



City of Long Beach  
1 West Chester Street  
Long Beach, NY 11561

PRSR STD  
US POSTAGE  
PAID Permit #

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# TERMS AND CONDITIONS

1. *The opt-out form must be returned within thirty (30) days. If you do not return the form, you will be automatically enrolled in the Program during the first year, after which, you may opt-out during the normal window period set forth above.*

2. Program fees are set forth, above. If you opt out of the Program, you will be liable for the full costs of repairs to damaged sewer laterals as well as expose yourself to fines and penalties for non-compliance with federal regulations, if/when damage is discovered.

3. Beginning in 2015, Program enrollees will be permitted to opt-out of the program during a forty-five (45) day window period. This window period shall run between November 1st and December 15th, annu-ally.

- Payments of Services will be added to your sewer bill and will be collected in accordance to your sewer bill.
- Enrollees whose sewer laterals are repaired by BRE are required to maintain membership within the Program for a period of no less than sixty (60) months. Enrollees whose sewer laterals have not been repaired by BRE may opt-out of the program during the annual window period.

5. Enrollees acknowledge and agree that not all repairs to sewer laterals can be conducted with trenchless technology, and that for replacements of part or the entire pipe may require digging.

6. Exclusion shall apply as follows: repairs or replacement of laterals shall be limited to defects unknown to the resident at and before enrolment; repairs or replacements of laterals shall not be made to laterals that are damaged as the result of illegal connections, septic tank connections, third-party lines, and hazardous waste. Additionally, repairs or replacements of laterals shall not be made to laterals that are obstructed and/or damaged by homeowners' inappropriate disposal of household debris or other similar items.

7. Warranty: BRE warranties, absent intrusion caused by tree/shrub roots or damage caused by property owner's disposal of inappropriate household debris, its trenchless short liners (which installs during repair jobs) for a period of ten (10) years following the date of installation. BRE has agreed that it will, at its own expense, conduct a second trenchless repair, and install a second trenchless short liner, for any property owner who, within ten (10) years of the date of original repair/ installation, presents proof of a damaged trenchless short liner (installed by BRE) where such damage was not caused by intrusion due to tree/shrub roots, irrespective of whether said property owner is still enrolled in the Plan at the time he/she presents proof of damage.

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## City of Long Beach Sewer Lateral Inspection Program

Dear Resident:

September 18, 2014

You recently received a package in the mail from Brady Risk Environmental concerning a program that pertains to sewer laterals. First, to address any confusion that may have arisen, we wish to clarify that this is an official City program which is being administered by Brady Risk Environmental.

Next, to help our residents better understand the benefits conferred by the program, we wish to provide you with some background information. In 2012, the City was sued in federal court in the matter known as Thomas v. City of Long Beach. This litigation, which was funded by a coalition of environmental activists, alleged that the City failed to comply with the federal Clean Water Act (CWA). Specifically, the lawsuit alleged that residents' damaged sewer laterals had gradually caused wastewater to filter into Reynolds Channel (thereby polluting it), and that the City failed to take the required measures needed to curtail those discharges. Had the City lost, it would have potentially faced millions of dollars in penalties. Other municipalities around the state are now confronting similar litigation.

In order to avoid this scenario, the City sought to resolve the case in a way that served two objectives: (1) minimize the burden to taxpayers; and (2) do everything in our power to help protect and restore our waters. With that in mind, the Long Beach City Council adopted comprehensive legislation on January 22, 2014, and conducted a public hearing, with the goal of safeguarding our waters and natural resources for future generations. As a result of that legislation, Long Beach residents received a letter from Brady Risk Environmental announcing a new program that is a component of the settlement.

This program provides homeowners with protection if their private sewer laterals need to be serviced. If you choose to enroll in the program, you will be eligible to receive a sewer lateral inspection and repair at no additional cost, other than the quarterly service plan fee.

This program not only enabled the City to resolve the lawsuit, but also created a way for residents to avoid costly repairs, and help protect our waterways and drinking waters. In that sense, we feel that the program represents a major victory, and we hope that you will come to feel the same.

For your convenience, Brady Risk Environmental is now extending the opt-out period to 60 days from the receipt of this letter. Due to terms of the lawsuit settlement, homeowners will be automatically enrolled in this program if they do not choose to opt out. Please understand that this automatic enrollment provision was the key feature of the settlement. The case would not have settled without it. The opt-out form is available inside, as well as on our website at [longbeachny.gov](http://longbeachny.gov).

Please see the enclosed materials for more information.

Very truly yours,

CITY OF LONG BEACH

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# PRIVATE SEWER LATERAL SERVICE PLAN

## FREQUENTLY ASKED QUESTIONS

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### 1. What is the Private Sewer Lateral Service Plan?

- The program provides Residents with an affordable solution for repairing and/or replacing their private sewer lateral if needed.
- The Private Sewer Lateral Service Plan provides Municipalities with a compliance program in regards to the requirements of the Clean Water Act.

### 2. What problems are associated with private sewer laterals?

- Over time, private sewer laterals crack, become disjointed or displaced, and can be subjected to intrusion by tree roots, causing leaks and blockages.
- Repairing or replacing a sewer lateral is a very costly process. Because these pipes are typically not covered under homeowner's insurance, the cost of repairing or replacing the sewer line comes from out-of-pocket money at the expense of the homeowner.
- Infiltration and Inflow are a direct issue stemming from broken or defective sewer lateral pipes.

### 3. What is the cost for the program?

- The program costs \$8.33/month, or \$99.99/year for the first year. Please see "Service Plan," below, for additional rates.

