

CSO Program Consent Decree Briefing

May 24, 2012

Seattle
 Public
Utilities

Agenda


- What is a Consent Decree?
- Negotiation Process
- Approval Schedule
- Key Elements
 - Early Action
 - LTCP
 - Integrated Plan
 - CMOM
 - Coordination with King County
- Critical Milestones
- Reporting Requirements
- What 's Different
- CSO Program Moving Forward

What is a Consent Decree?

- DOJ will file a law suit on behalf of EPA alleging that Seattle had violated the CWA
 - DOE also joined in the law suit
- Seattle decided to negotiate a settlement agreement (Consent Decree) by agreeing to a schedule for implementing the LTCP by 2025.
- Seattle is one of the last cities to have a CD
 - Chicago, Milwaukee, New York, Philadelphia, Alcosan, Louisville, Cleveland, Cincinnati, Washington DC, Hampton Roads VA
 - NPDES permit – SPU will continue to have their NPDES permit to follow

Negotiation Process

March 2008



Mar 2008	EPA's initial compliance investigation (focus on NMC and CMOM)
Sep 2008	EPA issued Compliance Inspection Report (sited violations of the NPDES permit and CWA)
Jun 2010	EPA began investigation on SPU's LTCP
Oct 2010	EPA and SPU signed an Administrative Order to implement short-term actions
Mar 2011	LTCP Team (SPU and CH2M HILL Team) presented the LTCP work to EPA
Aug 2011	EPA sent first draft of Consent Decree to SPU
	SPU negotiated CD with EPA with support from Cascadia Law, CH2M HILL, Ross & Associates, and HDR
Dec 2011	SPU staff traveled to EPA HQ to negotiate CMOM language
Apr 2011	Final CD language approved by EPA, DOE, and DOJ
April 2012	-Seattle Times Lynda Mapes article, EPA's new Integrated Planning Policy, and other factors helped shape the CD language

Approval Schedule

- City approval process complete by mid-July
 - Mayor sent to Council on May 1st
 - Council committee hearings on May 24 and June 5
 - Full Council approval on June 11
 - Ordinance becomes effective July 21, Ray can sign
- DOJ signs August 21,
- 30-day public comment period
 - DOJ officially signs
 - CD is entered by US District Court October 19
 - Becomes legally binding
 - Milestones start 12/31/2012

Early Action

- Early actions required to control North Henderson (Outfalls 44 and 45) and South Henderson (Outfalls 46 and 47/171), as currently planned
 - Construction completion dates set since beyond current NPDES (2015)
 - Still required to do Windermere and Genesee as well
 - Significant environmental benefit to these projects

LTCP

- Draft LTCP due May 30, 2014
- Final LTCP due May 30, 2015
- LTCP will produce a schedule that will be incorporated into the CD
 - Prioritizes projects that reduce larger amounts of pollutants
 - Completion by 2025
- Encourages green to reduce or replace gray as long as provides same or greater level of control

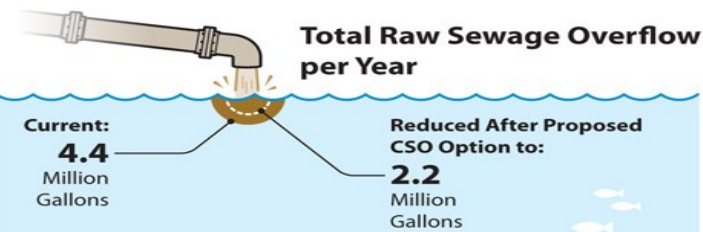
Integrated Plan

- SPU can prepare an integrated plan, where the LTCP can be integrated with stormwater control and treatment to achieve greater environmental benefit
- Integrated Plan must be submitted by 2018, but SPU plans to complete by 2015 with the LTCP and EIS
 - Not a substitution of stormwater for CSO projects, but prioritization and sequencing
 - Need to complete CSO projects (and set completion date)
 - Green infrastructure will play a key role
 - Extremely effective in reducing pollutant load reduction

For each \$M spent, SPU can remove multiple pollutants from CSO and stormwater discharges

CSO Storage Option

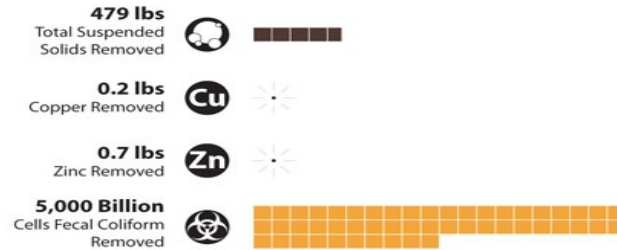
4.2 million gallons of raw sewage mixed with stormwater overflow from the Leschi sewer system into Lake Washington each year. Constructing \$44.3 million of sewage storage tanks in Leschi would reduce the annual overflow volume down to 2.2 MG.



