

CITY OF SANTA ROSA
CITY COUNCIL

TO: MAYOR AND CITY COUNCIL
FROM: LORI URBANEK, SUPERVISING ENGINEER
WATER DEPARTMENT

SUBJECT: AUTHORIZATION FOR LIMITED ACCESS TO PROPERTIES
DESTROYED IN THE TUBBS FIRE TO EVALUATE SEWER
LATERALS AND, IF NECESSARY, SUSPEND DISCHARGE TO
THE TREATMENT PLANT

AGENDA ACTION: RESOLUTION

RECOMMENDATION

It is recommended by the Water Department that Council, by resolution, authorize the Director of Santa Rosa Water, his staff and his delegates limited access to enter upon damaged or destroyed properties within the City located in the Tubbs fire area in order to evaluate and determine whether it is necessary, and where determined it is necessary, to immediately suspend the user's discharge into the City's Public Owned Treatment Works by the temporary plugging of the sewer lateral to prevent discharge to the Public Owned Treatment Works (POTW).

EXECUTIVE SUMMARY

The Tubbs fire damaged or destroyed approximately 3,000 residential and commercial structures that are connected to the City of Santa Rosa's sewer collection system. During recent storm events, these damaged sewer laterals allowed storm water runoff, ash, debris and hazardous waste to enter the sewer collection system. Depending on the magnitude of the rain event, this excessive inflow and infiltration has the potential to cause sanitary sewer overflows throughout the collection system and could foul the filtration and biological treatment systems at wastewater treatment plant. The exposed sewer laterals pose a threat to the health and safety of the general public and to the operations at the wastewater collection and treatment facility.

Proposals are currently being solicited to plug open sewer laterals in the Fountaingrove and Upper Hidden Valley area. The solicitation for proposals for Coffey Park may be released for advertisement in the near future, if necessary.

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The scope of work seeks to protect public health, the environment, and the wastewater collection and treatment system with the least impact to the private property owners. The proposed work will expose the sewer laterals, install a sewer plug, place and compact pipe bedding and native backfill; if determined necessary in the field by the Engineer, the sewer lateral may be exposed at the back of walk and plugged.

In order to perform the work, it will be necessary to access private property.

BACKGROUND

On October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected by fire and on October 13, 2017, the City Council passed Resolution No. ES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services.

On October 9, 2017, Governor Brown issued a proclamation of a state of emergency for several counties in California, including Sonoma County, due to the Tubbs and Atlas Fires.

October 10, 2017, President Trump declared a major disaster exists in the state of California beginning on October 8, 2017 and mobilized federal aid.

The approximately 3,000 residential and commercial properties damaged or destroyed by the Tubbs fire are very likely to have sewer service laterals in a broken, leaking or obstructed condition that are a public nuisance pursuant to City Code section 15-06.090 of the City of Santa Rosa. The imminent winter wet season will exacerbate and compound the adverse effects of the public nuisance as it will increase the likelihood of unauthorized inflow and infiltration into the wastewater collection system. City staff has prepared emergency contracts for work to locate, inspect and temporarily plug a number of the open and damaged sewer laterals, which staff feels is imminently necessary to protect the public health and welfare in the City of Santa Rosa.

PRIOR CITY COUNCIL REVIEW

On October 9, 2017 at 3:17 a.m., the Director of Emergency Services proclaimed the existence of a local emergency when the City of Santa Rosa was affected by fire and on October 13, 2017, the City Council passed Resolution No. ES-2017-201 ratifying the Proclamation of the Existence of a Local Emergency issued by the Director of Emergency Services.

On November 30, 2017, the City Council extended the Proclamation of the Existence of a Local Emergency.

