



City of Fort Bragg

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Meeting Minutes - Final Public Works and Facilities Committee

Thursday, April 17, 2014

9:30 AM

Town Hall, 363 N. Main Street

MEETING CALLED TO ORDER

The meeting was called to order by Meg Courtney at 9:33am.

ROLL CALL

Members of Public Present: Tim Bosma, Paul Clark, Les Cizek, Cas Smith, Morgan Zeitler, and Tony Shaw.

Present: 7 - Dave Turner, Meg Courtney, Tom Varga, Linda Ruffing, John Smith, Frank Kemper and Crystal Prairie

APPROVAL OF MINUTES

Approve Minutes of November 21, 2013

The Committee Minutes were approved for council review

PUBLIC COMMENTS ON NON-AGENDA ITEMS

Les Cizek stated that he owns a building on the corner of N Harrison Street and E Laurel Street, which has drainage issues. He discussed the problem with former Public Works Director Dave Goble and the Public Works crew came out and measured the building inside and outside. The problem is that the street has been built up higher over the years, and the curb has gotten shorter. Three plans were developed and the favorite was Plan "A," which involved cutting into the asphalt, excavating and putting in a french drain, and eliminating the curb east of the driveway. Goble said it was going to be fixed in Sept. 2013 but it has not been fixed. Cizek stated that damage is occurring to the foundation.

Public Works Director Tom Varga stated he had gone out and looked at the problem. It appears that the flowline has gone up and flattened out so that water almost fills up to the top of the curb. Trimming back the asphalt as Goble suggested is a good idea. Whatever can be done to get rid of backing up water will get rid of much of the problem. Varga noted that the edge of the building is an inch lower than the top of the curb. Replacing this whole section of sidewalk would be good in the long term.

Councilmember Courtney suggested Cizek and Varga talk about this outside the meeting. It was noted that this was just discussed in a budget meeting and this is one of our priority drain projects.

CONDUCT OF BUSINESS

1. Receive Report and Public Input Regarding Changes to Chapters 14.08 through 14.40 of Title 14 (Water and Sewer) of the Fort Bragg Municipal Code

Public Works Director Tom Varga gave an overview of what the Municipal Improvement District (MID) is trying to accomplish. The MID is working to create/implement a source control program for the NPDES permit and is required to monitor and inspect the entire sewer system. Permit compliance and protection of the Wastewater Treatment Facility (WWTF) from operational damage is important. The MID must keep harmful or toxic substances out of the WWTF as it is a living organism and needs to stay healthy. The MID also needs to keep aware of excessive flows since this creates more wastewater than can be treated (whether it be a storm or leakage into the system), which results in polluted discharge into the ocean and generates fines and fees. In order to have a Source Control Program, staff has been updating Chapter 14 of Fort Bragg Municipal Code. This update was agendized for the March 24th MID Council meeting but concern was raised that there was a lack of opportunity for public input.

Operations Manager John Smith reviewed the objectives of the sanitary code. Current problems within the MID as they relate to Inflow and Infiltration (I&I) were discussed and it was noted that the MID, in 1995, started smoke testing to identify areas of concern and this has recently been started again. Staff is also using cameras to identify issues in the sewer lines. Extra gallons due to I&I are 98K per day on average, which amounts to one gallon out of six considered "extra." When it's not raining this amount is minimal, then it's exfiltration (leakage from sewer pipes going into groundwater.) The WWTF is also overloaded and the MID is in the process of designing a new WWTF. The goal is to design it large enough to treat all water up to a 100 year storm event. The MID started out with a questionnaire sent to business owners when the Source Control Program was being conceptualized.

In relation to the Fats Oils and Grease (FOG) Program, there have been spills. Each spill results in a \$3,000 fine, minimum. If there are plant exceedances it's \$3,000 minimum as well. In the past the MID has had as many as 5 exceedances per month but staff doesn't have the specific number for those created by grease. The State has allowed the MID to not have a formal pre-treatment program. The solution is the "Source Control Program" as described in the draft ordinance.