Building sewage storage tanks in Leschi would cost...

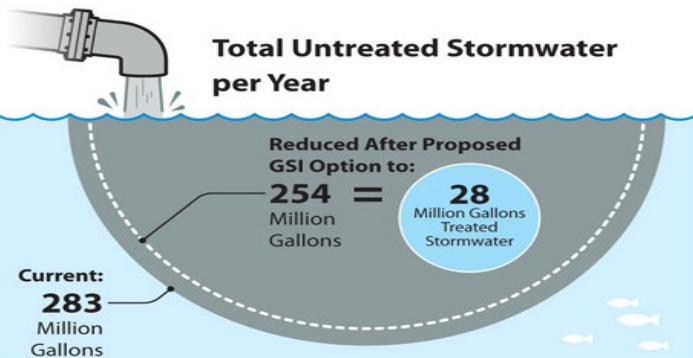
\$44.3 Million

The project would remove...



Green Stormwater Infrastructure Option

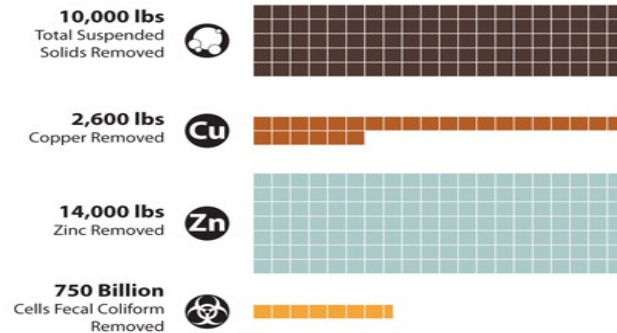
283 million gallons of untreated stormwater flows from the Leschi separated stormwater system into Lake Washington each year. Constructing \$20 million of green stormwater infrastructure in Leschi would treat 28 million gallons of stormwater annually.



Building green stormwater infrastructure in Leschi would cost...

\$20 Million

The project would remove...



CMOM

- SPU will submit a CMOM Plan by 12/31/2012 to eliminate all SSOs
- Plan will be based on asset management principles
 - Prioritized on condition assessment, risk, and consequence of failure instead of based on a fixed schedule
 - Include performance thresholds to evaluate SSO rate
 - Other cities have been required to implement prescriptive CMOM programs
 - LA, San Diego, Honolulu
 - Projected to save SPU \$375 million

Coordination with King County

- Goal of SPU/KC Coordination
 - Is consistent with each agency’s operational objectives
 - Optimizes the capacity of both the City & County’s systems
 - Balances risks to both the City & County
 - Joint Operations and System Optimization Plan by 3/2016
 - Integrate operation during wet weather, dry weather, and transition between dry and wet weather
 - Coordinate the operations of future CSO projects
 - Develop real-time communications plan/protocols
 - Identify facilities to be jointly operated
 - Look for additional opportunities for efficiencies
 - SPU may ask to modify milestones in LTCP if required to coordinate, but not beyond 2025

Commitment Milestones

- CMOM, FOG, and Floatables Plans by 12/31/2012
- LTCP
 - H&H Report by 12/31/2012
 - Financial Analysis, CSO Alternatives Analysis, and Implementation Schedule by 12/31/2014
 - Draft by 5/30/2014
 - Final by 5/30/2015
 - South Henderson construction completion by 12/31/2015
 - Joint Operations Plan with KC by 3/1/2016
 - Integrated Plan by 3/1/2018
 - North Henderson construction completion by 12/31/2018

Reporting and Other Requirements

- Annual reports due March 31 each year
- Notice of violations due within 10 days
- EPA and DOE need to approve in writing any submission
 - SPU has 60 days to submit changes
 - Records retention – 5 years after termination of CD
 - All employees and contractors required to read CD
 - Force majeure – allowance for acts of god as long as SPU notifies EPA and DOE

