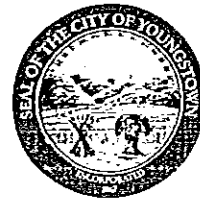


# CITY OF YOUNGSTOWN

MAYOR JOHN A. McNALLY



OFFICE OF THE MAYOR  
CITY HALL • 26 S. PHELPS STREET • YOUNGSTOWN, OHIO 44503  
PHONE: (330) 742-8701 • FAX: (330) 743-1335

February 10, 2015

The Honorable Gina McCarthy, Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave., N.W.  
Office of the Administrator 1101 A  
Washington, D.C. 20460

RE: Water Infrastructure and Resiliency Finance Center

Dear Administrator McCarthy:

On January 6, 2015, the Environmental Protection Agency approved the City of Youngstown's Long Term Control Plan, a document which had been the subject of litigation and settlement discussions for over 13 years.

The City's LTCP has three main features over its 20 year length:

1. \$37 million in upgrades to the main waste water treatment plant
2. \$62 million for a new wet weather facility.
3. \$48 million for the Mill Creek Park interceptor.

Attached for your review is the Executive Summary which presents in fairly strong detail the steps which the City of Youngstown intends to take to control combined sewer overflows in our combined sewer systems.

There is no dispute that the City of Youngstown has an obligation to comply with the Clean Water Act. Likewise, there is no dispute that doing so, through our Long Term Control Plan, will impose a heavy burden on those who must finance the improvements necessary to comply.

Youngstown is unlike any other city. Youngstown has suffered the largest population loss in the country. From 1960 to 2010, the City's population declined by nearly 60%, while the population of the rest of the country increased by 28%. Current rates are already 2.7% of median household income of Youngstown ratepayers. To execute our plan, additional rate hikes will raise rates over time.

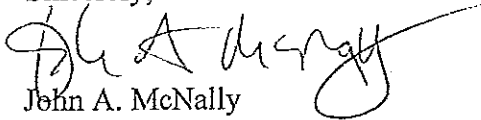
Further, the city cannot afford to take on debt in such a manner that we cannot realistically expect to be able to repay it. In addition to the payments necessary to finance the Long Term Control Plan, the city must provide for maintenance of the entire sewer system, and provide all of the other necessary city services to its residents.

I would like to promptly begin discussions with your office and the Water Infrastructure and Resiliency Finance Center as to the financial tools (including non-traditional financing) and public-private partnership opportunities available to assist Youngstown, Ohio.

I am confident that President Obama's Build America Investment Initiative and the staff of the EPA can provide our city the necessary resources to protect our water and sewer infrastructure here in Youngstown.

I look forward to hearing from your staff at their earliest convenience.

Sincerely,



John A. McNally

Mayor City of Youngstown

CC: Rick Leonard, Congressman Tim Ryan's office ✓  
Sarah Lowry, Senator Sherrod Brown's office ✓  
Josh Prest, Senator Rob Portmans's office ✓  
State Senator Joseph Schiavoni ✓  
State Representative Michelle Lepore-Hagan ✓  
Marty Hume, Law Director ✓  
David Bozanich, Finance Director ✓

# CHAPTER 1

## Executive Summary

### 1.1 Introduction

The EPA Combined Sewer Overflow Policy (CSO Policy) for combined sewer systems (CSS) is an unfunded mandate that imparts a large degree of flexibility upon the regulated entity. Each municipality is to complete a variety of steps based on the complexity of its CSS. Based on the CSO Policy municipalities operating public wastewater treatment plants must develop a Long Term Control Plan (LTCP) to control combined sewer overflows (CSOs) to abate pollution from their CSS. The financial burden of the costly capital improvements is borne by the municipalities through its users of the system in the form of increased sewer rates.

In order to satisfy the CSO Policy, in 1997 the City of Youngstown (City) initiated their LTCP to reduce the impacts of CSOs in their CSS. In January of 2003 the City developed and submitted the "Financial Assessment and Implementation Schedule Report". This was the final document required by Ohio EPA, which completed the City's LTCP requirements.