Committee Member Turner summarized, saying that it seems that grease, I&I, and high strength effluent are the three main problems. People are grinding food and sending it down the drain which is a huge load for the plant. Green waste bins would be a huge help. The MID does not intend to address residences at this point but some cities request the public don't install garbage disposals; as far as staff knows, there are no specific laws prohibiting them. It is not immediately clear what percentage of the problems are in public right of way vs private property. It was mentioned that the MID put a couple million dollars into eliminating cross connections during the smoke testing in the past.

Smith clarified that the sewer lateral testing process would be hydraulic testing, which is essentially to fill up pipe and account for loss. The MID doesn't know what the cost is going to be. The MID needs to cover all bases. It was stated that hydraulic testing of this type can, under certain circumstances, be impossible to do. A person would have to take out all fixtures and turn everything off. Also, in many cases of multiple dwellings, the main house is often much higher, making lower structures difficult to isolate. There was some discussion about the possibility that it's not individual lines that are creating the problem. Groundwater may not get to the point of the household sewer.

During discussion, it was mentioned that a percentage of households will have issues. It's the collective amount that becomes a problem. As the MID makes improvements in the public right of way, they whittle away at the problem. With source control, the MID needs to demonstrate a reasonable effort to go after all possible sources. Hydraulic testing will give better results than smoke testing. MID Staff will investigate alternative methods if the hydraulic technique doesn't work. The MID needs to make a reasonable good faith effort to check all sources.

A question was raised that the language calls for the homeowner to do a test at the point of sale and it was mentioned that it's "impossible?" It was clarified that it was the opinion that it's not impossible, just not feasible.

Varga said it seems that the MID may have significant shallow groundwater which is a problem collectively throughout the area. Also, there are many people who have sump pumps which shows that there is groundwater present. It was suggested that there are a lot of down spouts possibly going into sewer. A question was raised if that will be fixed.

City Manager Ruffing mentioned that when smoke testing was done in the past, smoke was seen at junctures at cracked pipes. It was mentioned that there is language stating there would be exemptions from testing at point of sale. Anything looked at in the past three years would not have to be looked at again. There was a comment that approximately 60 homes were sold last year.

Varga said that the suggestion has been made to get more cleanouts in the lateral system. Staff needs to do research to see if there are any other alternatives. Currently there should be cleanouts close to the edge of the house per the building code. Staff would like to see if there are any other less expensive possibilities.

Tony Shaw (Employers Council of Mendocino County) stated he was a County employee when Ukiah Valley Sanitation District (UVSD) was sued. UVSD came up with an ordinance that required that after inspections are done, certificates are issued. This gives them a waiver for 10 to 25 years. If you require homeowners to do this on streets where sewer mains have not been replaced, it pales in comparison to what the old sewer lines are doing. Maybe the MID should consider only requiring it when the sewer main has been relined or replaced. If the MID has to go back and change the ordinance it is possible for a lawsuit to be filed under CEQA. Mendocino County got sued by a local environmental group with their storm water ordinance. They had to pay penalties and enact regulations. If this is part of the MID's Source Control Program and not a compliance order or a settlement agreement then there is time for consideration. A question was asked about the City of Ukiah and their ordinance. A homeowner can only get a 3 year certificate with the City of Ukiah. It's a point of sale inspection. Tony brought a summary of what UVSD requires. They have lower thresholds of requirements. It was a blanket standard. He mentioned that he also has experience with a Sewer Main and Lateral Replacement program in Westwood, where a 30 year Capital Improvement Program was created to implement their source control program. Replacement was prioritized by areas of need and in that jurisdiction, they said lateral in street is owned by local agency, whereas the City of Ukiah has opposite interpretation. It was stated that interpretation is currently that the MID of Fort Bragg owns what's under the street but this may change in the future.

Cas Smith mentioned that a potential issue is that if there is a lateral in the street that is leaking and the street has been resurfaced it can't be cut into for 5 years per City Policy. Mayor Turner clarified that the City wouldn't prohibit a necessary repair because of this policy.

