

To: Hupp, Millan[hupp.millan@epa.gov]
From: Millan Hupp
Sent: Mon 11/6/2017 6:09:19 PM
Subject: EPA - Consent Decree - request for meeting - Nov 3-2017.pdf
EPA - Consent Decree - request for meeting - Nov 3-2017.pdf

Millan Hupp



CITY OF EVANSVILLE

OFFICE OF THE MAYOR
LLOYD WINNECKE

ONE N.W. MARTIN LUTHER KING, JR. BLVD. • ROOM 302
EVANSVILLE, INDIANA 47708-1833
(812) 436-4962 • FAX (812) 436-4966 • TDD/TTY (812) 436-4928
www.evansville.in.gov

November 3, 2017

Mr. Mark Pollins
Director, Water Enforcement Division
U.S. EPA Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code 2243A
Washington, DC 20460

RE: Evansville Wet Weather Consent Decree
Case No. 3:09-cv-00128-WTL-MPB
Request for Meeting

Dear Mr. Pollins:

The City of Evansville and the Evansville Water & Sewer Utility (collectively, Evansville) would like to request a meeting to discuss significant challenges that have arisen during implementation of its wet weather consent decree.

Through a series of discussions among Evansville, the Indiana Department of Environmental Management (IDEM), the U.S. Environmental Protection Agency, and the U.S. Department of Justice, all parties agreed in late 2015 to revisions to Evansville's Integrated Overflow Control Plan (IOCP). That agreement anticipated an investment of approximately \$727 million over 25 years to achieve zero to four combined sewer overflow (CSO) discharges in the typical year.

Evansville believed that the level of investment required would be challenging for the community, and presented evidence that it could fully meet its Clean Water Act obligations, including applicable water quality standards, if it achieved 12 overflows in the typical year. In addition, Evansville demonstrated that the knee-of-the-curve analysis of cost-effectiveness supported a 12-overflow level of control. However, Evansville ultimately agreed to a higher level of control in the interest of avoiding further litigation and the possible risk of incurring substantially greater costs over a shorter period of time.

Unfortunately, it now appears that the cost to fully implement the IOCP is rising dramatically. For projects that have been bid or awarded so far, Evansville is seeing costs between 30 and 70 percent higher than the estimates used as the basis of its agreement with the agencies. If this trend continues, the cost of IOCP implementation will rise to over \$1 billion. This is simply unaffordable for the Evansville community. Evansville provides water and sewer services to a population of roughly 180,000 people, most of whom live within the city limits. Approximately 21 percent of city residents and over 32 percent of its children live at or below the poverty level, and the city's median household income is \$35,785, less than two-thirds of the national median.

Evansville is committed to providing a healthy, clean environment for its residents. This includes protection of water quality in the Ohio River and its tributaries. However, it must be allowed to meet its Clean Water Act obligations in the most cost-effective way possible. Because the IOCP currently requires a level of control greater than that necessary to achieve applicable water quality standards, Evansville believes that a more affordable level of control could be established that remains fully protective of water quality. In addition, incorporation of more flexible implementation requirements could allow Evansville to select more cost-effective control measures based on value engineering, new technologies, and green infrastructure, so long as the agreed level of control is achieved. Finally, revisions to the sanitary sewer requirements contained in the IOCP could allow Evansville to meet industry standards governing capacity, management, operation, and maintenance of its collection system without imposing additional economic hardships on the community.

We would appreciate your assistance in facilitating a meeting as soon as possible to discuss Evansville's concerns and possible modifications to the current decree and IOCP to address those concerns. We are available to meet in Washington, Chicago, or Evansville, and will be in touch shortly to discuss schedule. If you have questions or would like to discuss this request in the meantime, you can reach me directly at (812) 436-4962.

Thank you,



Lloyd Winnecke, Mayor
City of Evansville

cc: Nigel Cooney, DOJ
Beth Admire, IDEM
Nicole Cantello, EPA Region 5
Erika Powers, Barnes & Thornburg
Bob Grand, Barnes & Thornburg