

City of Napoleon
Overflow Abatement Fee Questions

1. GENERAL QUESTIONS

1.1. Question – Why does the City of Napoleon need an overflow abatement charge as part of my sanitary sewer bill?

- Much of the sanitary sewer improvements required by the EPA have to do with the issue of the removal of combined sewer overflows on the system. These overflows are only active during times of rainfall. This special part of the sewer bill seeks to fund the required removal of these overflows.

1.2. Question – What is an overflow abatement charge?

- Just as residents and businesses currently pay a fee for the amount of water they use and the amount of wastewater they discharge, sanitary sewer users, property owners, and those who live in Napoleon will be charged an additional fee based on stormwater runoff. That funding will be used for the maintenance, repair, removal and upgrade of Napoleon's sanitary sewer system.

1.3. Question – Why does the City need more money to fix the stormwater portion of the sanitary sewer system?

- Overflows that are on the system serve as a “relief valve”. These overflows prevent water from filling basements and backing into homes and businesses during heavy rainfall. Unfortunately, EPA regulations do not allow any untreated water from entering into public water ways. To preclude these overflows from occurring, the City estimates that over \$35 million dollars will need to be spent over the twenty (20) year period covered by the EPA orders.

1.4. Question – Isn't flooding in Napoleon just a problem in certain areas of the City?

- No. Storm water-related flooding of basements and streets occurs in all parts of the City. Storm water seeping into the sanitary sewer system is a problem identified by the EPA throughout the City. In the past to avoid this stormwater related flooding, the City designed direct discharges that temporarily overflowed into receiving streams. These overflows prevented, in many cases, sewer backups and basement flooding. Under orders from the EPA, the frequency of these overflows must be significantly reduced and/or eliminated.

1.5. Question – When will we begin paying?

- The first bills will go out in January 2007

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1.6. Question – Will I get a separate bill for overflow abatement?

- No, the overflow abatement charge will be incorporated into a line item on the current sanitary sewer portion of your utility bill.

1.7. Question – Will tax-exempt, non-profit organizations like schools, churches and hospitals be charged for overflow abatement?

- Yes. Much like these organizations now pay for water and electric services, they will pay a user fee based on their contribution to the stormwater system. To ensure that the fee is legal, fair and equitable, no one will be exempt.

1.8. Question – Why can't we just use existing water and electric money to cover these costs?

- The money currently collected for providing water service and for electric service is needed to meet those service needs. In addition, under state law, money collected for water service can only be used for the water system and the money for the electric service can only be used for the electric system.

1.9. Question – How will we be charged?

- Residents will be charged a set fee for the average impervious area of a home in Napoleon (3009 sq. ft.). Others will be charged on direct measures of their properties' impervious area. Non-residential charges will be assigned depending on impervious area to one of six (6) tiers.

1.10. Question – What is impervious area?

- Impervious area is any hard surface including gravel that does not allow stormwater to be absorbed into the ground. Impervious areas include rooftops, parking lots, driveways and sidewalks. These are surfaces where water quickly runs off.

1.11. Question – How did you measure the impervious area for my property?

- The impervious area for all non-single family properties and for a random sample of single-family residential properties was measured using aerial photography and by using a computer software program.

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1.12. Question – I am not satisfied with the impervious area measurement for my property. What can I do?

- We can have our Engineering Department verify the accuracy of the measurement for your property. This may take a few days to complete, and we will call you back once the verification is complete.

1.13. Question - My storm water discharges directly to my pond or receiving stream. Why do I have to pay?

- The problem is one of the entire sanitary sewer system that the City must repair under EPA Findings and Orders. This charge is only a small percent of the total sewer increases required of each sewer user. This portion of the bill tries to best reflect a storm water component of the total capital improvements required to be completed by the City.

2. RESIDENTIAL

2.1. Question - How much will this fee cost me?

- The residential rate will be \$9.50 per month or about \$114.00 per year additional to your sewer bill if you live in Napoleon. This fee that was previously \$5.00 per bill has been increased to \$9.50 per residential household and extended to some households that were not previously paying the overflow abatement fee.

2.2. Question – I live in an apartment; will I have to pay?

- If you currently receive an electric bill, you will be charged this fee.

2.3. Question – I live in a multi-level apartment building. Why do I have to pay the same as a single family home or an apartment with just a single level?

- Residents of multi-level, multi-unit buildings that contain at least one single family unit where one or more single unit occupies some or all the space above or below another residential, commercial or industrial unit **may apply** for a fifty percent (50%) credit. Please use the *Stormwater Abatement Credit Application* form that is available on this website or at the Engineering Department.

2.4. Question – Will this rate go up in the future?

- The rate of \$9.50 per residence per month is based on a three-year plan. It is expected that the rate will be reviewed annually for the first few years.

