

Dawn Bartel

From: Brian Helminger <brian.helminger@hvmsd.org>
Sent: Wednesday, June 7, 2017 1:47 PM
To: 'Dawn Bartel'
Subject: FW: Donohue - Conference call

-----Original Message-----

From: Brian Helminger [mailto:brian.helminger@hvmsd.org]
Sent: Wednesday, May 31, 2017 8:50 AM
To: 'David Casper' <DCasper@Badgerlabs.com>
Subject: RE: Donohue - Conference call

Dave:

Do you have a couple dates and times the week of June 5-9 that I can float over to Donohue that work in your schedule?

Brian

-----Original Message-----

From: David Casper [mailto:DCasper@Badgerlabs.com]
Sent: Saturday, May 27, 2017 6:45 AM
To: Brian Helminger <brian.helminger@hvmsd.org>
Subject: RE: Donohue - Conference call

No. I will wrapping up my duties at work on Tue. Wed. and Thur. The following week would be better for me Dave

From: Brian Helminger [brian.helminger@hvmsd.org]
Sent: Friday, May 26, 2017 3:02 PM
To: David Casper; Webb, Tracey
Subject: Donohue - Conference call

Dave:

I spoke with Donohue and they are contemplating the level of effort and detail required for revising the model for I&I and clearwater analysis.

There are many forks in the road and options for the recalibration of the model. Each comes with pros and cons not to mention effort and dollars. Ed and Tracy would like to set up a conference call in hopes of refining the scope in a package that they can prepare a proposal. They were hoping for some time in the afternoon on Thursday June 1. Would you be available that day?

Brian Helminger
District Director

Heart of the Valley
Metropolitan Sewerage District
801 Thilmany Road

Fixing The EPA's Clean Water Problem

Part 3 of a four-part series, “From Fish To Flint: Four Fixes For EPA’s Water Programs” ([Learn more about the series.](#))

By Mark Gibson

A chasm in the Clean Water Act, coupled with EPA’s misguided direction, create an environmental suing spree that threatens to cost everyone that pays a sewer bill \$100 billion and more — for pollution you didn’t cause, using remedies that don’t work.

There’s a way to turn this around and help the taxpayer and the environment, based on lessons learned in Iowa and Idaho.



The year of the Apollo moon landing, Time magazine featured an arresting photo of the Cuyahoga River on fire, with flames leaping up from the water, engulfing a ship — a product of decades of pollution. The photo was actually taken in 1952, long before this transformational event that catapulted the environmental movement.

After 1969, the Clean Water Act became law, and we no longer see such carnage. Regulations on so-called “point sources” ratchet pollution so much that the industry now espouses “zeroemission” factories. But creating National Pollution Discharge Elimination System (NPDES) permits has done practically nothing to abate eutrophication and severe water impairment. The ‘dead zone’ in the Gulf of Mexico and rampant algae blooms in Lake Erie are caused by excessive nitrogen and phosphorus — biologic building blocks (nutrients) — arguably the most prolific threat to water.¹

Nutrient pollution is staggering. Algae blooms in Lake Erie deprived 400,000 people in Toledo of water and forced \$13 million in water treatment. Galveston Bay suffered \$15 million in shellfish bed closures. For every 10 miles that red tides affect Florida coasts, their communities lose \$5 million a week in tourism. The National Oceanic and Atmospheric Administration estimates that dead zones cost over \$82 million per year in lost fisheries and tourism.^{2,3} This is a worldwide problem, from the Baltic Sea to the Adriatic to the North Sea.

Mandates Miss The Point

The overwhelming source of this pollution is from so-called “nonpoint sources.” In EPA parlance, a nonpoint source is anything that isn’t a point source, i.e., anything without a discharge permit. The main cause of such nonpoint source pollution — the big elephant in the room that few wish to discuss — is agriculture. Agriculture is immune from the Clean Water Act, and few regulatory teeth exist to bite on other nonpoint sources, like golf courses, septic tanks, or dog poop.

None of this is lost on environmentalists. Since the turn of this century, the water litigation tool of choice has been the 303(d) impairment suit. Enviros' 303(d) claims have amassed \$80 billion in consent decrees against municipalities (that is, you and I), forcing construction of advanced sewage treatment and stormwater controls. The movement has leveraged total maximum daily load (TMDL) regulations, properly coined "Too Many Damned Lawyers." It tries to force remedies for the Gulf of Mexico or any place where fish or fauna are harmed. As we saw during the Reagan Administration, during the Trump Administration we can expect environmental organizations to enjoy record fundraising, fueling a tidal wave of lawsuits. While litigation and public costs mount, it's not doing much good.

Take the Chesapeake. Since 2003, about 500 sewage plants along the bay were forced to purchase \$7 billion in upgrades, decreasing their phosphorus and nitrogen loads by 29 and 39 percent, respectively.⁴ Yet today, only 37 percent of the bay meets water quality standards, and 74 percent of the tidal segments have partial or full impairments, while 40 percent of the nutrient loadings are from agriculture and 19 percent from sewage plants (which load less nutrients than out-of-basin air pollution).^{5,6}

A vexing aspect of EPA regulation is how liability for nonpoint pollution shifts to point sources. Under EPA guidance, "There must be reasonable assurances that nonpoint source reduction will in fact be achieved. Where there are not reasonable assurances ... the entire load reduction must be assigned to point sources."⁷ As a Park Foundation grant beneficiary from the University of Alabama School of Law relates, "Eventually, you end up with a horrible situation where you're not complying with water quality standards, and the only choice is to make the point sources comply even more, or clean up their act even more at incredible cost, or to do more enforcement against the point sources."⁸

Yes, that's right: Via wastewater bills, you and I get to pay for agriculture's pollution.

A few years ago, Denver's wastewater authority was accused of impairing the South Platte River. Spurred by environmental litigation, the city was forced to buy advanced nutrient removal technologies for an extra \$211 million.⁹ Denver wastewater officials testified, "In nutrient-impacted watersheds where point sources are a *de minimis* contributor ... it will be exceedingly difficult for ... utilities to garner community support and funding for expensive treatment technologies that result in little to no improvement in overall water quality. ... This is especially evident in the Gulf of Mexico and Chesapeake Bay."¹⁰