

Avon Lake Board of Municipal Utilities

AGENDA

For

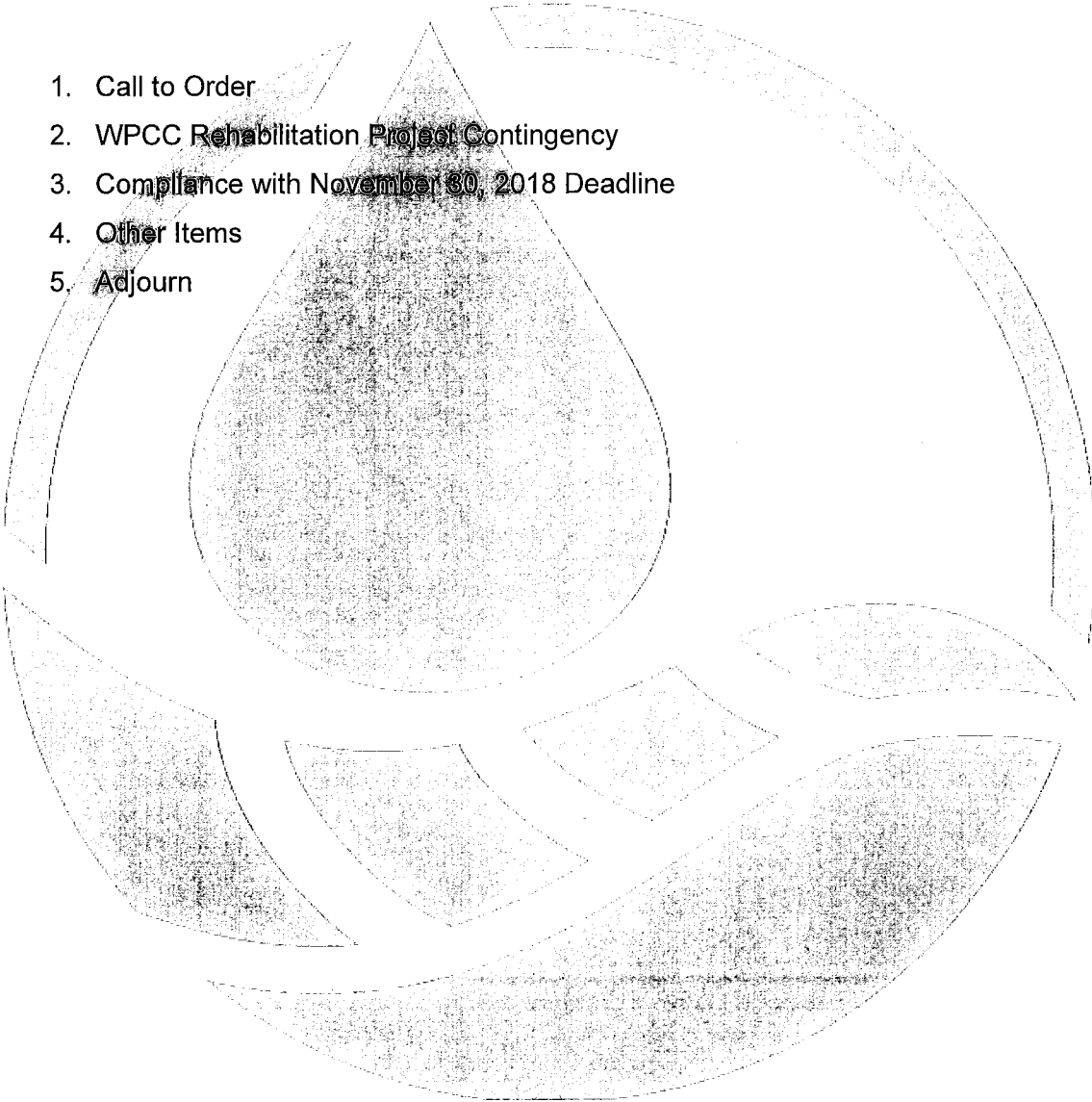
WORK SESSION

Tuesday

September 18, 2018

6:00 PM

1. Call to Order
2. WPCC Rehabilitation Project Contingency
3. Compliance with November 30, 2018 Deadline
4. Other Items
5. Adjourn



Board of Municipal Utilities' Sewer Lateral Path Forward

Background

Avon Lake is one of approximately 860 communities across the United States (72 in Ohio) served by combined sewer systems that collect both sanitary wastes and storm waters from residences and businesses. The 1972 Clean Water Act required communities to address combined sewer overflows, and several EPA policies since that time gave communities the ability to best choose how to do so. In 2004, Avon Lake and Ohio EPA came to agreement that all combined sewers within the city would be separated by 2020 so that storm water and sanitary wastes are captured and managed differently.

