



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 9 2016

The Honorable William Peduto, Mayor
City of Pittsburgh
512 City-County Building
414 Grant Street
Pittsburgh, Pennsylvania 15219

The Honorable Rich Fitzgerald
Executive, Allegheny County
Office of the County Executive
101 Courthouse
436 Grant Street
Pittsburgh, Pennsylvania 15219

Mayor ~~Peduto~~ ^{Bill} and County Executive ~~Fitzgerald~~ ^{Rich}:

Thank you for your letter dated February 10, 2016 regarding the Allegheny County Sanitary Authority (ALCOSAN) Wet Weather Plan. We have found your previous correspondence to be constructive and have used them to inform our discussions on the modification to the ALCOSAN Consent Decree which has been the subject of negotiations between ALCOSAN, the Pennsylvania Department of Environmental Protection (PADEP), the Allegheny County Health Department (ACHD), the United States Department of Justice (DOJ) and the United States Environmental Protection Agency (EPA). However, we believe it is time to implement a plan to address the billions of gallons of raw sewage discharges that pollute the waters of Allegheny County.

In your letter, you request the Consent Decree be modified to address the following: the analysis and incorporation of the jurisdiction flow reduction studies; an extension of the schedule for 10 years to allow the evaluation of flow reduction efforts and expansion of the Woods Run Plant in reducing overflows; and the opportunity of all jurisdictions to comment on the Wet Weather Plan. EPA believes that the current draft of the Consent Decree modification addresses all of your stated concerns in a manner consistent with protecting human health and the environment.

The proposed modification establishes a three phased adaptive management implementation program. Phase I concerns itself with necessary expansions of the Woods Run treatment facility and commencement of preliminary planning for potential regional conveyance and storage projects. Phase II is implemented only after ALCOSAN has had the ability to review the flow reduction studies submitted by the jurisdictions. This allows ALCOSAN to eliminate or change the design of the regional



conveyance and storage projects based upon studies submitted by the jurisdictions. These studies are required to be submitted by the jurisdictions to ALCOSAN under either the EPA Information Request Letter, or the PADEP and ACHD orders by December 1, 2017. Planning for Phase II projects does not begin until 2020 and construction is delayed until mid-2022. All Phase II projects are to be completed by September 2032, with planned checkpoints of progress at least every three years to determine if the mix of control measures needs to be modified.

The need for Phase III projects will be determined based upon post-construction monitoring of receiving water quality and remaining discharges. Most significantly, at any time, ALCOSAN can submit a revised Wet Weather Plan to take advantage of new technology or flow reduction efforts by the jurisdictions.

As you can see, the regulatory agencies have proposed a modification that facilitates the implementation of green infrastructure. Through this process the jurisdictions will need to measure the effectiveness of green infrastructure, its ability to reduce or control flow, and use checkpoints along the way to adjust the mix of controls as necessary. Where it does not prove to be an effective control measure the jurisdictions must be prepared to supplement with gray infrastructure to ensure that ALCOSAN and its customers meet the water quality objectives and the associated controls of sewer overflow volumes. This approach allows modification to the Wet Weather Plan based upon flow reduction efforts of the jurisdictions throughout plan implementation and through the use of adaptive management. The modification also extends the compliance schedule in the current decree by more than 10 years. It is important to remember that under the original decree the full Wet Weather Plan was required to be implemented by 2026. In this modification, Phase I and Phase II are given until 2032 for implementation, and the schedule for Phase III, if necessary, will be determined based upon the effectiveness of Phase I and Phase II controls, and flow reduction efforts by the jurisdictions. Finally, we agree with you on the need for continued public input and in fact built in such mechanisms in the original decree. Under this modification, we commit to continuing our effort to make this process transparent.

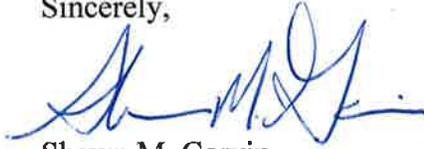
This modification represents a consequential change in direction from the existing Consent Decree which will benefit public health, the environment, and the rate payers of ALCOSAN. It embraces adaptive management by allowing change of the Wet Weather Plan based upon the flow reduction studies and efforts of the jurisdictions. It provides the jurisdictions the time and ability to implement green infrastructure. Finally, it provides a substantial increase in the compliance schedule which will lower the service rates to ALCOSAN customers. However, for the public to benefit from these changes, the Consent Decree modification must be finalized.

After over two years of negotiation, it is time for EPA and ALCOSAN to bring to closure these discussions. If not, all parties must live under the existing Consent Decree and the Selected Wet Weather Plan option developed by ALCOSAN. As you know, this Wet Weather Plan could have higher costs, a shorter schedule, and lack green infrastructure.

While the ALCOSAN Consent Decree provides a framework, the City of Pittsburgh (City) and the other jurisdictions have a central role in contributing to a regional solution by achieving flow reduction targets that will be proposed by ALCOSAN. EPA will be commencing negotiations with the City shortly to develop a schedule to meet these targets using green infrastructure and other flow reduction techniques. These activities and their schedule will be memorialized in a separate consent decree that will be consistent with any modification to the ALOCSAN Consent Decree.

If you have any questions, please do not hesitate to contact me, or have your staff contact Ms. Kinshasa Brown, EPA's Pennsylvania Liaison, at 215-814-5404.

Sincerely,



Shawn M. Garvin
Regional Administrator

cc: John Quigley, Secretary, PA Department of Environmental Protection
John Weinstein, Chairman, ALCOSAN
Daniel S. Smith, U.S. Department of Justice

