Legislation Details (With Text)

File #:	21-806 **Version:** 1	**Name:**	
Type:	Public Hearing/General Business	**Status:**	Agenda Ready
File created:	8/26/2020	**In control:**	Council and Authorities Concurrent Meeting
On agenda:	2/23/2021	**Final action:**	
Title:	Review of Sanitary Sewer Services in the City and Discussion of Private Sewer Lateral Responsibilities		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Written Petition dated June 29, 2020 from Joseph Ducato, 2. Email dated July 13, 2020 from Joseph Ducato, 3. Policy and Procedure 030 - Adding an Item on the Agenda, 4. Written Petition dated August 11, 2020 from Joseph Ducato, 5. POST MEETING MATERIAL		

Date	Ver.	Action By	Action	Result
2/23/2021	1	Council and Authorities Concurrent Meeting	Approved	Pass

REPORT TO COUNCIL

SUBJECT

Review of Sanitary Sewer Services in the City and Discussion of Private Sewer Lateral Responsibilities

COUNCIL PILLAR

Deliver and Enhance High Quality Efficient Services and Infrastructure

BACKGROUND

On June 29, 2020, the City Clerk's Office received a Written Petition for Council consideration from Mr. Joseph Ducato (Attachment 1), which requested changes to the City Code Chapter 13.10 - Sewers Article 1 (Section S-5):

(5) "Sewer lateral" (same as "sewer service lateral") means the sewer connection piping used to convey sewage from a building or facility on a parcel (private or public property) to the City-owned sewer main. Each sewer lateral is owned by the entity that owns the property or facility from which that sewer lateral serves to convey sewage.

His request relied on Council Policy 030 - *Adding an Item on the Agenda* (Attachment 3) sets forth the procedure for written petitions. Any member of the public may submit a written request raising any issue or item within the subject matter jurisdiction of the Council. Per the policy, the written request will be submitted on the agenda, in the form substantially provided by the requestor, without any staff analysis, including fiscal review, legal review and policy review. If a simple majority of the City Council supports further study of the request, then a full staff analysis shall be prepared within thirty (30) days, unless otherwise directed by the City Council.

Council considered the Petition on July 13, 2020, for which Mr. Ducato was not present. It was not clear exactly the nature of Mr. Ducato's request, so Council decided not to agendize Mr. Ducato's petition at that time and directed staff to follow-up with Mr. Ducato, which was done over the next weeks. After working to clarify his request, Mr. Ducato chose to resubmit his Written Petition, dated August 11, 2020, requesting that the Council add consideration of City assumption of responsibilities for private sewer laterals to a future agenda (Attachment 4).

Council took up consideration of this second Petition on August 25, 2020. At that hearing Council directed staff to return with a review of Sanitary Sewer Services in the City and give the public the opportunity to comment on service levels. What follows is a review of the services provided by the Water & Sewer Utilities as well as the relevant laws and policies that govern how those services are provided.

DISCUSSION

The Santa Clara Water & Sewer Utilities Department provides sanitary sewer collection and conveyance services to approximately 26,000 connections of residential and commercial customers throughout the City. Staff cleans, inspects, and maintains or replaces almost 300 miles of sewer mains that discharge 13-14 million gallons per day (MGD) to the Regional Wastewater Facility, jointly owned with the City of San José. Staff also inspects and maintains over 5,400 sanitary sewer manholes and seven lift/pump stations. According to the Council-approved Sanitary Sewer Management Plan (SSMP), these all make up the public sanitary sewer system for which the City is responsible. Sewer rates are approved by Council annually for customers based on costs incurred for the operation and maintenance of these pipes and appurtenances.

The City is required to have a National Pollutant Discharge Elimination System (NPDES) permit on file with the California State Water Resources Control Board. The NPDES permit, which is also often referred to as waste discharge requirements, governs, among other things, regulatory reporting on Sanitary Sewer Overflows (SSOs) on the City's public sanitary sewer system. Planned and reactive maintenance actions performed by Water and Sewer Utilities staff has resulted in extremely low levels of SSOs on the City's sewer collection system.

In addition to the operation and maintenance of the collection system, there are technicians available 24/7 for emergency response and customer calls for service. The Department places an extremely high priority on customer service and does all it can to assist residents and businesses throughout the City as they care for their private sewer systems. As a courtesy, staff will clean sewer laterals from a property line cleanout to the City's sewer main. Additionally, staff will consult with residents and assist with coordination of other private sewer related activities. Staff responds to over 2,000 such calls yearly.

Proposition 218, also known as the Right to Vote on Taxes Act, was passed in 1996 as an amendment to the state Constitution which governs how the City charges rates and fees for services such as water and sewer service. The Proposition has several requirements governing City operations, among them is the requirement that rates charged to all customers are for those services that benefit all customers. Sewer service overall, and ownership of private sewer laterals is governed by City Code, both Chapter 13.10 - Sewers, Article 1, cited above as well as Chapter 13.10.040, which states, in relevant part, "Each user shall keep his/her sewer connections and sewer lateral(s) in good order at his/her own expense and shall be liable for all damages resulting from failure to do so.

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Each owner shall maintain their sewer lateral free from displaced joints, open joints, root intrusions, substantial deterioration of pipe material, cracks, leaks, inflow or infiltration of extraneous water, grease and sediment deposits or other similar conditions, defects, or obstructions likely to cause or increase the chance of blockage."

ENVIRONMENTAL REVIEW

The action being considered does not constitute a "project" within the meaning of the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15378(a) as it has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

This review of sanitary sewer services in the City does not have any fiscal impact beyond the cost of staff time. However, any change to sewer services provided by the City will require a modification in City Code and will have significant fiscal impacts to the City and ratepayers. Any change will also impact regulatory and reporting requirements and likely have significant fiscal impacts.

It is important to note that the City has not conducted a study to determine overall feasibility to assist homeowners and, therefore, the fiscal impact is also not known. There is no readily available funding source to absorb the projected significant fiscal impact.

COORDINATION

This report has been coordinated with the City Attorney's Office

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall Council Chambers. A complete agenda packet is available on the City's website and in the City Clerk's Office at least 72 hours prior to a Regular Meeting and 24 hours prior to a Special Meeting. A hard copy of any agenda report may be requested by contacting the City Clerk's Office at (408) 615-2220, email clerk@santaclaraca.gov <mailto:clerk@santaclaraca.gov>.

ALTERNATIVES

1. Make no changes to City code or sewer services provided by the City at this time.
2. Direct staff to research options to assist homeowners, with their sewer laterals and the cost and funding source for the options without City taking ownership of laterals
3. Direct staff to look into changing City code to have City take ownership of private sewer laterals and return the cost and funding sources for any possible changes.

RECOMMENDATION

Alternatives 1 & 2:

1. Make no change to City code or sewer services provided by the City at this time; and
2. Direct staff to research options to assist homeowners with their sewer laterals and the cost and funding source for the options without the City taking ownership of laterals.

Reviewed by: Gary Welling, Director, Water & Sewer Utilities
Approved by: Deanna J. Santana, City Manager

ATTACHMENTS

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