

Saving Your Sewer

Ed Macauley, P.E.

Utah Division of Water Quality

Why Take Care of Your Sewer?

Wastewater collection and treatment systems are one of the most expensive assets owned by any community



The cost for sewerage each residence in an unsewered community typically costs over \$20,000 per lot



Planning

General Plan

Utah Code Ann. § 10-9a-401:

- (1) ...each municipality shall prepare and adopt a comprehensive, long-range general plan for:***
- (a) present and future needs...***
 - (b) growth and development...***



Use Google to search for "Utah Code"

Utah Code -- Title 10 -- Utah Municipal Code

Who Prepares the General Plan?

- ***Utah Code Ann. § 10-9a-302:***

- ***The planning commission shall make a recommendation to the legislative body for: (1) a general plan and amendments to the general plan;***

Does the General Plan Include Sewer?

Utah Code Ann. § 10-9a-401:

(2) The plan may provide for ... (c)(ii) drainage, sanitary, and other facilities and resources;



Is Funding Assistance Available?

Usually eligible for funding by **WQB, CIB, CDBG, RD, USACE** or other agencies

Water Quality Board:

planning

design

construction



Program Funding Sources

Program funding is provided through:

- **State Revolving Fund (SRF), which is funded by:**
 - **Annual EPA capitalization grants**
 - **Local match derived from state sales tax revenues**
 - **Loan repayments**
- **Utah Wastewater Loan Program (UWLP), which is funded by:**
 - **State sales tax revenues**
 - **Loan repayments**

What Is the Affordability Criteria?

Construction project funding is based on an affordability guideline of 1.4% of a community's median adjusted gross income (MAGI).

The 2009 Utah State Average MAGI is \$36,568

This results in a maximum “affordable” monthly sewer fee of \$42.66, or about double what most Utah communities currently charge.

What Strings Are Attached?

- **NEPA**
 - **Full disclosure**
 - **Notify agencies**
- **MBE/WBE**
 - **Contractors must make a good-faith effort to request bids from MBE/WBE subcontractors**
- **Davis-Bacon Wages**
- **Other programmatic requirements (e.g., DWQ review and approval for all project-related items)**

WQB History of Funding Assistance 1983-2011

- **Loans: 201 loans closed totaling \$490 Million**
- **Hardship Grant Assistance (1993-2011):**
 - **Construction Grants: 30 totaling \$24 Million**
 - **Planning/Design Advances: 96 totaling \$14 Million**

Can I Make Developers Put In Sewer?



What About the “300-Foot” Rule?

- ***Utah Code Ann. § 10-8-38. Drainage and sewage systems...***
- ***(2)(a)(i) require connection to the sewer system if the sewer is available and within 300 feet of the property line of a property with a building used for human occupancy...***
- **This limitation applies only to recorded lots, and does not apply to new subdivisions, which are regulated by *Utah Code Ann. § 10-9a, Municipal Land Use, Development, and Management Act*, or LUDMA.**

Do I Need To Compensate Developers For Constructing Sewer?

Generally not. However, if you need a pipe upsized, or you've agreed to collect on a Payback agreement, then you will need to compensate the developer, either with cash or with impact fee credits, depending on the development agreement.



How Do I Best Protect My Sewer?

You should regularly update and enforce:

- Capital Facilities Plan/Sewer Master Plan**
- Subdivision Ordinances**
- Sewer User Fees**
- Impact Fees**
- Sewer Design and Construction Standards**

