

# BUTLER AREA SEWER AUTHORITY

## SEWAGE BACKUP INFORMATION AND PROCEDURES FOR FILING INSURANCE CLAIM

### GENERAL

Just like your roof, heating system, and other utility services, your sanitary sewer system does not last forever. Unfortunately, the sanitary sewers under the floor of your home or business, the service lateral pipe that connects your home or business to the public sewer system, and the main line public sewers are taken for granted by most people because they are out of sight, and out of mind --- until you experience a sewage backup. The damage from a sewage backup and the clean up afterwards can be a frustrating ordeal, especially when a property owner finds out after the fact that their basic insurance policy does NOT cover sewage backup damage. For this reason, the Authority has prepared the following information to educate the public about the causes of sewage backups, the liability for sewage backup damage, and the procedures for filing a damage claim against the Authority.

### CAUSES OF SEWAGE BACKUPS

Sewage backups can happen anywhere, at any time within any sanitary sewer system. Although the frequency usually increases with the age of the system, even new systems are subject to sewage backups. Sewage backups are caused by pipe blockages or excessive flow in the sewers due to a variety of conditions and/or pipe defects, or a combination of such conditions. Pipe blockages may occur suddenly, such as a pipe collapse, or gradually build up over time. Common causes of pipe blockages or obstructions include, but are not limited to:

- ◆ Root growth (intrusion) through bad pipe joints or cracked pipe can obstruct and reduce the flow capacity of the pipe, or completely block the flow capacity of the pipe, and cause other solids and grease to build-up more readily.
- ◆ Build-up of solids, grease and soap scum deposits can obstruct or block even good pipe, but the build-up is worse where other pipe defects such as roots, sags or settlement of the pipe, offset joints, partial pipe collapses, low slope or protruding pipe connections exist.
- ◆ Pipe settlement or sags in the line can cause sewage ponding, which reduces the flow capacity of the pipe, and promotes solids, grease, and scum build-up.
- ◆ Deteriorated or failed pipe, such as partial or total pipe collapses, broken pipe, broken joints, badly offset joints, broken or intruding pipe connections obstruct flow and reduce the flow capacity of the pipe.
- ◆ Inadvertent damage to sewer pipes caused by property owners or their contractors when constructing improvements (additions, decks, patios, fencing, landscaping, etc.) or other utilities when making repairs or installing new facilities.

Sanitary sewers are ONLY intended and designed to handle sanitary sewage from the bathrooms, kitchens, and laundries of homes and businesses. In relatively rare instances, the actual sanitary sewage flow entering the pipe may exceed the design capacity of the pipe and cause a sewage backup in the undersized or under-designed pipe. If a pipe were undersized, sewage back-ups would occur relatively often and in dry weather conditions, independent of any rainfall events. More commonly, extraneous groundwater and/or storm water flow entering the sanitary sewer system from illegal connections, pipe defects, and floods causes the flow to exceed the design capacity of the sanitary sewers, resulting in sewage backups. Where the flow capacity of the pipe is already reduced because the pipe is partially blocked or obstructed, even small amounts of extraneous groundwater and/or storm

water may overload the reduced capacity of the pipe causing sewage backups. Sewage backups during heavy rainfall events, rapid snowmelts, high groundwater conditions, and/or floods are generally due to extraneous groundwater and storm water flow entering the sanitary sewers.

The major sources of extraneous groundwater and storm water entering the sanitary sewer system include, but are not limited to:

- ◆ Illegal direct storm water connections, such as roof drains or downspouts, driveway drains, yard drains, stairwell drains, parking lot drains.
- ◆ Direct and indirect connections between storm sewers and sanitary sewers.
- ◆ Foundation drain or groundwater/storm water sump pump connections to the sanitary sewer system.
- ◆ Infiltration of groundwater and/or storm water into the sanitary sewer through pipe defects, such as deteriorated joint seals, pipe cracks, root intrusion, broken pipe, manhole leaks, etc.

## **SEWAGE BACKUP LIABILITY**

Sewage backups can occur either in the public portion of the sanitary sewer system **OR** in the private sanitary sewer service lateral connection and building sewers for each property. The Authority is **ONLY** responsible for the operation and maintenance of the public portion of the sanitary sewer system within public roads and public rights-of-way. The private property owner is responsible for the operation and maintenance of the sanitary sewer service lateral pipe that serves their property and the sewers within their building. Consequently, the Authority is **NOT** liable for any property damage caused by sewage backup in **YOUR** service lateral pipe or building sewers, just as the water company is not liable for damage caused by a water line break in your home or building.

