



NACWA

Developments in Clean Water Law

November 7 – 9, 2007

Benefits of Consent Decrees With Tight Schedules

George D. Barnes, P.E.

Department of Watershed Management

City of Atlanta

Presentation Summary

- ◆ **Background**
- ◆ **How we got into trouble**
- ◆ **How we got out of trouble**
- ◆ **A tight schedule can be your friend**
- ◆ **Conclusions and Suggestions**

Current Wastewater System

- 1500+ miles of sewer lines
 - 15% combined sewer
 - 85% separate sewer
- Serves 6 other entities
- 55% Atlanta; 45% outside flow
- Serves population of 1.5 Million
- 3 WRCs - capacity of 187 MGD
- 6 CSO facilities





ATLANTA'S COMPLIANCE HISTORY

- ♦ **1984 – East area CSO Storage & Treatment Facilities Completed. All water quality standards met.**
- ♦ **1990 – Ga Legislature Enacts Legislation Requiring all Cities with Combined Sewer Overflows to eliminate or treat by 1993**
- ♦ **EPD Agrees to permit language "CSOs May Not Cause or Contribute to Water Quality Violations"**
- ♦ **1993 – 3 of 5 West Area CSO Control Projects Completed on Schedule, but 2 Cancelled by Previous Administration**
 - **City fined \$30,000/ Month/CSO Facility**



ATLANTA'S COMPLIANCE HISTORY

- ♦ **1993 – 1994 City Demonstrates Compliance With 3 West Area CSO Permits**
- ♦ **1993 – EPD Directs Dischargers to Chattahoochee River Above West Point Lake to Meet Phosphorus Limits**
- ♦ **1994 – Wastewater Treatment Projects For Phosphorus Reduction Canceled by Previous Administration**
 - **Georgia Legislature Enacts Legislation Requiring Atlanta to Meet Phosphorus Limits**
 - **Cost of Program Doubled**
- ♦ **Previous Administration Ignores Staff Requests for Funding for Sewer System Improvements**



EPA/EPD Consent Decrees

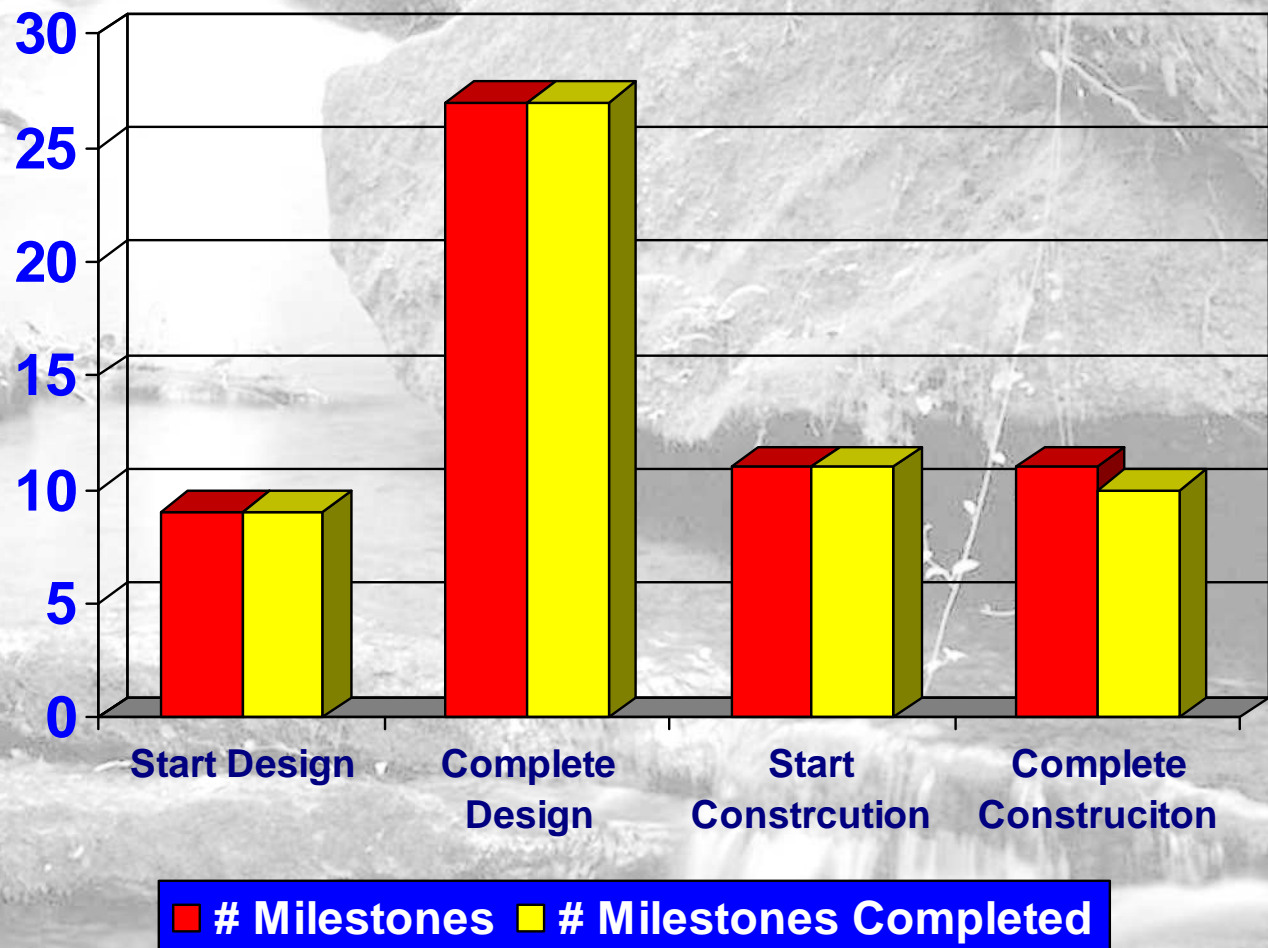
- ♦ **1995 lawsuit settled by two EPA/EPD Consent Decrees**
- ♦ **EPD Backs Out On Commitment to "CSOs May Not Cause or Contribute to Water Quality Violations"**
- ♦ **CSO Consent Decree (1998) – Compliance by 2007**
 - **Capture & treat additional CSOs from 100 events per year at each of 6 facilities**
 - **Achieve water quality standards at point of discharge**
- ♦ **First Amended Consent Decree (1999) – Compliance by 2014**
 - * **Eliminate 1000+ annual sewer spills within the separate sanitary sewer system – achieve a reliable sewer system**



