

WHY THE GOVERNMENT IS
YOUR FRIEND
(AND OTHER CSO LONG TERM
CONTROL PLANNING REVELATIONS)



NEW JERSEY LONG TERM
CONTROL PLAN WORKSHOP

In Association with New Jersey Waterworks

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THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY IS YOUR FRIEND

(UNLESS THEY AREN'T)

NATIONAL CSO POLICY (1994)

- Three Main Policy Objectives:
 - Ensure that if CSOs occur, they are only as a result of wet weather;
 - Bring all wet weather CSO discharge points into compliance with the technology and water quality based requirements of the Clean Water Act;
 - Minimize the impact of CSOs on water quality.
- Tools to Achieve CSO Policy
 - Nine Minimum Controls
 - Long Term Control Planning
 - CSO Permitting
 - New Jersey currently has 25 CSO permit holders with 213 outfalls

What USEPA Says About CSOs

- Combined Sewer Overflows are the major enforcement challenge in New York and New Jersey.
- New York state has 76 CSO permit holders and New Jersey has 25. “We are working in partnership with state agencies and the local governments to try to resolve these CSO problems.”
- “Most reasonable people will agree there is not nearly enough money to fixed this problem. That doesn’t mean we can’t fix it, but communities are going to have to float bonds and not rely as heavily on federal funding as they did in the ‘70s and ‘80s.”
 - Quotes from Judith Enck, USEPA Region 2 Administrator in *WaterWorld*, Volume 27, Issue 8

USEPA on New Jersey CSOs

- “Combined sewer overflows are a very serious public health and environmental problem in a number of New Jersey communities.”
- “The improvements that Perth Amboy will make under the agreement with the EPA will improve water quality and protect community residents from exposure to raw sewage. Sewer upgrades made pursuant to [CSO settlements] are a long-term investment in public health and clean water.”
 - Judith Enck, USEPA Region 2 Administrator, on Settlement with Perth Amboy for Alleged CSO Policy Violations, June 2012

USEPA on New Jersey CSOs

- “This agreement, like others reached with cities across the country, addresses critically important and long-overdue upgrades to the municipal sewer system in Jersey City, which are required if JCMUA is to achieve compliance with the nation’s Clean Water Act. Among the actions required by the agreement, a supplemental environmental project will replace privately-owned sewers with direct sewer connections, directly benefiting economically disadvantaged residents by improving wastewater collection and preventing sewage backups in their homes.”
 - Ignacia S. Moreno, former Assistant United States Attorney General for Environment and Natural Resources Division on settlement with Jersey City for alleged CSO Policy Violations, July 2011

USEPA on New Jersey CSOs

- “Investment in municipal infrastructure and local commitments like those in today’s agreement are practical and necessary solutions to sewer overflow problems. Today’s agreement will help improve water quality in waters around Jersey City and protect community residents from exposure to raw sewage and contaminated stormwater, now, and into the future.”
 - Judith Enck, USEPA Region 2 Administrator, on Settlement with Jersey City for Alleged CSO Policy Violations, July 2011

USEPA Region 2 on Enforcement

- Sources that discharge to waters of the United States must comply with the Clean Water Act's technology-based and water quality-based requirements. EPA will continue to focus its enforcement efforts on reducing discharges of raw sewage and contaminated stormwater into our nation's rivers, streams and lakes. The Clean Water Act requires municipalities to treat sewage before it is discharged and to control contaminated stormwater discharges, but many municipalities are not in full compliance with these requirements. The Clean Water Act also requires municipalities to meet water quality standards and protect the designated uses for a water body before sewage is discharged.
- In recent years, EPA's enforcement efforts have resulted in agreements with many cities including Northeast Ohio Regional Sewer District, Ohio; Kansas City, Missouri; and Oswego, New York to address their CSO problems. An EPA National Enforcement Initiative for October 2010 - September 2011 focused on the reduction of discharges from combined sewers, sanitary sewers, and municipal storm sewer systems, by obtaining commitments from municipalities to implement timely, comprehensive solutions to these problems, including increased use of green infrastructure as appropriate.
- USEPA Region 2, "Keeping Raw Sewage & Contaminated Stormwater out of the Public's Water", 2013

U.S. Attorney for New Jersey on Enforcement

“New Jersey has seen an unjust share of environmental damage, and we have the opportunity and obligation to do something about it. Specific, targeted criminal and civil enforcement actions can make a real difference to our environment - preserving it for those who treasure it and punishing those who break laws that protect it.”

