

# Cleveland Regional Sewer District

1201 LAKESIDE AVENUE

CLEVELAND, OHIO 44114

TELEPHONE: 216/684-2750

## BOARD OF TRUSTEES:

Raymond Kudukis, President  
Louis Bacchi, Vice President  
Mary Coleman, Secretary  
David Bailey  
Richard Hollington, Jr.  
Jack Hruby  
Jackie Presser

Andrew T. Ungar, Director

POSTED

July 11, 1973

July 18, 1973 - Filed  
with Court  
W. J. H. &

Honorable George J. McMonagle  
Court of Common Pleas  
County of Cuyahoga  
1 Lakeside Avenue  
Cleveland, Ohio 44113

RE: Cuyahoga County Court of Common  
Pleas, Case No. SD 69411

Dear Judge McMonagle:

In the year since the creation of the Cleveland Regional Sewer District, the Board of Trustees has given considerable thought to that portion of the Court's order regarding the inclusion of local sewer systems within the responsibilities of the District, to-wit:

"Although consideration has been given to the inclusion of the responsibility for the planning, construction and operation of the local sewers as a function of the District, determination thereof has been deferred until one year from the date hereof. Within that period of time, the Board of Trustees of the District shall conduct a study on the advisability of including such responsibilities with reference to local sewers in functions of the District and shall submit a report and recommendation thereon to this Court."

In addition to discussions by the Board revolving around general policy matters, the District's staff has looked into other sewer districts and sewer authorities to determine what other areas of the country have done in regard to local sewer systems. We have found that most metropolitan sewer authorities have some form of control over local sewer systems. Sewer districts or sewer authorities which include more than one political subdivision (counties, municipalities, townships) and have some form of control over the local sewer systems of the political subdivisions within their jurisdiction exist in Cincinnati, St. Louis, Denver, Los Angeles, Washington D. C. and Detroit. Each of these districts has approached the problems differently but have some form of control

1A

2, 12

Honorable George J. McMonagle  
Page 2  
July 11, 1973

over at least sanitary sewers and in some cases, both sanitary and storm sewers.

The District's executive director, Andrew T. Ungar, travelled to Detroit recently to make a detailed study of the Detroit Metropolitan Sewer Authority. Mr. Ungar points out that the Detroit Sewer Authority has control over all sanitary sewers within its jurisdiction through contracts with municipalities or counties. This method was adopted because of the size of the district which includes some six (6) counties and many townships. After discussing the Cleveland Regional Sewer District with the Detroit officials, Mr. Ungar feels that to efficiently operate the District, the Control of local sewers, both storm and sanitary, should be the responsibility of the District.

We have also considered the ramifications of the 1972 amendments to the Federal Water Pollution Control Act which have become effective since the creation of the District and which emphasize regional planning for water pollution control. At the time of the creation of the District, federal grant monies were not available for local collection systems, but the 1972 amendments provide that federal grant monies can be obtained for total water pollution control facilities including local collection systems. These amendments have a significant bearing on the question of including local sewers within the responsibilities of the District, since funding is now available in the form of federal grants. We have been in contact with federal officials and find that, although no formal position has been taken, the federal government, in keeping with the spirit of the Act, will tend to make grants more readily available to regional water pollution control systems rather than to individual municipalities. This is not to say that individual municipalities could not obtain federal grant money but rather that regional sewer districts with a regional pollution control system will have a better chance of obtaining federal grant monies. In this regard, the District staff has prepared a preliminary study of the South-erly Sewage Treatment District which presents the entire treatment district as an integrated system including all local sewers. This report, which is submitted herewith, also makes reference to specific sections of the federal act which are pertinent to the local sewer question. We feel that this integrated planning is the type of plan which the federal government will require and, if adopted by the District, will enhance the District's chances of obtaining federal grants for a total integrated water pollution control system including local sewers.