The Authority recommends that property owners review their insurance policy coverage with their insurance agent. If your policy does not provide coverage for sewage/floor drain backup, it is highly recommended that all property owners consider purchasing such coverage through your agent.

Damages to your property because of a sewage backup may or may not be covered under the Authority's liability insurance policy and state law. Each incident must be investigated thoroughly to determine the cause(s) of the backup, and to that end, any liability factors associated with the Authority's operation and maintenance of the public sanitary sewers. The Authority is not liable for any sewage backups caused by factors or conditions that are beyond the control of the Authority, for example, floods. By statute, the Authority is only responsible for property damage, if a dangerous condition exists in the sewer system, which causes the damage, and the Authority had prior notice of that condition such that it created a foreseeable risk of damage.

Authority personnel may, or may not, assist a property owner and/or tenant in cleaning up after a sewage back-up incident. Any such assistance, if provided, is done as a courtesy without any acknowledgement or admission of responsibility or liability on the part of the Authority.

## **PROCEDURES FOR FILING AN INSURANCE CLAIM**

1. It is the responsibility of the property owner, tenant(s), and/or their own insurance carrier to protect the property from further damage or loss, to make reasonable and necessary temporary repairs required to protect the property, and to keep an accurate record of repair expenditures.
2. It is the responsibility of the property owner, tenant(s), and/or their own insurance to clean up, repair, and/or restore the property to its original condition after a sewage backup. The costs

associated with the clean up, debris removal, repairs, and restoration are your damages for any potential insurance claim(s) against the Authority. The property owner and/or tenant(s) **MUST** carefully document **ALL** such costs and prepare an inventory of damaged personal property. The inventory should detail the quantity, description, age, replacement cost, and amount of loss. Photographic and/or videotape evidence of any damaged property that is disposed is strongly recommended. If possible, supporting information such as brand names, model numbers, serial numbers, original purchase receipts, or appraisals of damaged property should be collected and documented. The burden of proof for any damages is the responsibility of the property owner and/or tenant.

3. The property owner and/or tenant should first submit all damage claims to their own insurance company. Third-party damage claims submitted to the Authority are limited by statute to damages not paid by your own insurance company or the amount of any insurance deductible that you paid. A copy of a denial letter or settlement letter from your insurance carrier should be submitted to the Authority as part of the damage claim documentation before the Authority will process any damage claim.
4. ALL claims **MUST** be submitted in writing to the Butler Area Sewer Authority using the attached "Sewage Backup Damage Claim Form." The completed form and all supporting documents may be hand delivered to the Authority office or mailed to the Butler Area Sewer Authority, 100 Litman Road, Butler, PA 16001-3256.
5. The Authority will forward the claim to our insurance carrier for processing and contact the claimant to arrange for an inspection of the property as outlined below. As a pre-requisite condition for consideration of any sewer backup damage claim, the Authority requests that the property owner and/or tenants allow the Authority to thoroughly investigate the possible cause or causes of the sewage backup and identify any potential actions that may prevent a recurrence of a backup in the future. At a minimum, the property owner and/or tenant should allow Authority employees to enter the premises: (1) to conduct visual inspection of basement and interior plumbing system, (2) to conduct internal television inspection of the sanitary sewer piping within the building and the service lateral pipe to main line sewer, and (3) to dye test any sumps pumps and outside roof drains or downspouts, yard drains, driveway drains, stairwell drains, etc. The property owner is responsible for providing access to the building sewer and service lateral pipe via a basement sewer clean-out, floor drain, vented trap, or other point acceptable to the Authority.
6. If the property owner and/or tenant(s) deny access to the property and/or the property owner fails to provide a suitable access point to the building sewer and service lateral pipe to the main line sewer, the Authority **WILL** deny any sewer backup damage claim.
7. The Authority's insurance carrier may independently contact the claimant to inspect the property and/or review your losses and damages. The Authority's insurance carrier will not approve or deny any claim until the property inspection cited in Item 5 above is completed. After the inspection is completed, the Authority's insurance carrier will review the claim and notify the claimant in writing of their final decision regarding the claim.

**NOTE:** The Authority's investigation may detect deteriorated pipe conditions and/or connections that allow groundwater and/or storm water to enter the sanitary sewer system. Please be advised that such conditions or connections are a violation of local municipal sewer use ordinances and the Authority's rules and regulations. The property owner, at their own expense, will be responsible for eliminating any such illegal connections and repairing or replacing any deteriorated piping that allows groundwater or surface water to enter the sanitary sewer system in accordance with applicable Authority rules and regulations and applicable local municipal ordinances.