



# Metropolitan Sewer District of Greater Cincinnati

## GLOBAL CONSENT DECREE

### Fact Sheet

#### **BACKGROUND**

Under the Clean Water Act, cities are required to reduce and - in some cases - stop releases of untreated wastewater into the environment through combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs). These requirements apply to every wastewater system in the country and have dramatic implications for systems in older Northeastern and Midwestern communities such as Cincinnati, which have significant SSO and CSO occurrences.

Because resolving CSOs and SSOs is a long-term project and can be very expensive, the Metropolitan Sewer District of Greater Cincinnati (MSD) began negotiating with the U.S. Environmental Protection Agency (EPA), the U.S. Department of Justice (DOJ) and the State of Ohio in 1997 to develop a response program that would be recognized and supported by the government, but also would be affordable for local ratepayers. This process has resulted in two decrees, the Interim Partial Consent Decree and the Global Consent Decree.

#### **THE DECREES**

The first decree, the Interim Partial Consent Decree, was accepted by the DOJ, EPA and the State of Ohio in February 2002. A draft of the second decree, the Global Consent Decree, is currently under review. Both are discussed below.

##### **Interim Partial Consent Decree**

The Interim Partial Consent Decree outlines a plan through which MSD will eventually eliminate sanitary sewer overflows (SSOs) within MSD's service area. Under this plan, MSD must:

- Eliminate the 17 most active SSOs by the end of 2007
- Develop a detailed plan to resolve remaining SSOs by 2022 (since 1992, MSD has already eliminated 62 SSOs; approximately 90 SSOs, including the 17 most active, remain)
- Develop a computer-based model of MSD's sewer system to help better determine current capacity limits and prepare for future needs
- Build a temporary treatment facility to reduce the number of discharges from SSO 700, the system's largest SSO, while a permanent solution is planned and implemented

##### **Global Consent Decree**

The draft Global Consent Decree focuses on combined sewer overflows (CSOs) and the implementation of the SSO correction plan established in the Interim Partial Consent Decree. It also includes a program to address and resolve Water-In-Basement (WIB) issues. Under the Global Consent Decree, MSD will:

- Complete 23 pre-identified projects to reduce CSO discharges
- Update and implement MSD's combined sewer overflow Long Term Control Plan (LTCP) to include comprehensive water quality testing, innovative water quality modeling, a cost/benefit study of possible options for correcting CSOs, a public review of proposed solutions and implementation of the selected measures
- Implement enhanced CSO control, response and public notification measures
- Invest \$5.3 million in local environmental enhancement projects
- Pay \$1.2 million in fines to federal and state agencies for past SSO and CSO discharges

### *Water-In-Basement (WIB) Response Program*

MSD's ultimate goal is no more basement back-ups. The WIB program outlined in the draft Global Consent Decree will provide much-needed relief for those who experience these problems. The program includes:

- A new process to help MSD respond quickly to customer calls
- The addition of customer service and on-site representatives who would give one-on-one assistance to customers experiencing WIB issues and help them with clean-up and claims
- A clean-up service through which MSD would remove standing water and debris from homes and disinfect and deodorize affected areas
- Reimbursements for property damages, up to a set amount and subject to certain legal conditions
- Installation of WIB prevention measures such as backflow prevention devices and isolation pumps for the short term and increased system capacity for the long term

### **POTENTIAL COSTS**

If approved by Hamilton County, the City of Cincinnati and the United States District Court for the Southern District of Ohio, Western Division, costs for the Global Consent Decree program would be capped at \$1.5 billion across a period of 19 years. The actual cost of the program will depend on the correction measures that are ultimately selected to address WIBs, CSOs and SSOs. If costs must exceed the spending cap, MSD will have additional time to complete the program after 2022.

### **IMPACT ON RATEPAYERS**

To help pay for the sewer system improvements, service rate increases will be necessary. It is currently anticipated that rates will increase by nine percent next year, and additional increases can be expected in the following years. However, before being implemented, all rate increases must first be approved by the Hamilton County Board of Commissioners. MSD will work to minimize costs to ratepayers as much as possible by aggressively pursuing state and federal loans and grants, and the development of a national trust fund to help communities like ours pay the increasing costs of improving their sewer systems and meeting new federal regulations.

### **APPROVAL PROCESS TIMELINE**

February 2002	The Interim Partial Consent Decree was accepted by state and federal governments and lodged with the court
October 7, 2003	The draft Global Consent Decree was presented to the court
October 7 – December 4, 2003	Draft Global Consent Decree is available for public review and comment; Hamilton County and City of Cincinnati will review Decree and public comments, and consider any potential changes*
December 4, 2003	Draft Global Consent Decree will be lodged with the United States District Court for the Southern District of Ohio, Western Division
December – mid 2004	Court to review and approve* Global Consent Decree

*\* Any revisions made to the draft Global Consent Decree during the review period will be subject to further negotiation with the Ohio Environmental Protection Agency, U.S. Environmental Protection Agency, U.S. Department of Justice and Ohio River Valley Water Sanitation Commission (ORSANCO).*

### **FOR MORE INFORMATION**

The draft Global Consent Decree and additional information materials are posted on MSD's Web site, at **[www.msdbg.org](http://www.msdbg.org)**. Comments and questions can be submitted through that site. For further assistance, please contact Carol L. Walker by phone at (513) 244-1313 or by e-mail at [carol.walker@cincinnati-oh.gov](mailto:carol.walker@cincinnati-oh.gov).