CSO Consent Decree Provisions

- ◆ **Develop Long Term Control Plan**
- ◆ **Design & Construct 9 CSO Control Facilities by Nov 8, 2007**
- ◆ **Milestones Established For Start & Completion of Design and Start and Completion of Construction.**
- ◆ **City Submits Quarterly Status Report and Meets with EPD, EPA & Riverkeeper**
- ◆ **City Must Report Any Situation That Could Impact Meeting Compliance Milestones**
- ◆ **City Must Demonstrate That CSO Discharges Meet WQ Standards**

Compliance to Date



1 Year Time Extension Granted for West CSO Tunnel



CSO Program

- ◆ **Original Plan Budget - \$872 Million**
 - ◆ **Current Budget - \$629 Million**
 - ◆ **Value Engineering Savings**
 - ◆ **Savings on Major Storage Tunnel Project**
 - ◆ **Increases in Sewer Separation Project Costs**
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CSO Program

Additional Underground Storage



CSO Program

New Treatment Facility



CSO Program

150 MG Storage Tunnel



CSO Program

Sewer Separation – 3 Basins



CSO Program

**Greenway Acquisition
\$25 Million – 24 Miles Protected**



Pros and Cons of Tight Schedule

Pros

- ◆ **Continuity of Program**
- ◆ **Political & Community Support**
- ◆ **Strong Focus on Cost Control & Savings**
- ◆ **Cooperative Relations With Regulators**
- ◆ **Clean Water Objectives Achieved Sooner**
- ◆ **You get to see results of your program**

Pros and Cons of Tight Schedule

Cons

- ◆ **More Immediate Impact on Rates**
- ◆ **Cannot Defer Projects in Inflationary Periods**
- ◆ **Less Opportunity for Federal Funding**
- ◆ **Risk of Future Regulatory Changes**



Implementable Schedule

Activity	Duration
Negotiate CD	12 Months
Long Term Control Plan	36 Months
Design	40 Months
Construction	60 Months



Consent Decrees

Recommendations

- ◆ **Take and Maintain Control of Your Program**
- ◆ **Include Interim Milestones**
- ◆ **Keep Lawyers Away**
- ◆ **Develop Cooperative & Respectful Relationships**
- ◆ **Have Shirley Franklin as Mayor**
- ◆ **Regular Reports & Meetings**