

Identification and Termination of Unlawful Connections

On March 30, 2004, Millcreek's Board of Supervisors established a detailed program to identify and terminate connections leading to discharge of storm water from properties in the Township to the sanitary sewer system.

The Township and the Sewer Authority have committed themselves to this program under the October 2003 Consent Order and Agreement with the Pennsylvania Department of Environmental Protection. The program is intended to accomplish far more than simply making sure that all properties comply with long-existing regulations. By reducing flows of storm water into the sanitary sewer system -

- As much as \$750,000 in transportation and treatment costs paid each year to the City of Erie can be saved;
- Costly surcharges payable to the City of Erie when the Millcreek system's authorized peak flow capacity is exceeded can be avoided;
- Backups of sewage into homes resulting from storm water consuming system capacity after storm events can be avoided;
- The public sewer system will have the intended capacity to address future growth;
- Discharges of sewage into Walnut Creek, done only to protect properties from sewer backups, can end.

The new policy has been incorporated into revised Rules and Regulations Governing the Sanitary Sewer System which also will be adopted on March 30, 2004.

The program of identifying and terminating connections of storm water to the sanitary sewer system will involve a process of inspecting properties' sewer connections in many areas of the Township. Where unlawful connections are found to exist, owners will be obligated to terminate those connections and direct storm water discharges to a storm sewer or other proper storm water conveyance. Owners who do not allow access for inspections to take place, or who fail to terminate unlawful connections, will be subject to enforcement actions that can lead to fines and additional costs.

Millcreek's Supervisors recognize that this program may affect owners of many properties. The program is not one the Supervisors take lightly. But as every sewer rent payer is sharing in over \$750,000 in unnecessary costs every year, some properties are threatened by sewage backups and future growth is placed at risk simply because storm water has unlawfully been connected to the sewer system, this is an issue where the public good has to outweigh the temporary inconvenience of terminating connections that should never have been made.

Intentions and Purposes of Program

The basic purpose of the new policy is to establish a commitment to reduce and prevent the inflow and infiltration of storm waters, subsurface and surface ground waters, runoff from roofs and impervious surfaces and the like into the sanitary sewer system. This involves removal and termination of the unlawful connections, with appropriate measures to be taken so that the storm water will be conveyed in one of the ways authorized under current regulations.

The Township will consistently enforce current regulations on future development activities to ensure that public and private sanitary sewer facilities are constructed and used in accordance with established standards and that stormwater management measures do not connect with or infiltrate into the sanitary sewer system.

The Township, working with the Sewer Authority, shall inspect properties in Millcreek Township to determine whether unlawful discharges of storm or ground waters into the sanitary sewer system exist and, if such unlawful connections are found, to effect termination of all such unlawful connections.

Priority areas and needs of the sanitary sewer system shall be established and agreed to by the Township and the Authority from time to time, and inspection efforts generally shall be focused on defined priority areas of the Township. Such priorities shall include, but not be limited to:

1. Areas of the Township which are subject to any existing orders or agreements calling for reduction of the inflow and infiltration of stormwater or found to be materially affected by such inflow and infiltration;
2. Areas of the Township in which inflow and infiltration of stormwater has been found to cause deficiencies in operation of the sanitary sewer system;
3. Areas of the Township in which inflow and infiltration of stormwater has been found to contribute to sanitary sewer flows exceeding or approaching exceedance of authorized capacity in the system;
4. Areas of or properties in the Township as to which inflow and infiltration of stormwater is believed to cause or increase risk of damage to properties.

Subject to meeting its other obligations for public services, the Township shall devote to the program of inspections and termination of unlawful connections existing personnel and, as the Township or the Authority should deem appropriate, third parties under contract.

The program will be implemented largely through personnel in the Township's Sewer Department and administrative assistance by the Authority, but will also require the assistance of personnel in other Township departments. whose supervisory and other personnel will ensure that assistance, coordination and other services are provided as required and in a timely manner.

