

SANITATION DISTRICT NO. 1 BACKUP ASSISTANCE PROGRAM

I. Background

Sanitation District No. 1 (“SD1”) strives to provide programs and services that benefit the Northern Kentucky community. Since the region consolidated its sanitary sewer system under SD1 in 1995, private property owners have been responsible for damages caused by sewer backups that result from Acts of God or excessive rainfall as stated in Article 3, Section 301.5, of SD1’s Sanitary Rules and Regulations. SD1 has had no formal program to assist its customers in alleviating these sewer backups.

Over the last decade, several large magnitude storm events in the Northern Kentucky area have resulted in numerous wet-weather sewer backups in buildings. Understanding that private property owners remain responsible for damages caused by sewer backups, SD1 staff and the Board of Directors have committed to develop a program to help customers prevent certain sewer backups.

At the April 18, 2017 board meeting, the Board of Directors approved this new Backup Assistance Program, which shall commence on May 1, 2017. SD1 has no obligation to offer this Backup Assistance Program and may discontinue or revise the Program or funding for this Program at any time.

II. Definitions

- A. Backup Assistance** means Financial Assistance toward the Eligible Expenses necessary for the Backup Solution.
- B. Backup Solution** means a mechanical device, such as a backflow preventer valve or pump, installed by a Qualified Plumber to prevent Qualified Backups.
- C. Eligible Expenses** shall mean expenses directly related to the installation and effectiveness of the Backup Solution. Eligible Expenses include but are not limited to labor and materials required to remove and redirect storm water flow from downspouts, area drains, foundation drains and other private sources that legally discharge to a private sewer lateral directly connected to SD1’s combined sewer system. Eligible Expenses shall not include the costs stemming from or associated with the labor and materials needed to correct or otherwise address Illegal Connections, defective internal plumbing, a defective/failing private lateral, violations of plumbing code, interference of trees and roots, subsurface utility conflicts, electric requirements and property restoration.
- D. Financial Assistance** means an amount not to exceed Five Thousand and 00/100 Dollars (\$5,000.00) or such other amount as the SD1 Board of Directors shall determine from time to time.

- E. Illegal Connections** mean the direct or indirect discharge of surface water, groundwater, roof runoff, subsoil drains, or subsurface drainage to the separate sanitary sewer system which is prohibited by Article 3, Sections 302.1 and 302.2, of SD1's Sanitary Rules and Regulations.
- F. Property** means the real property (residential and nonresidential), located within the SD1 service area and connected to SD1 infrastructure that Property Owner is seeking to improve through participation in this Backup Assistance Program.
- G. Property Owner** means the owner or owners of the Property qualifying for the Backup Solution.
- H. Qualified Backup** shall mean a sewer backup related to wet weather, as identified in Article 3, Section 301.5, of SD1's Sanitary Rules and Regulations. Qualified Backups as defined herein shall not include sewer backups caused by inadequate internal private plumbing or defective sewer laterals as determined by SD1 in its sole discretion.
- I. Qualified Plumber** means a plumber licensed by the State of Kentucky.

III. Policy

SD1's Backup Assistance Program seeks to provide Financial Assistance for qualifying Property Owners for the installation of typical and cost-effective Backup Solutions. The amount of Financial Assistance is based on historical costing information and current local plumbing rates for similar work in a building with properly functioning internal and external plumbing and sanitary service lateral that only receives flow from indoor plumbing fixtures, including sinks, toilets, showers and floor drains. Private property issues not associated with the installation of the Backup Solution will remain the responsibility of the individual Property Owner and will not be deemed Eligible Expenses.

IV. Process

- A. Program Eligibility.** A Property Owner shall only be eligible for Financial Assistance if the Property Owner has experienced two (2) or more Qualified Backups at the Property within a five (5) year period of time as verified by SD1.
- B. Problem Identification.** The Property Owner is responsible for contacting SD1 to investigate the cause of a sewer backup to determine if the backup is a Qualified Backup and whether Property Owner meets the Program Eligibility. If SD1's investigation is not conclusive, the Property Owner may be responsible for hiring a Qualified Plumber to confirm that the sewer backup is not caused by inadequate internal private plumbing or by a defective sewer lateral. The Qualified Plumber

must confirm that the private sewer lateral is open and clear for the entire distance from the private building to SD1's public sewer system. If requested, the Property Owner will provide SD1 with a video inspection of the sewer lateral, which clearly shows an unobstructed sewer lateral. If it is determined that the private sewer lateral is defective and not fully operational, SD1 will notify the Property Owner that he or she must address the defect. The Property Owner is responsible for all costs associated with confirming that the private sewer lateral and internal plumbing is fully operational. A sewer backup caused by a defective lateral or inadequate private plumbing will not meet the requirements of a Qualified Backup as determined by SD1 in its sole discretion.

