

EPA May Reconsider Consent Decree in Euclid's Favor

Members of City Council have reason to believe the EPA is more than willing to revise its Consent Decree in Euclid's favor. Such a revision could result in lower compliance standards and an extended time frame. Either or both could result in lower sewer bills for Euclid and a much improved landscape.

The holdup seems to be an Administration unwilling to ask the EPA for a hearing. Council is hoping public demand will move the Administration off the fence.

Back in 2005 the EPA accused Euclid of violating the Clean Water Act and demanded it improve the way our Plant treats storm and sewer water before releasing it into Lake Erie. In 2011 the City entered into a Consent Decree with the EPA to resolve the problem. Euclid's solution under advice from its engineers CT Consultants, was to build huge above ground storage tanks at the Wastewater Treatment Plant to hold overflow water until it could be treated and replace certain lines that during overflows release improperly treated sewage into Lake Erie. The plan had an estimated \$80 million cost and required acquisition of the homes on E 221 and E 224. Needless to say, many residents were upset.

That plan changed after Ward 5 Councilman Patrick McLaughlin (himself an engineer) suggested an alternative – use membrane technology, build underground storage tanks off-site, closer to Lake Shore Blvd. Only then did CT admit that yes they knew of the technology but hadn't thought of recommending it. There were a lot of upsides – dozens of residents would keep their homes, the lake view wouldn't be spoiled, the technology was cutting edge and the EPA would go along with it. The downside - the cost of compliance jumped to somewhere between \$136 and \$150 million.

Residential sewer rates in 2012 totaled \$46.17/mcf. Today, rates are at \$66.23/mcf and by 2019 are expected to reach \$81.57/mcf. They will continue to increase until 2025. The driving force behind the increases is the Capital portion needed to pay for the entirely Gray Infrastructure Plan. From Jan thru March 2012, Ward 7 Councilman Daryl Langman wrote a series of posts for his blog [7th Ward-Euclid](#). They're a good read if you want a background on the EPA mandate, sewer rate increases and the potential savings of green infrastructure. To better understand Green Infrastructure, visit my [Environment Page](#).

In March 2012, following McLaughlin's and Langman's lead, Council passed a Resolution urging the Administration to consider a combination of Gray and Green Infrastructure. *18 months later* on August 28, 2013, [Strand Associates](#), a leader in green infrastructure

(GI) solutions presented the City with various options that would divert water out of the system, bring the City into compliance with the EPA's requirements AND LOWER LONG TERM COSTS. Members of Council, the Administration and CT Consultants were present. Prior to the meeting, CT Consultants changed the model Strand was initially given *without notifying Strand*.

The new model appeared to discount the advantages of GI. Despite what appears to be a deliberate attempt to undermine the credibility of Strand, the meeting has great value in understanding what the City is required to do, how it plans to do it and how GI works with Gray Infrastructure. You can read the verbatim minutes [here](#) as well as download the [CT Plan Handout](#) to use as reference.

Rebuffed by the Administration, Council changed its focus. On Sept 18, 2014 McLaughlin's Service Committee hosted a presentation, [The Value of an Integrated Planning Approach for Euclid, Ohio](#) by CH2MHill's Tim Coleman and Matt Marko. [CH2M HILL](#) is a global engineering firm that works with public and private sectors. At no expense to Euclid, the company reviewed the current EPA consent decree. It looked at potential benefits implementation of GI offered Euclid in terms of cost and quality of life. It concluded:

In evaluation of your existing Consent Decree (CD) and in comparison with other Cities in which we have worked, there were four key areas that would benefit from a pause point to refine and optimize the program:

- Euclid's Control Levels are significantly higher than other communities
- Program Affordability, Schedule, and Future Cost Risks
- Ensuring Regional Buy-in with rising compliance costs
- Enabling Green Infrastructure (GI) and more community benefits

Translation: If Euclid re-opens negotiations with the EPA and incorporates Green Infrastructure, there's a good chance the EPA would lower compliance requirements and extend the time frame for compliance. Compliance would be more affordable. Other funding mechanisms *already in place* could be used. The community would realize benefits beyond compliance.

Surprisingly, the Administration is balking at the prospect of revising our Consent Decree. It must be aware of the numerous examples of GI's value and cost savings. It must know that the EPA is encouraging cities to adopt GI solutions and so is favorably disposed to those communities willing to implement GI.

Near the end of last year's Strand presentation, Service Director Lee Bock claimed he was not opposed to Green Infrastructure, quite the opposite. I believe him. Bock's concern is that it be done right. The way to ensure that is first and foremost for the Administration to go back to the EPA. Ask for

that 'pause point' to re-evaluate the current plan, show where we're at so far and ask for more time to incorporate elements of Green Infrastructure into Gray.

The majority on Council are doing their part in encouraging a new direction that will benefit the City and save money in the long run. It's now up to the residents and local businesses to publicly back them. Show your support of Council's plan. Call or write your Councilperson, Council Prez Holzheimer-Gail, Dir Bock and Mayor Cervenik. Their contact info is on the City's [website](#). Speak up at the **Oct 6th Council meeting, 7pm City Hall**. It's your money. It's your City. *More to come...*