



The Metropolitan District

water supply · environmental services · geographic information

April 6, 2023

Mr. James Chow  
Acting Director  
Enforcement and Compliance Assurance Division  
US Environmental Protection Agency, Region 1  
5 Post Office Square, Suite 100  
Boston, MA

Re: Response to EPA Letter 3/8/23

Dear Mr. Chow:

Thank you for your letter of March 8, 2023. Attached to this letter are the responses to items in Attachment A of your letter that you requested.

Before addressing the specific requests/issues presented in your letter, I need to point out that the storms noted in Table 1 of your letter during the summer of 2021, were three significant rain events (July 9, August 19 & September 1). These events resulted in several properties MDC-wide being flooded and having water in basements. ***These storms were categorized as 25-, 244-, and 31-year events, respectively.*** Since then, the MDC has repeatedly been blamed for street flooding and/or sewage back-ups that occurred as a result of these significant rain events. It is worth noting, for reference, that the EPA approved SSO Elimination Plans only require the elimination of Structural SSOs in storms of 25 years and less. This same approval included the elimination of SSOs from basement backups in storms of 5 years and less; and elimination of SSOs from manholes in storms of 10 years or less. The storms referenced in this letter far exceeded the agreed upon levels of control for basement backups and manhole surcharging included in EPA's prior Consent Decree approvals.

As you are aware, there are no State or Federal regulations requiring any level of service for drainage systems in public or private lands. Additionally, the City of Hartford (COH) is the MS4 Permittee for the management of stormwater within Hartford. **Per the CO, the MDC is to eliminate and/or reduce CSOs discharging to "waters of the State", as mentioned multiple times in the CO.** Consequently, the MDC is responsible to ensure that sewer/stormwater entering the pipe stays in the pipes. **Any stormwater other than that which enters our pipe, is not the responsibility of MDC, CT DEEP or EPA under the Clean Water Act, or any other regulation.** This includes any stormwater which enters a home or business through other means, such as through front doors, basement windows, or footing drains (similar to what occurred on Albany Avenue in the August 19<sup>th</sup> storm).

Regarding the stormwater system, the MDC has repeatedly sent correspondences to both the COH and CT DEEP stating concerns about the COH's lack of MS4 compliance. The District has identified its and the City's responsibilities related to the MS4 Best Management Practices and have outlined these responsibilities in a draft MOU with the COH in August 2018 to structure our relationship (see attached). The District has continued to meet our responsibilities of the Draft MOU but continue to struggle with

coordination of activities with the City that help with delivering our services and maintaining the District's portion of the drainage system. These concerns included:

- Lack of construction site runoff control
- Poor management of pollutants from parks and open space
- Lack of street sweeping
- Lack of a catch basin cleaning program

Additionally, the COH has not sent the MDC any draft MS4 reports or related submissions for comment or review.

Despite these correspondences to CT DEEP, the District has never received any indication that CT DEEP would provide the District with assistance or initiate enforcement actions against the COH for the COH's non-compliance. While MS4 compliance is not the MDC's responsibility, the lack of the COH's ability to comply with these regulations has a direct impact on both the MDC's combined sewer system, and the street flooding that has been a public complaint in recent years.

The COH continues to promote development including allowing stormwater and groundwater connections to be made to the MDC's combined system and/or separated storm drains. **This is a violation of the District's NPDES permit and the COH's own Planning and Zoning Ordinances. The District has asked CT DEEP for guidance multiple times on this topic, and has yet to receive any.** Building additional stormwater capacity to serve new development due to the fact the existing CSO system does not have sufficient capacity, is not regulated by CT DEEP, or EPA and therefore cannot be MDC's responsibility as a CSO community sewer authority. Providing a level of service to these unusual storms that have gained the attention of all municipalities, CT DEEP and EPA, far exceeds the affordability of any Sewer Authority or City Public Works. Furthermore, these storms are significantly greater in size and intensity than any industry standard for stormwater level of service. **It is the MDC's opinion that if additional stormwater capacity is needed to support development, this capacity should be constructed, owned, and maintained by the COH.**

In accordance with Section VIII of Consent Decree 306CV00728 (CD), the MDC submitted its SSO Emergency Response Plan (ERP) to EPA in December 2006. This ERP clearly outlined the MDC's approaches of investigating, confirming, and reporting SSOs to EPA. While comments were received from EPA in 2012, the document itself was never formally approved. Subsequently, the MDC and EPA met in January 2017 to discuss several topics, including the MDC's CMOM program and confirming and reporting of SSOs. From this meeting and subsequent discussions, the ERP was revised and submitted to EPA in May 2019. In August and September 2021, after several large events, the MDC met with EPA to discuss the reporting of SSOs in large rain events. From these discussions, the MDC revised its ERP, and it was submitted in January 2022. This ERP was approved in February 2022.

In accordance with the CD, throughout all of these meetings, discussions, and approvals, the MDC was consistent in that the ERP was intended for its Separated System, which does not include Hartford, or a small section of West Hartford, which are served by a combined sewer system. The inclusion of the reporting of SSOs in these combined areas was never discussed, and neither was the NPDES permit. In similar fashion, the reporting of SSOs in these combined areas was never mentioned by CT DEEP in any meeting or discussion regarding the Consent Order, the LTCP/IP; both previous and current versions. **From the MDC's perspective, CT DEEP has decided to enforce some requirements of the NPDES, but not all, such as not allowing new inflow connections.**

While the omission of this reporting was an administrative oversight by MDC, the MDC is confident that any SSOs in these combined areas that occurred during wet weather events were limited to extreme rain events, such as the ones in August 2021, and is currently reporting any SSOs that occur, regardless of location or cause. Additionally, the omission of this reporting was an administrative oversight by DEEP, as it appears other CSO communities in CT are under the same impression as the MDC, with only three (3) wet weather basement backups having been reported on CT DEEP's Right to Know website in combined systems since 12/2021.

The MDC's Consent Order is primarily focused on reduction and/or elimination of CSOs discharged to the rivers. This is consistent with USEPA's CSO Control Policy established in 1994. That being said, the MDC also acknowledges this opportunity to both address CSOs to the rivers as well as help the residents of Hartford. As discussed in my March 23, 2023 letter to CT DEEP, the MDC has identified some options to help residents in northern Hartford earlier than the schedule in the Consent Order. However, as I discussed, this can only be accomplished if either CT DEEP provides grant and loan funding for these projects; or if other projects (including some Consent Decree Projects) are delayed.

The MDC cannot do this alone. The IP has been approved, and therefore changing that plan will involve expedited approvals from both CT DEEP and EPA. Either relaxation of scheduled milestones for priority projects to comply with the CO or additional funding (or both) will be necessary to achieve both previously approved CO projects and these recent new priorities. With CT DEEP's administrative and financial support, the MDC can do both, as we believe the community deserves this attention. The MDC also needs support from the COH and Department of Transportation (DOT) by fulfilling their obligations relating to MS4 permit requirements, and the COH and the Greater Hartford Flood Commission (GHFC) must clear the stormwater receiving capacity of its rivers, including the channels and adjacent properties.

**It is imperative that both EPA and CT DEEP understand that the MDC's Integrated Plan was developed and approved with affordability for our ratepayers in mind.** The MDC presented a plan that proposed spending approximately \$45M annually in IP projects because that is what is affordable for our ratepayers, especially areas in Hartford and East Hartford. This expenditure rate can potentially be increased; however, it would depend upon the level of CT DEEP CWF financial assistance. This plan was developed with input from CT DEEP and the full support of each of our eight Member Towns. The primary objective of this plan was to achieve CO and CD Compliance, with the focus of CO compliance being CSO eliminations to the NBPR and Wethersfield Cove. During our recent meetings, CT DEEP has asked the MDC to shift the priorities of the CO to focus more on the areas of Northern Hartford that have experienced sewer backups and street flooding. In response, we have developed a proposed alternate plan for CT DEEP's review and consideration. If CT DEEP agrees with the schedules in this alternate plan, the MDC will proceed with the next steps of memorializing this schedule, including determining its affordability, which will be heavily impacted by CT DEEP's ability to provide grant and loan funding on all CO/CD projects included in this revised Phase I schedule.

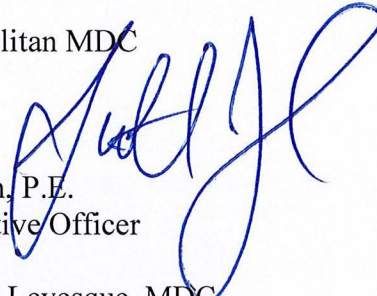
As you are aware, the MDC submitted its CSO Long Term Control Plan/Integrated Plan (LTCP/IP) to CT DEEP in December 2018. This plan wasn't fully approved, until the execution of a new Consent Order occurred in September 2022. Despite this significant delay, the MDC proceeded with a significant sewer rehabilitation program, where we rehabilitated approximately 216,300 LF of sewers over this 4-year period of time. **Additionally, while it is being portrayed publicly that the MDC hasn't been addressing its responsibilities within Northern Hartford, it should be pointed out that 70,122 LF of this work occurred in Northern Hartford.**

As stated in this letter and my previous letter to CT DEEP, without full CT DEEP grant and loan funding, the MDC may have to delay other Consent Order and Consent Decree projects. If CT DEEP and US

EPA agree with the concepts presented in this letter regarding full grant and loan funding and/or delays of other projects to maintain affordability, the MDC will provide CT DEEP with a revised schedule of projects to supersede Appendix A of the CO.

Once you and your staff have reviewed this letter, please feel free to schedule a meeting with my staff and I to discuss next steps. Thank you.