- C. Illegal Connections.** If, during the Problem Identification process or Verification of the Backup Solution, SD1 or the Qualified Plumber discovers any Illegal Connections, SD1 may notify the Property Owner that these Illegal Connections must be removed in accordance with SD1's Sanitary Rules and Regulations. Labor and materials needed to remove Illegal Connections will not be considered Eligible Expenses.
- D. Backup Solution Determination.** SD1 will review the Qualified Plumber's proposed Backup Solution for the limited purpose of approving the Backup Solution as qualifying for Backup Assistance. SD1 does not and will not warrant the effectiveness of the Backup Solution. SD1 representatives may request additional information from the Property Owner as needed.
- E. Backup Assistance Agreement.** Upon confirmation that Property Owner is eligible for Financial Assistance, Property Owner shall enter into a Backup Assistance Agreement in the form approved by SD1.
- F. Backup Solution Installation.** SD1 will provide Financial Assistance to the Property Owner toward the installation of a Backup Solution. The Property Owner will initiate the Backup Solution process by contacting a Qualified Plumber to investigate, design, and install the Backup Solution and complete all associated work required to ensure the effectiveness of the Backup Solution. The Property Owner must hire a Qualified Plumber to install the Backup Solution inside or outside of the building at the Property Owner's sole oversight and direction. All private property restoration must be final and approved by the Property Owner before SD1 will consider the work substantially complete. The Property Owner will remain responsible for all private property issues not associated with the installation of the Backup Solution. These Property Owner responsibilities include but are not limited to defective internal plumbing, a defective/failing private lateral, violation of code, interference of trees and roots, subsurface utility conflicts, electric requirements, property restoration, or other factors that may contribute to the cost and ineffectiveness of a Backup Solution.

- G. Application for Backup Assistance.** Upon completion of the Backup Solution, Property Owner shall submit an Application for Backup Assistance in the form approved by SD1.
- H. Verification.** Upon receipt of the Property Owner's Application for Assistance, SD1 must verify that installation of the Backup Solution is substantially complete before SD1 will release Financial Assistance funds. Property Owners must submit itemized invoicing for all work performed, which will be compared to Eligible Expenses.
- I. Release of Claims.** In order for the Property Owner to receive the Financial Assistance, it will be necessary for the Property Owner to sign the Release of Claims which will be recorded in the Office of the County Clerk in the County where the property is located.
- J. Financial Assistance.** Once SD1 has confirmed the Backup Solution is substantially complete and the Release of Claims has been executed, SD1 will contribute Financial Assistance funds towards a Backup Solution in accordance with the provisions of this Backup Assistance Program.
- K. Ownership and Maintenance.** Ownership and all maintenance and replacement responsibilities of the Backup Solution shall remain with the Property Owner.
- L. Waiver of Criteria.** SD1 may, in its sole discretion, waive the eligibility criteria or any other requirements on a case-by-case basis.

V. Funding

SD1 is not obligated to provide this Backup Assistance Program and will review funding for the Program each fiscal year. Funding for the Backup Assistance Program will typically be included in SD1's fiscal year budget that is approved annually by the SD1 Board of Directors and the County Judges Executive. For example, the budget for fiscal year 2018 shall contain allowances for up to \$300,000.00 for this Backup Assistance Program. Funding for the Backup Assistance Program is approved at a "not to exceed" budget amount. In the case of unforeseen wet-weather circumstances, the Board of Directors may reappropriate operation funds within the approved fiscal year budget to provide additional program funds. SD1 reserves the right to prioritize and assign available program funding for Backup Solutions based on criticality and other applicable criteria to adhere to public health and safety standards. At no time shall SD1 act without good faith to reject any Application for Backup Assistance. Once all properties receiving a high priority status have been addressed, any remaining buildings requiring a Backup Solution will be scheduled for assistance based on a level of service rating in combination with the order in which it was received.