RESOLUTION NO. 18-1541

A RESOLUTION OF THE BOARD OF DIRECTORS OF ROSS VALLEY SANITARY DISTRICT AMENDING 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 deficient private lateral conditions are a significant cause of debris entering the public sewer mains and causing elevated risk of sanitary sewer overflows from the public sewer system; 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, on June 24, 2015, the District Board of Directors adopted Resolution No. 15-1493 establishing the framework and guidelines of the Lateral Replacement Grant Program (LRGP); and

WHEREAS, the District finds this Resolution No 18-1541 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 Ross Valley Sanitary District 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 from the then-current LRGP Guide 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 not in a Common Interest Development (as defined in the Private Sewer Lateral Ordinance) may only apply for one grant per parcel regardless of the number of units, buildings, or laterals serving the property.

4. A property owner of an individual unit in a Common Interest Development that is responsible to maintain the Private Sewer Lateral(s) associated with the unit may apply for one grant.

5. The Homeowners’ Association (HOA) of a Common Interest Development may apply for one grant per construction phase in the Corrective Action Plan, if the HOA is responsible for, or elects at its discretion, to replace all Private Sewer Lateral(s), including the portions the property owners are responsible for. Maximum grant funding shall be the lesser of: one grant equivalent funding allocation per parcel connecting to the Private Sewer Lateral(s) replaced, or one-half of the cost of construction based on the approved Corrective Action Plan.

6. Parcels that currently qualify for a Certificate of Compliance are not eligible for LRGP funding.

7. Applications will not be accepted unless funding has been authorized and is available.

8. The LRGP may not be used in conjunction with any other financial assistance program(s) that may be offered by the District.

9. 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.

10. The Property Owner must submit a DVD or USB with a copy of a sewer lateral video inspection and PDF or other electronic format of the inspection report performed by a contractor holding an A, B, C-36 or C-42 license with the California Contractors State License Board, or National Association of Sewer Service Companies Pipeline Assessment and Certification Program (NASSCO PACP) certification. The Property Owner must also submit a Private Sewer Lateral Inspection Report Form from the then-current LRGP Guide.
11. Sewer lateral video inspections are valid for a period not to exceed one (1) year.

12. 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,

13. The Property Owner must obtain three (3) estimates, dated within 90 days of the application date, from contractors holding an A, B, C-36 or C-42 license with the California Contractors State License Board that will also qualify with the agency having jurisdiction over the right-of-way for any required encroachment permit 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 one of the three qualified contractors.

14. The District has the discretion to provide grant funding in the amount not to exceed half of the lowest of the 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.

15. 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.

16. For any additional work confirmed to be required for completing the lateral replacement, but identified by the Owner after grant approval, the Property Owner may present a written request for additional grant funds if the grant funding obligated towards their project is below the maximum grant allowed in that fiscal year. The District shall have sole discretion to approve/disapprove any additional grant funds for any extra work.

17. The Property Owner is responsible for managing the work, including the activities of the contractor, District permitting and inspection, encroachment and other local jurisdiction permits, restoration work, repairs and claims for damages incurred. The Property Owner shall retain all receipts, permits, inspection reports and other documents.

18. 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).

19. 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. The District shall have sole discretion to approve/disapprove written requests for grant funding extensions, up to a maximum of sixty (60) days. Grant funding extensions will not be reviewed or approved if funding is not available at the time of request. If program requirements are not completed within the ninety (90) day period or an approved extension 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.

20. Property Owners that fail to complete program requirements within ninety (90) days or an approved extension period 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.

21. 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.

22. Only complete lateral replacements will be considered for grant funding. A request for an exception can be made in writing by to the District if a portion of the lateral has previously been replaced, meets current District lateral standards and specifications, and passes a pressure test during final inspection of the entire lateral.

SECTION 3. Permits and Lateral Specifications

1. A Private Sewer Lateral 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 3.1.a.

3. All work must conform to the District’s then current lateral Specifications and Drawings.

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. The District’s participation in this program shall not constitute 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, repairs, and replacement of the lateral and related appurtenances including cleanouts, backflow prevention devices, wyes, tees, and the connection to the public main. 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 Resolution shall be May 1, 2018.

PASSED, APPROVED, AND ADOPTED by the Board of Directors of Ross Valley Sanitary District at a regular meeting held this 18th day of April, 2018, by the following vote:

AYES: Boorstein, Gaffney, Kelly, Meigs, Sylvia
NOES: None
ABSENT: None
ABSTAIN: None

Attest:

Doug Kelly
President of the Board

Thomas Gaffney
Secretary of the Board