Sincerely,  
The Metropolitan MDC



Scott Jellison, P.E.  
Chief Executive Officer

Cc: Chris Levesque, MDC  
Chris Stone, MDC  
Susan Negrelli, MDC  
Jason Waterbury, MDC  
Graham Stevens, CT DEEP  
Nisha Patel, CT DEEP  
Jack Melcher, US EPA

**Attachment 1: Questions Received in 3/8/23 EPA Letter Attachment A**

## **Questions Received in 3/8/23 EPA Letter Attachment A**

### **Item 1: Basement Backups Identified by MDC Prior to Inspection**

- 1) For each of the events listed in Table 1, state whether each event was reported to the Connecticut Department of Energy and Environmental Protection as a collection system bypass. For events that were not reported, provide the reason for not reporting.
  - a. ***In accordance with Consent Decree Paragraph V.A.3, "Capacity-Related SSO" shall mean any discharge or release from any part of the MDC's Sanitary Collection System, not including the combined sewer areas in Hartford and West Hartford, that is the result of the inability of that portion of the Sanitary Collection System or portions of the Sanitary Collection System downstream of that portion, to convey peak flows to a treatment plant when operating as designed. As such, since 2006, the District has been only reporting "Capacity-Related SSO" events in the separated sewer areas.***
  - b. ***This reporting methodology is consistent with the approach outlined in the District's 2006 Emergency Response Plan, which had been submitted to EPA in December 2006. The ERP specifically excludes overflows from Hartford or the combined system in West Hartford.***
  - c. ***Following meetings with EPA August and September 2021, the District made the required internal changes to report any Capacity Related SSOs within the combined areas in the same fashion as those that occur in the non-combined areas. Since this meeting, there have not been any such events that should have been reported which the District has not reported. The events listed in Table 1 pre-dated these meetings, and as such were not reported.***
- 2) The District's list of the events in Table 1 provided that July 8, 2021, was the date of Tropical Storm Elsa; August 19, 2021, was the date of Tropical Storm Fred; and September 1, 2021, was the date of Tropical Storm Ida. Provide duration, intensity, and the average recurrence intervals of the storms associated with the events in Table 1.
  - a. ***Listed below are the Average Recurrence Intervals (ARIs) for these three events:***
    - i. ***Including Tropical Storm Elsa (7/8/21), the District received nearly 10" of rain over the course of 9 days, equating to an ARI of 25 years.***
    - ii. ***During Tropical Storm Fred (8/19/21), the District received over 5" of rain in a 4-hour period of time, equating to an ARI of 244 years.***
    - iii. ***During Tropical Storm Ida (9/1/21), the District received approximately 5.5" of rain over 20 hours, equating to an ARI of 31 years.***
    - iv. ***All three storm events exceed the CT DOT standard for the design of storm drainage infrastructure of 10-year storm.***
- 3) For each of these events listed in Table 1, provide documentation of the customer complaint received and subsequent investigation by the District.
  - a. ***Attached to this document is a copy of Table 1, with a summary of any follow-up activities that resulted from these complaints. Each Property owner was given a 37-A form, which describes the steps a property owner should take to investigate the private property issue. The form is provided to the sewer customer following the District verifying that the main sewer is not surcharged by inspecting the upstream and downstream manholes in relation to the sewer lateral connection.***
  - b. ***Per this form, customers are informed that they should contact a licensed plumber or drain layer, or reputable sewer cleaner to perform a power rodding to clean any blockages within the sewer house connection. The form also states that if the***

*blockage cannot be relieved, the customer is to call the MDC & an MDC inspector will come out to determine location of the blockage as well as provide guidance to the customer's contractor to properly clean the lateral based on required cleaning equipment usage and demonstration that equipment is being properly operated. The District is verifying that the customer's contractor is adequately performing the required services. This service is provided to the customer at no cost and is meant to reduce the need to perform costly excavation repairs when not needed.*

- c. Customers were also provided with a "Sewer Backup Prevention & Reporting Program" pamphlet. This pamphlet directs customers to call the MDC for assistance in assessing their plumbing on-site (aka "BWV assessment"). When the customer agrees to allow an assessment to be performed, the District currently provides a CCTV lateral inspection, at no cost to the property owner, to further investigate and identify the root cause of the sewer backup related to condition of the sewer lateral. The District currently advises the property owner on more frequent preventive maintenance or provide information and programs on how to replace the sewer connection when needed.*
- d. As shown on this table, approximately 60% of the residents did not call the District to request a BWV assessment. Assessments were performed on all properties which the District received a phone call to request an assessment.*

***Item 2: Customer Complaints Not Identified as Basement Backups***

- 1) For each of these events listed in Table 2, provide documentation of the customer complaint received and subsequent investigation by the District.*
  - a. Attached to this document is a copy of Table 2, with a summary of any follow-up activities that resulted from these complaints.*

***Item 3: Customer Complaints from Hartford Customers to MDC***

- 1) Describe MDC's outreach efforts since January 1, 2018, to encourage customers to report basement backups in Hartford.*
  - a. The MDC has Backwater Valve stand-alone brochure (developed in 2018)*
  - b. MDC Alerts Mass Notification System Press Release (2019)*
  - c. Hartford Courant Digital ad campaign about Integrated Plan (2019)*
  - d. Presentation / Backwater Valve brochures to MOUTH Block group in North Hartford (October 1, 2019)*
  - e. Presentation / Backwater Valve brochure to MOUTH Block group in North Hartford (November 12, 2019)*
  - f. Storm FAQ Backups Press Release (August 4, 2020)*
  - g. Fats, Oils and Grease YouTube video (October 2020)*
  - h. Storm FAQ Backups Press Release (August 1, 2021)*
  - i. Storm FAQ Backups Press Release / Eblast / Everbridge notification (August 20, 2021)*
  - j. Storm FAQ Backups Press Release (September 1, 2021)*
  - k. Provided City of Hartford Community Engagement office with BWV brochures (September 2021)*
  - l. Storm FAQ Backups Press Release (October 25, 2021)*
  - m. MOUTH Meeting (October 21, 2021)*
  - n. Backwater Valve, PPID building code mtgs with City of Hartford 3/12/21 & 10/7/21*

- o. *Meeting with COH Development Services to discuss COH's Flood Mitigation Grant Program and the MDC's Sewer Backup Prevention and Reporting Program and how these programs can potentially be aligned to address customer property issues (April 8, 2022)*
  - p. *Fat, Oils and Grease backup prevention paid social media campaign (June 2022)*
  - q. *Social Media posts on:*
    - i. *MDC Command Center open 24/7 for emergencies*
    - ii. *Backwater Valve Program*
    - iii. *Sign Up for MDC Alerts system*
    - iv. *Fats, Oil and Grease Program*
    - v. *Toilets are Not Trashcans campaign*
    - vi. *Storm FAQs What to do if you have a sewer backup*
    - vii. *Cleaning catch basins*
- 2) Describe MDC's planned outreach efforts to encourage customers to report basement backups in Hartford.
- a. *The MDC will continue to use all methods available to reach out to customers about backups including but not limited to:*
    - i. *Direct Mailings*
    - ii. *Print Brochures / Door Hangers*
    - iii. *Bill Inserts*
    - iv. *Website*
    - v. *Social Media*
    - vi. *Video Production*
    - vii. *Digital / Print Ads*
    - viii. *Public Meeting Presentations*

**Item 4: Private Property Customer Service Program in Hartford Neighborhoods**

1) Provide the number of MDC's residential customers in each neighborhood in Hartford.

a. Please see below Table:

NRZ	Nonresidential		Residential		Total	
	Parcels	%	Parcels	%	Parcels	%
Asylum Hill	256	7%	463	3%	719	4%
Blue Hills	106	3%	2248	14%	2,354	12%
Clay Arsenal	293	8%	520	3%	813	4%
CSS/CON	124	3%	103	1%	227	1%
Frog Hollow	459	13%	985	6%	1,444	8%
Marg	173	5%	1605	10%	1,778	9%
Northeast	443	12%	1497	10%	1,940	10%
Parkville	223	6%	756	5%	979	5%
South Behind the Rocks	216	6%	3505	23%	3,721	19%
South Downtown	105	3%	46	0%	151	1%
South End	299	8%	1732	11%	2,031	11%
Upper Albany	186	5%	843	5%	1,029	5%
West End	138	4%	1046	7%	1,184	6%
(Outside of NRZs)	612	17%	168	1%	780	4%
<b>Totals</b>	<b>3,633</b>	<b>100%</b>	<b>15,517</b>	<b>100%</b>	<b>19,150</b>	<b>100%</b>

2) Provide the number of MDC's non-residential customers in each neighborhood in Hartford.

a. Please see above Table. Please note parcel data from the below COH website was used in this determination. The District used the definitions provided by the COH for "Residential" includes 1-3 family properties and Apartments. For further analysis on whether specific Apartments should be considered Commercial, the COH should be consulted.

[https://data.hartford.gov/Financial/CAMAGIS\\_Property\\_Details/uepu-9ktm](https://data.hartford.gov/Financial/CAMAGIS_Property_Details/uepu-9ktm)

3) Provide a description of the District's program to provide backflow preventers to customers in Hartford. Provide the number of customers in each Hartford neighborhood who have received a backflow preventer from the District or has received assistance for installation of backflow preventers.

a. Since 2018, approximately 418 homes in Hartford have participated in the Backwater Valve Program. A summary of participants by neighborhood is below

BWV Status	NRZ													Total
	Asylum Hill	Blue Hills	Clay Arsenal	CSS/CON	Frog Hollow	Marg	Northeast	Parkville	South Behind the Rocks	South Downtown	South End	Upper Albany	West End	
Completed	3	111	1	0	6	8	19	3	33	2	26	20	22	254
Pending	1	12	0	0	1	0	1	5	7	0	2	1	2	32
Scheduled	5	25	2	0	2	4	8	7	6	1	11	4	3	78
Potential Future Work	2	36	0	0	0	0	2	1	7	0	2	3	1	54
Total	11	184	3	0	9	12	30	16	53	3	41	28	28	418
Percentage	3%	44%	1%	0%	2%	3%	7%	4%	13%	1%	10%	7%	7%	100%

- b. The District's Sewer Backup Prevention Program includes both the Backwater Valve Program and the Private Property Inflow Disconnect Program. The Backwater Valve Program focuses on ensuring all properties are properly protected from basement backups due to the lack of proper protection on below grade fixtures. The Private Property Inflow Disconnect Program separates the inflow and infiltration from footing and foundation drains and roof leader connections to the sanitary and/or combined sewer system at no cost to the property owner. This program is part of the District's Sewer Backup Prevention Program, which is advertised on the District's Website. A copy of the pamphlet is attached to this response with the link to the pamphlet for this program is shown below.**

**i. <https://themdc.org/app/uploads/2020/01/Sewer-BackupPrevention-Final.pdf>**

- 4) Provide a description of the District's program to assist customers with redirection of foundation drains and downspouts from the sewer. Provide the number of customers in each Hartford neighborhood who have received assistance for redirection of foundation drains and downspouts from the sewer
- a. Please see below table showing downspout re-directs. Due to COH policies, foundation disconnects with external sump pump disconnects have not been conducted.**

Downspout Redirect	NRZ													Total
	Asylum Hill	Blue Hills	Clay Arsenal	CSS/CON	Frog Hollow	Marg	Northeast	Parkville	South Behind the Rocks	South Downtown	South End	Upper Albany	West End	
Completed	0	3	0	0	0	2	5	0	1	0	2	0	0	13

