

COPING

With an Unwelcomed Surprise:

Sewer Back-Up



A message from the
City of Harrisonburg

Sewage usually flows in a reliable path, moving along from pipes inside a lodge to outside lateral pipes under a lawn or a street. These pipes carry sewage to the public main, which then moves the sewage to the *City's* Wastewater Treatment Plant.

When the path reverses, for any reason, it is an unpleasant and unwelcomed surprise! We'd like to help with information on how to best cope with this turn of events.

The customer usually has two immediate questions:

1. How do I get the sewage out?
2. Who pays?

1. How do I get the sewage out?

FIRST, call the Harrisonburg Water and Sewer Department at 434-9959.

Call us first before any other repairperson.

This is because certain conditions, which cause the most damage, are related to stoppages in the public main. Only the water and sewer response team for the department can address them and they may find you don't need a repairperson.

Here's what you can expect from the experts in your municipal department when they arrive following your call.

1. A quick response; our employees are trained to provide an expected arrival time to you;
2. A thorough check of the pipes in the public main, testing to identify any stoppages in the public main, removing any stoppages that may exist and/or preventive maintenance cleaning in the public main. The Water and Sewer Department will also clean-up and disinfect around public manholes which may have overflowed.
3. A written assessment of the condition of the public main at the time of the initial visit. At this time, the examiners may suggest that you call a plumber and/or cleaning service.
4. Courtesy.

Here's what you **cannot** expect from municipal experts:

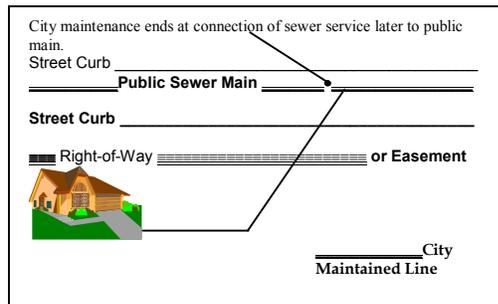
-
1. Clean-up or plumbing assistance for inside your resident or business.
 2. Clean-up or plumbing repairs for sewer service lines to the City main. (There is one exception. In cases of deteriorated pipe material in a lateral line, a Sewer Renewal Program is set up to help the property owner. The owner is required to provide the City with access to view the pipe in question. If during this inspection City personnel approve replacement, the City will replace a

lateral sewer line and will absorb one-half the cost. This sewer line replacement is from the main to the Right-of-Way or Easement Limit. This service was set up by City ordinance in order to reduce liabilities and dangers by insuring that only qualified City personnel in the department work on pipes under City streets or approaching the public main.)

2. Who Pays?

Generally speaking, recovery of costs for sewage damages that occur inside a home or business is the responsibility of that resident, as are the costs of the sewer service lateral. (Remember to save your receipts, they may be reimbursable through your homeowners' policy.) In contrast, costs associated with the main sewer line, checking the public main, testing, and removing any stoppages is the responsibility of the municipality.

The City maintains the public sewer main. All sewer lines to City mains, however, lateral mains are maintained by the customer.



The authority for this division of partnership, the citizen being the responsible party for all inside pipes and outside lateral lines up to the sewer main, with the government body being responsible for the public main, is municipal policy. Numerous court cases over the years have supported this partnership responsibility.

The *City of Harrisonburg* is liable for damages other than the public sewer main IF, and only IF, the locality's negligence caused the damage. Here are the four basic questions the court looks at in deciding this issue. The locality is liable if the answer to all four is yes:

1. *Was there a defect in the locality's sewer line? This might be a tree root, a foreign substance such as grease, a diaper that has found its way into the line, a sag or break in the line or an ineffective design in the line.*
2. *Did the locality know, or should the locality have known about the defect? For example, were there previous complaints or reports of problems, should the problem have been discovered during routine inspection or maintenance of the lines?*
3. *Did the locality fail to correct the defect within a reasonable time after learning of it?*
4. *Did that failure by the locality cause damages?*

The bottom line is that if the locality exercises reasonable care in inspecting and maintaining its public mains, and if the locality responds to problems in a reasonable manner and time, the lateral lines when sewer back-ups occur.

This is one reason why the Water and Sewer Department supervises the City's public main lines with an aggressive and regular maintenance schedule. (Remember, accidents can occur without cause by the property and without negligence by the City.)

If you believe the City is liable for damages because of negligence, as outlined in all of the four points listed, contact the Director of Public Utilities. City logs are available to you. These logs give the history or problems with all City public sewer mains. Plus, the Director of Public Utilities is available to help you determine if you have a claim against the City's insurance company.

*One question we hope you will ask:
How can I protect myself from this costly inconvenience?*

- 1.** Check your homeowners' policy. All insurance companies that provide homeowners or tenant's coverage in Virginia are required to inform insurers of the availability of coverage for back-up from sewers and drains.
- 2.** Consider the purchase of a homeowner's insurance policy, which will cover sewer back-up if you are without such protection.
- 3.** Avoid disposal of prohibited objects into the sewer system, such as diapers.
- 4.** Contact the Water and Sewer Department, if you suspect problems, or to request general information. The Department does have a cost-sharing program for those customers who are frequently exposed to backups. The program is for installation of a backflow preventer. Ownership of an insurance rider against a sanitary sewer backup is conditional to qualifications for this assistance.

Harrisonburg Water and Sewer Department
434-9959 - weekdays
434-2545 - overnight, weekends, and holidays

As your partners in sewer line maintenance, we hope this informational piece based on our experience of customers' questions, has been helpful in defining the problem. We also hope addressing the boundaries of responsibility is helpful.

Please know that we want to be supportive. You are our customer. We would be glad to talk to you anytime about our services.

We take the name, *The Friendly City*, seriously.

Mike Collins, M.S.E., P.E., *Director of Public Utilities*