What's Different

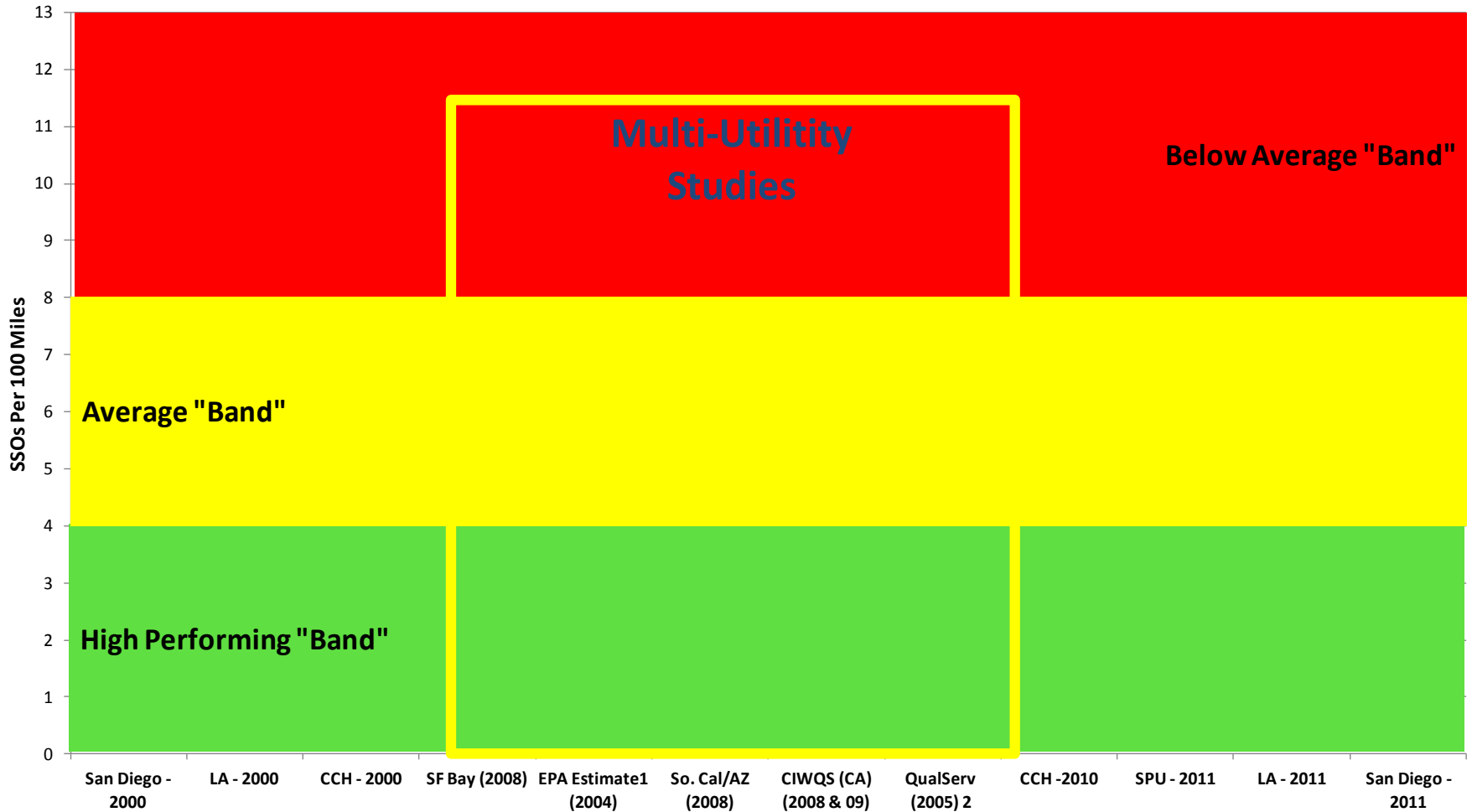
- Penalties
 - Civil penalty = \$350,000
 - Stipulated penalties range from \$1,000/day for violating reporting requirements to \$7,500/day for a dry weather overflow
- Milestone for One year period to achieve controlled status is now a milestone
 - “Construction Completion” – completion of infrastructure such that it is in full operation, including SCADA
 - “Sewer overflow” includes releases to property that doesn't reach water bodies
 - New submittal requirements for approval of GSI projects

CSO Program Moving Forward

- Increase CSO Program focus on exceeding schedules and commitments
- Focus on project delivery
 - Proactive preparation for key project phases (i.e., permitting, construction)
 - Tracking, monitoring, and reporting of schedule status
 - Addressing risks
 - CMOM – implement plan and continually improve performance

CSO Program Moving Forward

Industry Performance Bands



Q&A

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