

# EPA MUNICIPAL UPDATE

## A Summary of the June 17, 2014 Event



For the first time in 10 years, more than 200 officials gathered in Green Tree for a wet weather municipal update from the Environmental Protection Agency and Department of Justice. Attendees included representatives from the Allegheny County Sanitary Authority, the Pennsylvania Department of Environmental Protection, the Allegheny County Health Department and 68 of ALCOSAN's customer municipalities. The event was hosted by 3 Rivers Wet Weather.

County Executive Rich Fitzgerald and Mayor Bill Peduto set a collaborative tone for the gathering by emphasizing the need for the municipalities to seize this opportunity to work together to build a system that is more cost-effective and sustainable for the benefit of the next generation. "We may not all get everything we want, but we need to make this work in order to solve this regional problem," said County Executive Fitzgerald. Mayor Peduto stressed the need to "Do this right," and indicated a willingness to modify the City's representation in ALCOSAN to effect better inter-governmental cooperation and break down historic barriers.

### **ALCOSAN**

ALCOSAN Executive Director Arletta Scott Williams reviewed the key elements of the treatment authority's long-term wet weather plan submitted to the regulatory agencies in January 2013. EPA's review and the municipal and public comments to the plan have led to an opportunity for a phased approach to affordably achieve water quality goals.

Arletta noted that while the EPA will insist on ultimate compliance with the Federal Clean Water Act, EPA recognizes that implementation of ALCOSAN's \$3.6 billion "Selected Plan" is not affordable for the region, and would consider modifying the Consent Decree if the following conditions are met. The region must:

- Meet water quality goals by maximizing water quality improvements to the regional system;
- Proceed with gray projects that would be necessary with or without green infrastructure and source reduction;
- Work toward regionalization of the CSO and SSO systems and establish flow targets to motivate green infrastructure, source reduction, and system rehabilitation;
- Propose an "Interim Wet Weather Plan";

- Base the Interim Wet Weather Plan (WWP) on the ALCOSAN proposed Water Quality Priority Alternative with consideration of the addition of some Chartiers Creek improvements;
- Evaluate progress through post-construction monitoring and refine the remaining projects needed to achieve full Consent Decree compliance.

ALCOSAN has proposed an “adaptive management” framework to allow for adjustments to the Interim WWP to include replacing gray infrastructure with green infrastructure where cost-effective and appropriate. They also proposed an extension to the deadline for implementing the Interim WWP to September 30, 2032, with check-in points every six years. The \$2 billion for the Interim WWP proposed by ALCOSAN consists of \$1.4 billion in ALCOSAN capital projects and \$575 million in municipal projects.

ALCOSAN has also developed a list of Water Quality Alternative-based projects, the most cost-efficient of these being the expansion of the treatment plant to 480 million gallons per day for wet weather capacity and construction of deep tunnel systems along the Ohio, Allegheny, and Monongahela rivers. The Water Quality Alternative Projects and additional time would help to reduce overflow volume by seven billion gallons per typical year, and achieve 72% of the long-term water quality improvement goals. This maximizes the water quality benefit for the region in the most cost-effective manner, and provides flexibility to incorporate regionalization, green infrastructure, and sustainable sewer maintenance projects.

ALCOSAN’s next steps are to develop a schedule and approach for addressing regionalization and the flow targets required by the regulatory agencies, to negotiate specific Consent Decree modification language, and to continue working with municipal customers to evaluate green infrastructure and source reduction opportunities.

## **ENVIRONMENTAL PROTECTION AGENCY**

David McGuigan, Associate Director of EPA Region 3 NPDES Permits and Enforcement, presented the need for a collaborative approach to implementing the regional wet weather plan. He emphasized that in order for the region to successfully comply with the Clean Water Act in an affordable way, we must achieve regionalization and flow reduction goals. He noted that municipalities complied exceptionally well with their feasibility study requirements, but since the regional plan isn’t affordable, EPA is working with ALCOSAN to develop an alternative approach to achieve better environmental results at a lower overall cost over time. ALCOSAN’s proposed Adaptive Management Plan will serve as the backbone, with flow control and regionalization as critical components.

**Regionalization** – David said EPA expects significant progress over the next six years in sewer system regionalization while recognizing the current progress being made in the transfer of multi-municipal trunk sewers, which are “liabilities rather than assets” for municipalities.

He highlighted several advantages to transferring the trunk sewers to an entity that is willing to assume the burden for maintenance and implementing wet weather controls.

- It will remove the responsibility from municipalities for compliance for these trunk sewers;
- Contracts are easier for a single entity assuming the sewers;
- The decisions about where to place wet weather controls can be made in a more strategic manner for the region.

*(Update on current regionalization efforts – The region has already begun to address the transfer of ownership and control of multi-municipal trunk sewers and existing wet weather facilities to ALCOSAN through the Sewer Regionalization Implementation Committee (SRIC). The recommended transfer does **not** include municipal collection systems, which will continue to be operated and maintained by the respective municipalities or authorities in the ALCOSAN service area. The SRIC has adopted proposed transfer principles which have been distributed to the municipalities and municipal authorities for their feedback. These proposed principles will serve as the foundation for the further development of a legal framework for completing the municipal transfer transactions with ALCOSAN. It is anticipated that the excellent momentum and progress for regionalization will continue, and result in transfers occurring in 2015.)*

**Flow Control** – EPA will require that ALCOSAN identify the amount of sewage that can be accepted in the conveyance system without an overflow. EPA then expects that the municipalities meet these flow targets by modifying their feasibility studies (using gray, green, or a hybrid) to reduce their flows. Municipal flow-reduction programs will need to be initiated over the next six years and may include:

- Collection system operation and maintenance;
- Infiltration/Inflow controls;
- Stream daylighting, where possible;
- Municipal ordinances requiring lateral inspection and repair at the time of sale;
- Municipal ordinances that advance green infrastructure in development and redevelopment;
- Gray and green infrastructure to address specific problems.

**Moving Forward** – David praised the efforts in the region to date. Basically, EPA would allow Adaptive Management with six year check-in points. In the first six years ALCOSAN and the municipalities must successfully implement regionalization of the multi-municipal sewers and proposed infrastructure improvements, set flow limits and develop flow reduction (I/I and GSI) approaches. If achieved, EPA would allow the water quality-based Interim WWP to move forward. However, if the region doesn't make adequate progress, a more aggressive and potentially more expensive implementation plan would be required. He stated that the regulatory agencies are in discussion on the development of appropriate enforceable document(s) that would provide the certainty and accountability necessary to implement this approach.