### 1.2 City's Existing LTCP

The City developed a LTCP tailored to the City's CSS to reduce the impact of CSOs on the environment. The comprehensive planning approach consisted of three major steps: characterization of the system, development and evaluation of control alternatives, and selection and implementation of the controls.

Consistent with the CSO Policy the City developed and evaluated an array of CSO control alternatives for their CSS. The alternative ultimately selected and adopted by the City provided for expanding the wet weather capacity of the WWTP from 80 MGD to 157 MGD and captures for treatment the 5 most voluminous CSOs. This alternative captures for treatment 86% of wet weather flow annually. The CSO Policy requirement is a minimum 85% capture. The intent of the City's adopted alternative was to meet the conditions of the CSO Policy's presumptive approach and to provide cost-effective measures that improve the efficiency of the CSS. The City's adopted alternative would improve the percent capture from the current 68.5% to 86%. The cost for this alternative was estimated at \$100 million in 2002 dollars. This alternative was reported to Ohio EPA in the "Evaluation of the CSO Control Alternatives" dated June 2002.

The City examined the financial and logistical impacts of implementing the adopted CSO control alternative and predicated on the time needed for financing the design, construction and operation of the improvements plus management of the financial burden to the residential users, the City proposed the following schedule to implement and monitor the short term nine minimum controls (NMC) improvements and the adopted long term CSO control alternative.

- Milestone 1: Upgrade the WWTP. Completed in Year 10.
- Milestone 2: Capture for treatment/storage CSO's 6002, 6003, 6004. Completed in Year 16.
- Milestone 3: Relocate CSO's 6015 and 6016 to CSO 6017. Completed in Year 20.
- Milestone 4: Capture for treatment/storage CSO 6017. Completed in Year 24.

- Milestone 5: Capture for treatment/storage CSO 6043. Completed in Year 28.
- Milestone 6: Post Construction Monitoring. Completed in Year 30.

The 30-year implementation schedule was presented in the “Financial Assessment and Implementation Schedule Report” submitted to Ohio EPA in January of 2003 that finalized the City’s LTCP requirements.

The LTCP submitted by the City has not been approved by the EPA to date. In general, it was EPA’s position that the City could afford to eliminate the CSOs to the waters of Mill Creek then control all other CSOs in the CSS to 4 to 6 overflows annually. This option would increase the percent capture in the CSS to 93 %. The CSO improvements lifecycle cost was estimated in excess of \$324 million and were to be completed in approximately 15 years.

### 1.3 LTCP Meetings and Correspondence

On April 12, 2011 the City received correspondence from U.S. EPA requesting the City meet with U.S. and Ohio EPA to discuss a list of proposed CSO control measures that would be financially achievable and ultimately result in an approved LTCP. The U.S. EPA also indicated that they would no longer pursue the position that the City could afford \$324 million of CSS improvements. This was predicated on U.S. EPA’s Financial Contractor’s determination that the \$324 million of improvements to the City’s CSS would place “High Burden” on the City’s households served by the system. Refer to USEPA correspondence dated April 12, 2011 as Exhibit 1.

The meeting was convened at the North East District Office of Ohio EPA on August 30, 2011 to discuss and clarify the USEPA proposals. U.S. EPA was represented by Reginald Pallesen, Regional Council; Newton Allen, Environmental Engineer; and Mark Klingenstein, SAIC Consultants. Ohio EPA was represented by John Kwolek, Section Chief. The City was represented by Anthony Farris, Law Director; Dan Pribich, Assn’t Law Director; Charles Shasho, Deputy Director of Public Works; Thomas Mirante, Superintendent WWTP; Dan Markowitz, Arcadis Consultants; John Pierko, Jeremy Gaston and Joe Catullo of ms consultants. Refer to meeting attendance record as Exhibit 2.

The meeting was initiated by U.S. EPA supporting a LTCP having a two phased project approach. After some discussion it was determined that the first phase improvements would include the expansion of the City’s wet weather treatment capacity and the elimination of CSOs to the waters of Mill Creek. Under the second phase, projects to consider were storage facilities at CSOs 6015, 6017, 6043 and 6057, and green infrastructure projects. An implementation schedule is to be provided for the projects in the first phase. An implementation schedule for phase two projects would not be required at this time. By the conclusion of the meeting the following initiatives were resolved.

