

Local Government Insurance Trust

RISK MANAGEMENT BULLETIN

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Approaches for Controlling Sewer Backups and Overflows

What's the heart of the problem?

Due to recent significant litigation LGIT felt it necessary to revisit the sewer maintenance issue.

Typically, the increase in the sewer backup claims is directly related to severe weather but the potential increase in the cost of claims has also been influenced by a societal concern regarding the biological hazards associated with exposures to contaminants and bodily fluids. Another potential loss for the Pool member results from mold growth that may occur after an overflow that has not been properly cleaned and aerated. These contributing factors not only establish a sound basis for improved ongoing maintenance of the sewer lines but they should also remind us that the cost of these types of claims may continue to increase and an assumption of risk beyond what is legally required may be opening the member to an excessive financial liability.

Recommended Administrative and Operational Controls for Controlling Sewer Backups and Overflows

Administrative Recommendations:

1. A sewer ordinance is in place that includes the following:
 - Establishes desired grade requirements for sewer service lateral lines
 - Requires back flow valves and clean-outs be installed on service lateral lines.
 - Prohibits connection of down spouts, sump pumps or drainage lines into the sewer system.
 - Requires grease traps and clean outs be installed on all restaurants on the system.
2. Maps of the sewer system be developed to include tie-ins and manholes.
3. A record of overflows and back-ups is maintained and correlated to the map.
4. A maintenance plan that requires documented inspection of each section of the system within an 18 to 36 month period and maintenance schedule for the system.
Documentation should be a formal checklist, and the check list maintained whether or not a problem exists.
5. A written policy that requires employees to complete forms each time an overflow occurs, and a consistent approach for dealing with claimants and the event.

Founding Organizations



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6. Employee orientation at the time of employment that describes the system, maintenance plan and event response.
7. Pump capacities (provided by the manufacturer) are known, documented and compared to periodic flow charts to assure system is adequate.
8. Both wet and dry flows are periodically evaluated and documented to determine the level of infiltration and inflow in the system.

Operational Recommendations:

1. The LGIT Loss Control Representative and/or your entity's staff person responsible for utilities develop a list of vendors for overflow cleanup.
2. Be able to provide affected residents with a written summary of potential overflow causes and contact information about precautions, cleanup and contractors.
3. Document every overflow whether damage occurs or not.
4. Train every staff member in appropriate procedures for dealing with overflows and for dealing with customers, including measures to take to minimize damage and observations to make that may assist in claim evaluation.
5. Train every staff person in appropriate human interpersonal skills for response to an overflow event. Direct them to be polite and show concern for the situation and the resident, but **under no circumstance should they admit or deny liability**.
6. Equip all lift stations with a power failure and water level alarm that alerts staff or the manned facility on a 24 hour basis.

Dealing with a sewage overflow or backup:

CRITICAL REMINDER: *Instruct all personnel (and elected officials)* receiving calls from the public, and any field personnel that may encounter the public, that they **should never admit or assume liability** until a determination has been made by LGIT's claims department.

1. When notified of a backup, trained staff must respond to an overflow incident. The staff should notify the supervisor regarding the cause of the overflow or backup.
2. If the overflow affects a resident (or a resident's property), give the resident a fact and information sheet which provides directions for limiting damage and exposure, and also provides a list of possible vendors for cleanup. **Staff must be courteous but not admit fault.**
3. Complete an overflow incident form (and/or appropriate work order form) and maintain it on file, and if damage occurs, submit it to the LGIT claims department.
4. If the investigation reveals that the blockage or source of the backup or overflow was caused by a service line connection, an illegal connection, or any other condition caused by the property owner, document this and send it to the supervisor.

5. If a condition on the private property or service line was the cause of the overflow, send the property owner a letter describing the condition and the required repairs or modifications needed to reduce the chances of additional damage or backup.

Corrective Action/Empower Your Staff

Regardless of the coverage selected by the member, all citizens will benefit from improved internal controls to identify the cause of the overflow and the corrective action to eliminate the problem. ***A well maintained and adequate sanitary sewer system coupled with documentation of line inspections, flushing schedules and ongoing maintenance are critical components for cost and claim containment.*** Staff must be trained in proper procedures for dealing with an overflow event. Anyone who has dealt with a claimant understands that they are often emotionally charged. Prompt consistent response to an overflow incident can help to diffuse an angry citizen. Empowering staff by providing them with clear procedures and even scripts for response will also help appease customers and protect employees. Some Trust members have found in their community that prompt liquid removal conducted by their staff enhances the utility's image, diffuses anger, and allows an adequate time to investigate the source of the overflow. When this procedure is adopted, it is critical that authorization forms are obtained to justify access and work on private property.

For more information on this topic, please refer to the Risk Management Manual Sewer Backup Policy Guidelines or call, Richard A. Furst, Senior Loss Control Manager at dick@lgit.org or 1-800-673-8231.

Much of the information contained herein is provided with permission from the TML Risk Management Pool. .

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