Initially, as sewers were being separated in Avon Lake, customers were allowed to keep their foundation drains connected to what became their sanitary lateral that discharged into the sanitary sewer. However, several extreme rain events led Avon Lake (through its Board of Municipal Utilities and Avon Lake Regional Water) to investigate and determine gravity foundation drains may provide significant quantities of water to the sanitary sewer during rain events. This led to changes in Avon Lake Regional Water's Regulations to no longer allow foundation drains to be connected to the sanitary lateral and a City Council ordinance supporting the requirement.

In consultation with the City Council, the Board of Municipal Utilities established three deadlines (the first being February 1, 2018) for customers to assure foundation drains and other clean water sources are prevented from entering the sanitary sewer. Due to a variety of reasons, one month prior to the first deadline of February 1, 2018, approximately 230 customers with that deadline still have not had their free inspection to help determine if they have clean water entering their sanitary lateral and nearly 300 customers who know they have a problem have not yet prevented clean water from entering their sanitary laterals. Board members and Avon Lake Regional Water staff have been told by some that they are trying to comply; however, contractors are backed up due to excessive work.

The Board made these changes that prevent customers from discharging clean water sources in sanitary laterals so that the City of Avon Lake would comply with its Ohio EPA-approved Long-Term Control Plan that would separate all combined sewers by 2020, while not transferring one problem (combined sewer overflows) into another problem (sanitary sewer overflows). Though Avon Lake Regional Water Regulations allow for fines, the Board would prefer customers pay to separate their laterals (if required), rather than paying the \$200/day fine if they have not separated by the required due date.

The 2013 Council ordinance and the 2017 Council resolution indicate that if owners do not separate by the timeframes established, the Council will cause it to be completed and assessed to the owners. Out of an abundance of caution, the City of Avon Lake's Law Director has recommended before acting on this, Avon Lake should obtain court action granting Avon Lake Regional Water access to inspect the property and then perform the work, if required.

In order to both acknowledge the statements from customers regarding getting the separation work performed by contractors and the recommendations of the Law Director, the Board of Municipal Utilities is establishing the following path forward:

Sewer Lateral Path Forward

The Board of Municipal Utilities wants to grant as much time as possible to allow customers to assure clean water is not entering sanitary laterals but also must adhere with Ohio EPA requirements. In order to best balance these, the Board will do the following:

1. Customers must confirm that clean water sources such as foundation drains, yard and/or driveway drains, and downspouts are not discharging into sanitary laterals by:
 - a. November 30, 2018, for homes in the "Group A" area,
 - b. June 30, 2019, for homes in the "Group B" area, and
 - c. November 30, 2019, for homes in the "Group C" area.
 - The Group C area entails homes in the 45 Area Combined Sewer Separation Project (Forest, Grove, Lakeview, Lakewood, Oakwood, South Point, and Tomahawk) and on Avondale.
 - The Group B area entails homes in the Fairfield-Brookfield Sewer Separation Project (Berkshire, Brookfield, Fairfield, Inwood north of Redwood, parts of Lake, and parts of Electric), as well as homes on streets with formerly combined sewers that do not have storm access including Avon Belden (north of Redwood), Beachdale, Beck, Curtis, Fay, Forest Hill, Groveland, Hermann, Karen, Sunset, Vanda, Vineyard, and Woodstock (Electric to Lake).
 - The Group A area includes all other homes on formerly combined sewer area streets including the Belmar project area (Artsdale, Ashwood, Belmar, parts of Electric, parts of Lake, Mooreland, and parts of Redwood), the Moorewood project area (Beachwood, Crestwood, Parkwood, Moorewood, parts of Electric, parts of Redwood, and Vinewood), Avon Belden (south of Redwood), Bellaire, Burton, Cherry, Dellwood, Drummond, Duff, Electric (parts), Glenview, Harvey, Inwood (south of Redwood), James, Jaycox, June, Lake (parts), Lear, Miller, Moore, Mull, Norman, Parkview, Redwood (parts), West Shore, Woodstock (south of Electric), Yoder, and York.