- Paul J. Fishman, U.S. Attorney for the District of New Jersey, July 2011

USEPA on “Environmental Justice”

- Environmental Justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. EPA has this goal for all communities and persons across this Nation. It will be achieved when everyone enjoys the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.
 - Source: USEPA Website, <http://www3.epa.gov/environmentaljustice/>

USEPA Region 2 on “Environmental Justice”

“Low income communities across the country have historically shouldered a heavy pollution burden. Just because someone lives in a low income neighborhood, they should not be exposed to air pollution, toxic chemicals, degraded water quality or have less access to parks and open space. The EPA is committed to protecting public health and environmental quality in every part of the country. With improved environmental quality should also come opportunities for job creation.”

- Judith A. Enck, Regional Administrator, EPA Region 2

USEPA National View on Enforcement

- “Enforcement is a powerful tool in advancing environmental justice and deterring illegal pollution. We are aggressively going after pollution problems that make a difference in communities, like keeping raw sewage and contaminated stormwater out of our nation’s waters and cutting toxic air pollution that affects communities’ health.”
 - Cynthia Giles, Assistant Administrator for the EPA Office of Enforcement Compliance Assurance

RECENT CONSENT DECREES

- San Juan, PR (pop. 395,000)
- Delaware County Regional Water Control Authority , PA (pop. 500,000)
- Capital Region Water, Harrisburg, PA (pop. 60,000)
- Lima, OH (pop. 38,000 city; 108,000 metro statistical area)
- Shreveport, LA (pop. 441,000 metro area)
- Columbia, SC (pop. 129,000 city; 800,000 metro)
- Miami-Dade County (pop. 2.6 million)
- City of Chattanooga, TN (pop. 178,000 city; 523,000 metro)
- Perth Amboy, NJ (pop. 51,000)
- Metropolitan St. Louis Sewer District, MO (pop. 1.4 million)
- Elkhart, IN (pop. 51,000)
- Jersey City, NJ (pop. 248,000)
- Northeast Ohio Regional Sewer District (pop. 1 million)
- Revere, MA (pop. 52,000)
- Honolulu, HI (pop. 377,000)
- Williamsport, PA (pop. 29,000)
- Kansas City, MO (pop. 1.6 million)
- Lebanon, NH (pop. 13,000)

THE COST OF CONSENT

<u>Location</u>	<u>Date</u>	<u>Approximate Cost</u>	<u>Time Period</u>
San Juan, PR	October 2015	\$180,000,000	14 Years
Delaware County Regional, PA	August 2015	\$201,000,000	20 Years
Capital Region Water , Harrisburg, PA	February 2015	\$89,000,000	5 Years
Lima, OH	November 2014	\$147,000,000	10 Years
Shreveport, LA	November 2013	\$348,000,000	12 Years
Columbia, SC	September 2013	\$751,000,000	20 Years
Miami-Dade County, FL	June 2013	\$1,600,000,000	15 Years
Chattanooga, TN	July 2012	\$251,000,000	15 years
Perth Amboy, NJ	June 2012	\$5,400,000	3.5 Years
Metro St. Louis Sewer District, MO	August 2011	\$4,700,000,000	23 Years
Elkhart, IN	August 2011	\$135,000,000	20 Years
Jersey City, New Jersey	July 2011	\$53,000,000	10 Years
Northeast Ohio Regional Sewer District	December 2010	\$3,000,000,000	25 Years
Honolulu, HI	August 2010	\$5,000,000,000	22 Years
Williamsport, PA	June 2010	\$10,000,000	10 Years
Kansas City, MO	May 2010	\$2,500,000,000	25 Years
Lebanon, NH	May 2009	\$30,200,000	12 Years

SO WHY IS USEPA YOUR FRIEND?

