

**Simrat Dhadli**

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**Subject:** RE: Sewer issue for council hearing - Resident Mr. Meng Lim

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**From:** Raj Chahal <[RChahal@SantaClaraCA.gov](mailto:RChahal@SantaClaraCA.gov)>  
**Sent:** Wednesday, May 6, 2020 2:29 PM  
**To:** Deanna Santana <[DSantana@SantaClaraCA.gov](mailto:DSantana@SantaClaraCA.gov)>  
**Subject:** Sewer issue for council hearing - Resident Mr. Meng Lim

Hi Deanna,

Good afternoon.

I discussed the issue with Mr. Meng Lim and also studied various docs and have compiled the findings by Mr. Lim and myself.

Please see the compiled details as attached. To keep it concise, I am not attaching several other docs like pictures etc. Let us talk on phone and see how we want to proceed.

Thanks,

Raj Chahal  
Councilmember District 2  
City of Santa Clara  
1500 Warburton Ave.  
Santa Clara, CA 95050

Hi Deanna,

After reviewing the documents from Mr. Meng Tung Lim, the city 2017 memo and having discussion with Mr. Lim here are my findings:

My and Mr. Meng's findings about City 2017 Memo:

Memo:

"The majority of City sewer main lines and lower sewer laterals are located in the public right-of-way or City street. To clarify, when the property owner signs an agreement to have the City repair their lower sewer lateral in the street, the homeowner is paying only for the repair to their sewer lateral and not for a repair to the City sewer main line .

**Repair of the upper sewer lateral caused from tree root intrusion is the responsibility of the homeowner. The City does not distinguish between the City or private trees as the roots cannot be identified by tree type into the upper sewer lateral.** If the property owner experiences a root intrusion into their sewer lateral they may file a claim with the City Clerk's Office. The City may determine that a City tree can be removed on a case-by-case basis, if there are three or more instances of confirmed root intrusions into the lateral or main from that tree in a five year period."

**Findings:**

For the damage caused by the tree root intrusion, the memo only talks about the "Upper Lateral" only and the memo is silent about "Lower Lateral". Further the memo mentions that property owner can file a claim against city for damages caused by tree root intrusion. So basically this claim is for tree root damage to lower lateral, which is the case for this resident.

Memo:

"A general survey of cities in Santa Clara County found that some cities assist with cleaning of property owner's lower sewer lateral provided a property line cleanout is installed but most do not provide any level of service related to the property owner's upper or lower sewer lateral."

**Findings:**

The above statement does not seem to be correct because of following:

**City of Palo Alto:**

The property owner is only responsible for the private sewer line. Private sewer line **runs from the house/building out to the City clean-out just beyond your property line. City is responsible for repair and maintenance for the lower lateral.**

**City of Mountain View:**

**the City provides maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. The City does not own any portion of the service lateral.**

**City of Sunnyvale:**

**The City may provide maintenance, repair, rehabilitation, and/or replacement of the “lower” portion of private sanitary sewer laterals located within the public right of way on a discretionary basis.**

**City of San Jose:**

**Sewer Lateral (Lower Lateral) – Refers to the portion of the pipe between the house or building on private property and the sewer main, including the connection to the sewer main. The property owner is responsible to repair any failure or damage in the sewer lateral, including the connection to the sewer main; unless it is determined that another party caused the failure or damage.**

Damage to lower lateral in this case, has been caused by the city tree root intrusion and I think as per our memo too we should compensate the resident for his claim. At this stage resident is not even asking for full reimbursement from the city for lower lateral repair but only asking for some help. Please see the attached letter resident wrote to claim adjuster findings. (Resident has pictures to support this.)

**Regarding Claim Adjuster denial:**

Please note the claim adjuster did accept that the damage was caused by the tree roots but only denied the claim because city was not on notice:

Regrettably, since the City was not on notice of the tree roots which caused damage to your sewer lateral, they cannot be held liable for your damages. You will be receiving a Notice of Rejection from the City of Santa Clara within 30 days.

Also see detailed reply to adjuster from resident.

**Options:**

- 1: We bring this to city council in public hearing and find out any way we can compensate the resident.
- 2: We look at the 2017 memo and make policy decision which help and protect our residents in such situations, similar to our neighboring cities
- 3: Bring this item to full city council in closed door to discuss about the claim by the resident

I am open to discuss this with you on phone, please txt me and I will be happy to discuss.