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3. COMMERCIAL, INDUSTRIAL and OTHER PROPERTIES

3.1. Question – How much will Commercial and Industrial property owners pay? How will their rate be determined?

- Non-residential property owners will also be asked to pay based on the amount of hard surface area on their properties. Each residential property in the City has been measured using information from the Henry County Auditor’s office.
- The residential rate will be used in the calculation for non-residential properties. In the calculation, the flat residential rate equals one “equivalent residential unit” or ERU. One ERU = 3009 sq. ft. of hard surface area.
- Non-residential properties will be charged based on the number of ERU's of hard surface on their property. For example, if a commercial property has three (3) times as much hard surface area as the average residence (9,027 sq. ft. or 3 ERU's), its charge would be in tier one (1). That charge is \$20.00/month (see the tier chart in question 3.3).

3.2. Question – Why is the amount of hard surface area used to calculate the rates?

- Hard surface areas are used because they prevent water from being absorbed into the ground. Hard surfaces create more runoff and increase the rate that stormwater drains from an area.

3.3. Question – What are the six (6) other tiers for non-residential property owners?

Tier		ERUs	Inside Corp /Month	Outside Corp /Month
1	Starts at	3.0	\$ 20.00	\$ 30.00
2	Starts at	9.0	\$ 48.00	\$ 72.00
3	Starts at	17.0	\$ 90.00	\$135.00
4	Starts at	27.0	\$134.00	\$201.00
5	Starts at	48.0	\$248.00	\$372.00
6	Starts at	90.0	\$330.00	\$495.00

3.4. Question – I have a retention pond on my property. Must I apply for storm water credits?

- Yes. You must contact the City of Napoleon Engineering Department and request a stormwater abatement credit application of up to eighty percent (80%) reduction in your calculated ERUs (example – calculated 20 ERUs

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would be reduced by 80% to 4 ERUs). This form can also be obtained on this website.

3.5. Question – When will I know how much my bill will be?

- The City has currently measured all non-residential properties using data and aerial photographs. Your monthly charge will be shown on your utility bill. However, you can estimate your bill by determining the approximate square footage of hard surface area on your property, then divide that number by 3,009 to determine a number of equivalent residential units or ERU's, and then apply the monthly charge given in question 3.3.

3.6. Question – What if I don't agree with the City's calculation of the amount of hard surface area I have on my property?

- There is a process in place where the Engineering Department will review that data with you and make any necessary adjustments. You will need to use the *Stormwater Abatement Credit* application form that is available on this website or at the Engineering Department.

3.7. Question – When will rates go up?

- The rates are based on a three (3) year plan. It is expected, however, that the rates will be reviewed annually for the first few years.

3.8. Question – Isn't this just another tax?

- No, it is a portion of the sanitary sewer fee based on the amount of stormwater runoff.

3.9. Question – I don't remember voting on this issue. How can the City do this without a vote?

- This is not a tax. This is a user fee just like your water and electric fee. Under the Ohio Constitution and State Law, cities are allowed to set up a user fee for water, sanitary sewer and/or stormwater by a vote of City Council. A referendum or vote of the people is not required under what is referred to as "Enterprise Fund" law.

4. USE OF FUNDS and RESULTS

4.1. Question – How can we be sure that the money raised will be used for the elimination of overflows and not diverted to other projects by the City?

- All of the funds raised will go into the sanitary sewer fund for overflow elimination projects. Under state law, money in enterprise funds can only be used for that intended purpose. The City currently has enterprise funds for its water service, its sewer system, its electric and sanitation services.

4.2. Question – Will this be a separate utility and create a whole new government bureaucracy?

- This fee will be collected and be operated within the City's current sanitary sewer utility. There **will not** be any new buildings, but will be a part of the current sewer utility.

4.3. Question – How much money does the City expect the overflow abatement fee will collect?

- It is estimated that the fee will generate an additional \$300,000.00 per year.

4.4. Question – How will the money collected as the abatement component of the sanitary sewer charge be used?

- A large portion of the funds will be used for operations and maintenance improvements of the current system. Another portion of the funds will be available for capital improvement projects, such as the large detention basin required by the City's findings and orders.

4.5. Question – How soon can we expect to see results like reduced basement flooding?

- Faced with an aging sewer system, this is clearly not a quick fix. It is, however, a first step in solving long-neglected problems. Residents will see gradual improvements over time, however, all overflow work required by the OhioEPA must be completed by 2026.

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4.6. Question – What issues will be addressed first when the additional overflow abatement charge is implemented?

- The City's first priority is to ensure that we are in compliance with the new, strict EPA regulations and Findings and Orders. Crews will tackle the projects that are delineated in the City's Long Term Control Plan.

5. ENVIRONMENTAL

5.1. Question – How does stormwater overflow effect the environment?

- One of the reasons the City is implementing the overflow abatement fee is to meet tough, new EPA regulations. Simply put, when an overflow occurs, raw sewage is discharged untreated into our streams and river.

5.2. Question – How will the new utility help the environment?

- The overflow abatement fee will provide funding to eliminate rain from seeping into the sanitary sewer collection system then we can reduce the number of overflows that bypass the treatment facility and discharge directly to the receiving streams and river.

5.3. Question – What happens if we fail to meet the OhioEPA Findings and Orders?

- The City could face fines for each violation. Additionally, if the enforcement action by the OhioEPA is deemed ineffective, the US EPA could become involved. In some cases, both the City and the EPA can be sued by environmental groups who feel state or Federal law is being violated.