

**COUNTY OF ERIE
DEPARTMENT OF ENVIRONMENT & PLANNING
DIVISION OF SEWERAGE MANAGEMENT**

TO: David Millar, P.E. – Secretary, ECSD No. 3 Board of Managers
FROM: *DW* Daniel Wierzba, P.E., Sanitary Engineer
DATE: March 28, 2024
RE: Time of Sale and Focus Area House Inspection Comparison

House inspections are an important step in the Sanitary Sewer Evaluation Survey (SSES) process to identify illegal sewer connections (commonly called “violations”) and sources of inflow and infiltration (I&I) coming from private property. I&I is clean rainwater or groundwater that makes its way into the sanitary sewer system. This excess clean water can overwhelm the sanitary sewer collection system causing backups and overflows, flooded pumping stations, and increases flows and treatment costs at the water resource recovery facilities (WRRFs). Common sewer violations discovered during house inspections include downspouts connected to the sanitary sewer, bubblers connected to sanitary, low-lying vents, uncapped cleanouts, and sump pumps connected to sanitary among other illegal connections. Other connection issues not related to I&I can be discovered during a house inspection. For example, while not a sewer violation, laundry tubs connected to the sump have been found and referred to the local Code Enforcement Office. House inspections are an integral part of an Erie County Sewer District (ECSD) Collection System Program (CSP) which is a necessary initiative to meet regulatory requirements.

The current process of the house inspection program starts with choosing a focus area for the year. Typically, the annual focus area is one minisystem (MS). A MS ranges in size from a small neighborhood (ECSD No. 3 MS 30 covers a small portion of the Hamlet of Wanakah) to almost an entire village (ECSD No. 3 MS 21 covers the Village of Hamburg east of Sunset Drive) and may be defined as the sewered area upstream of a defined monitoring location. Letters are mailed out in phases to property owners to schedule a house inspection. House inspections are scheduled by District clerical staff and passed on to the Districts’ inspectors. The inspector follows the inspection checklist (a sample checklist is attached) and observes all the sewer connections in the building. Connections without an obvious outlet are marked for dye testing at a later date to confirm their routing. After the inspection, the inspector detaches the carbon copy forms and leaves the yellow copy with the property owner and returns the white form to the District. District Clerical staff enters the inspection findings in the region’s database and notes whether follow-up is required.

Numerous municipalities including the Villages of Akron, Depew, Kenmore, Lancaster, and Orchard Park, along with the Towns of Cheektowaga, Grand Island, and Tonawanda have instituted time of sale sewer I&I inspections. The names, implementation, and details of these programs vary but the common theme is they require an I&I inspection before a property can be sold. For the most part, these programs are enforced by the Town or Village code enforcement office. This differs from the County's house inspection program because only properties being sold are inspected for I&I violations.

There are some advantages and disadvantages to each program. To start with advantages of the time of sale inspection program, it may give the municipality more "teeth" to enforce disconnection of an illicit source. Many of these local laws are written to delay closing on a property until all violations are corrected or they require an escrow payment to cover the cost of correcting the violation. This approach can also have higher compliance as it is a requirement of sale. Some disadvantages include a higher workload for District staff (this is covered later) and turnover of properties.

The single biggest advantage of the County's MS approach is the ability to target problem areas. The program has been used in the past to investigate problem areas (ECSD No. 4 MS 5 Iroquois Pump Station), to ensure that only proper connections are reinstated after sewer rehabilitation (ECSD No. 6 MS 9 & 11 Ridgewood Village Enhanced I&I Pilot), and to inspect properties tributary to a recurring sanitary sewer overflow (ECSD No. 3 MS 8 Robin Lane). This has allowed the Districts to spend their time and resources in areas that need attention. Such a house by house approach would not be feasible in a time of sale program. Another advantage of the current approach is the scheduling. Property inspections can be scheduled when conditions are conducive to tracing down downspouts, sump pump discharges, bubblers, vents, cleanouts, etc. With time of sale inspections, buyers will be closing on properties year-round. This presents challenges with locating the aforementioned features in deep snow. The MS by MS approach allows the District to mail out inspection notices in the spring and schedule inspections through the spring, summer, and into fall when weather conditions are favorable. Finally, the current approach allows for house inspections to follow smoke testing. During smoke testing numerous violations are documented ranging from smoking bubblers, to missing caps, to smoking downspouts. Inspectors use these smoke testing findings to assist in locating improper connections during house inspections.