- The City is to prepare a “Technical Report” containing a two phase approach. Phase 1 projects will include project costs and implementation schedules. Phase 2 projects must also be a part of the report with estimated project costs. An implementation schedule for phase 2 projects would not be required.

- The “Technical Report” together with all prior submitted documents will complete the City’s requirements for an approvable LTCP in compliance with the CSO Policy. The approval of this “Technical Report” by Ohio EPA and U.S. EPA with concurrence by the City of Youngstown will constitute the City of Youngstown’s official LTCP and satisfy the conditions of the consent order.

#### **1.4 Initial “Technical Report” Submittal**

On December 8, 2011 the City submitted a “Technical Report” presenting phase 1 projects with estimated project costs and a schedule implementation of said projects. The report also included phase 2 projects with associated estimated project costs. Refer to the City’s submittal letter dated December 8, 2011 as Exhibit 3.

On April 11, 2012 the City received review comments from USEPA regarding the “Technical Report”. According to the comment letter USEPA indicated the report contained a number of “deficiencies and omissions” and required the City to make the revisions to the report. Refer to USEPA correspondence dated April 11, 2012 as Exhibit 4.

On May 15, 2012 an audio conference was called to discuss the USEPA comment letter. The participants were Reginald Pallesen, Regional Council USEPA; Mark Klingenstein, SAIC Consultants; John Kwolek, Section Chief Ohio EPA; Anthony Farris, City Law Director; Charles Shasho, Deputy Director of Public Works, City; Thomas Mirante, Superintendent WWTP, City; and John Pierko, Jeremy Gaston and Joe Catullo of ms consultants. The issues in the UEPA comment letter were discussed and addressed. The discussions were formulized in a letter from the City to USEPA. Refer to the City’s correspondence dated July 3, 2012 as Exhibit 5.

On September 11, 2012 the City received a counter reply from EPA regarding the City’s July 3<sup>rd</sup> letter. Refer to USEPA correspondence dated September 11, 2012 as Exhibit 6.

From September of 2012 through May of 2013 several conference meeting were held to address USEPA’s comments concerning the technical report submitted in December of 2011. The culmination of the meetings resulted with the City’s submittal of an approvable final draft report dated May of 2013 for review and approval by the EPA. The submittal of the May 2013 technical report is a matter of record.

For the period from June 2013 through September 2014, issues regarding the May 2013 report generated a series of meetings and discussions between the EPA and the city of Youngstown that finally resulted in changes to the May 2013 report that was acceptable to the EPA and the city of Youngstown. Accordingly, the city of Youngstown authorized the preparation of the final long term control plan technical report.

#### **1.5 Final Long Term Control Plan Technical Report**

The City of Youngstown’s technical report document is presented to Ohio EPA and USEPA for confirmation as the City’s final long term control plan. The document shall be titled “The City of Youngstown Combined Sewer Overflow Long Term Control Plan, Technical Report, and Final Combined Sewer Overflow Alternatives dated December 3, 2014.

The final long term control plan technical report is presented in two phases:

Phase 1 Projects:

- Upgrade the existing wastewater treatment to a capacity to 80 MGD.
- Construct a new 100 MGD wet weather treatment facility.
- Provide for a direct conduit from CSO 6057 to the wastewater treatment facilities with a peak capacity of 100 MGD.
- Provide for the elimination of CSOs to the waters of Mill Creek by upgrading a portion of the Mill Creek CSS and centralize the flow to CSO 6004.

Phase 2 Projects:

- Provide storage for CSOs 6015, 6016 and 6017 at CSO 6017
- Provide storage at CSO 6043
- Investigate green infrastructure projects and CSO technologies

The City of Youngstown Combined Sewer Overflow Long Term Control Plan, Technical Report, and Final Combined Sewer Overflow Alternatives dated December 3, 2014, fulfills the conditions of the current consent decree between the City and EPA, and satisfies the provisions of the Combined Sewer Overflow Policy. And, where it differs, supersedes the City's prior combined sewer overflow submissions, including the June 2002 Evaluations of CSO Alternatives, the January 2003 Financial Assessment and Implementation Schedule Report, and the December 2011 and May 2013 Technical Report submission.

