

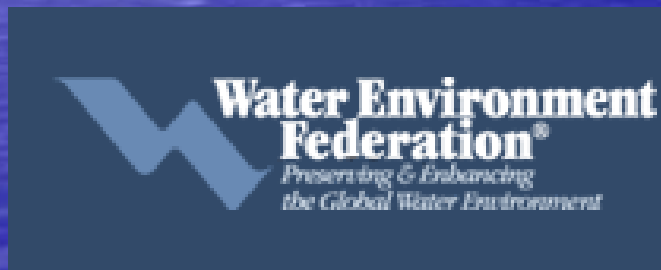
**2007 Sanitary Sewer Collection System  
Specialty Conference  
Portland, Oregon  
Pre-Conference Workshop**

**Legal Issues with Private Sewer  
Lateral Management in  
Montgomery, Alabama**

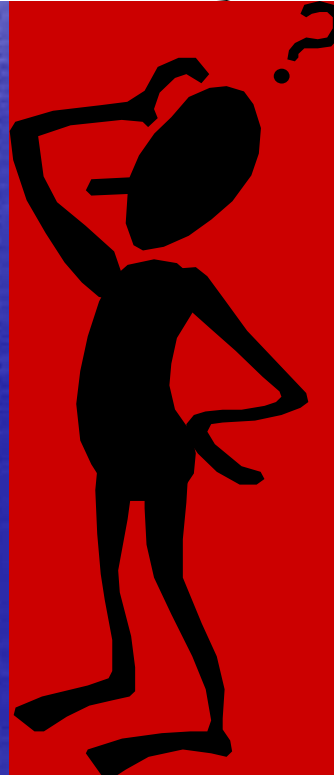
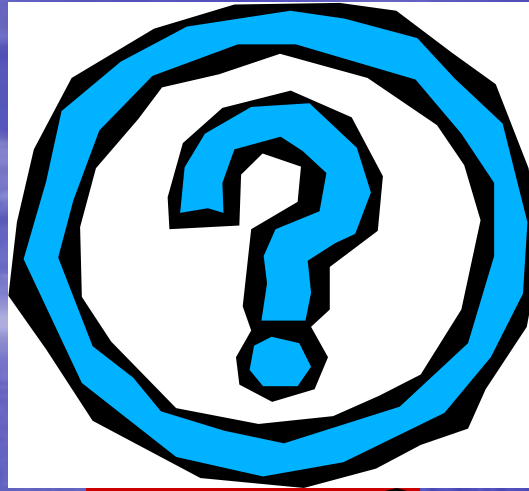