- 5) Provide a description of the District's program to assist customers with lateral replacement or rehabilitation. Provide the number of customers in each Hartford neighborhood who have received assistance for rehabilitation or replacement of private sewer laterals.
- a. The District has had 5 COH customers participate in its voluntary lien program (see Table Below). Additionally, since 2018, the MDC has replaced 297 laterals within the**

*public ROW, within the COH due to failures within the public right-of-way; 2018 (54), 2019 (66), 2020 (43), 2021 (64), 2022 (70).*

- b. Listed below is an overall summary of District provided assistance (Lien Program/Contractor Observation/CCTV inspection):**

Lateral Work	NRZ													(Outside of NRZs)	Total
	Asylum Hill	Blue Hills	Clay Arsenal	CSS/CON	Frog Hollow	Marg	Northeast	Parkville	South Behind the Rocks	South Downtown	South End	Upper Albany	West End		
Lien Program	0	1	0	0	1	0	1	0	1	0	1	0	0	0	5
Contractor Observation	19	62	6	5	41	12	46	25	48	7	50	23	36	17	397
CCTV Inspection	17	131	5	1	15	11	27	9	39	2	21	27	26	0	331
Total	36	194	11	6	57	23	74	34	88	9	72	50	62	17	733
Percentage	5%	26%	2%	1%	8%	3%	10%	5%	12%	1%	10%	7%	8%	2%	100%

- c. Despite the fact that the District's LTCP/IP was not yet approved by CT DEEP, the District proceeded with a significant sewer rehabilitation program which ramped up over the 4-year period between submission to CT DEEP and approval via new Consent Order. In this period of time, the District rehabilitated over 41 miles of its collection system, 13.3 miles of which were in Hartford (32%).**
- i. Additionally, starting in 2020, the MDC began installing "Top Hats" on all lateral connections, when lining sanitary sewer mains. In doing so, the MDC addresses additional infiltration and the most common point of failure on all laterals, which is the wye or tee connection to the mainline sewer. On average, these Top Hats extend 2-3 feet up the lateral. The below table summarizes these installations by Neighborhood:**

NRZ	Parcels Where Top Hat(s) Were Installed	%
Asylum Hill	4	0%
Blue Hills	484	32%
Clay Arsenal	42	3%
CSS/CON	25	2%
Frog Hollow	380	25%
Marg	36	2%
Northeast	46	3%
Parkville	120	8%
South Behind the Rocks	142	9%
South Downtown	10	1%
South End	34	2%
Upper Albany	0	0%
West End	193	13%
(Outside of NRZs)	8	1%

- d. ***The District has also provided revisions to District Sewer Ordinances to provide alternative methods for replacement and rehabilitation of sewer lateral connections that would allow a customer to find cost effective options to restore the connection other than open excavation.***
- i. ***Specification for lining house connections and sewers – Effective January 1, 2020***
  - ii. ***Specification for pipe bursting house connection and sewers – Effective January 1, 2021***
- 6) *Provide a description of the District’s program to perform oversight of customers’ contractors working on private laterals. Provide the number of customers in each Hartford neighborhood who have received oversight of customers’ contractors working on private laterals*
- a. ***In accordance with District Ordinance S4h, a permit is required to construct, install, lay, repair, alter or remove any sewer, drain, sewer or drain connection, or appurtenance thereof. In conjunction with the permitting process, District personnel perform oversight of work on private laterals. This oversight is provided at no direct cost to the individual customer. For summary, please see “Contractor Observation” in table response to question #5.***
  - b. ***If a property owner, or their contractor, does not obtain a permit from the District, then the District is not aware of the work, and therefore cannot oversee this work on the property owner’s behalf.***
- 7) *Provide a description of circumstances under which MDC performs CCTV inspections of customers’ laterals. Provide the number of customers in each Hartford neighborhood where MDC has performed CCTV inspections of customers’ laterals*

- a. *As a means of standard practice, since the second half of 2020 (post-Covid), private laterals are CCTV inspected as part of the BWV assessment appointment. Customers are offered appointments, either in response to a customer call or complaint, or in conjunction with a either a Member Towns' planned paving project or planned District Capital Improvement Project in that given neighborhood. For summary, please see "CCTV Inspection" in table response to question #5.*
- 8) *Describe MDC's outreach efforts since January 1, 2018, to encourage customers in Hartford to utilize the private property customer service programs. Describe MDC planned outreach efforts to encourage customers in each Hartford neighborhood to utilize the private property customer service programs.*
  - a. *As a means of standard practice, since before January 2018, when a customer experiences an issue with their lateral or plumbing, the District will provide the customer with a pamphlet advertising the District's Sewer Backup Prevention Program, which includes the Backwater Valve Program.*
  - b. *Since 2000, the District has utilized bill inserts for this program, as well as publicizing it on the District's website, and making it available for Member Town's websites.*
  - c. *The program was discussed at two public neighborhood meetings in northern Hartford (MOUTH) on November 12, 2019 & October 27, 2021.*
  - d. *In the Spring of 2021, the District held meetings with Member Town Engineering and Building officials to discuss permitting and logistics of the District's BWV program associated with private property inflow removal. The COH meeting was held on March 12, 2021.*
  - e. *In October 2021, the District held a meeting with all COH Public Works and Fire Department, as well as other Member Towns, where the District discussed its CSO/SSO reporting procedures as well as its Sewer Backup Prevention Program.*
  - f. *In preparation of any significant storm event, the District's Command Center distributes storm specific planning information and information on reporting backups. This information is disseminated to all Member Towns. In accordance with the District's Wet Weather Protocols, planning for more extreme storms includes a meeting with Member Towns.*
  - g. *While the District has mailed information advertising this program to the neighborhoods upstream of CSOs N-2 & N-4 in early 2022 associated with the COH's paving program; the District will be re-advertising to the customers that did not participate as well as those in the Gully Brook and North Meadows neighborhoods. This planned outreach will occur in 2023 & 2024.*
  - h. *Additional Outreach for Private Property Programs:*
    - i. *Water and Sewer Service Program brochure and Web page (January 2021)*
    - ii. *Water and Sewer Service whiteboard YouTube Video (September 2021)*
    - iii. *Backwater Valve, PPID building code mtgs w City of Hartford 3/12/21, 10/7/21*
    - iv. *Door hanger version of combined water sewer service / Backwater valve brochure (April 2021)*
    - v. *Email to town DPW & Engineering Departments on BWV, water & sewer service programs (July 8, 2021)*
  - i. *BILL INSERTS*
    - i. *April 2020, May 2020, March 2021, June 2021, July 2022, April 2023*
  - j. *MESSAGE BOX (printed directly on the bill)*
    - i. *March 2023*
  - k. *DIRECT MAILINGS\**

- i. **Hartford, West Hartford and Newington**
  - ii. **\*These have been done as part of either, water main projects, the paving program or areas identified as prone to backups/flooding (they are ongoing).**
- I. **The MDC will continue to use all methods available to reach out to customers about current and any future private property customer service programs including but not limited to:**
  - i. **Direct Mailings**
  - ii. **Print Brochures / Door Hangers**
  - iii. **Bill Inserts**
  - iv. **Website**
  - v. **Social Media**
  - vi. **Video Production**
  - vii. **Digital / Print Ads**
  - viii. **Public Meeting Presentations**
- 9) *Provide a description of the challenges the MDC faces that are associated with wider implementation of the District's private property customer service programs, including the following considerations:*
  - a. **MDC activities included in the Sewer Backup Prevention Program rely on initial phone calls by MDC Customers. If customers do not call, then no assistance is received.**
  - b. **The MDC has dedicated multiple resources to the programs to meet the requests for assistance. The challenge of every property is unique and requires an understanding of the proper protection for each individual situation. We rely on the property owners choosing to participate and follow up on the appointments. The program is also reliant on the local building officials permitting and inspecting the work when completed. The MDC does not have jurisdiction for enforcement regarding plumbing code enforcement.**
  - c. **Additionally, the MDC continues to find situations where plumbing was installed without permits, and typically not in accordance with building codes. In these situations, the MDC will attempt to rectify non-compliant plumbing codes as part of its BWV program. However, these situations are typically identified following a storm event with a sewer backup.**
- 10) *Are customers ever denied assistance from the private property customer service programs? What are the reasons for denial of such assistance and how many customers have been denied such assistance.*
  - a. **The MDC program has gone through multiple changes and more recently has expanded to include protecting fixtures including basement bathrooms for example. However, MDC staff have found properties that have fully furnished below grade living spaces that are not eligible for the Backwater Valve Program, but we advise what can be done to protect the property and if applicable offer the property owner the lien program for exterior work. Additionally, the MDC has found situations where private inflow sources are connected from upstream of the property whereby the customer may surcharge themselves.**
- 11) *Do the private property customer service programs have financial or staffing limitations that limit implementation?*
  - a. **The program is currently funded through the District's Integrated Plan Annual Appropriation. Based on current and historical work activity the program has increased funding as necessary from year to year. The District has modified staffing assignments as needed to address seasonal and event-based service requests.**

***Following the events in 2021, the District did have a 1-month backlog to perform required assessments. Following the assessments, the District develops the scope of work for the property and distributes it to the assigned vendor. The District does have a significant backlog in West Hartford and Hartford on scheduling field work to install new protective devices, which may be attributed to the Municipal Building Department's ability to process and approve the permit for work to begin.***

12) Has the District considered including assistance with maintenance of backflow preventers as part of its program?

- a. ***The MDC provides maintenance guidance documents for backwater valve maintenance that are reviewed with the customer upon completion of the work. These guidance documents can also be found on the MDC's website (see link below):***

***<https://themdc.org/utility-services/backwater-valve-program/backwater-valve-general-maintenance/>***

13) Describe all changes that the District anticipates making to its private property customer service programs, including an approximate schedule for program changes.