There are some hurdles that would need to be overcome if a time of sale program were to be instituted for the ECSDs. For example, the County Legislature would need to pass a local law to require time of sale inspections. This law would have to be worded in such a way to require sewer inspections in ECSDs without introducing additional requirements on the municipalities where only a portion is within a County sewer district. This would also require buy-in from legislators who do not represent constituents in ECSDs. Also, this program would represent a significant increase in workload for District staff. One benefit for a switch to a time of sale approach is the enforcement of inspection. If a property owner refuses an inspection or does not correct a violation under the ECSD's current program, it starts a lengthy process involving multiple letters and a referral to a hearing by the District's Board of Managers. At this hearing, evidence is reviewed and ultimately the hearing officer recommends a premium assessment. The Board of Managers then votes to enact the Hearing Officer's recommendations. Typically, hearings are held every year and a half to two years. This process is lengthy and does not ultimately guarantee compliance. While most homeowners eventually comply, there is one property that recently reached the maximum premium assessment of \$10,000 allowed under the "Rules and Regulations for Erie County Sewer Districts".

To evaluate the change in workload under a time of sale program, property transfer records were obtained for calendar year 2023 from the Erie County Clerk's office. Using the SBLs, the list was overlaid in DSM's GIS and a count was made for each parcel in each district with one or more buildings on them. This was then compared to the average number of inspections conducted in each Region (NR is comprised of ECSD Nos. 1, 4, & 5, CR is 3, 6, & 8, SR is 2) for 2018, 2019, 2022, and 2023. Calendar years 2020 and 2021 were omitted due to remarkably low house inspection numbers as a result of the COVID-19 Pandemic. The table below shows a comparison of house inspections completed under the current approach versus the number that would have been done as time of sale. Across all seven ECSDs, the workload would increase 2.83 times.

Table 1: Comparison of average house inspections completed and properties transferred

Total Property Inspections by Region			
	Average Inspections (2018, 19, 22, 23)	Property Transfers (with buildings) 2023	Percent Increase
NR	340	1,561	459%
CR	678	1,878	277%
SR	396	566	143%
Total	1,413	4,005	283%

Currently, the house inspection program workload is split between District office staff and the Districts' inspectors. The office staff mails out inspection notices, tracks inspection compliance, issues second and third inspection notices, and prepares notes for the field inspectors. This work is seasonally variable with it taking more time in the warmer months than in winter. During the summer, the house inspection program is a large portion of the daily clerical duties. The field inspectors typically are scheduled for a half hour per inspection. At the current workload, this comes out to about 700 hours of inspections per year. For property transfer inspections, it would take approximately 2,000 hours per year.

The Village of Orchard Park had an existing time of sale inspection program before the Village's sewer system was merged into ECSD No. 3. As a result, the District performs time of sale inspections on behalf of the Village. When the Village receives a time of sale application they contact the District using the shared permit mailbox. The District then sets up the inspection with the applicant and performs the inspection. The District's inspector drops off their time of sale inspection form to the Village and the District keeps an ECSD house inspection form for the property. The Village handles the rest of the logistics of the program. Similar protocols would need to be setup with the close to two dozen municipalities serviced by the ECSDs.

Overall, switching to a time of sale program would represent a significant increase in workload for the Districts' inspectors. This increase in workload may not be as effective, as it is not necessarily targeted towards the areas in which it has been documented there are increased incidence of I&I. Further, there may be challenges with the existing ECSO regulatory programs that require comprehensive evaluation in key areas. Finally, the time of sale program would not necessarily make smoke testing violation follow up impossible, but it would add that workload to an already expanded house inspection program. For all these reasons, it is recommended that the current protocols be continued.

Encl.

