

Unified Government Of Wyandotte County/ Kansas City, Kansas

The Unified Government's Partial Consent Decree. How we got here and what it all means.

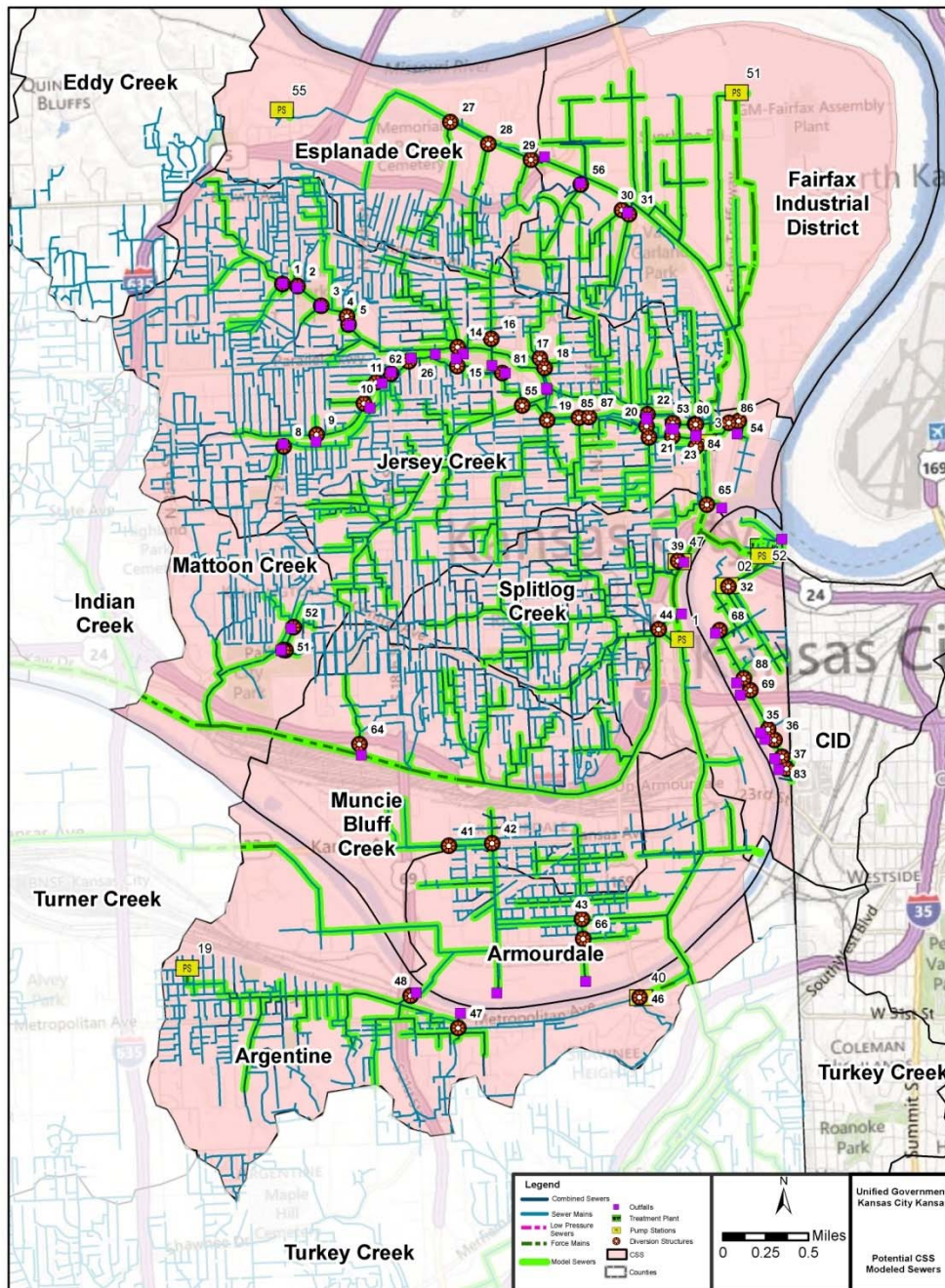
Presenter: Misty Brown Senior Counsel



Overview



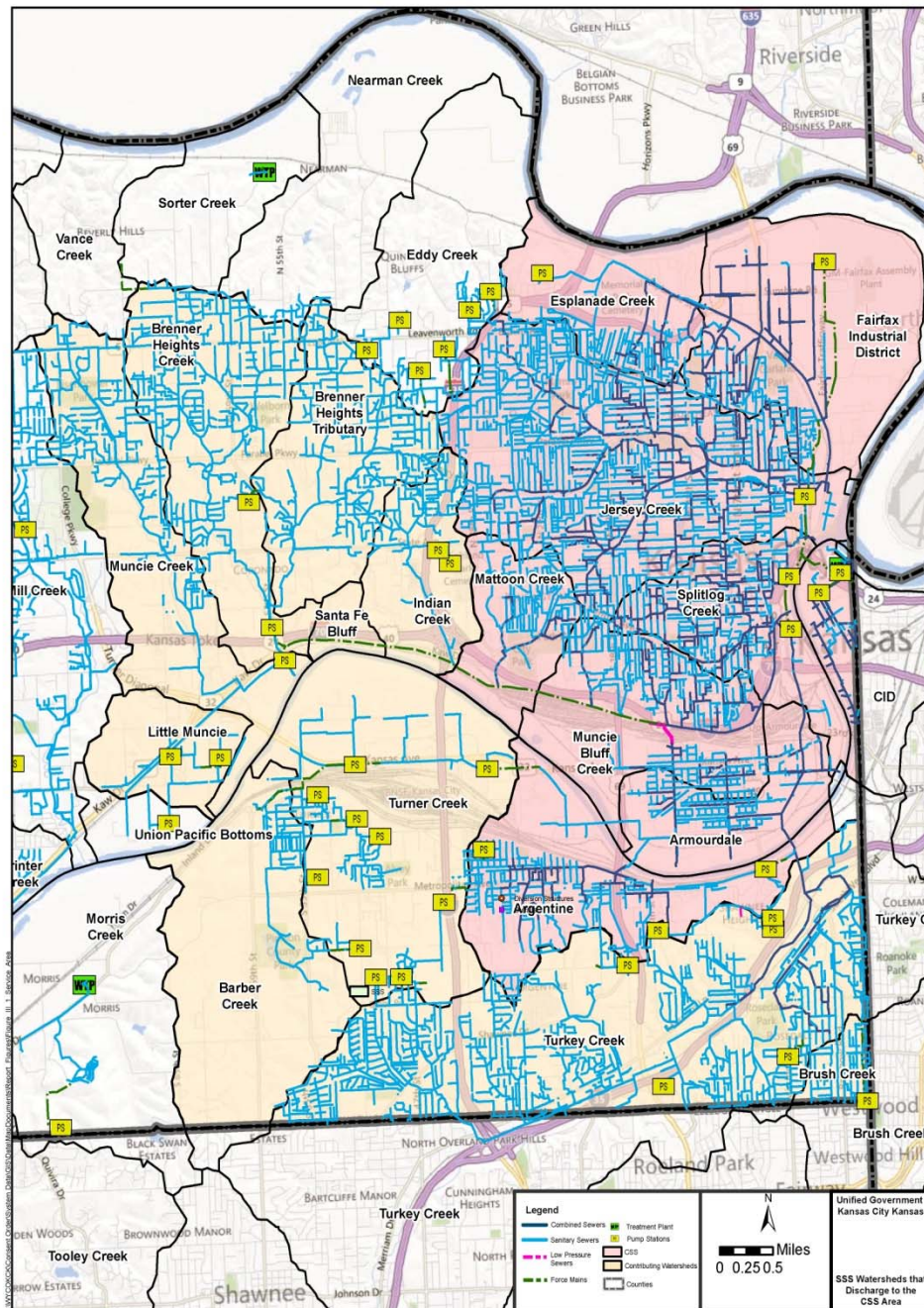
- UG Profile
- CD History
- Negotiating Strategy
- UG's Priorities
 - Integrated Approach
 - Financial Capability
- Where We Are Now
- Take Aways



The UG's Unique System

- Combined System
 - 59 Diversions
 - 50 Outfalls
- Fairfax Industrial District
 - Combination of Separate Storm and Combined





The UG's System is Unique

- Nearly ½ of the SSS Discharges to CSS
- Relationship with KCMO
 - CID
 - Brush Creek

The UG's System Profile

System Statistics	
Miles of Sanitary Sewer	653
Miles of Combined Sewer	97
Miles Storm Sewer	415
Miles of Force Main	38
CSO Diversion Points	59
Permitted CSO Outfalls	50
Constructed SSO's	23
Sanitary Sewer Pump Stations	64
Combined Sewer Pump Stations	9
Major Treatment Facilities	2
Satellite Treatment Facilities	3

The UG's Customers Profile

Demographic Data	
UG Total Population	158,000
UG Service Population	110,000
Customers	43,000
Median Household Income	\$33,200 -75% of National avg.
Latino Population	28%
African American Population	27%
Poverty Rate	25%
Unemployment Rate	10.4%

