

RESOLUTION 2011-54

A RESOLUTION ENDORSING THE UNITES STATES CONFERENCE OF MAYORS RESOLUTION 43 WHICH REQUESTS THE UNITED STATES CONGRESS TO REFORM THE FEDERAL CLEAN WATER ACT AND ITS REGULATIONS AS RELATING TO LONG-TERM CONTROL PLANS (LTCP) FOR WASTEWATER AND STORM WATER AND DECLARING AN EMERGENCY.

FIRST READ	SECOND READ	THIRD READ				
9-19-2011						
			J. NEUMEIER	YES	NO	ADOPT
			D. LEE	✓		✓
			B. WURST	absent		
			D. GRAF	✓		✓
			W. WELLS	✓		✓
			S. WALTER	✓		✓
			T. FINKELMEIER	✓		✓
			TOTAL	6	0	5

WHEREAS, AT ITS ANNUAL MEETING IN June 2011, the United States Conference of Mayors (USCM) unanimously adopted Resolution 43 (a copy of which is attached as Exhibit "A"), requesting Congress reform the Clean Water Act Sewer Overflow Policy to achieve sustainable long term goals; and

WHEREAS, the City of Wapakoneta is engaged in developing and implementing an LTCP and has expended public funds for that purpose; and

WHEREAS, in the judgment of the Council of the City of Wapakoneta, said Resolution 43 seeks appropriate financial assistance and regulatory relief.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Wapakoneta, County of Auglaize, State of Ohio, to-wit:

SECTION ONE

THAT, the City of Wapakoneta, Ohio endorses Resolution 43 adopted June 2011 by the United States Conference of Mayors.

SECTION TWO

THAT, the Mayor, or his designee, is hereby authorized to urge other communities in Ohio to endorse said Resolution 43 and to communicate with, or participate in communication with, appropriate Congressional Representatives regarding the issues presented by Resolution 43.

SECTION THREE

THAT, this Resolution is hereby declared to be an emergency measure, it being for the protection, safety and welfare of the citizens of Wapakoneta, Ohio, and for the further reason so as to allow the City to immediately enact its endorsement and encourage passage of federal legislation consistent with said Resolution 43.

Carlene S Koch
Clerk of Council

Mayor
President of Council

Approved:

Mayor
City Law Director

Approved as to form:

Passed this 19th day of
September, 2011

THIS IS TO CERTIFY THAT THE FOREGOING ORDINANCE/RESOLUTION WAS PUBLISHED IN THE WAPAKONETA DAILY NEWS, A NEWSPAPER OF GENERAL CIRCULATION IN AUGLAIZE COUNTY, OHIO AND APPEARED IN ITS ISSUES OF 9-22-2011 AND 9-29-2011

Carlene S Koch
CLERK OF COUNCIL



THE UNITED STATES CONFERENCE OF MAYORS

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REFORMING THE CLEAN WATER ACT SEWER OVERFLOW POLICY TO ACHIEVE SUSTAINABLE LONG-TERM GOALS

WHEREAS, approximately 772 cities in the United States will be required to establish legally binding Long-term Control Plans (LTCPs) to comply with the Federal Clean Water Act regulations involving Combined Sewer Overflows and Sanitary Sewer Overflows (CSO/SSO) over the current and next decade; and,

WHEREAS, city LTCPs will involve the establishment of new infrastructure to reduce the discharge of untreated sewage and/or untreated storm water into local receiving waters; and the new infrastructure options available for this purpose involve major capital investments and recurring increases in user charges (increased rates) for the construction of new treatment facilities or additional treatment capacity at existing facilities, new separate and/or combined sewer lines to convey wet weather overflows to the new treatment facilities, underground storage facilities, additional monitoring, reporting, and compliance costs, additional operations and maintenance costs to municipalities; and,

WHEREAS, local government involved in CSO/SSO enforcement actions to establish LTCPs, or those who enter into voluntary negotiations with the US EPA and state regulators have demonstrated that the US EPA is reluctant to exercise the flexibility they adopted in the US EPA CSO Control Policy concerning affordability, compliance schedules, volume and frequency of annual overflows necessary to comply with Clean Water Act water quality standards, and inclusion of green infrastructure as part of a city's LTCP; and,

WHEREAS, the capital cost cities bear to comply with CSO/SSO policy are among the singlemost costly public works projects in their history, often a single CSO/SSO LTCP is equal to or greater than all combined long-term debt incurred for public expenditures in a single period of time; and,

WHEREAS, the latest available Bureau of the Census report for 2008 states that local government annual revenues were \$1.53 trillion, local government annual expenditures were \$1.59 trillion, and outstanding long-term debt of local government in 2008 exceeds \$1.51 trillion it is clear that current spending for public purposes and long-term debt are twice the amount of annual revenues, and additional unfunded federal mandates that are not absolutely necessary or are not associated with an emergency situation are ill-advised and clearly not sustainable; and,

WHEREAS, the environmental benefits associated with U.S. EPA's interpretation of

requirements under the CSO/SSO Control Policy are often vague and not discernable, and arguably do not balance with local economic goals, and in many cases create a cost-disincentive for commerce and industry, thus adversely impacting jobs, local income, and the local tax revenues and income of ratepayers to support the investments required to finance the LTCPs,

NOW, THEREFORE, BE IT RESOLVED, that The U.S. Conference of Mayors urges Congress to amend the Clean Water Act to: create a true Federal/Local Partnership whereby the Federal government provides at least 50 percent of the cost of compliance with all regulations established under the Clean Water Act; and

BE IT FURTHER RESOLVED, that if Congress does not provide at least 50 percent of the costs, the Conference of Mayors urges Congress, the Environmental Protection Agency, and the Department of Justice to provide the following relief to communities as it relates to CSO/SSO LTCPs:

- Compliance schedules related to CSO/SSO LTCPs be no less than 30 years (unless a city voluntarily chooses to comply in less than 30 years) and up to 50 years so that local government can finance investments to achieve compliance without diverting financing for other public priorities, to avoid forcing local governments into unreasonable levels of long-term public debt and to prevent the levying of unaffordable rates upon poor and middle class households;
- Local government should be allowed to incorporate green infrastructure solutions in their LTCPs, and the EPA should encourage incorporation of green infrastructure in LTCPs in tangible ways that allow experimentation and flexibility on control criteria and should provide a clearinghouse of green infrastructure options for cities to choose from; further, cities should be encouraged to amend their LTCPs to adjust the mix of green and gray infrastructure when the opportunity arises to increase energy efficiency and permeability;
- EPA should not stipulate an arbitrary number of overflows, but rather focus on the objective of achieving real improvements to water quality that are affordable and sustainable. Thus, local governments should not be restricted to four or less wet weather overflow events per year if that is not required to meet water quality standards under the Clean Water Act;
- When determining the affordability of the LTCP solution that a city is required to implement, EPA and DOJ should use the two percent of Median Household Income as the total cost of sewer operation's ceiling, not the floor, and other factors such as the cost/benefit analysis and carbon footprint impacts;
- Cities should only be held responsible for complying with water quality standards based on a reasonable assessment of the proportion of degradation they actually contribute to water bodies.

**Adopted June 2011
Baltimore, Maryland**