

RESOLUTION NO. 15-1493

A RESOLUTION OF THE BOARD OF DIRECTORS OF SANITARY DISTRICT NO. 1 OF MARIN COUNTY ESTABLISHING THE FRAMEWORK AND GUIDELINES OF THE LATERAL REPLACEMENT GRANT PROGRAM

WHEREAS, the Sanitary District No. 1 of Marin County (“District”) is authorized by the Sanitary District Act of 1923 (Health & Safety Code §6400 et seq.) to provide public services and facilities related to the acquisition, construction, replacement, maintenance and operation of wastewater collection facilities within the District’s service area; and

WHEREAS, the District finds and determines that Infiltration and Inflow (I&I) adds substantial cost to system operation and maintenance in that during heavy rains, additional flows are introduced to the wastewater collection system; and

WHEREAS, the District conducted a flow monitoring study in 2014 to collect wastewater flow, rainfall, and water quality data that can be used to validate the scope and size of near-term hydraulic capacity improvement projects; and

WHEREAS, the District operations records show that I&I flows result in peak system flows up to 15 times normal, dry weather flows, and these extreme peak flows increase the risk of sanitary sewer overflows; and

WHEREAS, the District implemented an Infrastructure Asset Management Plan in October 2013 introducing a risk assessment methodology for identifying and recommending specific pipeline improvements; and

WHEREAS, industry studies have determined that up to half or more of the I&I is introduced into the wastewater collection system from private sewer laterals or unpermitted drainage structures leading from the private property to the wastewater collection system; and

WHEREAS, the District has determined that it is in the interest of public health and safety that the private sewer lateral I&I problem be addressed; and

WHEREAS, the District has adopted Ordinance No. 66 relating to the regulation of the maintenance of private sewer laterals, requiring periodic testing and, if necessary, repair or replacement of private sewer laterals; and

WHEREAS, the District finds this Resolution No 15-1493 is statutorily exempt from the provisions of the California Environmental Quality Act of 1970 (“CEQA”) per CEQA Guidelines Section 15308, Actions by Regulatory Agencies for Protection of the Environment.

NOW, THEREFORE, LET IT BE RESOLVED by the Board of Directors of the Sanitary District No. 1 of Marin County approves as follows:

SECTION 1. Recitals. All of the above Recitals are true and incorporated by reference herein.

SECTION 2. Lateral Replacement Grant Program Guidelines

1. Property owners must submit an application for review and approval by the District. Only complete applications that meet the requirements listed below will be accepted

and reviewed.

2. All applications will be taken on a first-come, first-served basis.
3. Property Owners may only apply for one grant per parcel regardless of the number of units, buildings, or laterals serving the property.
4. Applications will not be accepted unless funding has been authorized and is available.
5. The Lateral Replacement Grant Program (LRGP) may not be used in conjunction with any other financial assistance program(s) that may be offered by the District.
6. Any repair work performed prior to receiving a letter of approval from the District is performed solely at the risk and cost of the property owner.
7. The Property Owner must submit a DVD or USB copy of a sewer lateral video inspection conducted by a contractor on the LRGP Pre-Qualified Contractors List. The District may require that a representative be present to witness this inspection. The Property Owner must complete an Inspection Report Form.
8. Sewer lateral video inspections are valid for a period not to exceed one (1) year.
9. Sewer lateral video inspections must meet the following requirements:
 - a. Visually verify the property address for the lateral being inspected,
 - b. Lateral must be cleared of significant debris and/or obstructions to provide a clear view,
 - c. All reasonable efforts must be made to fully inspect the entire lateral, including cleaning and removal of obstructions,
 - d. Any lateral tie in connections need to be inspected and their source identified,
 - e. The camera must move at a slow and steady pace and be stopped for every section joint, defect, and feature for a minimum of 3 seconds
10. The Property Owner must obtain three (3) estimates from contractors on the LRGP Pre-Qualified Contractors List, for work to replace the lateral. The District will use the lowest of the three (3) estimates to establish a funding amount. However, the Property Owner may choose to work with any of the contractors on the LRGP Pre-Qualified Contractors List.
11. The District has the discretion to provide grant funding in the amount not to exceed half of the lowest of the qualified bids submitted to the District by the Property Owner, up to a maximum amount to be determined by the Board of Directors each fiscal year as part of the annual budget process.
12. Applications will be subject to the established program guidelines, including funding limitations set by the Board of Directors, in place on the date that the application is approved by the District.
13. For any additional work, the Property Owner may present a written request for

additional grant funds as long as the grant funding obligated towards their project is below the maximum grant allowed in that fiscal year. However, the District shall have sole discretion to approve/disapprove any additional grant funds for any extra work.