Thanks for your and staff time looking into this.

Regards,

Raj Chahal

Councilmember

City of Santa Clara

1500 Warburton Ave.

Santa Clara, CA 95050

Here is letter from resident with details:

Mr. Raj Chahal  
Councilmember  
City of Santa Clara, CA

April 24<sup>th</sup>, 2020

Dear Raj

**Re: SSO – Sanitary Sewer Overflow lower sewer lateral at 1731 Roll Street, Santa Clara, CA 95050**

Thank you for trying to help me to resolve the broken Lower Sewer Lateral pipe caused by the tree root of City tree in my front yard at my property at 1731 Roll Street, Santa Clara, CA 95050 since January 2020. I would like to request you to bring this issue as an Agenda to the City of Santa Clara bi-weekly council meeting for further discussions. I would like to have my voice to be heard in the council meeting to share my pains and frustrations over the poor root control managed by the city crews resulting tree root located next to the Turnout penetrating the sewer lateral to cause damage to both lower & upper sewer lateral. **I had already spent \$4,250 to replace the broken upper sewer lateral damaged by the same tree root on July 7<sup>th</sup>, 2015.** Now, the same tree root had grown bigger to extend its damage to the lower sewer lateral. Therefore, I would like to request financial help from the City for the lower lateral sewer line repairs.

I would like to request the Honorable Mayor and councilmembers to consider below options to help me to reduce my financial burden by providing appropriate financial help.

1.0. Option # 1. The damage of the lower sewer lateral pipeline in my property at 1731 Roll Street, Santa Clara, CA 95050 was caused by the roots of the City Tree next to the Turnout/Manhole outside my house near to the City pedestrian pavement. City of Santa Clara is the Owner of this City Tree. Therefore, the Owner of City tree should be responsible to repair and replace the broken lower sewer lateral pipeline from the Turnout to the City Main Drain in the middle of City road. The total estimated cost \$12,000 (i.e. \$5,000 City Labor and equipment, \$3,500 city permit fees and \$3,500 pipe bursting. The lower sewer **lateral is located within the public right-of-way (i.e. City pavement and City encroachment - city road).**

2.0. Option # 2. Though the damage of the lower sewer lateral pipe was damaged by the City tree, I was told that the lower sewer lateral pipe was the property of the owner of the house property under the City revised Code/Ordinance. This means that I am responsible for the cost of the sewer lateral pipe. Whether this revised City Code make any sense or not, it is still the City Code. Therefore, I have to pay for the cost to repair or replace the lower sewer lateral pipe. However, I would request the total cost (i.e. both the Permit



Fees and City Labor plus Equipment depreciation) for the City technicians to complete the two pits to complete the task of replacing the lower lateral sewer pipe to be paid by the City of Santa Clara as the courtesy service to the resident of Santa Clara. To share part of the total cost, I will pay for the pipe bursting job cost (estimated cost \$3,500) to be completed by the outside Plumbing Contractor, City of Sewer.

3.0. Option # 3. If there is any proof showing that the damage of the lower sewer lateral pipeline in my property at 1731 Roll Street, Santa Clara, CA 95050 was caused by my family members using the sewer lines in my property house, I should be responsible for the whole cost (i.e. cost of City technicians to do the job, City permit fees and pipe bursting costs) about \$12,000 (i.e. \$8,500 total estimated cost of City of Santa Clara Labor, Equipment and permit fees, and \$3,500 for the City of Sewer pipe bursting cost.

4.0. Option # 4. If all the above are not going to be acceptable due to whatever reasons, please help me to share part of the cost to replace this lower sewer lateral broken pipe replacement by waiving the City Permit fees of \$3,500 for the Pavement permit and Encroachment Permit Fee. This is inconsideration of our neighboring cities, like City of Sunnyvale paying for the lower lateral cost, City of San Jose may consider to pay for the cost if the sewer failure or damage is caused by another party (example like my case the another party is the City tree), City of Mountain View will provide maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. For the **City of Palo Alto**, the property owner is only responsible for the private sewer line. Private sewer line runs from the house/building out to the City clean-out just beyond your property line.