- a. ***The District has provided a number of opportunities to CT DEEP that are currently outside of the current Consent Order but could have an impact on addressing customer related sewer backups. The District is awaiting response from CT DEEP on those opportunities. Below is a list of those opportunities:***
  - i. ***Revision to District Sewer Ordinances to allow the District to perform services on private property including but not limited to sewer connection rodding, cleaning and inspection, sewer connection replacement and storm connection installation. All work listed above outside of the Sewer Backup Prevention and Reporting Program is contingent on approval from the District Board.***
  - ii. ***Aggressive campaigning of the Sewer Backup Prevention and Reporting Program, including targeted neighborhoods in Northern Hartford. The program would provide the same services as the current program, but also include preparation work for future sewer separation connections within the building envelope to minimize future impact to the customer.***
  - iii. ***Lateral rehabilitation and replacement program on private property – this program would provide the rehabilitation or replacement of customer sewer laterals at no cost to the customer. This program would address and provide a solution to private property backups that are a result of failed connections as well as reduce infiltration into the combined sewer and separated sewer systems. The implementation of this program is contingent on approval from District Board.***
  - iv. ***Sewer Lateral Connection Investigation and Rodding Program – this program would provide requested emergency and non-emergency services to customers effected by the failure and blockage of a sewer lateral that resulted in backup. The program would provide services at no cost to the property owner and address inconsistencies with services being provided outside of the observation of the District staff.***

**Item 5: Claims of Damages Due to Basement Backups**

- 1) *Provide a list of all events of each where MDC took the position that the event was not due to conditions in the sewer main, but the customer has disputed that determination. Identify the Hartford neighborhood for each event.*
  - a. **59 Magnolia Street, Hartford (677 Albany Avenue and 689 Albany Avenue) – Upper Albany Neighborhood. The complaint was following the August 19, 2021 storm. Prior to the storm the City of Hartford hired a contractor to abandon the sewer lateral to 59 Magnolia St. At the time of request, the MDC was unaware that 677 and 689 Albany Avenue were connected to the mainline sewer through this connection. Following the complaint, the District staff performed an assessment of the property and determined that the properties were not affected by a sewer main backup, but rather street flooding and roof drainage issues. See attached letter to the property owners of 677 and 689 Albany Avenue. The District did offer (contingent on District Board Approval) to install separate sewer lateral connections to each property at no cost to the property owners; the offer was not accepted by the property owners.**
  - b. **32 Rutland Street, Hartford – North Meadows Neighborhood. The District was originally notified of the private property issue on December 4, 2022. District staff performed the standard investigation of the main sewer and it was found to be flowing freely and provided the customer the 37A form on how the District can assist the customer and customer's contractor in identifying the cause of the issue. A complaint was later provided to the District by CT DEEP staff following a conversation with the property owner, Sharon Lewis. The District was able to create an appointment with the owner and investigate the cause of the backup. During the investigation, the District identified a blockage approximately 10 ft outside of the foundation and removed the blockage to restore service at no cost to the owner.**
- 2) *Provide a list of all events with a brief description of each where the disputed determination was ultimately found in favor of the customer and a claim was granted. Identify the Hartford neighborhood for each event.*
  - a. **The MDC has no claims that were disputed and ultimately found in favor of the customer since 2018.**
- 3) *Provide a list of determinations with a brief description of each that are currently under dispute. Identify the Hartford neighborhood for each event.*
  - a. **See Question 1**
- 4) *Provide a list of claims granted with a brief description of each, including the amount awarded for each claim granted to customers. Identify the Hartford neighborhood for each event.*
  - a. **The MDC has awarded damages to property owners in cases where damage has occurred and MDC was at fault. The cases have not been elevated to a disputed status as the District staff have applied. Below is the District's Policy with regards to the possible scenarios:**

**i. Main Sewer Blockage**

The MDC is a specially chartered municipal corporation; the same as a town or the City of Hartford. The provision of sewer services is a governmental function and as such, the MDC is protected by governmental immunity the same as a town, city or state. Because of governmental immunity, the MDC is immune from legal responsibility for property damage that a private property owner may suffer as a result of the MDC's sewer system. However, even though MDC has no legal responsibility to pay for any damage as a result of a sewer incident, it is the MDC's policy to pay for the cost of remediation (pump out water, remove flooring or

drywall affected by water, dry out basements, remove damaged personal property) for a property affected by a main sewer blockage that caused sewer water to back up into the private property. As part of remediation, the MDC makes the home habitable, which involves replacement of appliances such as hot water heaters, boilers, gas furnaces or electrical service that is damaged and considered necessary to live in the house. While the MDC has no legal liability in such an instance, it is MDC policy to pay for such remediation services as a courtesy to its customers in an effort to assist its customers in the restoration process. The MDC does not pay for the replacement of any other personal property that may have been damaged in the house.

**ii. Surcharge of Sewer**

Another scenario where a property may incur damage is when the sewer surcharges due to a large rain event. In a surcharge, the amount of rain water or groundwater that enters the sewer system during periods of intense or heavy rainfall together with normal sanitary sewage flows exceed the capacity of the sewer system. In that instance, the sewer is continuing to flow but the sewer surcharges to a low point in the system to relieve built up hydraulic pressure. In this type of scenario, the MDC again has no legal liability because it is legally deemed an “act of god” and therefore out of the MDC’s control. For a sewer surcharge, the MDC does not provide remediation services to affected properties.

**iii. Sewer Lateral Blockage/Damage**

Another scenario where a property owner may experience flooding in the basement is when the property’s sewer lateral connection from the house to the sewer main is blocked or damaged and the property’s waste is unable to exit the property and enter the MDC’s sewer main. The sewer lateral connection is owned by the property owner and it is their responsibility to maintain and repair. In this instance, the MDC does not pay for any damage that may be incurred or any costs of repair.

**iv. Water Main Break**

On the drinking water side of the MDC, the legal liability, or lack thereof, is somewhat different. The MDC is not entitled to governmental immunity for the operation of a public water utility and therefore governmental immunity doesn’t apply. Instead, liability is controlled by principles of general negligence law. In order for the MDC to be liable, it must have acted in such a way that it was reasonably foreseeable that it would cause a water main break and cause damage to an individual or property. Similar to the “act of god” of a rain event causing a sewer surcharge, a water main breaking is not in any way predictable. Water mains can last for 30 years, 60 years, or 150 years or more without a break. As a result, the MDC is not liable unless it performed, or failed to perform, some act which caused damage, or knew or should have known that the water main was in some way compromised. In any case, a person bringing a claim must also prove that the alleged negligence of the MDC caused the damage. Nonetheless, as a courtesy, despite having no legal liability in an instance when a water main break occurs without any warning, it is the MDC policy to pay for the cost of remediation (pump out water, remove flooring or drywall affected by water, dry out

basements, remove damaged personal property) for a property damaged by a water main break. As part of remediation, the MDC makes the home habitable, which involves replacement of appliances such as hot water heaters, boilers, gas furnaces or electrical service that is required for the home. The MDC does not pay for the replacement of any other personal property that may have been damaged in the house.

#### **Item 6: Long-Term Control Plan Schedule**

- 1) *Describe the relationship between combined sewers and basement backups in Hartford.*
  - a. ***The combined sewer system (CSS) is designed to function with CSO regulators in place. The purpose of the regulators was to protect both the District's assets (mainline CSS) as well as private properties connected to the CSS. The elevations of the weirs/outlets of the CSO regulators is such that, under normal operating conditions, the CSO regulators will activate prior to impacting private property. In extreme rain events, such as the Tropical storms in 2021, there may be circumstances where, even with the CSO regulators actively discharging, the hydraulic grade lines rise within the CSS to a point that impacts individual private properties.***
  - b. ***BWV installations have existed for a significant length of time. In many cases, these BWVs were installed as part of the original house construction and not maintained over the years. Additionally, unbeknownst to the District, there have been numerous cases where the District has identified fully plumbed basements which were built in non-compliance with building codes.***
  - c. ***Over the course of the last 20-plus years, the District has been making improvements to its combined system in Hartford. The majority of these improvements have been made since the execution of Consent Order WC0005434 in November 2006. Since this time, the District has expended approximately \$1.6B in funds on projects aimed at complying with the Consent Order or Consent Decree, with 76% of these funds spent within the City of Hartford. Approximately 23% of funds spent to date within Hartford were on sewer separation or rehabilitation/replacement projects. Within the planned Phase I of the IP, 54% of funds to be spent within Hartford will be on sewer separation or rehabilitation/replacement projects.***
  - d. ***As outlined in the District's LTCP/IP, the Recommended Plan includes extensive sewer rehabilitation projects, which are designed to reduce I/I in the HWPCF collection system by 10% (above what has been done prior to 2018), including both main line rehabilitation and removals in private property inflow. This reduction, coupled with maintaining 90% capacity throughout the system will reduce CSOs by 17% in a 1-year storm, and 26% in a typical year. These reductions in CSO, are a result of reductions in wet weather surcharging in the CSS.***
- 2) *Describe the extent to which expedited sewer separation in northern Hartford (compared to the schedule approved in the September 2022 Consent Order with CT DEEP) would decrease the likelihood of basement backups in northern Hartford.*
  - a. ***Fully separated neighborhoods will see a reduced risk of basement backups. Determining the extent of this risk reduction relies on many variables, such as storm size (ARI), internal plumbing condition, and available street drainage system capacity. The District is aware of many areas throughout its service area which will experience street flooding and/or private property flooding, neither of which is a District***

**responsibility. Separation of the combined sewer system will likely not solve these issues.**

- 3) Describe whether work elsewhere in the District's service area (such as the construction of new stormwater outfalls) would be necessary to realize benefits from earlier sewer separation in the northern Hartford neighborhoods.
  - a. **The COH is the responsible authority for flood control and is the permittee for the MS4 General Permit. The District and the COH will be initiating a Drainage Study as part of the Sewer Separation Preliminary Design for the COH areas located upstream of the Park River Conduit at Farmington Avenue. This Study will likely identify improvements such as new drainage outfalls, river improvements, or improvements to other COH stormwater or flood control system assets.**
  - b. **The success of the District's sewer separation work in this area of the COH will rely on the capacity of the downstream assets such as the receiving waterbody (NBPR) or other existing COH stormwater or flood control system assets. As sewer separation projects are completed, neighborhoods will see direct benefits, such as reduction in backups during extreme events; and indirect benefits such as reductions in street flooding. A significant driver in the extent that these benefits are realized is the capacity of these other COH assets.**
- 4) Describe whether sources of inflow in addition to private inflow and public right-of-way catch basins (such as area drains) have been identified in northern Hartford and what plans exist for removal of those flows from the systems.
  - a. **There were two significant inflow sources historically connected to the combined sewer system. The Tower Brook was removed from the combined sewer system, with the construction of the Tower Brook Conduit Extension, which was completed in 2006. Additionally, following the removal of several dry weather connections, the Gully Brook was removed from the combined sewer system in 2016. There are no other inflow sources known in northern Hartford, other than private inflow connections and public ROW catch basins. In 2021, the District completed the Bloomfield SSES project, which did identify some inflow sources in Bloomfield, which will be removed over time in accordance with the LTCP/IP schedule.**
- 5) Describe whether accelerating schedules for completing separation or constructing controls outside of northern Hartford would yield earlier more substantial benefits (such as reducing basement backups) than completing separation in northern Hartford.
  - a. **As part of the development of the CSO LTCP Update/Integrated Plan (2018), the District conducted an extensive effort to 1) identify all collection system improvements; and 2) rank these improvement projects. The ranking of these projects was completed with input of CT DEEP personnel, and considered the below factors/benefits:**
  - b. **Environmental:**
    - i. **Water Quality**
    - ii. **CSO & SSO Reduction**
    - iii. **Public Health and Safety**
  - c. **Regulatory Requirements**
    - i. **CO/CD Compliance**
    - ii. **NPDES Compliance**
    - iii. **MS4 Compliance**
  - d. **Infrastructure:**
    - i. **O&M Considerations**