While connection of storm water and other prohibited discharges to the sanitary sewer system violates ordinances and can expose a property owner to fines for the violation, the express purposes of the new policy are to identify and terminate unlawful connections to the sanitary sewer system. The focus is on securing compliance with regulations, not on collecting fines.

- To the extent practicable, the program places primary focus on obtaining access to properties, making appropriate inspections and effecting disconnection of unlawful connections.
- If means of inspecting connections are available at an additional cost where a property owner fails or refuses to allow access to the property as required in the Ordinance, those alternative means will be employed at the owner's cost, after prior notice, in lieu of enforcement actions simply to obtain access to a property.
- The policy involves consistent use of notices and actions in the implementation of the program which is to apply in all cases unless the Board of Supervisors should adopt a resolution to the contrary. The Supervisors themselves are not authorized to alter or modify these procedures.

Inspection of Properties to Identify Unlawful Connections

The Sewer Department, working with the Authority and other Township departments, shall inspect properties in and areas of the Township to determine whether any connections of storm water, surface, subsurface or ground drainage, roof runoff or unpolluted industrial process waters to the sanitary sewer system exist.

When inspections are to be conducted in a defined area of the Township or upon defined properties, written notice of the intention to inspect should be given to the property owner, this notice to request that the owner contact either the Authority or the Sewer Department to schedule an inspection. Written notice is not required in cases of emergency or unscheduled inspections.

If a property owner fails or refuses to respond to requests for a response so that an inspection can be scheduled, the Township and/or the Authority shall conduct an inspection during normal business hours. If an owner desires a specific day or time for an inspection, it is the owner's duty to so indicate in response to the submitted notices.

If access to the interior of a building is required for the conduct of a regular inspection and the owner has not responded to a request for inspection within 15 days after the date of a written notice or telephone request, the Township and/or the Authority may either effect an inspection from the mains or commence an enforcement action to secure access to the property.

Traps and clean-outs shall be accessible, and it is the property owner's duty to ensure that such facilities exist and are accessible. The Township and the Authority shall not be responsible for installation, accessibility or condition of traps and clean-outs, nor shall they be responsible for any damage which may result in the course of an inspection by virtue of there being no accessible clean-out. If no accessible clean-out exists on a property:

- The Township shall effect an inspection. If the owner authorizes an inspection from the interior, inspection shall be done in that manner if feasible. If the owner does not authorize inspection from the interior or an interior inspection is not feasible, the inspection shall be done from the main, with the additional cost of that inspection to be paid by the owner.
- Owners not having a clean-out or an accessible clean-out will not be required to install one unless inspection determines that an unlawful connection exists. In that event, the owner shall in the course of work to terminate the connection add the required clean-out.

Confirmation of Inspection - No Unlawful Connections Found

If a property owner has fully cooperated in the conduct of an inspection and the inspection has disclosed no unlawful connections to the sanitary sewer system, the Township or the Authority shall provide the owner with confirmation that the inspection disclosed no unlawful connections.

Termination of Unlawful Connections

If an inspection discloses that an unlawful connection to the sanitary sewer system exists:

- Written notice of violation of the Ordinance shall be given to the property owner. The notice will detail the violation; identify the unlawful connection(s) to be terminated; allow not more than 60 days in which to rectify the violation by disconnecting the unlawful connection and redirecting storm water in proper fashion; advise that a civil action for enforcement of the Ordinance will be commenced if the owner does not rectify the violation in the time allowed; state the fines prescribed in the Ordinance for each day of violation; and remind the owner that the Township can disconnect the unlawful connection at the owner's cost.
- The written notice shall advise that the owner or occupant must contact the Authority or the Sewer Department prior to effecting a disconnection from the sanitary sewer system or a re-routing of the disconnected discharge, so that work can be inspected and certified.
- If a stormwater or other discharge is to be redirected, that work must comply with Township ordinances and must also be inspected and certified.

