

# Metropolitan St. Louis Sewer District

## Consent Decree

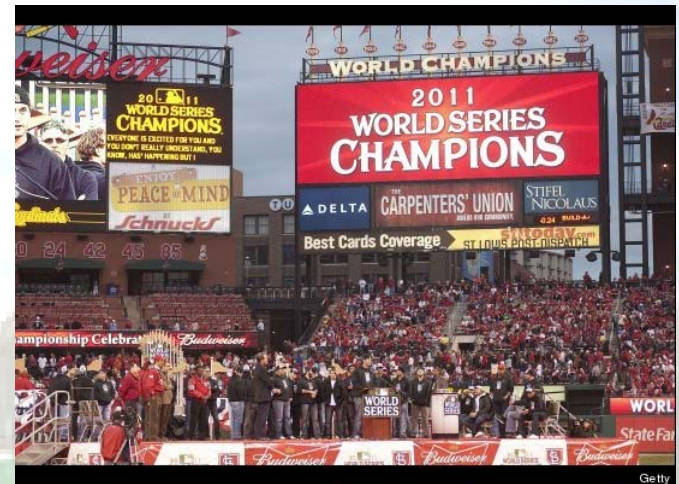


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ST. LOUIS

# Home of the 2011 World Series Championship Cardinals And the Rally Squirrel !!!!



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# KEY MILESTONES

1992 - 2010

Spent approx. 2.3B with \$1B invested in infrastructure

→ Greater than 300 constructed SSO's removed

→ Long-term Control Plan submitted to State in 1999

Early 2000's

Received Three 3008 Letters and Administrative Order from EPA

2007

April - Received 60-day Notice to Sue  
June - Complaint filed by U.S. and State of MO  
December - Agreed to Mediation

2011

August - Lodged Consent Decree

October - Public Comment period ends

Consent Decree entered ??????

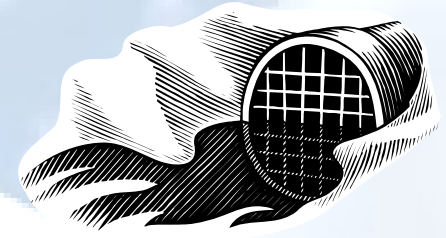


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# LESSONS LEARNED



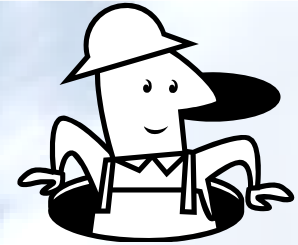
- ♦ Fight for your own program
- As soon as you receive a 308 letter:
  - Ramp up engineering & infrastructure assessments
  - Ramp up O&M program
  - Need this information to negotiate successfully
  - MSD's CD is detailed because we had this information
- MSD success based on:
  - Spent a lot of time educating the plaintiffs and mediator
  - Continuation of our program
  - Front end work done, we knew what we could accomplish
  - Approved LTCP prior to CD lodging
  - Team – right legal & technical knowledge, right personalities
- MSD's Challenges:
  - Being open & transparent without CD being public
  - Receiving Board authorization to execute
  - Rate Commission
  - Industrial Customers
- Federal and State Legal Challenges:
  - Hancock
  - 309(e)
- Be aware of local and state politics.



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# SPECIAL FEATURES



- ◆ Definition of BBU
  - Separate from SSO definition
  - MSD has insurance program
  - Separate stipulate penalties for BBU and SSOs
- ◆ Asset Management
  - Banking provision
- ◆ SSO Planning Time
  - Continuation of our current program
  - Time to finish planning (SSO Master Plan)
  - Agreed to use our models vs. model in manuals
- ◆ Off-Ramp
  - Paragraph 62
  - Modification of CSO Control Measures or critical milestones based upon significant adverse changes to MSD's financial circumstances or other budgetary issues
  - No cap restriction



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## SPECIAL FEATURES (cont'd)

- ♦ Stipulated Penalties
  - Liable for if fail to meet requirements in CD
- ♦ NGO Position
  - Receive copy of submittals, no review authority
- ♦ WQ Flexibility
- ♦ Dispute Resolution
- ♦ State of Missouri
  - Plaintiff
  - Participated in mediation
  - Early 2011 told MSD they will not sign the CD
  - State publically “at this time there are no issues that require further proceeding”
  - Proposed CD resolves all allegations in the complaint



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# KEY COMPONENTS OF CONSENT DECREE



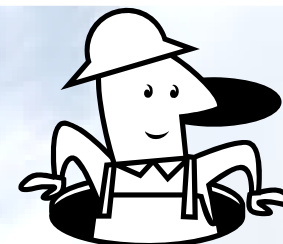
- 23 year implementation schedule at \$4.7 billion in 2011 dollars.
- Early Elimination Projects - elimination of 50 specific constructed SSOs by December 31, 2012.
- SSO Master Plan - submit no later than December 31, 2013.
- Remedial Measures - removal of 85% of the constructed SSO Outfalls, and the goals of eliminating all other known SSOs by no later than December 31, 2023, and all remaining constructed SSO Outfalls by December 31, 2033.
- CMOM Program - detailed performance goals for the prioritization, cleaning, inspection, and rehabilitation of the entire sewer system. Aimed at preventing overflows and building backups from the system.
- Cityshed Mitigation Program – \$230 M over life of CD to mitigate the effects of wet weather surcharging and overland flooding of the combined sewer system (Citysheds).
- CSO Long Term Control Plan – Approved by the State of Missouri on June 1, 2011



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### KEY COMPONENTS OF CONSENT DECREE (cont'd.)

- CSO Post Construction Monitoring Program – Upon completion of CSO Control Measures, requires the implementation of a Post Construction Monitoring Program to validate performance of CSO Control Measures as set forth in the approved CSO LTCP and CD.
- CSO Green Infrastructure Program - commitment of \$100 Million to implement a Green Infrastructure Program.
- Consent Decree Reporting    significant and continuous detailed reporting.
- Supplemental Environmental Project (SEP) – \$1.6 million dollars to implement a Sewer Connection & Septic Tank Closure Program for low-income residents.
- Civil penalty – \$1.2 M
- Stipulated Penalties – Only if fails to meet certain specified requirements outlined in the consent decree.
- Coalition for the Environment – \$116,050.00 to be used to fund projects at the River des Peres Coalition and to provide engineering and science support at the Interdisciplinary Environmental Clinic.



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# QUESTIONS

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