**Bill Henderson, P.E.**  
**The Water Works & Sanitary Sewer Board  
of the City of Montgomery**

**Danny Holmberg, P.E.**  
**Paul B. Krebs and Associates, Inc.**



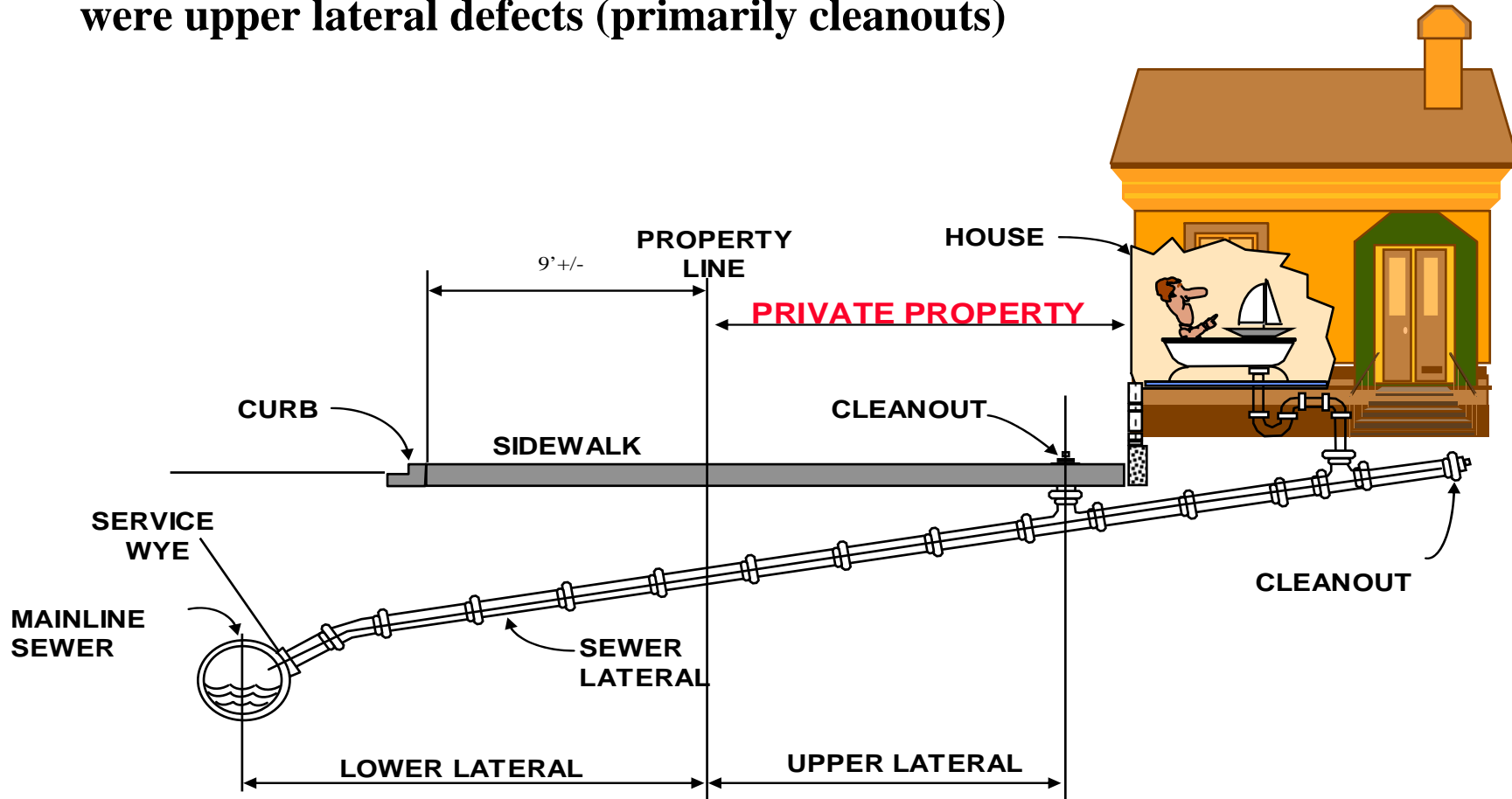
- **Historically high wet weather flows**
- **Backwater in the collection system, capacity issues, and overflows**
- **Consent Order from the state regulatory agency on April 6, 1992**



- **Smoke testing program that confirmed 84% of defects identified were on private laterals**
- **Right to enter private property**

# Service Lateral Ownership

Initial smoke testing found that 94% of private lateral defects were upper lateral defects (primarily cleanouts)



# Private Property Entry Incentive

- **Improve collection system wet weather capacity**
- **Combat overflows and meet Consent Order requirements**
- **Spend capital improvement budget wisely**

Right to enter private property...

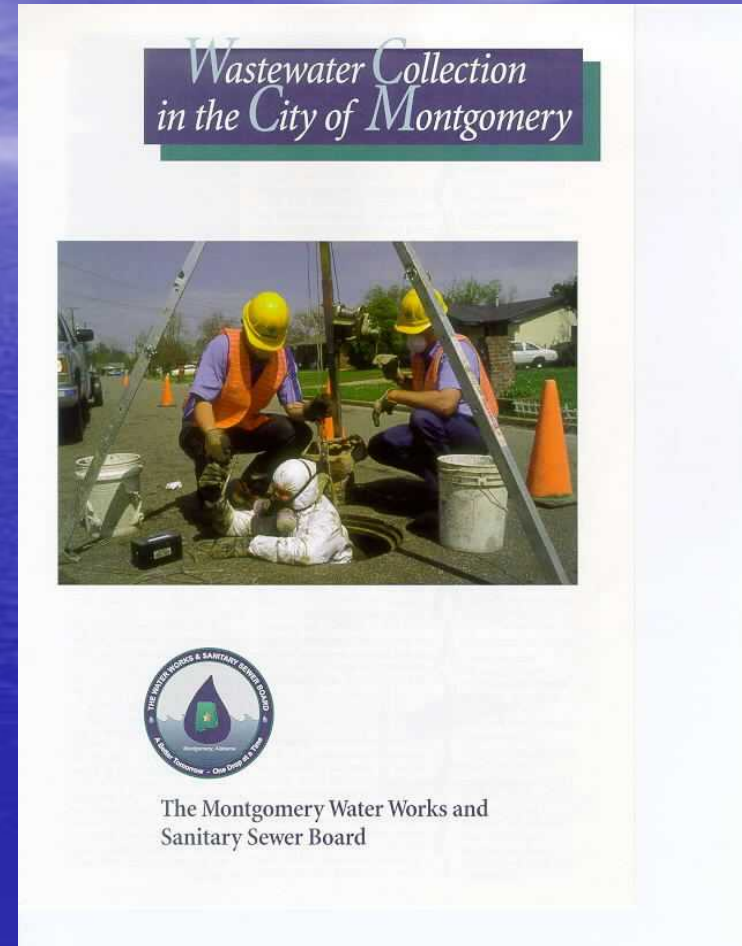
Legal opinion of legal counsel “limited  
right of entry is not prohibited by the  
Board’s Rules and Regulations.”