Where UG Started

- Concern that the EPA's initial CD required the UG to commit to the solution before understanding the problem or the cost.
- “Regulatory Cookie Cutter”
 - Cut & Paste from other CDs
 - Insufficient consideration given to affordability
 - Insufficient consideration given to level of service
 - Insufficient consideration given to political reality (commit in 120 days)



Negotiation Strategy



- Put together an experienced team
 - Legal, regulatory, technical, water quality
- Leverage the experience of other communities

UG's Priorities

Reflect Wyandotte County's values



Integrated Approach

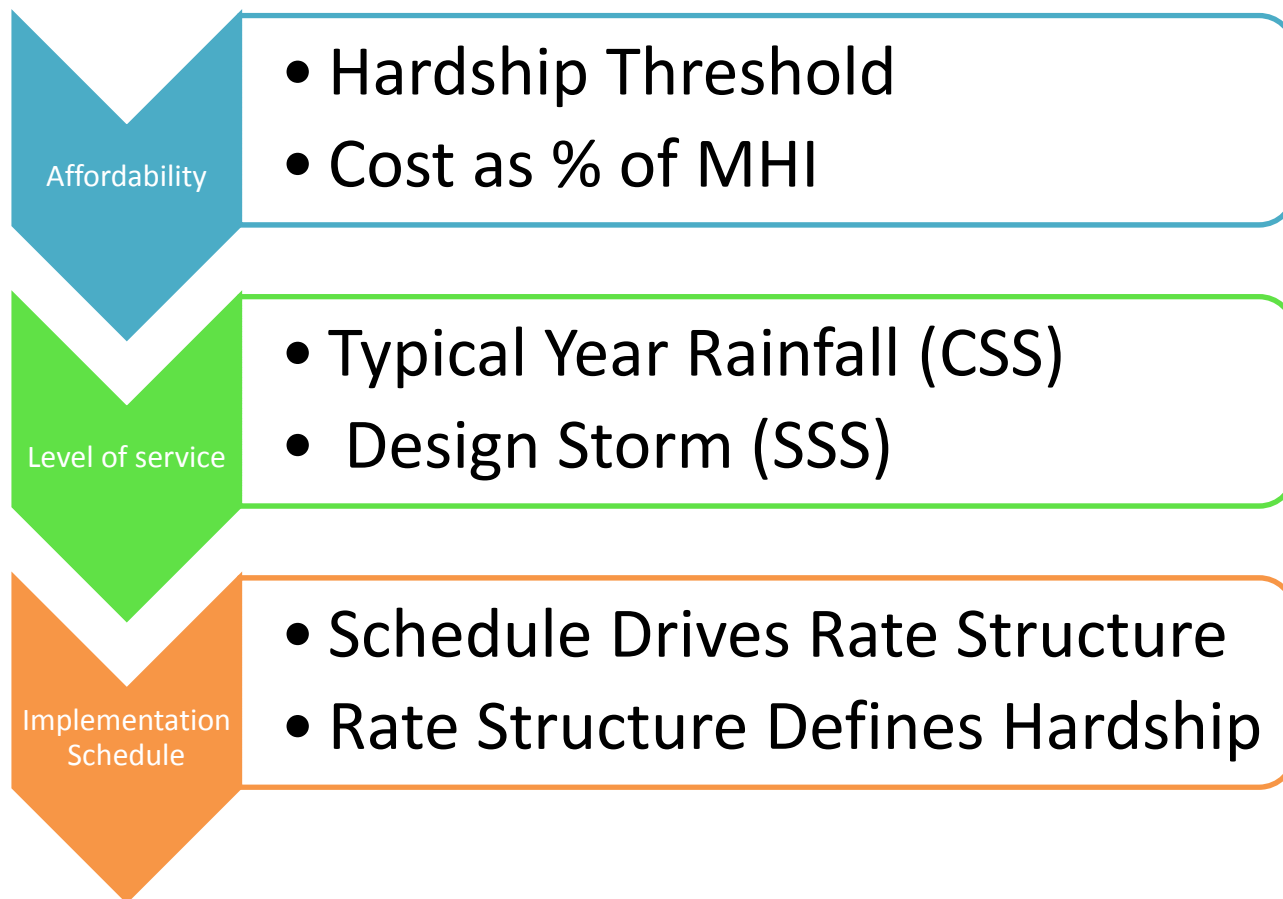
Integrated Overflow Control Plan (IOCP)

Obligations	Priorities		
Wet Weather	CSO	SSO	MS4
Infrastructure	Condition	Capacity	Preservation
Plants	Nutrients	Disinfection	Solids

Integrated approach considers multiple regulatory obligations, affordability flexibility to establish priorities and address highest priorities first.