### 4. How does a resident participate in the program?

- There will be an annual enrollment period, from November 1st to December 15th annually, in which residential and commercial property owners are given the opportunity to opt-out of the program. Following the enrollment, participants can then call Brady Risk Environmental when they experience an issue with their private sewer lateral.
- Those residents and property owners who were unable to enroll or those who opted-out of the program the year prior will have the ability to enroll during this annual enrollment period.

### 5. How do I know when my private sewer lateral is not working properly?

- There are a few indicators that would suggest there is an issue with your private sewer lateral. They are as follows:

- Sewage backup in the lateral cleanout (typically in your basement)
- Toilet/sink/shower not draining properly
- Sink hole or collapsed/saturated lawn
- Foul odors around your property

### 6. I am experiencing one of the above issues, what should I do?

- If you are experiencing one of the mentioned issues, call Brady Risk Environmental at 1-800-926-7910. We will ask you a variety of questions that will help us identify the exact issue. Following the call, a crew member will be immediately sent out to your location to inspect the lateral and identify the issue. At such a time when we identify the problem we can discuss with you what our recommended method of remedy will be.

### 7. What are the services of the program?

- Dye testing
- Smoke testing
- CCTV Inspections
- High powered root cutters and herbicidal chemicals
- Trenchless chemical grouting repairs
- Trenchless short liner repairs
- Trenchless cured-in-place pipe lining repairs
- Traditional pipe replacement
- Basic lawn/landscaping restoration
- Public Education

### 8. Is this an inspection program?

- When a resident contacts us with an issue regarding their private sewer lateral we will inspect and make a repair if necessary.

### 9. What is excluded from the program?

- Repairs or replacement of laterals shall be limited to defects unknown to the resident at and before the effective date of the plan.
- Repairs or replacements of laterals shall not be made to laterals that are damaged as the result of:
  - Illegal connections
  - Septic tank connections
  - Third-party lines
  - Hazardous waste
- Repairs or replacements of laterals shall not be made to laterals that are obstructed and/or damaged by homeowners' inappropriate disposal of household debris or other similar items.

## FREQUENTLY ASKED QUESTIONS (Continued.)

### 10. What are the benefits of this program for Residents?

- Residents will be protected from the arbitrary costs of repairing or replacing their sewer lateral. The cost of such repairs or replacements can be as much as \$15,000 out of pocket money. Additionally, the federal Clean Water Act holds individual residents accountable for their sewer lateral and if a leaking lateral is identified, the resident could be assessed a fine or penalty for non-compliance, as much as \$25,000 per day. This program protects the residents from both scenarios.
- Additionally, addressing defective private property wastewater infrastructure protects the local environment. The wastewater that leaks out of broken sewer laterals contaminates the surrounding groundwater and makes its way to the local water bodies as well as the drinking water source. The excess flow from these

pipes also overburdens the wastewater treatment facility, causing overflows that spill raw, untreated sewage directly into surrounding water bodies.

### 11. Where can I get more information about the program?

- Call Brady Risk Environmental at 1-800-926-7910 or visit our website [www.Bradyriskenvironmental.com](http://www.Bradyriskenvironmental.com) for additional information.

### 12. What is classified as a Commercial Account?

- Property that is used for business purposes. For example office buildings, industrial property, medical centers, hotels, malls, retail stores, farm land, multifamily housing buildings, warehouses, and garages

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# PROGRAM DESCRIPTION

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### • The primary benefits of the Program are as follows:

- Program enrollees receive repair work, for no cost other than the program service fees (below).
- "Trenchless" technology (i.e. no digging) for nearly all repair work that is performed. In cases where Program enrollees require repair work, BRE (in most cases) will insert fiberglass sleeves through existing pipes within the house. This preserves lawns, pavement, property, and, most importantly, saves you from having to make costly repairs later on.
- In the unusual case where trenchless technology can not be utilized, BRE still conducts the repairs for no additional cost.
- A 24-hour call center is used to schedule inspections and repairs (see enclosed materials).
- Program enrollees can have the peace of mind of knowing that, should their sewer lateral malfunction, or found to be damaged, they can avoid the approximate \$5,000-\$15,000 cost to conduct repair work. Individuals who do not enroll in the Program are liable for such costs, which are not covered under standard homeowners' insurance policies.
- Enrollees will be helping Long Beach to protect against the harmful environmental effects of damaged sewer laterals, including:

### • "Exfiltration"

Damaged sewer laterals cause wastewater to leach into the ground. Eventually, that wastewater emerges in, and pollutes, Reynolds Channel as well as our drinking water source. In addition to the health, safety and aesthetic concerns caused by this pollution, the nitrogen in the wastewater weakens the coastal marshlands that help protect communities from severe flooding during major storms.

### • "Infiltration"

Damaged sewer laterals also permit runoff water to enter into the City's sewer system, which results in unnecessary treatments costs that are passed onto all property owners.

### • Service Plan. The fee schedule for enrollment in the Program is as follows

- Year 1: \$8.33/month, or \$99.99/year (\$24.99 per quarterly bill)
- Year 2: \$9.00/month, or \$108/year (\$27 per quarterly bill)
- Year 3: \$9.50/month, or \$114/year (\$28.50 per quarterly bill)
- Year 4: \$9.99/month, or \$119.88/year (\$29.99 per quarterly bill)
- Year 5 and beyond: Same as Year 4

\*Please note that the rate for Commercial Properties will vary based on the difference in general usage and size of the private sewer lateral.