

The tale of the sanitary sewer line

By Luis Fragoso

A property owner called one of our members to report that her office building suffered a significant sewer backup. City staff promptly responded and cleared the main line and then used a camera to rule out root intrusion in the main line. The video inspection showed another private line was connected to the claimant's lateral. However, a review of City records revealed that no other property was supposed to be connected to the sewer line in question. A dye test was conducted from the park adjacent to the property and the dye discharge from the park was observed coming out of the same sewer line that served the claimant's building. Upon further investigation, the City learned that the contractor the City hired to build the park over ten years earlier improperly connected the sewer line serving the park's public bathroom to the claimant's private sewer line.

The claimant submitted a large claim for loss of profits, remediation and reconstruction costs, diminution of value, and negligent infliction of emotional distress. In addition, she asked the City to accept responsibility for any future backups and for claims her tenants may bring against her.

WCIA retained an expert to investigate further and she determined that the backup was not due to inadequate capacity or a mechanical failure of the sewer system and there was no evidence to indicate a third party intentionally or negligently caused the blockage. Additionally, our expert discovered that the property's parking lot had recently been repaved and, subsequently, the claimant hired a plumber to "hydro scrub" the lateral line and install a cleanout. Our expert opined that the most likely cause of the blockage was gravel that came from the parking lot improvement project. However, given that the sewer line serving the park's bathroom had been improperly connected to the claimant's lateral, we decided to offer a compromise settlement and paid only about one quarter of the claimant's damages. Furthermore, in order to avoid any future claims, the City's Public Works Department promptly capped and abandoned the line that had been improperly connected.

Sometimes, non-monetary settlement terms can help us resolve a difficult claim. However, WCIA will not make any commitments or promises to a third party without first discussing all options with our member.