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ANALYSIS

Pursuant to City Code Section 15-04.035, each user, meaning each person responsible for property having a connection to the City sewer, is responsible to maintain “a clear, unobstructed sewer service lateral, free of all breaks, leaks and obstructions, including, but not limited to, roots, rocks, dirt, and grease, from, upon, within, and under the user’s premises and to the City sewer.” Pursuant to Section 15-06.140 of the City Code, the Director of Utilities (now referred to as the Director of Santa Rosa Water) has the right to take actions to “immediately suspend a user’s discharge, after notice and an opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.” This Section further provides that nothing in that section of the Code should be “interpreted as requiring a hearing prior to any emergency suspension under this section.”

In accordance with City Code section 15-06.140, the City will provide notice to users through individual mailed notices. Before commencing any work on the subject properties, property owners will be given two weeks to contact the City and submit an alternate sewer lateral plugging plan for the City’s review and approval as an alternative measure. City staff may also use public service announcements and social media to educate the public regarding the sewer lateral work.

Staff has made every effort to coordinate with the debris removal process underway through the direction of the Army Corps of Engineers, and will continue these efforts. The Army Corps of Engineers has indicated that their work will include plugging the open and damaged sewer laterals. As of December 5, 2017, the Army Corps has cleared approximately 300 sites and continues its efforts. In addition, the City’s debris removal process for those undertaking their own private effort does include reference to addressing open sewer laterals.

City staff believe, however, given the uncertainties surrounding the cleanup schedule, both the Army Corps and private efforts, as well as the risks to the regional wastewater system and the Laguna Treatment Plant, that a three-pronged approach that will also include work contracted for by the City’s Water Department will be the most effective in protecting public health and the environment. The City will continue to coordinate efforts with the Army Corps of Engineers in this respect, but also seek to augment these efforts through the City’s own efforts, as needed. While the City Code allows suspension of a user’s discharge where, as here, it threatens to interfere with the operation of the POTW, or presents, or may present, an endangerment to the environment, given the large number of properties involved, City staff seeks a Council resolution recognizing the threat and authorizing limited access on private properties consistent with the requirements of the City Code within the fire damaged areas in the City for the narrow purpose of locating and evaluating individual sewer laterals and taking necessary steps to temporarily plug open and damaged sewer laterals.

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City staff seeks to plug as many open sewer laterals as possible to protect the public health from potential sanitary overflows, and the Laguna Treatment Plant and collection system from potential hazardous constituents, debris and inflow. City staff seeks to undertake such work, wherever feasible, in a cost-effective and expeditious manner, with the least amount of impact to property owners. To the extent feasible, the temporary plugging shall be undertaken in a manner that minimizes further disturbance of the property or further damage to the sewer lateral by use of a Cherne End of Pipe "Original Gripper" plug or similar device. This will allow the property owner the possibility of re-engaging the remaining portion of the sewer lateral.

City staff will open bids for the Fountaingrove and Upper Hidden Valley work on December 14, 2017 and will bring the contracts to the City Council for consideration on December 19, 2017.

FISCAL IMPACT

This action does not have a fiscal impact. The contract award will be considered by City Council on December 19, 2017. Funds for the contract award are available in the Fiscal Year 2017/18 Wastewater Capital Budget contingency.

ENVIRONMENTAL IMPACT

This action is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080(b)(3) regarding repairs and replacement work after a state-declared disaster and Section 21080(b)(4) regarding actions to mitigate or prevent an emergency, and CEQA Guidelines Section 15269(a) regarding maintaining, repairing, restoring, demolishing, or replacing property or facilities damaged or destroyed as a result of a disaster stricken area in which a state of emergency has been proclaimed by the Governor pursuant to the California Emergency Services Act, commencing with Section 8550 of the Government Code, and Section 15269(c) regarding specific actions necessary to prevent or mitigate an emergency.

BOARD/COMMISSION/COMMITTEE REVIEW AND RECOMMENDATIONS

Not applicable.

NOTIFICATION

Not applicable.

ATTACHMENTS

- Resolution

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CONTACT

Lori Urbanek
lurbanek@srcity.org
543-3854