separate Sewer System	Separate Sewer System // Combined Sewer System	Separate Sewer System // Combined Sewer System
Notes	Phoenix participates in the National League of Cities' Service Line Protection Program, through business partner Service Line Warranties of America (SLWA) under Utility Service Partners (USP). Warranties are provided to residents for their water or sewer lines; the warranty for sewer lines is \$6 per month, and the company bills customers directly. USP pays for all marketing and program administration costs, and USP will pay the city a royalty based on the number of participants (Phoenix will receive an estimated \$400,000 from the program in the first year). According to SLWA, 99% of homeowners filing a claim receive free repairs or replacements. Nationwide, over 130 cities are currently involved in this program, including Atlanta, Milwaukee, San Diego, Kansas City.	In 2005, Louisville Metro and MSD signed an agreement with the Kentucky State Division of Water and the United States Environmental Protection Agency to address the issue of sewer overflows. As a part of this agreement, MSD introduced the Sanitary Sewer Line Replacement Program which provides the owners of single family residential property financing for replacement costs. Partial replacement of sewer service line does not qualify; only total replacement costs are covered. Terms: <ul style="list-style-type: none"> • Qualifying applicants are loaned the cost of the project, up to \$5,000 • Up to three years to repay a 0% loan, in monthly increments • \$270 administrative fee 	The Commission provides a one-time grant under the Sewer Lateral Financing Assistance Program for property owners to help repair laterals to curb infiltration and inflow. Grants cover up to \$4,000 of eligible repairs, and can be put towards a partial repair of the sewer lateral, although customers are encouraged to use the grant to replace the entire sewer lateral.
Sources:	http://phoenix.gov/news/092012serviceline.html http://www.nlc.org/find-city-solutions/savings-and-solutions/nlc-service-line-warranty-program http://phoenix.gov/waterservices/esd/stormwater/index.html	http://www.msdlouky.org/pdfs/SSLRP_Flyer.pdf http://www.msdrojectwin.org/About-Us/Louisvilles-Sewer-Overflows.aspx	http://bwsc.org/ABOUT_BWSC/about_bwsc.asp http://www.bwsc.org/ABOUT_BWSC/systems/sewer/PresentDay_sewer.asp

Question	New York City, Department of Environmental Protection	City of Seattle	City of Chicago
System Type(s)	Separate Sewer System // Combined Sewer System	Separate Sewer System // Combined Sewer System	Combined Sewer System
Notes	The Department of Environmental Protection of New York City recently partnered with American Water Resources (subsidiary to American Water) to provide a Water and Sewer Line Protection Program. This partnership is available to an estimated 600,000 home owners, "making it the largest municipal partnered water and sewer line protection contract in the U.S." American Water is the largest publically traded U.S. water and wastewater company. Introductory rates for sewer line warranties are \$7.99 per month.	The private ownership of the side sewer starts at the connection to the public sewer system and extends to the plumbing discharge point outside the building or structure. The private side of the side sewer is the property owner's responsibility and is not serviced or repaired by the City of Seattle. It does not appear that any assistance is given to customers. In this news story, the City placed a lien on the customer's house until the City was reimbursed. Per City staff member, there are no incentives or rebates offered.	The City of Chicago has instituted a Private Drain Program that transferred responsibility of repairs in the public right of way from the property owner, to the City of Chicago. The homeowner is still responsible for necessary repairs on private property.
Sources:	http://www.nyc.gov/html/dep/html/service_line_protection/index.shtml http://pr.amwater.com/PressReleases/releasedetail.cfm?releaseid=732738 http://www.nyc.gov/html/dep/html/stormwater/sewer_system_types.shtml	Called: City Staff http://www.komonews.com/news/consumer/-Homeowner-must-fix-decades-old-plumbing-error-142418675.html?tab=video&c=y http://www.seattle.gov/dpd/cms/groups/pan/@pan/@enforce/documents/web_informational/dpd0021782.pdf	http://www.cityofchicago.org/city/en/depts/bldgs/supp_info/combined_sewers.html http://www.aldermanconnor.com/news/city/private-drain-program/ https://www.cityofchicago.org/city/en/depts/bldgs/supp_info/private_drains.html