14. The Property Owner is responsible for managing the work, including the activities of the contractor, District permitting and inspection, restoration work, repairs and claims for damages incurred. The Property Owner shall retain all receipts, permits, inspection reports and other documents.
15. The District may issue grant funds once the Property Owner has submitted an itemized statement of costs, copies of all necessary permits and inspections, and verification that the contractor has been paid in full (e.g. copy of the paid-in-full invoice).
16. Lateral grant funds will be obligated for a period not to exceed ninety (90) days from the date of grant funding approval. The obligation period shall include all work, inspections, and submission of verification of payment. Grant funding extensions will not be issued. If program requirements are not completed within the ninety (90) day period the grant funding agreement will be nullified and the District will be released of any obligation to issue grant funds to the Property Owner.
 - a. The ninety (90) day expiration period will be waived for Property Owners affected by the District's capital improvement projects to encourage LRGP participation in these areas and allow Property Owners to secure grant funds while they're available if they commit to coordinating the replacement of their private sewer lateral with the District's project.
17. Property Owners that fail to complete program requirements within ninety (90) days but wish to reapply for the LRGP will need to begin the application process again and will be treated as new applications subject to the then current conditions of the LRGP.
18. Applications for lateral replacement work initiated and/or completed in a fiscal year(s) previous to the one the application is being submitted will not be reviewed or accepted.

SECTION 3. Minimum Qualification Requirements for Grant Funding

The goal of the LRGP is to eliminate the inflow and infiltration of groundwater from the worst laterals in the District that have the most severe impact on the collection system. Grant funding is intended to provide an incentive for property owners to replace leaking and defective laterals. The following is the minimum criteria necessary to qualify for grant funding.

1. Lateral video inspections are subject to a condition assessment conducted by District staff using the industry standard coding system provided by the National Association of Sewer Service Companies (NASSCO) to score sewer lateral condition. Only laterals meeting a minimum defect score of 33 will qualify for grant funding.
2. Only complete lateral replacements will be considered for grant funding. Spot repairs and partial replacements do not eliminate the inflow and infiltration of groundwater to the collection system and therefore do not contribute to the overall purpose of the LRGP.
 - a. A request for an exception can be made in writing by to the District if a portion of

the lateral has previously been replaced and passes a pressure test during final inspection of the replacement work for the entire remaining portion of the lateral.

- i. The portion of the lateral being excluded from the replacement work must conform to the then current standards and specifications for side sewer laterals.

SECTION 4. Permits and Lateral Specifications

1. A sewer repair permit must be obtained from the District. The lateral must pass final inspection by the District prior to grant reimbursement being issued.
2. As a condition of the grant program the entire lateral must be replaced from the exit of the foundation of the house to the connection with the public sewer main except as stated in Section 4.2.a.
3. All work must conform to the District's then current Lateral Specifications and Drawings.

SECTION 5. Retroactive Requests for Grant Funding for Emergency Situations

In the event that a sewer lateral fails, causes a private sewer overflow, and requires immediate replacement, the Property Owner may apply for grant funding after the work has been completed in accordance with the requirements of this section. A failed lateral is only considered an emergency situation if the cause of the failure cannot be corrected through reasonable efforts, such as mechanical rodding or hydro jetting.

Retroactive requests for grant funding will only be considered if the work was done under an emergency situation. The granting of relief by the District to allow a Property Owner leave to file a "Retroactive Application" shall not be construed to guarantee, represent or warranty that a Property Owner will be allowed to participate in the LRGP. It is solely within the District's discretion whether to allow a Property Owner to participate in the LRGP. Any work performed that is sought to be included in the Lateral Replacement Grant Program pursuant to the submission of a "Retroactive Application" is at the owner's risk and cost.

In no case may a "Retroactive Application" be filed with the District greater than thirty (30) days from the substantial completion of the work. "Retroactive Applications" filed after thirty (30) days shall be rejected and are not subject to further request for relief or appeal.

Only "Retroactive Applications" meeting the requirements outlined in Section 5 will be considered for approval.

SECTION 7. Terms of Agreement

1. The work done on lateral sewers shall not grant the District, its agents, or employees and/or contractors the power to exercise dominion or control over the subject property, and shall not be construed as creating a public project or substantial participation in the planning, approval, construction or operation of the lateral sewers for any purposes. The work does not constitute a grant of any permanent real property rights to the District. Nor is the District's participation in this program to be construed as an acceptance of any permanent real property rights or obligations without express approval of the District's Board of Directors and conveyance by a separate written

instrument executed by the appropriate party(ies).

2. The Property Owner of the lateral sewers shall be solely responsible for all future maintenance and repairs to the sewer lateral or everything required to install and maintain said laterals, including cleanout or any wyes or tees attached or "cut-in" to the main sewer lines. Any warranty(ies) provided for materials supplied or work performed shall remain with the Property Owner and it shall be the Property Owner's responsibility to maintain and/or make any claims thereunder.

SECTION 8. Severability


If any section, subsection, sentence, clause or phrase of this Resolution is for any reason held invalid, unconstitutional or unenforceable, such holding shall not affect the validity of the remaining portions of this Resolution. The Board of Directors hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases is for any reason held invalid, unconstitutional or unenforceable.

SECTION 9. Effective Date of Resolution

The effective date of this Ordinance shall be July 1, 2015.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Sanitary District No. 1 of Marin County at a regular meeting held this 24th day of June, 2015, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:



Thomas Gaffney
President of the Board

Attest:



Michael Boorstein
Secretary of the Board