

"We are a welcoming, active and business-friendly rural foothill community built on California's rich gold rush history."



City Manager's Report
November 14, 2023, City Council Meeting
Prepared By: Pierre Rivas, Development Services Director
Item#: 10.1

Subject: Consider the introduction of an Ordinance amending Title 7 of the Placerville Municipal Code *Health and Sanitation* adding Chapter 17 *Private Sewer Lateral Ordinance* to the City Code.

Recommendation: Introduce and waive the first Reading of an Ordinance amending Title 7 of the Placerville Municipal Code *Health and Sanitation* adding Chapter 17 *Private Sewer Lateral Ordinance* to the City Code.

Purpose: To adopt an ordinance to regulate private sewer laterals to protect the health and safety of the public by reducing or eliminating the discharge of sewage into the environment; and to reduce or eliminate sources of inflow and infiltration (I&I) into the City's sewer system in compliance with the City's sanitary sewer system state permit.

Placerville Strategic Plan: Maintain and improve our infrastructure and facilities to provide a safe community-No. 4: Update and Maintain City Owned Infrastructure, 4a: Identify and repair and/or replace existing infrastructure (water, sewer, wastewater, etc.) as needed to continue and improve the level of service for essential City owned utilities to the community.

Background:

The City's first sewer collection systems were constructed in the late 1920s and early 1930s. A common pipe material of that time period consisted of Orangeburg pipe (primarily manufactured in Orangeburg, New York) which is constructed of wood mulch and pitch. Orangeburg pipe was used from the 1860s through the 1970s being replaced by PVC pipe and other materials. Many of the City's collection system components also included privately owned sewer services, laterals and shared "private lateral systems" (private sewer systems) serving multiple buildings and/or properties. These private sewer systems ultimately connect to the publicly owned City sanitary sewer system for treatment at the Hangtown Creek Water Reclamation Facility. Because many of the City's sewer mains and private sewer laterals are located in or adjoining creek channels and are located underground in areas of high ground water; inflow and infiltration (I&I) of ground and storm water is an issue.

In 1998, the City performed a sewer smoke test on the public and private sewer systems to determine sources of I&I. A total of 207 collection/observation points were included in the report. Of that total, 144 of the areas showed partial or complete failure of sewer pipe had occurred, most of these involved private sewer systems. Based on this study, most of the I&I within the overall City sewer collection system originates from private sewer systems.

Another issue of compromised or otherwise failing private sewer systems is the inadvertent discharge of untreated sewage (sanitary sewer overflows or SSOs) into the environment or to surface waters. These events must be quantified and reported to the California Central Valley Regional Water Quality Control Board (CVRWQCB). The storm events of October through December of 2022 caused the reclamation facility to be overburdened by an inordinate amount of influent flow

exceeding the treatment capacity of the plant causing an unauthorized discharge of untreated sewage into Hangtown Creek. Subsequently, the City received a Notice of Violation (Attachment B) from the Central Valley Regional Water Quality Control Board. The City's responses to the NOV are provided in Attachments C and D respectively. Part of the City's response was the identification of the extensive network of private sewer connections and laterals that are connected to the City's public sewer system. The private sewer laterals have been identified as a major source of I & I contributing to the overburdening of the treatment plant during major storm events. The City has committed to the CVRWQCB to address these private sewer lateral proactively via an ordinance, as opposed to addressing them when identified through a sewer line failure.

Discussion:

The City has been actively pursuing the use of code enforcement to address damaged and failing private sewer systems when necessary repair or replacement becomes known to the City. In October of 2015, the City developed a standardized form letter that identifies the location, condition of the sewer system, and citation of City Code and enforcement action. This procedure has been effective in pursuing private sewer lateral issues on a reactive basis. The proposed Private Sewer Lateral Ordinance would be more proactive and provide a greater level of protection to the City's sewer system, the environment, and public health and safety.

The purpose of the Ordinance as the regulatory mechanism is to ensure that the City is compliant with state and federal laws and fulfills its requirements to:

1. Protect the health, safety, and general welfare of the citizens of the City of Placerville;
2. Enhance and protect the quality of Waters of the State within the City by reducing or eliminating SSOs which threaten surface water quality and the public health; and
3. Maintain compliance with the City's sanitary sewer system state permit which is regulated by the California Water Resources Control Board pursuant to Order No. WQ 2013-0058-EXEC effective July 26, 2013.