# Customer Ownership of Smoke Testing Program

- **Initiated program with full page newspaper advertisements**
- **Neighborhood door hanger notices and phone lines for details**
- **Defect marking with biodegradable paint and wire stake flags, followed up with a letter with photos**

# Public Education Program

- Website
- Friendly cooperative spirit
- Informative brochure
- Follow up “Thank You” Letters



# ENCLOSURE

I, \_\_\_\_\_, (please print) authorize the Water Works and Sanitary Sewer Board, of the City of Montgomery to replace my cleanout cap. For this work, I agree to pay \$13.00 plus 4% utility tax. I understand that the amount due will be added to my regular water bill.

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Signature

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Date

965 RIDGECREST ST A  
MONTGOMERY, AL 36105

**Secured Customer  
Consent To Enter  
Property**



**“Can we risk private property entry  
for smoke test defect identification?”**

**“Can we afford not to do so?”**

# Private Defect Repair Program Success

- **94% over 10 years**
- **Customer complaints reduced**
- **Treatment costs lowered**
- **Administrative orders satisfied**
- **Limited legal challenges**

# MWWSSB Policy

- **It is the responsibility of the Owner to maintain sewer laterals in accordance with the Board's Rules and Regulations.**

## MWWSSB Policy (cont.)

- **During the operation and maintenance of its sewer system, the Board will...smoke testing...to determine the location of sewer defects...**

## **MWWSSB Policy (cont.)**

- **When requested to do so by the Owner... the Board will make repairs necessary... to that part of the Owner's lateral within the limits of the City of Montgomery's rights-of-way.**

**What is the best Private Property  
Entrance Policy?**

**Prevent it!!!**

# Subdivision Specification

- **Laterals installed beyond utility easements**
- **Air testing include service laterals**
- **Specific transition coupling**
- **Inspection for compliance to specifications**

# **SUPPORT FOR TOUGH LATERAL PROGRAM**

- **Flow Monitoring**
- **Smoke Testing**



# Flow Monitoring /Smoke Testing

- Capacity of selected sewer basin
- Cross basin flows???
- Actual capacity versus the projected capacities
- **I/I problems**

# Objectives

- Compare actual flows monitored to the design flows
- Determine if there is adequate sewer capacity remaining in the basins
- Actual sewer flows per lot, per person, and per acre
- Actual peaking factors
- Compare sewer flows from different types of developments
- **Locate I/I problems in the system (private/public)**





**Intentional sewer lateral  
usage for storm drainage**

# Conclusions

- **There is adequate sewer capacity remaining**
- **Flows were less than design guidelines**
  - **Avg. of 66 to 81 gpd/person instead of 100**
  - **Avg. of 160 to 200 gpd/lot instead of 370**
  - **PF of 1.9 and 2.3 instead of 3 and 3.5**
- **Possible explanations**
  - **More efficient appliances**
  - **Fewer leaky faucets and toilets**
  - **Water conservation**
  - **Less I/I**

# Conclusions (cont.)

- **I/I issues limited**
- **Explanation for the lack of I/I;**
  - **Specifications and Testing requirements**
  - **Inspections during installation**
  - **O & M Program**
- **One size does not fit all. Each system should perform its own flow monitoring/smoke testing/lateral repair enforcement**

# Community Acceptance

- **Program Legality Unchallenged for almost 15 years**
- **Satisfied Regulators**
- **Cooperative Individual Property Owners**
- **Compliant Developers/Engineers**

**Do you have the right to enter?!?**

**Can you afford not to enter?!?**

**Can you prevent/limit future entry?!?**