The Board has discussed at length the various arguments pro and con which have been presented in the past regarding the inclusion of local sewers in the District's responsibilities. We realize that to include local sewers

Honorable George J. McMonagle  
Page 3  
July 11, 1973

within the District's jurisdiction will not be a simple procedure and that some elements of the community will oppose it. We feel, however, that based upon our investigations of other sewer systems, on the availability of federal grants and on a logical extension of the regional concept, the responsibility for all local sewer systems, both storm and sanitary, should be under the jurisdiction of the Regional Sewer District. A single planning entity with responsibility for the total water pollution control system will eliminate duplication of effort and would be able to coordinate all aspects of water pollution control in the greater Cleveland area.

An excellent example of the benefits of regional control of local sewers is presented by a recent case which involved the City of Parma (Cuyahoga County Court of Common Pleas Case No. 861287). In this case the City of Parma was held liable for damages to a property owner for damage caused by overflow of a sanitary sewer. Although Parma argued that the overflow in its sewer system was caused by problems existing in the sewer systems of downstream communities (Brooklyn and Cleveland), the Court held that Parma owed its citizens a duty to keep its sewers in repair and to avoid flooding conditions. It has long been known that an overload condition exists in the sewer system tributary to the Southerly Treatment Plant and the Southerly Plant is currently being redesigned to accommodate the increased flows. The expansion of the plant and the interceptor systems tributary to it has not kept pace with development in the communities which it serves. Had a regional entity been in control of the local sewer system, the treatment plant and the interceptor system, planning and expansion could have kept pace with development. Planning for a new major interceptor sewer to relieve overloaded conditions in the Southerly district has been underway for several years. However, disagreement between suburbs and City over rates necessary to finance such construction and various other jurisdictional matters were among the reasons for which the Cleveland Regional Sewer District was created. If the Cleveland Regional Sewer District is truly to solve the problems which led to its creation, its authority must logically be extended to include control over all aspects of those problems including local sewer systems, both storm and sanitary.

The Board of Trustees of the Cleveland Regional Sewer District, therefore, recommends, pursuant to the Court's order, that the Court include within the responsibilities of the Cleveland Regional Sewer District responsibility for planning, construction and operation of all local sewers, both storm and sanitary, in the communities within the District. The Board is well aware of the problems inherent in the transfer of such responsibility to the District but we are prepared to accept this responsibility and to work with the Court to solve those problems and provide for a smooth transfer. We are also well aware that such a transfer cannot occur overnight and we suggest that the Court adopt a plan calling for a gradual transfer.

Honorable George J. McMonagle

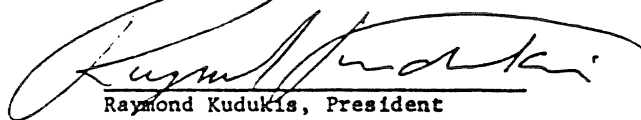
Page 4

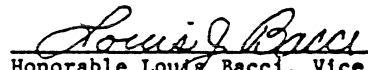
July 11, 1973

The Board suggests that the Court, if it adopts the concept of regionalizing local sewers, order the necessary parties to present a reasonable plan for implementing such a regional concept. We feel that with the regionalization of local sewers, a truly regional district will have been created to deal with the water pollution control problems of the greater Cleveland area.

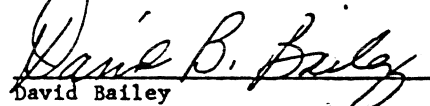
Very truly yours,

BOARD OF TRUSTEE, CLEVELAND  
REGIONAL SEWER DISTRICT

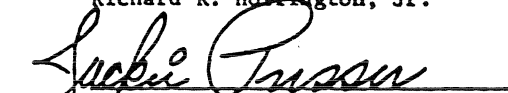
  
Raymond Kudukis, President

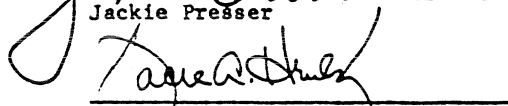
  
Honorable Louis Bacchi, Vice  
President

  
Mary J. Coleman, Secretary

  
David Bailey

  
Richard R. Hollington, Jr.

  
Jackie Presser

  
Honorable Jack Hruby