The property owner will pay all costs of effecting disconnection of an unlawful connection to the sanitary sewer and of redirecting the disconnected discharge in accordance with regulations.

If an unlawful connection is determined by the Township or the Authority to involve volumes or nature of flows or other factors which require immediate action to disconnect it from the sanitary sewer system, the Township or the Authority shall give to the owner written notice that the owner must immediately terminate the connection and that the Township, in the event the owner should fail to do so, will terminate the connection at the owner's cost and shall then collect all costs of such termination from the owner.

Inspections of termination of unlawful connections to the sanitary sewer system and of redirection of disconnected flows shall be conducted by one Township inspector whenever possible.

In the event a property owner voluntarily acts to terminate unlawful connections to the sanitary sewer system and redirect disconnected flows in accordance with Township regulations, fees generally due for inspections of the disconnection and redirection shall be waived.

The Township or the Authority will ensure that inspection personnel are available to conduct inspections until 5 p.m. on normal business days of the Township. If an owner or an owner's contractor requests an inspection of work outside of normal business hours, on weekends or on Township holidays, the owner shall first be obligated to pay an overtime inspection fee.

If an owner fails or refuses to terminate an unlawful connection to the sanitary sewer system and/or to redirect such unlawful discharge in a manner consistent with Township regulations, the Township and/or the Authority shall commence enforcement actions, as deemed appropriate, to cite the owner for violation of the Sewer Use Ordinance and/or to effect disconnection and redirection as authorized in the Ordinance, with all costs thereof to be paid by the owner, and/or to commence an action to compel the owner to terminate the unlawful connection(s) and redirect disconnected discharge so as to comply with Township regulations. All costs, expenses and fees of attorneys and other professionals incurred in any such proceeding shall be payable by the owner and shall be included in any judgment.

Coordination of Program and Options Available to Affected Owners

Prior to commencement of investigations in a defined area of the Township, the Streets Department shall be notified and shall promptly inspect catch basins and other storm sewer facilities in the area. Catch basins shall be cleaned out and repaired as necessary.

To the extent practicable, areas of the Township to be inspected should first be reviewed to identify potential problems or constraints that might affect alternative measures of redirecting stormwater as unlawful connections are terminated. Specific constraints or additional alternatives identified in this review should supplement the general standards of implementing this policy.

If a property having an unlawful connection of stormwater to the sanitary sewer system abuts an existing storm sewer or storm drainage channel along the street, the disconnected stormwater discharge should generally be redirected to that storm sewer or drainage channel, as applicable.

If a property having an unlawful connection of stormwater to the sanitary sewer system does not abut but is located near an existing storm sewer or drainage channel along the street, the owner generally will be expected to construct an extension to the existing storm sewer, drainage channel or other acceptable conveyance system.

If a property does not abut or is not located near an existing storm sewer or other acceptable conveyance system, or if this would be a more feasible or cost-efficient alternative, an owner may construct a dry well on the owner's property and redirect stormwater flows to that dry well.

If other alternatives do not exist or are not feasible, the Township will assist owners in an affected area in creation of a storm sewer district. Costs of such project shall be paid by the affected or benefitted properties or owners, and construction must comply with standards in the P&PI Code.

Where a number of property owners in an area are required to take similar actions, this policy should not be enforced in such ways as would impose on certain owners disproportionate costs when other owners would receive benefits without paying a commensurate share of expenses.

Information obtained by the Township and/or the Authority regarding fees of local plumbing firms for work related to termination of unlawful connections and/or redirection of storm water flows and will be made available to owners upon their request.

Collection of Fees or Expenses

Fees not previously paid or expenses incurred by the Township in the administration and enforcement of this program shall be invoiced to the property owner, and shall be the responsibility of the owner. If sums due are not paid within thirty (30) days after the date of an invoice, such sums which do not relate to abatement of a nuisance shall be charged and assessed as additional sewer rental. Expenses for abatement of a nuisance shall be collected in accordance with the general law governing assessment and collection of municipal claims and liens.