**City of Sunnyvale SSMP** = Sewer System Management Plan. Section B showing the responsibility of City of Sunnyvale to replace the lower sewer lateral pipe. Brief summary as listed below

#### B. Sanitary Sewer System Facilities

##### City of Sunnyvale

The City operates a sanitary sewer system that serves a residential population of approximately 147,000 (daytime population approximately 230,000) in a 23 square mile service area.

Sewer service laterals are owned by, and therefore the responsibility of, the property owner to maintain and assure serviceability. The City may provide maintenance services to laterals **located within the public right-of-way as a courtesy service if a property line cleanout exists, and the cleanout and adjacent area are accessible to City staff and equipment. The City may provide maintenance, repair, rehabilitation, and/or replacement of the "lower" portion of private sanitary sewer laterals located within the public right of way on a discretionary basis.**

**City of Mountain View SSMP** has the Section B of SSMP showing the following statement

There are approximately 16,000 sanitary sewer laterals in the City. Maintenance and repair of sanitary sewer laterals within the City are the responsibility of the property owner; **however, the City provides maintenance and repair services for laterals located within the public right-of-way upon request as a courtesy service to the residents of Mountain View. The City does not own any portion of the service lateral.**

**City of San Jose SSMP** has the following statement

**Sanitary Sewer System** - Refers to the portion of the sanitary sewer facilities that are owned and operated by the City of San José. The sanitary sewer system consists of collection sewers, trunk sewers, and pressure sewers (force mains).

**Sensitive Area** - Refers to areas where an SSO could result in a fish kill or pose an imminent or substantial danger to human health.

**Sewer Service Lateral** – For the purposes of this SSMP, the sewer service lateral includes both the upper lateral (house connection sewer) and the lower lateral (sewer lateral).

**Sewer Lateral (Lower Lateral)** – Refers to the portion of the pipe between the house or building on private property and the sewer main, including the connection to the sewer main. The property owner is responsible to repair any failure or damage in the sewer lateral, including the connection to the sewer main; unless it is determined that another party caused the failure or damage.

The last sentence " ...unless it is determined that another party caused the failure or damage. ... In my case, the failure or damage was caused by the tree roots of City Tree as another party pe se.

**City of Santa Clara SSMP** showing details of city crews responsible for the sanitary sewer system including root control. In my case, sounds like City of Santa Clara is negligence for the root control for the tree root next to the Turnout resulting tree root to penetrate inside the sewer lateral to **cause damage to both lower and upper sewer lateral pipe**. I had paid for the upper lateral repairs in 2015 and would like to request City to help me to pay for the lower later repairs.. **Or at least for the minimum City of Santa Clara to share part of the costs, like waiving the City permits fees, etc**

**I hope that the council members of City of Santa Clara and Honorable City Mayor will review my above requests to give me your kind and favorable considerations. Your early attention is very much appreciated to prevent or avoid the SSO (Sanitary Sewer Overflow) event such as stoppage or blockage on my lower lateral sewer pipe connecting from the City main drain to Turnout/Manhole in my property.**

Thanks

Sincerely yours,  
Signed by  
Meng Lim and Lai Ting  
1731 Roll Street, Santa Clara, CA 95050  
Residents

Appendix

### City of Palo Alto

Poorly maintained sewer pipes can leak water, attracting plant roots into the pipes that contribute to sewer blockages. It is your responsibility to keep all obstructions and debris out of your private sewer line. **Your private line runs from your house or building out to the City clean-out\*—typically at or just beyond your property line.**

**This Sewer System Management Plan (SSMP) describes the City of Palo Alto's (City's) wastewater collection system management activities. The purpose of these activities is to:**

1. Maintain and improve the condition of the collection system infrastructure,
2. Control infiltration/inflow (I/I) and provide appropriate sewer capacity, and to
3. Minimize the number and impact of sanitary sewer overflows (SSOs) that occur.

#### 3.2.4. 16.09.101 Root Control Chemicals.

No person shall discharge, dispose of or add to the sanitary sewer system any substance containing greater than five percent copper by weight, to control roots or for any other purpose. No person shall discharge, dispose or add to the storm drain system any substance to control roots

#### 4.2.3. Emergency Maintenance

Emergency maintenance is conducted as a part of the daily response to the primary or secondary sewer blockages that are called in or observed by the field crew. In general, the secondary lines (laterals) are cleaned after report of a blockage, or if the video of a sewer main indicates grease or roots build up at the connections. After each emergency call, and depending on the severity of the blockage or the age of the pipe, a follow up video inspection of the line is scheduled. **Based on the results of the inspection, if needed, further action such as line replacement, root control or spot repair will be taken.** While the

wastewater operation teams maintain the sewer mains and install laterals and access holes, the majority of capital improvement projects are handled through contracts with major construction companies.

