

Impact of the ALCOSAN Consent Decree by Steve Morus, Borough Manager

In June, 3 Rivers Wet Weather (3RWW) hosted a joint meeting for Allegheny County communities with participants from ALCOSAN and the Environmental Protection Agency (EPA) along with participation by Mayor Bill Peduto and County Executive Rich Fitzgerald. 3RWW is an organization dedicated to assisting municipalities with adhering to and implementing their consent decrees requiring repairs and maintenance to the sanitary sewer system.

Much of the meeting summarized the status of the work toward improving ALCOSAN's ability to take on all sewage sent to it by member communities as well as outlining key areas for cooperation and regionalization.

Several points raised are especially relevant to Forest Hills residents and property owners. Rather than repeat details from past articles in the *Tree City Times* that address the reasons why the borough and other communities are under a consent decree, this article will attempt to update all on key issues as well as important changes and requirements.

Information contained here is taken from notes from the meeting and as provided by 3RWW.

Significant Issues

- Probably the two most significant issues that affect property owners and taxpayers are the following:
 - EPA seeks to encourage communities in the ALCOSAN system to regionalize sewer systems and repair activities as much as possible. To that end they encourage municipalities to transfer their main trunk sewers to ALCOSAN control to “assume the burden of maintenance and implementing wet weather controls.” Other efforts at regionalization would be welcomed by them as well.
 - EPA is likely to require that municipalities approve an ordinance that will require all property owners to officially inspect and potentially replace or repair their sewer laterals at their own expense.

Repair/Replacement of Laterals

This latter point is important for property owners to understand. The lateral connects the property's sanitary sewer system to the main sewer line controlled by the borough. It is owned by the property owner and not the borough and any inspection costs and replacement costs would be borne by the property owner. It is uncertain how such a requirement would be enforced or when it would be required though that is likely to be spelled out in an ordinance.

Reasons for the need to survey laterals involve the overall intent of the EPA consent decrees that all ALCOSAN municipalities were required to approve and sign as well as the consent decree that ALCOSAN is currently negotiating with EPA. Basically what is wrong with the system is that it is antiquated, over developed in some areas, allows water other than that containing sanitary sewage into the system from ground-water sources and storm-water and cannot handle major sanitary sewer flows for treatment at the ALCOSAN plant; thereby putting untreated sewage into the river during heavy flow periods.

These problems are the reason why all ALCOSAN communities have implemented sewer fees of varying amounts to provide funds to meet consent decree requirements for televising, inspecting and repairing municipal-owned sewer lines. The sewer fee you pay covers the costs for public sanitary and storm-sewer lines, but would NOT cover the cost of inspection, repair and/or replacement of private laterals/lines. To emphasize, the sewer fee you pay may only be used for labor, administrative costs, equipment and materials associated specifically with activities affecting public sanitary and storm-sewer lines.

Laterals may contribute to the problem if the property is older with an older lateral. Many of these were constructed from terra-cotta pipe or similar materials and may be cracked or no longer have sealed joints. Deteriorating laterals allow sewage to escape into ground-water and allow water from storms and the ground that do not need special treatment into the ALCOSAN System for transport to their plant. When such extra water enters the system mixing with sanitary sewage it can create an overflow that the current plant cannot handle.

There is no indication on when lateral repair or replacement requirements might happen. Of course, it is difficult to predict the future and there might be other solutions offered to handle this problem or find a source of funding that would help property owners. However, the bottom line is that ultimately the property owner will be held responsible and the borough will be required to enforce requirements. In addition, there is no indication as to whether property owners must undertake inspection and repairs immediately upon approval of an ordinance or whether action would only be required when the property was sold. At the meeting, lateral repair or replacement was described as one key item that must occur sometime over the next six years.

Regionalizing Sewer Systems

Trunk-line regionalization is not as burdensome on Forest Hills taxpayers/property owners as the lateral issue. Regionalizing certain parts of the system spreads the cost of inspection and repairs across the ALCOSAN system and removes work requirements from the borough. The problem from the point of view of some municipalities is that, unlike Forest Hills, they are still paying for work on and construction of these main lines via bond issues and other debt. Turning these lines over to ALCOSAN would still leave those communities with debt expense. The borough does not have any outstanding debt specifically related to any of its sewer lines.

EPA has an interest in regionalization in ensuring compliance with the Clean Water Act. In other areas where they have taken on similar enforcement activities related to sewer overflows the EPA is dealing with a unified metropolitan area. In Southwestern Pennsylvania, our metropolitan area is fragmented with the City of Pittsburgh and 129 surrounding communities in Allegheny County alone, 83 of which are a part of the ALCOSAN system. That is frustrating to the EPA and has resulted in 83 different consent decrees (not including ALCOSAN) with each community isolated in how they approach the problem, thereby requiring the EPA to enforce diverse orders with similar requirements over this number of municipalities.

Green Solutions

Recent discussions with municipal, county and ALCOSAN officials involve debate over whether "gray" or "green" solutions should be offered. As EPA representatives noted at the meeting, they welcome more green solutions, but they also reminded those in attendance that ALCOSAN does not own property other than their treatment plant and the main deep tunnel system that brings flows from municipal lines to the plant and ALCOSAN cannot create ordinances to specify green solutions. The burden, they said, would be on municipalities to create and pay for any green solutions recommended.

The EPA has agreed to allow ALCOSAN to consider green solutions as part of their Wet Weather Plan document. However, the EPA expects that ALCOSAN will not let the potential implementation of green solutions slow progress on accomplishing tasks. ALCOSAN has asked for an extension of the deadline for implementing their interim Wet Weather Plan to September 30, 2032 with check-in points every six years on its progress. ALCOSAN's initial draft estimated costs at \$2 billion. However, the EPA indicates that they may want a more extensive plan with very limited chance for overflows at a cost of approximately \$3 billion.

Further Information

There is much more to know about the sanitary and storm-sewer issue and the ALCOSAN consent decree. Past *Tree City Times* articles, some of which are still on the borough's web-site - www.foresthillspa.org - describe the problem and progress over time. Check out both the Environmental page there and the *Tree City Times* page. ALCOSAN sponsors regional public information and input meetings from time to time that are advertised in local media.

Further information on these issues can be found by viewing the following web-sites:

www.3riverswetweather.org/municipalities/municipal-consent-orders. - on wet weather plans and municipal consent orders.

www.3riverswetweather.org/regional-solutions. - on information on regional solutions to the sanitary sewer/wet weather problem.

www.alcosan.org/WetWeatherIssues/ALCOSANDraftWetWeatherPlan/tabid/175/Default.aspx - on ALCOSAN wet weather plan with links to their consent decree.

www.alcosan.org/WetWeatherIssues/tabid/73/Default.aspx - on ALCOSAN wet weather issues.

For information from the EPA go to: www.epa.gov/

Several links on the borough's web-site's environmental page are also helpful. Go to:

www.foresthillspa.org/fhpa-environment.html.