BECAUSE THEY HAVEN'T
GIVEN YOU A CONSENT DECREE
...YET

THE NEW JERSEY DEPARTMENT
OF ENVIRONMENTAL PROTECTION
IS YOUR FRIEND

(DEFINITELY)

NJDEP CSO PERMITTING MILESTONES

- National CSO Policy Issued in 1994
- 1995 – NJDEP Issues the First Master General Permit
- Permittees required to develop and implement technology-based control measures including the Nine Minimum Controls.
- Permittees required to initiate the first element of the Long Term Control Plan
 - development of Combined Sewer System Characterization Studies to demonstrate the relationship between rainfall, runoff and sewer system responses.

NJDEP CSO PERMITTING MILESTONES

- 2004 – NJDEP Issues a New Master General Permit
- Requirements from 1995 MGP remained
- New provisions to require permittees to address four additional elements of the CSO Long Term Control Plan:
 - Develop a Public Participation Plan;
 - Evaluate a specific set of alternatives;
 - Develop appropriate cost and performance curves; and
 - maximize conveyance for treatment at the existing treatment plant for wet weather flows.
- Permittees with CSO outfalls were required to develop and evaluate a variety of disinfection control alternatives.

NJDEP CSO PERMITTING MILESTONES

- 2015 – NJDEP Issues 25 Individual CSO permits, EDP July 1, 2015
- Builds upon requirements of the previous permit requirements
- Permittees should consider what work has already been performed and how past achievements may be incorporated into new efforts to satisfy the new individual CSO permits.
- The individual permits address site specific conditions and promote coordination of a Long Term Control Plan among all permittees within hydraulically connected sewer systems.

NJDEP CSO PERMITTING MILESTONES

2015 PERMITS IN A NUTSHELL:

DEVELOP AND SUBMIT AN APPROVABLE
LONG TERM CONTROL PLAN BY THE
END OF THIS PERMIT CYCLE

SO WHY IS NJDEP YOUR FRIEND?

BECAUSE MOST OF THE THINGS USEPA
WOULD HAVE PUT IN A CONSENT
DECREE ARE NOW IN YOUR PERMIT
INSTEAD

Dealing with Your Permittee

- Advise your Governing Body:
 - Of the time limits
 - That you may need additional staffing
 - That you will need additional funding
 - Advise that there are significant penalties for delay
 - Keep them up to date frequently – every milestone (at least quarterly)

No Permittee is an Island

- “The Department encourages a single LTCP to be developed and submitted on behalf of all of the permittees in a hydraulically connected sewer system.”
- “Hydraulically connected system” means the entire collection system that conveys flows to one Sewage Treatment Plant (STP).

No Permittee is an Island

“Since multiple municipalities/permittees own separate portions of the hydraulically connected sewer system, the permittee shall work cooperatively with all other appropriate municipalities/permittees in the hydraulically connected sewer system to ensure that the Nine Minimum Controls (NMC) & Long Term Control Plans (LTCP) activities are being developed and implemented consistently. The permittee shall identify their joint and separate responsibilities with all other appropriate municipalities/permittees in the hydraulically connected sewer system regarding implementation of the NMCs and LTCPs.”

- What if someone doesn't want to play ball?

DEALING WITH NJDEP ON PERMIT

- Be Honest
- Be Mindful of Time
 - Your Time
 - Their Time
- Be Committed to Finding a Solution, one way or the other

THE PRICE OF FAILURE

Metro St. Louis Sewer District, MO (pop. 1.4 Million)
\$4,700,000,000 23 Years

Northeast Ohio Regional Sewer District (pop. 1 Million)
\$3,000,000,000 25 Years

Kansas City, MO (pop. 1.6 Million)
\$2,500,000,000 25 Years

QUESTIONS

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