- ii. **Asset Renewal**
    - iii. **I/I Reduction**
    - iv. **Project Integration**
  - e. **Asset Management:**
    - i. **Consequence of Failure**
    - ii. **Probability of Failure**
  - f. **Probable Construction Cost:**
    - i. **Present Value of the Project**
    - ii. **Cost per Gallon of CSO/SSO Removed**
  - g. **The District has identified separation projects and other sewer improvements in northern Hartford which could be moved up within the LTCP/IP schedule. These changes may result in delays to other projects. Some of these projects, such as the New North Branch Interceptor (NNBI), Homestead Avenue Interceptor (HAI), and Franklin Avenue SHCST Contracts were specifically prioritized in Phase I of the IP due to the immediate CSO reductions to the NBPR or Wethersfield Cove. While the projects that the MDC is proposing to move up in the schedule will benefit the residents in northern Hartford and will result in some level of CSO reductions to waterways, they will not have the same level of immediate CSO reductions as compared to these three projects (NNBI/HAI/SHCST). However, in order to maintain affordability of the program to our rate payers, these projects may be delayed.**
- 6) **Could the District shift its intended use of available resources to complete separation in northern Hartford earlier than planned or would new sources of funding need to be identified to advance the schedule for separation in northern Hartford.**
- a. **The implementation of any changes in the schedule is contingent on either a) delays in other projects or b) CT DEEP grant funding on all projects included in MDC 3/23/23 letter to CT DEEP. Once a schedule is developed with DEEP, it will be provided to EPA for review:**
    - i. **Completion of accelerated sewer separation projects on Durham Street, Woodstock Street, Branford Street, Westland Street, Martin Street, and Windsor Avenue by the end of 2025**
    - ii. **Completion of all sewer rehabilitation (lining) in Northern Hartford by the end of 2026**
      - 1. **Specifically, the MDC is proposing to proceed with all sewer rehabilitation related work in Granby (upstream of CSOs N-2 & N-4), Gully (upstream of G-12), and North Meadows (NM 2 through 7) drainage areas.**
  - b. **Completion three sewer separation projects in the areas upstream of CSOs N-2 & N-4 by the end of 2031 (as opposed to one by 2028). This schedule can be accelerated to the end of 2028, provided this schedule fits within the District's affordability analysis, and the COH is acceptable to this level of concurrent construction within this neighborhood.**
    - i. **The success of these separation projects will be measured by both how much infiltration/inflow is removed from the combined sewer system, as well as mitigation of street flooding. The latter is a metric that is of public concern, despite the fact that this is not an MDC responsibility, or a goal of the Consent Order. The success in meeting both metrics will be heavily influenced by the ability for the separated stormwater to be discharged to a surface water body. In the case of CSOs N-2 and N-4, the surface water body is the NBPR. If the**

**COH does not make improvements to the capacity of the NBPR, the District's sewer separation projects will be hindered.**

- c. In order to complete this work within the existing affordability of the District's rate payers, including residents in Northern Hartford, all CSO and sewer separation projects will require 50% Grant and 50% loan funding from CT DEEP. Without this funding, these projects will not be able to be expedited.**
  - d. Potential projects that would be delayed include:**
    - i. Franklin Avenue Area SHCST Conveyance Contracts that were included in SHCST Contract 4**
    - ii. Sewer Collection Gates Project (SM-2)**
    - iii. WH SSES Sewer Rehabilitation**
    - iv. New North Branch Interceptor (NNBI)**
    - v. Newington N-18 & N-19 I/I Reduction**
    - vi. Wethersfield RH 2A & 2B I/I Reduction**
    - vii. Homestead Avenue Interceptor (HAI) Design**
- 7) Describe how the requested changes to the federal Consent Decree schedule for completing the South Hartford Conveyance and Storage Tunnel would impact flows in drainage areas of the collection system serving northern Hartford and related basement backup potential.**
- a. There will be no changes as the Consent Decree Projects associated with the SHCST are Contracts 2, 3 & 5; all of which are scheduled to be completed by April 2026, regardless of changes in the project schedule with projects in northern Hartford. Additionally, the areas in northern Hartford are not hydraulically impacted by the operation of the SHCST.**

**Item 7: Storm Water Infrastructure**

- 1) What responsibility does the District have to operate and maintain stormwater infrastructure in Hartford?**
  - a. The District is legally responsible to operate and maintain stormwater infrastructure installed prior to 1929 and infrastructure installed after 1929 through a Developer Permit Agreement. The District is not required or chartered to develop, implement, or enforce stormwater management ordinances within the City of Hartford.**
- 2) Describe any opportunities for better use of stormwater infrastructure to reduce combined sewer overflows and basement backups caused by conditions in the sewer main.**
  - a. The District and the COH will be initiating a Drainage Study as part of the Sewer Separation Preliminary Design for the COH areas located upstream of the Park River Conduit at Farmington Avenue. This Study will assess opportunities for better use of existing stormwater infrastructure and COH flood control assets to reduce combined sewer overflows and basement backups caused by conditions in the combined sewer system.**
- 3) Describe the extent to which a lack of financial commitment from the City of Hartford or the Town of West Hartford to construct and operate storm drains contributes to any delays in the completion of separation of the combined collection system.**
  - a. Despite the extensive mainline rehabilitation that the MDC has completed over the past 15-20 years, portions of the MDC's sanitary sewer system still experience significant wet weather responses. The only way to resolve this issue is to remove private inflow connections. This removal can only be accomplished via new direct connections to storm infrastructure, which is owned and maintained by each individual Member Town. Additionally, the District has found that in most cases, the**

*existing storm infrastructure is either undersized or does not exist in front of properties in need of this work.*

- b. Over the past several years, the District has been working with the Town of West Hartford regarding its stormwater infrastructure need, as it pertains to removal of inflow sources to the District's sanitary sewer system. While an MOU has not yet been executed, there have been verbal agreements made regarding the Town's involvement in being part of the solution in these areas. The Town has initiated a stormwater study to identify Town stormwater needs and has begun planning for the execution of the projects identified in this study. The District and Town plan on coordinating these projects with areas identified for private inflow removal.*
- c. Similar preliminary conversations have been held with the Towns of Newington and Wethersfield as well. Should agreements for the construction of stormwater infrastructure by these three Towns not be reached, the District's schedule for Consent Decree compliance will certainly be impacted.*
- d. Regarding the COH; the District and the COH have been working towards an MOU regarding the Drainage Study since late 2022. Unfortunately, the MOU has not been executed yet, due to the fact that the COH refuses to accept any responsibility for the maintenance or improvements to the North Branch of the Park River, or for solving street flooding and private property flooding issues.*

**Attachment 2: EPA Tables 1 & 2**

Table 1 RESPONSE

Property	Date EPA listed	Follow-up Customer Call Received	BWV assessment/ CCTV completed	Did property qualify for program at time of inspection?	Improvements made?	Details	Cost of improvements
44 Standish Street	7/8/2021	Yes	7/29/2021 and 6/28/2022	No	No	7/29/2021 Findings: 14 unit apartment building. Flapper in BWV removed. Reinspected on 6/28/2022 sump pump discharging to grade and customer reports ponding issue on sidewalk. Owner reports they will be moving sump pump discharge back to sewer. No access to basement apartment at time of inspection. Maintenance staff indicated basement apartment has BWV installed for basement bathroom. Could not confirm. Staff noted basement sink that was unprotected.	
1 Nahum Drive	7/8/2021	Yes	7/15/2021	No	No	At this time, Commercial Buildings are not covered by this Program, and this property is a Commercial building with an unprotected floor drain in boiler room. MDC Advised them to hire qualified contractor to protect the drain. MDC is open to updating Board Resolution to include Commercial properties in this program.	
57 Babcock Street	7/8/2021	No	No				
950 Tower Avenue	8/19/2021	No	No				
188 Cleveland Avenue	8/19/2021	Yes	8/25/2021	Yes	9/29/2021	MDC contractor completed basement improvements	\$ 2,890
66 Edgewood Street	8/19/2021	No	No				
1001 Albany Avenue	8/19/2021	No	No				
451 Cornwall Street	8/19/2021	Yes	3/18/2021	No		This property did not qualify for the program at the time, as there was a functioning BWV present and no other fixtures without protection present. BWV Assessment did not lead to any plumbing improvements other than the sewer lateral. Property Owner replaced sewer lateral with MDC Voluntary Lien Program on 4/22/2021	
530 Prospect Avenue	8/19/2021	No	No				
459 Cornwall Street	8/19/2021	Yes	8/20/2021 and 10/31/2022	Yes	11/29/2022	On 8/20/2021 MDC contractor snaked sewer lateral 80 feet. On 11/29/2022 MDC contractor completed basement improvements	\$ 5,100
303 Hillside Avenue	8/19/2021	No	No				
59 Catherine Street	8/19/2021	Yes	8/20/2021	Yes	waiting for homeowner	On 8/23/2021 the MDC sent notice to contractor and homeowner stating that the homeowner is required to do some modifications to allow for access to the area of the basement so that MDC and its Contractor can complete improvements. MDC is still waiting for homeowner to contact MDC & contractor when ready.	
119 Palm Street	8/19/2021	No	No				
337 Laurel Street	8/19/2021	No	No				
271 Laurel Street	8/19/2021	No	No				
132 Evergreen Avenue	8/19/2021	No	No				
193 Warrenton Avenue	8/19/2021	Yes	WEST HARTFORD				
223 Granby Street	8/19/2021	Yes	11/19/2021 and 12/14/2021	Yes	12/13/2021	MDC contractor completed basement improvements	\$ 11,211
433 Garden Street	8/19/2021	Yes	8/20/2021	Yes		Washer in the basement was protected with a check valve. Roots in lateral were identified and owner was provided with information on how to maintain.	\$ 500
118 Harvard Street	9/1/2021	No	No				
165 Rogers	9/2/2021	No	No				
59 Woodside Circle	9/2/2021	No	No				