This proposed Ordinance seeks to promote these purposes by:

1. Establishing Certificate of Lateral Compliance (COLC) requirements, procedures, and term limits; and
2. Establishing owner responsibilities and authority to implement and enforce the requirements of the Ordinance including collection of fees;
3. The requirement for obtaining a COLC upon title transfer/sale of properties;
4. Identification of persons authorized to repair or replace private sewer laterals;
5. Establishing minimum standards for the maintenance and operation of private sewer laterals;
6. Require that all property owners sharing a common private sewer lateral (PSL) will jointly share responsibility for the maintenance, repair, or replacement, and cost of the common private sewer lateral in accordance with the California Plumbing Code.
7. Establishing authority to implement and enforce the requirements of the Ordinance.

The draft ordinance was originally developed utilizing the City of Richmond's "Private Sewer Lateral Ordinance and the East Bay Municipal Utility District's "Regional Private Sewer Lateral Ordinance."

This draft ordinance was first brought to the City Council on January 9, 2018. Since that time, the ordinance has undergone some modifications following public input, consultation with other jurisdictions, and review of the California Plumbing Code. Most of the edits were not substantive, providing for better clarity of terms used, procedures, and identification of responsible staff.

The draft ordinance was brought back to the City Council on August 9, 2022. Following Council discussion, the City Council directed staff to notify all affected property owners and hold a public workshop. A well-attended workshop was held in Town Hall on May 24, 2023.

Following the workshop, the ordinance was brought forward to the Council on October 24, 2023, for a first reading. The Council decided to table the item and appoint a Council Subcommittee to work with staff on addressing concerns and finalizing the ordinance. Council members Neau and Yarbrough were selected to hold meetings with staff and bring back a revised draft ordinance to the Council. Two meetings were held on October 31st and November 7, 2023. Staff also reviewed the draft ordinance with Jim Copeland, representing the Bush Court Homeowners' Association (see Attachment E: Bush Court HOA Comments), and with the Kimberly Beal, El Dorado County Association of Realtors.

Changes made to the previous draft ordinance that was before the City Council on October 24, 2023, are shown as underlined and ~~strike out~~. Please note that minor corrections of grammar, etc. may not be shown.

General Plan Consistency: The proposed amendments are in general conformance with the City of Placerville General Plan, including the Public Facilities and Services Element, Goal B, Policies 4 and 5; the Natural, Cultural, and Scenic Resources Element, Goal A; and the Health and Safety Element, Goal F.

Environmental Review—CEQA: This ordinance is exempt from environmental review pursuant Section 15308 of the California Environmental Quality Act (CEQA) Guidelines under the Class 8 exemption consisting of actions taken by regulatory agencies to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of the environment; and Section 5304 (Minor Alterations to Land).

Options:

1. Open the public hearing and consider comments received; table discussion of the Ordinance and provide direction to staff to revise the Ordinance for consideration by Council.
2. Introduce the proposed Ordinance as recommended by staff.
3. Amend and introduce the proposed Ordinance as directed by Council.
4. Do not introduce the recommended Ordinance at this time and provide further direction to staff.

Cost: The additional cost for administration, permit review and processing, and inspections would be minimal since these costs would be borne by the applicant through payment of development permit fees.

Budget Impact: None

Recommendation:

Introduce and waive the first Reading of an Ordinance amending Title 7 of Placerville Municipal Code *Health and Sanitation* adding Chapter 17 *Private Sewer Lateral Ordinance* to the City Code.



M. Cleve Morris, City Manager



Pierre Rivas, Development Services Director



Rebecca Neves, City Engineer



Greg Horsfall, Building Official

Attachments:

- A. Draft Private Sewer Lateral Ordinance
- B. CVRWQCB Notice of Violation dated February 9, 2023
- C. City Response to February 9, 2023, CVRWQCB NOV
- D. 2nd City Response February 9, 2023, CVRWQCB NOV
- E. Letter from Bush Court Homeowners' Association, November 2, 2023