Cc: J. Fiegl/G. Pecak/M. Salah/3.2.2.I&I

Erie County Sewer Districts (ECSD) - House Inspection Form

ECSD: _____ Mini System: _____ Date: _____ Inspector: _____

Property Address: _____ Town: _____

<input type="checkbox"/> VOP Compliance	<input type="checkbox"/> Owner Occupied	Present at Inspection: _____	
<input type="checkbox"/> Lateral Rehab Prog.	<input type="checkbox"/> Rental Property	Phone: _____	
<input type="checkbox"/> Single	<input type="checkbox"/> Double	U or L L or R	<input type="checkbox"/> Apartment
<input type="checkbox"/> Raised Ranch	<input type="checkbox"/> Townhouse	<input type="checkbox"/> Commercial/Industrial	
Base-ment	<input type="checkbox"/> Yes <input type="checkbox"/> No	Sanitary Wasteline	<input type="checkbox"/> Visible & Attached On Wall (Height above floor): <input type="checkbox"/> < 10 in. <input type="checkbox"/> Below Foundation (Not Visible) <input type="checkbox"/> > 4 ft <input type="checkbox"/> 10 in-4 ft
Sump Pump	<input type="checkbox"/> Yes <input type="checkbox"/> No	Connected to: <input type="checkbox"/> Ground <input type="checkbox"/> Creek <input type="checkbox"/> Sanitary <input type="checkbox"/> Storm <input type="checkbox"/> Unknown	Laundry Tray/Tub <input type="checkbox"/> Yes <input type="checkbox"/> No Connected to: <input type="checkbox"/> Sump <input type="checkbox"/> Sanitary
Washing Machine	<input type="checkbox"/> Yes <input type="checkbox"/> No	Connected to: <input type="checkbox"/> 1st Floor <input type="checkbox"/> Sump <input type="checkbox"/> Sanitary <input type="checkbox"/> Laundry Tray/Tub	Floor Drain <input type="checkbox"/> Yes <input type="checkbox"/> No Connected to: <input type="checkbox"/> Storm <input type="checkbox"/> Sanitary
Basement Bathroom Facilities	<input type="checkbox"/> Yes <input type="checkbox"/> No	If more than 1, put # of the box <input type="checkbox"/> Sink <input type="checkbox"/> Shower <input type="checkbox"/> Toilet <input type="checkbox"/> Pump	Footer Drains Observed <input type="checkbox"/> Yes <input type="checkbox"/> No Notes: _____
Down Spouts/ Gutters	<input type="checkbox"/> Yes <input type="checkbox"/> No	Total # of Discharges Above Grade _____ Below Grade _____	# of Discharges to: _____ Unknown _____ Sanitary _____ Bubbler _____ Storm _____ Ground _____ Creek
Vent ~6" above grade with mushroom cap	<input type="checkbox"/> Yes <input type="checkbox"/> No Material: _____	<input type="checkbox"/> Replace Perforated Cap <input type="checkbox"/> Replace Solid Cap <input type="checkbox"/> Install Mushroom Cap <input type="checkbox"/> Cracked/Broken Riser	<input type="checkbox"/> Now Lying Trap, Visible Above Ground <input type="checkbox"/> Cap not Indicator Buried, Must be Raised <input type="checkbox"/> Roof Vent Observed Location: _____ <input type="checkbox"/> Through Building Wall
Clean-out(s) requires solid cap	<input type="checkbox"/> Yes <input type="checkbox"/> No # _____	<input type="checkbox"/> Install Solid Cap <input type="checkbox"/> Cracked/Broken Riser	<input type="checkbox"/> Replace Perforated Cap with Solid Cap <input type="checkbox"/> Replace Mushroom Cap with Solid Cap Location(s) (Inside and Outside): _____
Status	<input type="checkbox"/> Violation <input type="checkbox"/> Violation Corrected	<input type="checkbox"/> No Violations Noted at Time of Inspection	<input type="checkbox"/> Dye Test (Any Unknown) <input type="checkbox"/> Needs to be Scheduled
Comments: _____			
Dye Testing	Date: _____	By: _____	Results: _____
Re-inspections	Date: _____	By and Notes: _____	

Notes: **Violations & Unknowns are in bold italics ; Unknowns need to be dye tested.**
This form is not a guarantee of full compliance with Article V of the ECSD Rules and Regulations.
 Northern Region (ECSD 1,4,5) 684-1234; Central Region (ECSD 3,6,8) 823-8188; Southern Region (ECSD 2) 549-3161
www.erie.gov/iandi house inspection form rev12-18