

Agreement to Clean Water Act Consent Decree by Middletown, Ohio

Middletown, OH (May 3, 2018) -- The City of Middletown, Ohio has agreed to the terms of a consent decree with the United States and the State of Ohio to resolve threatened U.S. EPA and Ohio EPA enforcement claims under the Clean Water Act due primarily to combined sewer overflows (CSO's). The approved consent decree includes three major work components: 1.) Implementation of a Long-Term Control Plan (LTCP) to reduce CSO's into the Great Miami River; 2.) Commitment to planned sewer system rehabilitation; and 3.) Commitment to planned waste water treatment plant (WWTP) rehabilitation. All of these components are to be implemented over 25 years (by 2043). The City's agreement allows the City to avoid protracted, costly and disruptive federal court litigation, the results of which would be uncertain.

"This mutual agreement allows the City to prioritize critical infrastructure improvements to the sewer system and treatment plant that were already planned while improving water quality in the Great Miami River," said City Manager Doug Adkins. "These improvements align with the City's overall revitalization efforts to make Middletown a great place to live, work, and grow, transitioning from our bright past to our brighter future."

Consent Decree Agreement Basics

1. Long-Term Control Plan
 1. Construction of two large storage tanks and associated pump stations
 2. Storm Water Redirection Project including new storm sewer and pump station
 3. Green Infrastructure Project to divert storm water flow tributary to the Combined Sewer System into a green infrastructure basin
 4. Estimated Cost \$112 million
2. Sewer System Rehabilitation
 1. Rehabilitation of 40 miles of sewer pipe which is at or near the end of its useful life
 2. Estimated Cost \$74 million
3. WWTP Rehabilitation
 1. Critical rehabilitation and upgrades to major treatment plant components which are necessary for the plant to remain viable over the next 25 years
 2. Estimated Cost \$79 million

In addition, the City has agreed to complete a Supplemental Environmental Project (SEP) to significantly reduce the civil penalty for the alleged violations. The SEP includes capping of sediments in a designated section of the Hydraulic Canal adjacent to the STM/Wrenn Site. The project allows the City to obtain a "Covenant Not to Sue" from the Ohio EPA for the site under the Voluntary Action Program, which in turn will allow for future redevelopment of the site. The civil penalty has been reduced to \$55,000 in consideration of this project.

"This project is a "win-win" for the City and Ohio EPA," said Adkins. "It will create a clean, shovel-ready building site for future development consistent with the Downtown Master Plan."

The consent decree was filed with the Federal District Court for the Southern District of Ohio and became final and effective on April 12, 2018.

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