Table 2 Response							
Property	Start Date	Other Please Describe	BWV/CCTV Assessment Completed	Did property qualify at time of inspection?	Improvements made?	Details	Cost
131 Beacon St	8/4/2020	M/S OK -37A	12/2/2021	Yes	12/10/2021	12/2/2021 CCTV could not complete; lateral maintenance issues still exist and currently are the repsonsibility of the property owner. MDC contractor completed basement improvements	\$1,890
246 Capen St	10/13/2020	M/S OK -37A	No				
500 Farmington Ave	10/13/2020	M/S OK -37A	No			11/19/2020 MDC called to inspect rodding	
641 Farmington Ave	10/13/2020	M/S OK -37A	No				
71 Scarborough St	10/13/2020	M/ S OK -37A	No				
701 Farmington Ave	10/13/2020	M/S OK -37A	No				
25 Garfield St	11/30/2020	M/S OK -37A	No				
24 Hanmer St	11/30/2020	M/S OK -37A	No				
248 Hudson St (248-250)	12/5/2020	M/S OK -37A	7/12/2021	Yes	8/20/2021	12/5/2020 MDC called to inspect rodding. 12/6/2020 Operations replaced sewer lateral. 8/20/2021 MDC contractor completed basement improvements	\$2,010
211 Sherbrook Rd	12/5/2020	M/S OK -37A	No				
31 Kibbe St	12/5/2020	M/S OK -37A	No				
33 35 Kibbe St	12/5/2020	M/S OK -37A	No				
82 Kenyon St	12/24/2020	M/S OK -37A	No				
61 Goodrich St	12/24/2020	M/S OK -37A	No				
222 Bonner St	12/24/2020	M/S OK -37A	No			1/16/2021 MDC inspected sewer lateral repair	
56-58 Oxford St	12/24/2020	M/S OK -37A	No				
29 Lisbon St	4/16/2021	M/S OK -37A	No			4/16/2021 MDC inspected rodding but the contractor was not able to get through. 4/17/2021 MDC contractor power rodded/ camera and identified broke pipe on homeowner side.	
114 Asylum	7/2/2021	GROUNDWATER	No				
248 Hudson St (248-250)	7/2/2021	GROUNDWATER	7/12/2021	Yes	8/20/2021	12/5/2020 Inspect Rodding. 12/6/2020 Operations replaced sewer lateral within Public ROW. 8/20/2021 MDC contractor completed basement improvements	duplicate
156 Cornwall St	7/2/2021	GROUNDWATER	No				
46 - 48 Sherman St	7/8/2021	GROUNDWATER	8/19/2022 CCTV Only			CCTV inspection found sewer lateral needed to be repaired (within Public ROW). MDC Operations completed repair.	
105 Girard Ave	7/8/2021	M/S OK -37A	7/16/2021	Yes	7/22/2021	7/12/2021 MDC replaced lateral (within Public ROW). 7/28/2021 MDC contractor returned and rodded and relieved soft blockage.Internal cast iron broken, could not get camera in HC. MDC contractor completed basement improvements	\$1,890
171 Greenfield St	7/8/2021	M/S OK -37A	8/27/2021	No	8/27/2021	This property has a new BWV but the flapper was removed. The BWV was put back together by MDC inspector and the customer was instructed on how to maintain the unit on a regular basis.	
38 Belden St	7/8/2021	NON MDC ISSUE	No				
1400 Park St	7/8/2021	NON MDC ISSUE	2/26/2023	No		Property did not qualify for the BWV program due to Large Commercial status and recent renovations not performed to plumbing code. 8/13/2022 MDC inspected rodding. 8/16/2022 MDC inspected sewer lateral repair	
487 Broadview Terr	7/8/2021	M/S OK - 37A	No				
678 New Britian Ave	7/8/2021	M/S OK - 37A	No			8/17/2021 MDC inspected rodding.	
86 Bloomfield Ave	8/19/2021	M/S OK - 37A	9/30/2021	Yes	11/8/2021	MDC contractor completed basement improvements	\$3,780
444 Prospect Ave	8/19/2021	M/S OK - 37A	11/24/2021 Customer Cancelled			Customer cancelled after MDC arrived at inspection, no longer needs our services.	
73 Allen Pl	8/19/2021		No				
72 Edgewood Rd	8/19/2021	M/S OK - 37A	No				
18 Amity St	8/19/2021	M/S OK - 37A	No				
1 Lewis St	8/19/2021	M/S OK - 37A	No				
47 Litchfield St	8/19/2021	M/S OK - 37A	8/23/2021	Yes	8/30/2021	Property had rusted clean out cap that came off and this is where water entered the property. MDC contractor completed basement improvements including replacement of cleanout cap.	\$1,890
73 Edgewood St	8/19/2021	M/S OK - 37A	No				
73 Adams St	8/19/2021	M/S OK - 37A	No				
490 Cornwall St	8/19/2021	M/S OK - 37A	No				
467 Cornwall St	8/19/2021	M/S OK - 37A	10/28/2021	Yes	5/26/2022	MDC contractor completed basement improvements	\$2,290
280 Sigourney St	8/19/2021	M/S OK - 37A	11/3/2021	No	No	Property has plastic BWV and owner was advised to add check valve on their washing machine. Customer to pursue check valve install outside of program.	
264 South Whitney St	8/19/2021	M/S OK - 37A	No				
439 Cornwall St	8/19/2021	M/S OK - 37A	No				
264 Whitney St	8/19/2021	M/S OK - 37A	No				
395 Cornwall St	8/19/2021	M/S OK - 37A	No				
462 Cornwall St	8/19/2021	M/S OK - 37A	No				
171 Greenfield St	8/19/2021	M/S OK - 37A	8/27/2021	No	8/27/2021	This property has a new BWV but the flapper was removed. The BWV was put back together by MDC inspector and the customer was instructed on how to maintain the unit on a regular basis.	
134 Bedford St	8/19/2021		No				
38 Westminster St	8/19/2021	M/S OK - 37A	No				
99 Baltimore St	8/19/2021	M/S OK - 37A	7/30/2021 and 2/10/2023	Yes	to be completed	At time of initial inspection property did not qualify for program due to new BWV that wasn't maintained and having an unpermitted finished basement. We revisited and will be completing updates to protect the fixtures however we need to wait for homeowner to demo existing bathroom prior to our contractor beginning work.	
420 Lyme St	8/19/2021	M/S OK - 37A	No				

45 Harrison PL	8/19/2021	M/S OK - 37A	9/3/2021 BWV only			At time of inspection property did not qualify for protection of unpermitted basement bathroom. Property did have plastic BWV present. No CCTV completed due to room filled with bags and items preventing access. Customer will contact at later date.	
56 Girard Ave	8/19/2021	M/S OK - 37A	11/4/2021 and 5/25/2022	Yes	8/8/2022	MDC contractor completed basement improvements	\$7,573
227 Pembroke St	8/19/2021	GROUNDWATER	11/21/2019 and 11/12/2021	Yes	8/30/2022	MDC contractor completed basement improvements	\$7,193
25 Ashley St	8/19/2021		3/10/2023	Yes	Pending	Work to be completed. Contractor waiting for permits	
211 Girard Ave	8/19/2021	M/S OK - 37A	No				
27 Sargent St	8/19/2021	M/S OK - 37A	10/7/2021 and 4/5/2022	No		10/7/2021 Could not CCTV past blockage, pipe holding water. 4/5/22 reinspect no fixtures to protect in basement. Property should be included in potential future lateral rehad/replacement program.	
194 Bonner St	8/19/2021	M/S OK - 37A	No				
26 Arlington St	8/19/2021	M/S OK - 37A	5/19/2022	Yes	8/17/2022	MDC contractor completed basement improvements	\$9,777
29 Lincoln St	8/19/2021		No				
200 Bonner St	8/19/2021	M/S OK - 37A	No				
450 Prospect Ave (448-450)	8/19/2021	STOLEN PIPES	11/24/2021 Customer Cancelled	NA	NA	Customer cancelled after MDC arrived at inspection, MDC was told they no longer needs our services.	
15 Rodney St	8/19/2021		No				
158 S Whitney St	8/19/2021	M/S OK - 37A	No				
262 Hudson St	8/22/2021	M/S OK - 37A	9/8/2021 CCTV storm only			9/22/21 MDC called to witness rodding at 248-50 Hudson St. 6' E of W curb. Unable to free blockage. This H.C. was once connected to 262 Hudson St. This building has been demolished. This H.C. is now connected to a C.B. in front of 262 rear Hudson St. This was determined by cutting the H.C. 7' behind the walk and then jetting from the C.B. Water came out of the H.C. Contractor reconnected the H.C. and backfilled the excavation. MDC Operations replaced the lateral within the limits of the public right of way and directed to the main sewer.	
369 Granby St	8/22/2021	M/S OK - 37A	10/23/2019 and 11/4/2021	Yes	11/11/2021	11/8/2021 MDC Operations repaired section of lateral from property line to curb. MDC contractor completed basement improvements. Customer has BWV and Sump pump. MDC added two check valves.	\$525
1526 Broad St	8/22/2021	M/S OK - 37A	No				
84 Ward St	8/22/2021	M/S OK - 37A	No				
158 S Whitney St	8/22/2021	M/S OK - 37A	No				
146 Fern St	8/22/2021	M/S OK - 37A	No				
98 Bristol St	8/22/2021	M/S OK - 37A	No				
211 Sherbrooke	9/1/2021	M/S OK - 37A	No				
73-75 Newton St	9/1/2021		No				
448 Prospect Ave (448-450)	9/1/2021		11/24/2021 Customer Cancelled			Customer cancelled after MDC arrived at inspection, MDC was told they no longer needs our services.	
102 Burlington St	9/1/2021	M/S OK - 37A	No				
42-44 Brownell Ave	9/1/2021	M/S OK - 37A	11/19/2021	Yes	11/23/2021	MDC contractor completed basement improvements	\$1,890
365 Bellevue St	9/1/2021		No				
10 Wilbur St	9/1/2021	M/S OK - 37A	No				
105 Greenfield St	9/1/2021		No				
124 Gilman St	10/5/2021	Internal Issue	No				
37 Lorriane	2/4/2022	M/S OK - 37A	No				
98 Westbourne Pkwy	2/4/2022	Basin Covered with leaves	No				
120 Hebron St	4/8/2022	M/S OK- Utility SVC Rspnd	3/29/2022	Yes	4/12/2022	3/29/22 rodding done to clear roots at time of BWV assessment. 4/8/2022 MDC contractor found BWV plugged. MDC Contractor removed the plugs and all water in basement drained. Homeowner stated a contractor plugged BWV and installed a sump pump, which later became inoperable. 4/12/2022 MDC contractor completed basement improvements.	\$4,085
900-902 Albany Ave	4/8/2022	M/S OK- 37A	10/1/2021	Yes	6/10/2022	MDC contractor completed basement improvements	\$2,290
146 Kenyon St	4/8/2022	M/S OK- 37A	No				
1993 - 1999 Park St	4/8/2022	Private Drain Issue	2/16/2023	Yes	Pending	Work to be completed. Contractor waiting for permits	
21 Sisson Ave	4/19/2022	M/S OK- 37A	No			4/30/2022 MDC operations repaired section of sewer lateral and renewed water service, as the two services were in the same trench.	
109 Blue Hills Ave	6/9/2022	M/S OK- 37A	6/20/2022 and 6/24/2022	Yes	Needs revisit	Work to be completed. Needs revisit with plumber, MDC and homeowner.	
73 Catherine St	6/9/2022	M/S OK- 37A	No			3/25/2021 Contractor completed point repair on lateral.	
525 Hudson St	9/6/2022	GROUNDWATER	No				