Financial Capability

Focus on Affordability



Financial Capability Litmus Test

Program Cost (\$M)	Schedule (years)	Monthly Rate at year 5 (\$/Month)	Peak Monthly Rate (\$/Month)	% of MHI
\$218	20	50	58	1.5
\$470	20	68	77	2.0
\$821	20	113	131	3.4
\$821	25	103	125	3.11
\$821	30	98	107	2.95
\$821	40	92	105	2.75



Environmental Justice

Highest Cost Impact on Poorest Population

Poverty Level

UG 25%

KCMO 14%

Un Employment

UG 10.4%

KCMO 7.3%

MHI

UG \$33,200

KCMO \$53,400



Environmental Justice

Public Health Rankings

Wyandotte Co, KS

96th of 98 Counties

Jackson Co, MO

68th of 114 Counties

City of St. Louis, MO

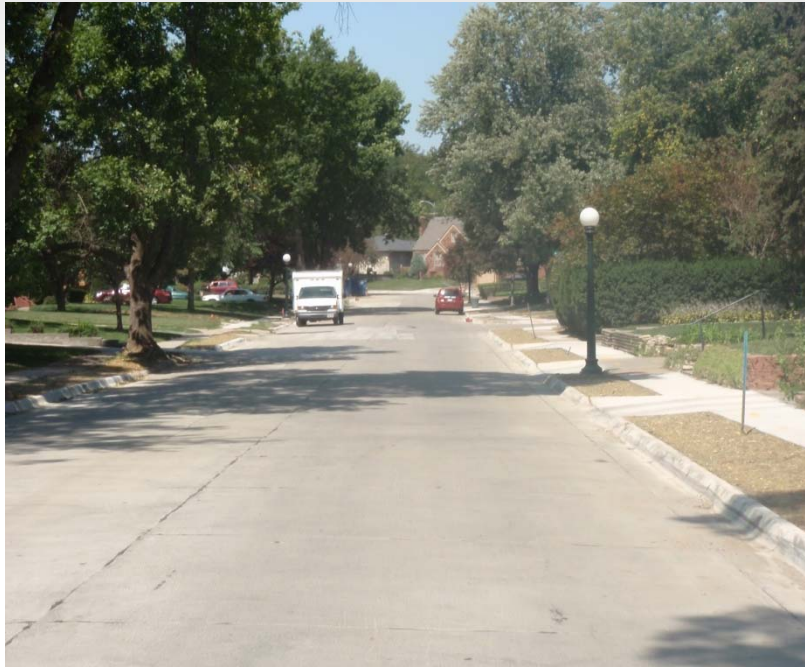
105th of 114 Counties



UG Priorities--Infrastructure Renewal



UG's Priorities



Achieve Multiple Benefits

– Community Renewal

- Infrastructure Investment
- Jobs
- Aesthetics

– Redevelopment

- Reverse Decline

– Sustainability

Where We Are Now

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF KANSAS

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) Civil Action No.
)
UNIFIED GOVERNMENT OF)
WYANDOTTE COUNTY AND)
KANSAS CITY, KANSAS,)
)
and)
)
THE STATE OF KANSAS,)
)
Defendants.)
_____)

PARTIAL CONSENT DECREE

PCD - Partial Consent Decree

- Deals with development of IOCP
- Requires modification after approval of IOCP
 - Define capital program
 - Define schedule



Where We Are Now

PCD Firsts

- KDHE joined UG as a defendant
- Nations first “Partial” CD
- No civil penalty
- No defined compliance date
- Negotiate Implementation Phase After Agreement on IOCP

Where We Are Now

Integrated Overflow Control Plan

Develop Plans

- System Evaluation
- SSO Control Plan
- CSO LTCP
- MS4 Program
- Affordability Analysis

Plan Integration

- Affordability
- Level Of Service
- Schedule

Phase II Implementation

- Negotiated After IOCP Approval
- Affordable
- Reasonable Schedule
- New CD or PCD Revision

Take Aways

- Bring financial and political realities to the forefront
- Articulate expectations-What you need and why
- Each CD is unique-Resist the regulatory cookie cutter
- An experienced team is important
- Keep the political leadership informed
- Negotiate like you own it
 - Nobody wants to sue
 - It doesn't hurt to go on offence
- Assign a consent order compliance officer
- Commit to a deal, set the schedule