Confirmation will first be through a free inspection by Avon Lake Regional Water. If Avon Lake Regional Water is unable to confirm a home is not discharging clean water into the sanitary lateral, then the customer will need to confirm through another source, possibly an outside contractor with some sort of video device or by digging. If this is done, then Avon Lake Regional Water staff must be present to review the video or inspect what is unearthed. If Avon Lake Regional Water determines work must be done to prevent clean water from entering the sanitary sewer, then this work must be completed and confirmed prior to the dates above.

2. If customers have not confirmed clean water sources are not discharging into sanitary laterals by this time (including completing any required work), the following will occur:
 - a. The customer will no longer be eligible for the \$1,000 wastewater bill rebate if the customer separates in a manner that ends up with two separate laterals leading to the respective storm and sanitary sewers, and
 - b. The Board may begin issuing fines that will be waived if it is determined that the home is in compliance preventing clean water sources from entering the sanitary lateral.
 - c. That address will be included in legal filings with the court.
3. At dates after those stated in Item 1(above), documents will be filed with the court to:

- a. Grant access to Avon Lake Regional Water, the City of Avon Lake, and/or its contractors to inspect the property to see if clean water sources from that property are discharging into the sanitary sewer and,
- b. If so, grant authority to address the issue by removing all clean water sources from the sanitary lateral and redirecting them to the storm sewer or another appropriate discharge point at the discretion of Avon Lake Regional Water and/or the City of Avon Lake.

As described in the 2017 Council resolution, all costs for that work, plus an additional 5% will be assessed to the owner of the property where the work will be completed.

Future Work

It should be noted that all investigations to date have focused on currently and formerly combined sewer areas. The next areas of focus will include streets that never had combined sewers but may have homes discharging clean water into the sanitary sewer including Armour, Avon Point (Electric to Lake), Bonnieview, Colony, Coveland, Electric (parts), Edgewood, Englewood, Gra Gull, Highland (north of Lake), Lake (parts), Maplecliff, Moore (parts), North Point, Parkland, Redwood (parts), Rice Park, Webber, West Shore, and others.

September 1, 2018

Nancy Vandevender
225 James Circle
Avon Lake, Ohio 44012

 **COPY**

Re: City Council Resolution 5-2017 and Your Approaching Deadline

Dear Homeowner:

In order to comply with Avon Lake's agreement with the Ohio EPA that all sanitary sewers be separated from storm sewers, and that wastewater no longer flow into Lake Erie during storms, the Council of the City of Avon Lake has passed Resolution No. 5-2017, declaring a city emergency.

We have made several attempts to contact you to schedule your free inspection. Please contact us immediately to schedule your inspection. This new City Council Resolution (which can be found on the City of Avon Lake's website) codifies each owner's requirement to install sanitary and/or storm lateral(s) between the home and the sewer mains under the street. If your home is not in compliance by your deadline (shown below), this new resolution gives Council the power to separate your home for you, assessing the entire cost against your property taxes as provided by law. **This resolution requires your work to be completed by November 30, 2018. If it is not, your property may be included in legal proceedings.**

If you know you have work to do, let this letter serve as a reminder, as well as notice that low-cost loans are now available through Avon Lake Regional Water; apply at avonlakewater.org/loans or in person at 201 Miller Road, Avon Lake, between the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday.

In addition to the separation work on your property the City would assess, please be advised that under the regulations of Avon Lake Regional Water, anyone discharging storm water into a sanitary sewer is subject to a fine for \$200 per day past your deadline. Thank you for your kind attention in this matter.

**YOUR DEADLINE IS NOVEMBER 30, 2018.
CALL US IMMEDIATELY AT (440) 933-6226 TO SCHEDULE
YOUR FREE INSPECTION.**



**Avon Lake
Regional Water**



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