Tim Bosma of Harvest Market questioned what the fining process is if grease was found in their sewer line? It was stated that an on the fly calculation was \$500 from the last meeting. Harvest Market shares a line with other stores and one of the stores got an exemption for no grease traps. How is it determined where the grease comes from when more than one business shares a line. It was stated that the MID would have to prove it with cameras, or find a failing grease trap, in order to fine a business. In the FOG program, it says the District Manager has the ability to grant an exemption. Staff was not aware of an exemption; staff will look into this.

Smith stated that the MID is required by the State to define what will be done to fix the problem when there is a spill. Generally staff will camera the line. The MID's first choice is to fix the problem. Fining

doesn't fix anything.

Lab Director Frank Kemper mentioned that maintaining a grease trap can be a lot of effort. It's a daily maintenance issue for some. Kemper came from Mendocino County Environmental Health where he used to perform septic and restaurant facility inspections. He has had discussions about grease traps with many people in Fort Bragg. When the County food inspectors go to restaurants they will let the MID know if there is a grease trap issue. Staff understands that causation is very difficult to establish. If something is found, staff will do an investigation and follow up.

Cas Smith stated that the Uniform Plumbing Code excludes kitchen areas for installation of grease traps. (Except for local jurisdiction direction, per Kemper.) Restaurant inspectors look at inside traps (intercepts.) This happens quarterly with the County. The Ordinance is asking for log books and maintenance logs to be reviewed to make sure traps are clean and in compliance. It will be based on use and need. The MID can't put a blanket amount out there because of the large differences in usage.

A question was raised if it is possible to not know that the grease trap is overflowing, or not in compliance? It was stated that if it's inside the business, it is very clear when there is a problem. More often than not, staff will get a call and go out and take a look.

It was stated that Item 8.2 is against Uniform Plumbing Code (Except for "under local jurisdiction direction.") Staff will review this section.

Tony Shaw mentioned that the Public Nuisance Code was revised when he was with the County of Mendocino to make noncompliance a misdemeanor. Enforcement of a misdemeanor can be onerous for a business/property owner. Our code is calling for misdemeanors which are a criminal offense. Uniform Nuisance Abatement should be referred to instead. Some things can be an infraction or a misdemeanor. Staff will review this.

Paul Clark from the Coastal Mendocino Association of Realtors stated he has had experience with the point of sale inspection, which he is opposed to, in the township of Brooktrails. In Brooktrails, a licensed contractor has to inspect the lines and it costs \$100. They also require a cleanout. Repairs are expensive. If all this sewer water is being treated there should be a financial incentive for the MID to go out and do it for free. He felt that the rate payers wouldn't mind paying pro-actively. Homeowner should pay for corrective measures after the MID does the inspection for no charge.

It was stated that staff needs to do work on this. It seems like a good idea to focus on where the MID knows lines are good to do the inspections of the laterals. Need to go about this in a systematic and sensible way.

A suggestion was made that if there's a clean out on the property line and staff suspects there is intrusion there, they should drop a camera down the cleanout and look for flow. There are supposed to be two cleanouts - one by the edge of the building and one by the property line. Rainy season is a good time to camera potential problems. Then, perhaps, issue a certificate.

A question was asked about adding enzymes and whether they are all prohibited in all locations. The problem with enzymes is that people are adding it to grease and it breaks it apart so it can go through the trap or down the drain, and then it re-coagulates farther down the sewer system, usually in a public pipe.

A suggestion was made that replacement of sewer laterals on private property as an eligible activity for housing rehab funds or CDBG program income for low income property owners. The City could issue loans for that.

It was mentioned that Green Bins are an available resource for businesses as well as residences. Harvest uses a green bin for each store. Committee Member Courtney wants to make sure that people are utilizing the bins.

It was summarized by Ruffing that staff needs to go back, make some revisions, look into some things that have come up and bring the ordinance back to the Committee next month. She would like to move the changes forward as one comprehensive ordinance.

Varga thanked all attendees for showing up and suggested they pass on information to others as that helps to get the word out.

This Staff Report was referred to staff

MATTERS FROM COMMITTEE / STAFF

ADJOURNMENT

Adjourned at 10:55am.