**Attachment 3: Sewer Backup Prevention & Reporting Program Pamphlet**

## SIGNS OF A SEWER BACKUP

- You will have limited or no sewer service within the property
- You may notice water bubbling out of a sewer manhole in the street.

Sometimes sanitary sewer pipes fail or become blocked, causing sewage to backup through the sewer lateral into unprotected plumbing fixtures such as tubs, toilets or washing machine drains in basements.

## WHAT TO DO IN THE EVENT OF A SEWER BACKUP

- Avoid using toilets, sinks, showers, washing machines, dishwashers, etc., as this could cause the backup to become worse.
- Avoid contact with wastewater. Clean and disinfect basement walls and floors after the problem is resolved.
- Never operate or disconnect an electrical appliance / main fuse box while standing in water. Contact the electric utility company for shut off.

## HELPFUL DEFINITIONS

**Sanitary Sewer Lateral:** (house connection) - the pipe that connects the main sewer line in the street to the property.

**Main Sewer:** the main sewer pipe in the street that conveys wastewater from properties to the Water Treatment Facility.

**Inflow & Infiltration (I&I):** non-wastewater (typically storm water) that enters the sanitary sewer system through direct connections, leaks or cracks in pipes and manhole covers.

TO REPORT A BACKUP OR  
SEWER EMERGENCY, CONTACT:

**MDC Command Center**  
**(860) 278-7850 (press 1)**  
**or**  
**(860) 278-7850 Ext. 3600**  
**(Available 24/7)**

TO REQUEST MORE INFORMATION,  
PLEASE CONTACT:

**MDC Utility Services**  
(860) 278-7850 Ext. 3780  
UtilityServices@themdc.com  
125 Maxim Road  
Hartford, CT 06114



The Metropolitan District  
P.O. Box 800  
Hartford, CT 06142-0800  
860-278-7850  
www.themdc.org



# Sewer Backup Prevention & Reporting Program

What you should know  
to prevent sewer  
backups and report  
sewer emergencies.

## SEWER BACKUP PREVENTION PROGRAM

MDC has an assistance program in place to help customers avoid sewer back ups in to their homes by:

- Assessing the property's plumbing setup in order to apply the best solution available
- Providing complimentary technical assistance
- Educating customers about sewer back up prevention through an on-site survey of the customer's plumbing, drainage system, etc.
- The on-site plumbing survey will determine whether a home is eligible for assistance

## SERVICES WE OFFER TO CUSTOMERS:

- If you live in Hartford\* you may be eligible for the Backwater Valve Program. MDC will install check valves as needed and replace backwater valves on footing drains.
- If you live within our member towns you may be eligible for the Sump Pump Installation Program. MDC will cut and cap backwater valve devices and install sump pumps to eliminate infiltration into the sewer system. MDC will provide battery back up for the sump pump, as well as, install protective devices on exposed interior drainage pipe.

(\*MDC is responsible for the combined sewer system in Hartford only)

It is the property owner's responsibility to adequately protect any plumbing fixtures (toilet, shower, washing machines, etc) that are beneath the ground level. All installations of plumbing fixtures should be done by obtaining a permit from their town plumbing inspector, installed in accordance with the plumbing code.

## BACKWATER VALVE PROGRAM

The Backwater Valve Program is an initiative to protect against potential surcharges from entering your property.

### Benefits:

- Provides limited protection of basement fixtures (sink, toilet, shower, etc)
- Installation of a backwater valve brings the property in compliance with plumbing code

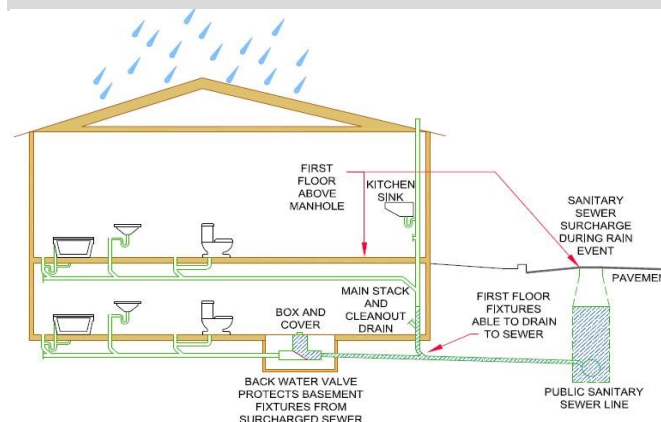
### Potential issues:

- Proper maintenance. Owner is responsible to conduct required maintenance
- May require multiple backwater valve device installations (1 for every branch/fixture at risk) which presents higher risk of failure.
- Debris can build up behind the flapper (refer to backwater valve maintenance)

## BACKWATER VALVE MAINTENANCE

Property owners must inspect and test backwater valves every 6-12 months to ensure that the device is operating properly. It is particularly important to complete this before the spring thaw/rainy season.

Please refer to the MDC website at [www.themdc.org](http://www.themdc.org) for a detailed guide on how to maintain and service your backwater valve system.



## SUMP PUMP INSTALLATION

The Private Property Inflow Disconnect Program (PPID) is an initiative to divert inflow and infiltration of storm and ground water from entering the sanitary sewer system. This considerably reduces the potential for surcharging and flooding during a wet weather event.

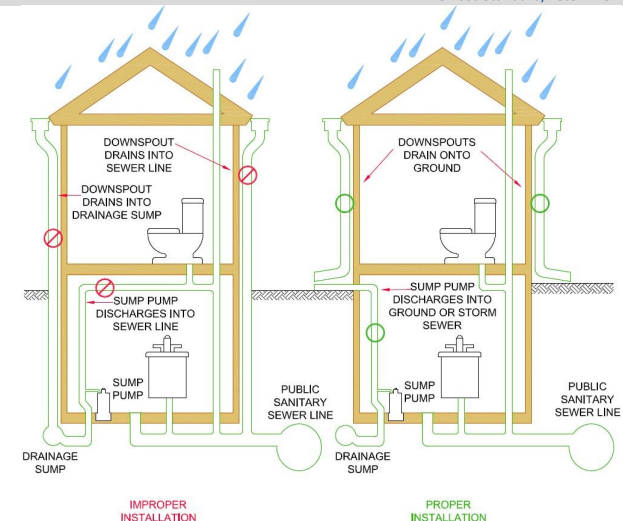
### Benefits:

- Eliminates potential storm water and groundwater from entering the sanitary sewer system
- Installation takes 1 day
- Complete separation from the sanitary sewer system will greatly reduce the risk of sewer back ups

### Potential Issues:

- Property owner is responsible for maintenance
- In the event power is out, the sump pump relies on battery back up
- The sump pump runs often, even in dry weather
- Determining proper area for water to discharge to outside the property

The Post-Standard/Peter Allen



**Attachment 4: MDC Letter to 677/681 Albany Avenue & 689 Albany Avenue**



The Metropolitan District

water supply · environmental services · geographic information

April 19, 2022

Joan Facey  
677 681 Albany Ave.  
Hartford, CT 06112  
[Joanfacey035@gmail.com](mailto:Joanfacey035@gmail.com)

James Lane  
Northend Church of Christ  
689 Albany Avenue  
Hartford, CT 06112

Re: Sewer connections at 677-681 Albany Avenue & 689 Albany Avenue in Hartford, CT

Dear Ms. Facey & Mr. Lane:

The Metropolitan District ("District") has completed its investigation into the water damage that occurred at 677-681 Albany Avenue and 689 Albany Avenue in Hartford (the "Properties"), in August and/or September 2021. The District's investigation found the following:

**Demolition of 59 Magnolia St.**

- **May 3, 2021-** CMC Enterprises LLC requested the service connection records for 59 Magnolia Street in Hartford from the District. The District provided those records.
- **June 2, 2021-** MDC issued a permit to cap the sewer lateral to 59 Magnolia St to CMC Enterprises, LLC. The below disclaimer was provided with the permit and house connection sketch for the property. CMC capped the sewer and the District inspected the work.

**Please Read Disclaimer**

The Metropolitan District (MDC) makes no warranty(ies), expressed or implied, regarding the information set forth in this document, drawing or file, as the case may be, or the accuracy or completeness thereof. Certain facts, conditions and circumstances existing at the time this document, drawing or file was originally created, including the location and ownership of, and responsibility for, public utilities and infrastructure, may have changed over time. As such, any individual, corporation or other legal entity using this document, drawing or file does so at their own risk, without any claim or recourse against the MDC. To the extent any claim is made or may be made against the MDC arising from the use of outdated or otherwise inaccurate information set forth in this document, drawing or file, the recipient hereof agrees to indemnify, defend, and hold harmless the MDC, its officers, agents, and employees from and against all claims, suits, losses, damages or cost, including reasonable attorney's fees, from any such claim or potential claim. The recipient is cautioned to verify the information contained in this document, drawing or file through other available sources, including, but not limited, public records and field inspections.