Sewer Planning

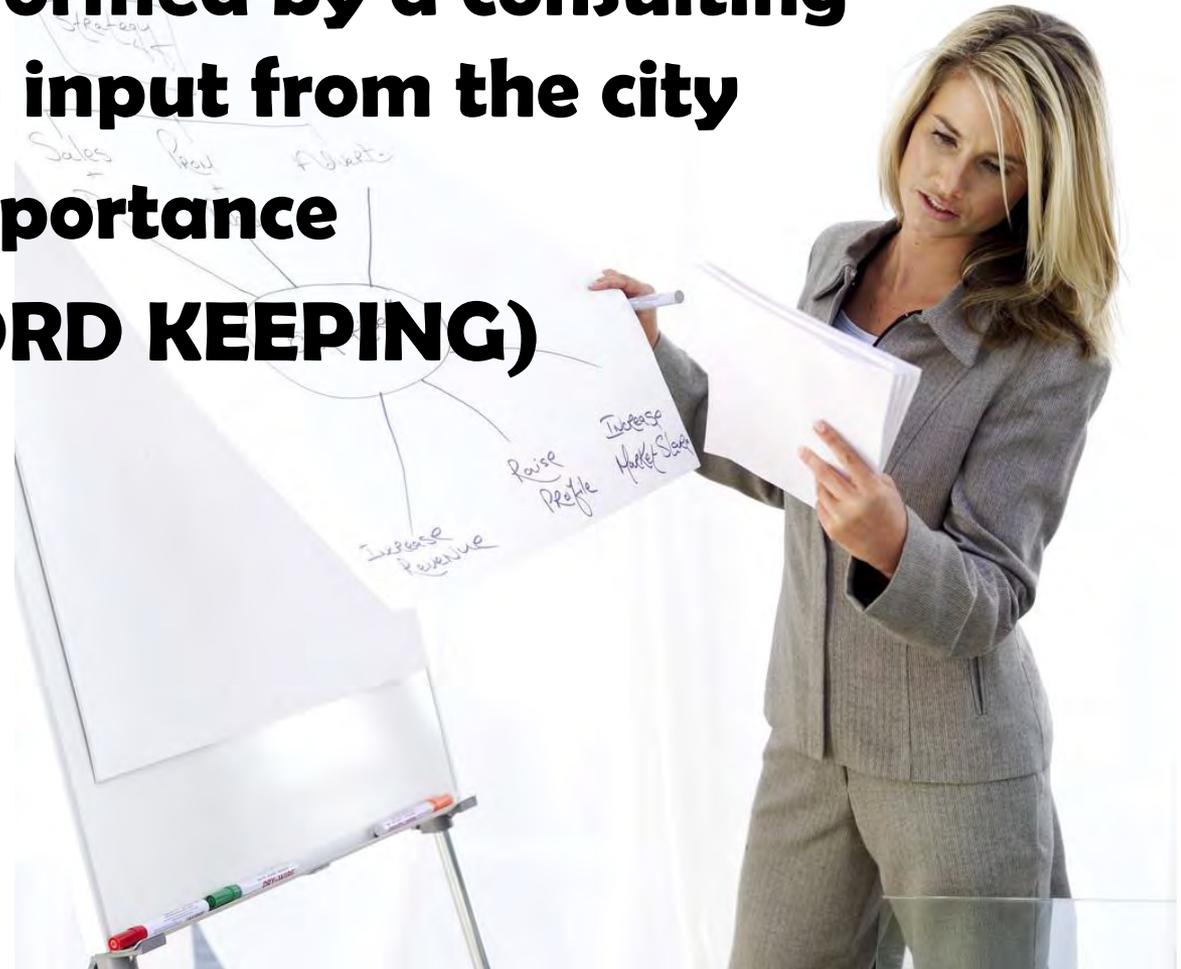
The Sewer Master Plan/Facilities Plan should:

- Be current and relevant**
- Address existing conditions as well as capacity to serve current and future customers**
- Address facilities needed to serve future growth**



Who Does Facilities Planning?

Typically performed by a consulting engineer with input from the city (hence the importance of good RECORD KEEPING)



Can I Require Construction Standards?



What if I Can't Afford an Engineer?

- **Implement a plan review fee so you can hire a consultant to review all subdivision plans**
- **Premier developers often agree to fund master planning or construct oversized piping or pump stations in return for guaranteed capacity and/or impact fee credits**
- **Adopt Existing Standards:**
 - ***Adopt UAC Rule R317-3. Design Requirements for Wastewater Collection, Treatment and Disposal Systems***
 - ***Adopt current APWA Standard Plans and Specifications***

Questions?