**City of Santa Clara SSMP** =Sewer System Management Plan showing some of the responsibility of City of Santa Clara crews to maintain the Sewer and Root Control

Page 17 - Sewer System Management Plan City of Santa Clara Water & Sewer Utility 17 Although private property owners own the entire length of the service lateral associated with their property, the City will clear blockages from the property line clean out to the City sewer main ("service the lower lateral") as a service to the public; provided a property line cleanout exists and the City is made aware of any problems or backups. Overall lateral maintenance and repair is sole responsibility of property owner.

Page 26 - Root Control Following cleaning, or as a part of a customer service request, the Utility treats laterals and smaller mains for root control using a foam product. Crews are responsible for foaming laterals. The current protocol includes cutting the roots and removing them from the sewer, waiting four (4) to six (6) weeks, foaming, and then going back to double check the affected segment of pipe. Manhole Inspection and Repairs Crews are responsible for inspecting and cleaning manholes. Manholes are inspected as mains are jetted. In this way, all manholes are inspected approximately once every three (3) years. Any needed repairs are identified and documented in the block book by the Crew Supervisor. Repair needs are transferred to and completed by particular Crew or may be contracted to a private company. Manhole inspections and cleaning are documented along with other task completion on the daily

Upper sewer lateral was repaired on July 7<sup>th</sup>, 2015 at my expense for the total cost \$4,250 completed by outside Plumbing Co – G-A Plumbing Co. Attached Invoice No. 674 dated 07/07/2015 for \$4,250.

**From:** Meng Tung Lim  
**Sent:** Saturday, May 2, 2020 1:17 PM  
**To:** [marizel.bajao@georgehills.com](mailto:marizel.bajao@georgehills.com)  
**Cc:** Raj Chahal <RChahal@SantaClaraCA.gov>  
**Subject:** Re: GHC Claim No. GHC0029849 Meng Lim Claim No 19-032 1731 Roll Street, Santa Clara, CA 95050

Dear Marizel

Thanks for your letter dated April 20th 2020 that I just received for the result of your investigation. I feel that the reasons for my claim being denied were not making any logical and reasonable sense. At least you have done and completed your job for the City as an Adjuster.

1.0. Reference to your statement - " There is no evidence that the City had notice of a dangerous condition or that any dangerous condition caused the claimed damage " --

The dangerous condition is hidden underground 9 ft depth lower sewer lateral pipe. If we do not take extra precautions to prevent the SSO (Sanitary Sewer Overflow) from happening to flooding the pavement down the city road, the overflow flooding will cause public health and safety issues. When this dangerous condition is noticeable to the public, it will be too late to deal with the public and community massive complaints. Furthermore, the damage to the lateral is underground about 9 ft depth down and therefore it is very hard to find any evidence of a dangerous condition before the SSO actually occurred.

2.0. For the statement - " The City has no duty to prevent tree roots from growing and cannot be held liable for the damage to your property, allegedly caused by tree roots in your sewer's lateral "

If the City has no duty to prevent tree roots from growing, then the City should not plant or grow City Tree next to the sewer lateral Turnout. The City should plant or grow the City tree further away from the sewer lateral Turnout/Manhole in the first place. The City cannot run away from this very basic responsibility of how and where to plant the City tree appropriately in my property.

3.0. The last paragraph statement - " since the City was not on notice of the tree roots which caused damage to your sewer lateral, they cannot be held liable for your damages "

The question is how to put the City on notice of the tree roots which caused damage to the sewer lateral when the tree roots are growing underground about 9 ft depth not noticeable to human eye on the surface of the ground. We can put the City on notice of the tree roots unless we have the bionic eye or putting the camera through the lateral to check for the lateral condition. This was surfaced when the City technicians came to my house to help me to check the blockage for the lower sewer lateral way back in January 2020. Therefore, I would say that the City was on notice of the tree roots which caused damage to my sewer lateral since January 2020.

Those are my comments and thanks for your update for your conclusion of your investigation

Thanks

Rgds  
Meng Lim