## 1.6 Report Content

- Chapter 1: Executive Summary
- Chapter 2: Existing Baseline Conditions
- Chapter 3: Proposed Wet Weather Treatment Facilities Including Plant Modifications and Estimated Construction and Project Costs.
- Chapter 4: Elimination of CSOs to the Waters of Mill Creek, Including Preliminary Pipe Sizes and Preliminary Alignment, and Estimated Construction and Project Costs.
- Chapter 5: Implementation Schedule
- Chapter 6: Provide Storage at CSO 6017 for CSOs 6015, 6016 and 6017, Including Estimated Construction and Project Costs.  
Provide Storage at CSO 6043, Including Estimated Construction and Project Costs.
- Chapter 7: Green Infrastructures Projects
- Chapter 8: Completed System Improvement Projects



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

*Seen to*  
*McNally*  
*Dr. W. S.*  
*Chuck S.*  
*Tom M.*  
OFFICE OF WATER  
*Don Mahoney*  
*John Pierce*

MAR 12 2015

Honorable John A. McNally  
Mayor, City of Youngstown  
City Hall - 26 South Phelps Street  
Youngstown, Ohio 44503

*McNally,*  
*take me back on*  
*scheduling phone*  
*conference*  
*me*

Dear Mayor McNally:

Your letter to Administrator McCarthy regarding the Environmental Protection Agency's new Water Infrastructure and Resiliency Finance Center has been referred to me for response. The new Center has been located within my organizational area of responsibility in the Agency.

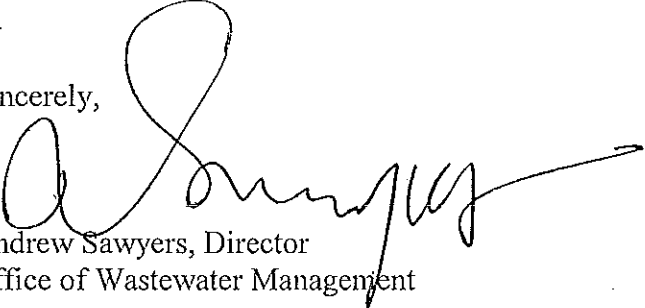
On January 16, 2015, Administrator McCarthy joined Vice President Biden to officially announce the creation of this new Center at EPA. This Center of financial expertise will be a resource for communities to support drinking water, wastewater and stormwater infrastructure, with a special focus on innovative financial tools that support sustainability and resiliency.

The assistance that you requested to address Youngstown's financial obligations under the recent long term plan to control combined sewer overflows in your system and to implement subsequent ongoing maintenance closely aligns with the mission of the new Center. It is the goal of the Center to provide financial technical assistance to communities by working closely with our partners on the ground to explore financial tools and analyze alternatives, particularly in cases involving affordability concerns.

Since the new Center is currently in the organization and staffing phase, we need to be especially creative in finding ways to provide the financial and technical assistance necessary to address your concerns. Accordingly, we have made an inquiry regarding the technical assistance that might be available to you through an existing Agency grantee, the Great Lakes Environmental Finance Center at Cleveland State University. We would like to discuss with you and representatives from the Great Lakes Environmental Finance Center, preliminary thoughts and suggestions and then determine next steps. For more information about the Great Lakes Environmental Finance Center and its work, please visit their website at <http://urban.csuohio.edu/glefc>.

Please have a member of your staff contact Holly Galavotti at [galavotti.holly@epa.gov](mailto:galavotti.holly@epa.gov) or 202-564-1489 to schedule a conference call with representatives from my office and the Great Lakes Environmental Finance Center.

Sincerely,



Andrew Sawyers, Director  
Office of Wastewater Management

cc: Michael Shapiro, Office of Water  
Vanessa Bowie, Office of the Chief Financial Officer  
Tinka Hyde, EPA Region 5  
Reginald Pallesen, EPA Region 5  
Christopher Choi, EPA Region 5  
Stuart Mendel, Great Lakes Environmental Finance Center