- **June 21, 2021-** The City of Hartford issued a demolition permit to News LLC for the demolition of 59 Magnolia Street. Per the City's demolition permit, the City of Hartford performs inspections during and post demolition. The District is unaware what, if any, inspections the City of Hartford performed related to the demolition. **The District requested, but did not receive, a copy of the inspection report from the COH.**
- **July 2021-** The demolition of 59 Magnolia Street was completed.
- **The District never received any reports from any property owner or occupant of sewer backups into property resulting from the demolition.**

#### **Tropical Storms Fred (7 inches of rain in 3-4 hrs = 200 year storm) & Ida**

- **August 19, 2021-** Tropical Storm Fred hit Connecticut. The storm was classified as a 244-year storm (a significant rain event occurring once every 244 years) due to intensity and duration of rainfall.
- **August 20, 2021-** Ms. Facey contacted the MDC to schedule an appointment for an assessment of 677-681 Albany Avenue for the District's Sewer Backup Prevention & Reporting Program which assists homeowners in protecting their properties from sewer backups.
- **September 1, 2021-** Tropical Storm Ida hit Connecticut. The storm was classified as a 31 year storm due to the intensity and duration of rainfall.
- **September 1, 2021-** District performed the Sewer Backup Prevention & Reporting Program assessment of 677-681 Albany Avenue at 10:30am. A blockage of the sewer house connection is first discovered and a District contractor attempted to power rod and CCTV the pipe. The power rodding and CCTV was unsuccessful and the contractor informed the property owner the blockage could not be cleared.
- **September 19, 2021-** District received a list from City of Hartford Public Works Dept. of properties flooded during the Tropical Storm Fred on August 19, 2021.
- **October 6, 2021-** District completed investigation of properties identified by Hartford DPW, including 677-681 Albany Ave & 689 Albany Ave. The District's investigation determined that properties in this area experienced flooding due to street flooding, not sewer backups or surcharges.

#### **Reinstating Sewer Service**

- **September 2, 2021-** City of Hartford Land Trust contacted the District regarding the sewer service interruption and potential relation to demolition of 59 Magnolia Street.
- **September 3, 2021-** District contacted Joan Facey and explained process for reinstating sewer service if it was unknowingly cut off or damaged during demolition of 59 Magnolia St.
- **October 23, 2021-** Coastline Construction reconnected the sewer lateral at 59 Magnolia Street in order to restore service to 677-681 Albany Ave and 689 Albany Ave.
- **TV investigations verify demolition contractor did not cap sewer riser in basement of property.** This could be the reason why 677-681 Albany Ave did not surcharge prior to the Storm Fred event since sewage was still discharging into the excess capacity in the piping system and the old foundation.

### **Property Owners Seeking Restitution**

- **November 18, 2021-** Marilyn Risi emailed letter to Mayor Luke Bronin from Upper Albany Main Street Inc. regarding the sewer connections of 59 Magnolia St., 677-681 Albany Ave & 689 Albany Ave and flooding at those properties.
- **December 8, 2021-** Marilyn Risi emails CT DEEP Commissioner Katie Dykes & District Clerk John Mirtle following up on the November 18, 2021 letter and inquiring about mandatory reporting of sewage spills. John Mirtle informs Ms. Risi that the District was not required under Conn. Gen. Stat. § 22a-424a to file any report with CT DEEP regarding the issue at 677-681 & 689 Albany Avenue.
- **March 3, 2022-** Upper Albany Main Street Inc. submits a letter and documentation to the Chair of the District's Bureau of Public Works during the public comment portion of the District Board meeting. The letter included a summary of claimed damages for both 677-681 & 689 Albany Avenue. Also included in that documentation was an image from a record plan drafted by Weston & Sampson in 2001 as part of the design for a District sewer separation project. The image submitted to the District Board had been modified with super-imposed red lines over the sewer connection for 59 Magnolia and incorrectly extending it towards 677-681 & 689 Albany Avenue to make it appear as if the record showed a sewer connection to 677-681 & 689 Albany Avenue. The actual record plan on file with the District only shows a connection to 59 Magnolia Street and does not show any sewer connection extending to 677-681 or 689 Albany Avenue.

### **Investigation of Actual Location of Sewer Connection and Claim**

- **March 15, 2022** – The District performed CCTV inspection of the sewer lateral from the manhole in Magnolia St. which confirmed a wye connection to 677-681 Albany Ave. and also confirmed that the pipe extends beneath the foundation of 59 Magnolia Street to the rear of 689 Albany Ave. The CCTV also identified one uncapped wye connection within the foundation of 59 Magnolia. This open connection is assumed to be abandoned and not capped during time of demolition. This uncapped connection allows for the possibility that dirt and/or debris will enter the sewer connection and cause blockages in the future.
- **March 22, 2022** – The District performed CCTV inspection from within the interior plumbing of both 677-681 Albany Ave. and 689 Albany Ave. The location and condition of exterior drain lines were documented.
- **April 4, 2022-** Ms. Facey and representatives from Upper Albany Main Street Inc. attend the April District Board meeting and during the public comment portion of the agenda requested a resolution to their property damage claims.
- **April 5, 2022** – District Chairman DiBella, CEO Jellison, COO Levesque, Director of Operations Ruty and Claims Agent Owens performed a detailed inspection of 677-681 & 689 Albany Ave. During the inspection of 677-681 Albany Avenue, extensive water damage to the acoustic ceiling in the ground level kitchen area is identified. Inspection of the interior plumbing identified one unprotected plumbing fixture located near the electrical meters in the half basement landing area. The property owner stated significant water pooling on the flat roof occurs during rain events and was the cause of acoustic ceiling damage in August/September 2021. A CCTV inspection of the roof drain identified an extensive grease buildup in the roof leader connected to the sanitary sewer

lateral. It was further determined that the old restaurant kitchen exhaust hood is venting grease onto the flat roof thus resulting in runoff of the grease into the roof drain inlet. Further investigation showed that rain water penetrated the roof at the exhaust vent roof penetration which resulted in the soaking and ultimate collapse of the acoustic ceiling tiles. ***No water damage was evident in the lower basement as water marks on mechanicals and foundation walls were non-existent.*** The basement also had visible undisturbed dirt and rubbish such as little pieces of paper which indicates that no flooding occurred within the basement. Such dirt and rubbish would have been washed away in a basement flooding, or at the very least washed away to a certain area of the basement. Also, all mechanicals in the basement are functioning and do not require replacement due to the absence of water damage. The property owner also stated that during the August 19, 2021 storm there was approximately 2 feet of water on Albany Avenue and the water was entering through the front door of the kitchen. Other adjacent establishments also had water enter through the front door during the storm.

The District also performed a detailed inspection of 689 Albany Ave. Approximately 12-16 inches of water accumulated in the basement as evidenced by water marks on the basement walls. There was also signs of water entering through the basement windows. The District identified a potential failed backwater valve. The property owner explained to the District that all mechanicals except for the hot water heater were operational. Despite its ongoing claims investigation, as a courtesy the District elected to replace the hot water heater for the property owner the same day.

- **April 8, 2022** – The District returned to 677-681 Albany Ave. to inspect the exterior roof gutter drain to determine if it was connected to the District's storm drain. It was confirmed that the gable roof gutters drained to the back of the catch basin on Magnolia St. The District also requested receipts and photos from the property owner that documented the damage and repairs. Receipts and photos were not provided. MDC explained to the property owner the issues related to grease buildup which resulted in the flooding of the flat roof and ultimately the damage to the kitchen ceiling.
- **April 14, 2022-** The property owner of 677-681 Albany Ave. provided receipts of claimed repair expenses and one picture showing a collapsed ceiling tile. No pictures showing standing water in the basement were provided.

### **Claim Determination**

After investigation, the District concludes that the flooding that occurred at 677-681 Albany Avenue in August/September 2021 resulted from water entering the building via the roof as a result of standing water on the flat portion of the roof of the restaurant kitchen. The discovered unprotected plumbing fixture in the basement did not appear to experience any sewer backup or surcharge because there is no evidence of water in the basement. Although offered to do so, the property owner did not provide any pictures showing water in the basement. Furthermore, the property owner stated that approximately 2 feet of street flooding occurred in Albany Avenue during the storms which resulted in water also entering the front door of the restaurant. While the roof leaders from the flat roof portion of the building are connected to the sewer connection that was cut and capped as part of the 59 Magnolia Street demolition, the disconnect is not the cause of the pooling of water on the flat roof. If the disconnected sewer connection caused water to back up into the property, it would have backed up through the lowest open point in the

internal plumbing (e.g. the unprotected fixture in the basement, the restaurant kitchen sink, or another plumbing fixture). It is not possible for a backup to bypass such open fixtures and backup onto the roof of the building. The extensive grease buildup in the rain leader prevented the flat roof from properly draining and ultimately caused the standing water to enter the building through the ceiling.

As to 689 Albany Avenue, there are photographs showing pumping of water from the basement and visible evidence of water marks approximately 12-16" high on the basement wall. There is evidence that water entered the basement from street level through basement windows. A potentially failed backwater valve in the basement could have resulted in some water backing up in to the basement but the primary cause appears to be surface water entering through the basement windows.

### **Claim Resolution**

Based on the foregoing findings of its investigation, the District concludes that it is not liable for any damages that occurred at the properties. The water damage that occurred was the result of street flooding entering the premises and for 677-681 Albany Avenue the grease clogged rain leaders caused standing water on its roof to enter through the ceiling. Nonetheless, the demolition of 59 Magnolia Street followed by the August/September 2021 storms brought the issues related to the properties' shared sewer connections to the District's attention. The shared sewer connection should be abandoned and new individual sewer connections installed to avoid potential future issues as a result of the connections going through the demolished foundation of 59 Magnolia Street. Without prejudice to its finding of no liability, the District hereby offers to relocate the sewer connections for both 677-681 Albany Ave. and 689 Albany Ave. and provide each building its own direct connection to the public sewer main located in the street. The cost of such relocation work primarily within private property is ultimately the property owners' responsibility; however, the District will pay such costs in order to resolve all damage claims. The estimated cost to relocate both connections is \$30,000 – \$50,000. The District will not issue any direct payment(s) to property owners for any property damage as part of this claim settlement. If you accept the District's offer to relocate your sewer connection directly to the public sewer main as full and final settlement of your property damage claim, please contact Claims Agent Lewis Owens at (860) 278-7850 ext. 3229.

If you have any questions or concerns, I can be reached at (860) 278-7850 ext. 3202.

Very truly yours,

  
Scott Jellison  
Chief Executive Officer

cc: Marilyn Risi ([risi@hartford.edu](mailto:risi@hartford.edu))  
Elsworth Cross ([ellswort.cross@sbcglobal.net](mailto:ellswort.cross@sbcglobal.net))