

## *Project*

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## Regulation and Reality Roundtable Discussion

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**Schombert:** The Environmental Protection Agency currently has an enforcement action which is focussed on Sanitary Sewer Overflows problems. Communities in the watershed, with combined sewer overflows and sanitary sewer overflows, are in phase two of the EPA action. The regulatory hammer is prepared to fall. The County Board of Health is preparing new sewage management regulations which gives the County more authority to make municipalities work together on a watershed basis. This will discourage situations like Nine Mile Run where each municipality has a sewer line through the valley. The County wants to see the formation of more authorities and believes the new regulations should be implemented in September.

**Murphy:** Why has the City not stepped forward as a watershed leader for Nine Mile Run?

**Schombert:** No one wants to make a commitment which may cost money.

**Murphy:** Would one of the advantages of forming a watershed authority be raising money?

**Schombert:** Yes, it is easier to raise money for joint projects. Wilkinsburg is a distressed community; they can leverage that.

**Murphy:** All it takes is someone to coordinate all of that.

**Buck:** An inherent conflict exists if political officials (who are elected for two-year terms) have authority over sewer maintenance (which requires long-term oversight).

**Marino:** What will the municipality do to resolve the sewer block that was discovered this morning?

**Schombert:** Hire a contractor who will remove the manhole covers and high pressure jets, if necessary, to break through the blockage.

**Buck:** Are there new easy technologies that will eliminate leaks?

**Kass:** Please clarify the difference between sewershed management and the EPA enforcement action.

**Schombert:** The EPA is keyed on stopping the SSO and is currently measuring flows to gather information. They want to see no more than 250 gallons/person/day, which is ALCOSAN's design capacity. What goes into houses, as measured through household meters, is approximately 60 to 80 gallons/person/day. What is being measured in reality is up to 600, 1,000 to 1,500 gallons/person/day. The EPA also wants mapping.

**Schombert:** Yes (if you don't ask for easy technologies) there are technologies, including lining the sewers with epoxy socks. In fact, there is a technology transfer workshop on trenchless technologies next week.

**Sheridan:** I have a question and in some ways it is because of question number six, "What issues were not adequately addressed?" The question I have is: Tim Collins and the folks at the STUDIO have indicated explicitly that the greenway project is inseparable from the building project, yet at both the previous meeting and this meeting and during private conversation with Tim, you cannot address any linkage in terms of what is the affect upon the greenway project of moving 5 million cubic yards of slag, infected with the toxics that are, by the drillings, the core samples of the environmental analysis, that were done first and indicate there are hazardous chemicals here which become more hazardous when moved. First question of two questions: why do you, and other speakers affiliated with the greenway project, refuse to acknowledge that there is an interface, a mutual impact, of both? You are speaking here today as if there is not a building project, there is not a construction project. Tim has said clearly that there is not a greenway project if hypothetically the building project goes to Kansas City.

**Schombert:** I am an advisor to the greenway project. Allegheny County's role is completely separate from the greenway project.

**Sheridan:** The county is cited in the conclusion to the background document: "A warning from the Allegheny County Health Department: pathogenic and chemical sampling has confirmed that the most significant public health issue

connected to Nine Mile Run is recreational exposure with sewage contaminated waters." By the report released by the URA themselves, that is a lie, a misrepresentation. There are additional hazards. The Allegheny County Health Department, if it's issuing this kind of proclamation, should itself have looked over the URA environmental assessment.

**Schombert:** Those are issues more related to air quality. I am concerned about Nine Mile Run as it exists now. If they are moving slag, we have a whole new ballgame.

**Sheridan:** What Tim has said clearly, and others representing the project have said, is that there is no project if there is no building project. He is on record as saying this publicly. So when we are talking about the greenway, we have to address this issue. And I am puzzled and a little skeptical at the persistent avoidance of answering this question.

**Buck:** There are people rigorously addressing dust management, and construction-related issues are being addressed in a risk assessment by the URA and its contractors.

**Sheridan:** They haven't released their findings.

**Newburn:** Can we talk about stream remediation?

**Sheridan:** I have two questions on the table. This roundtable addresses "Regulation and Reality". I am asking a question that deals with that.

**Buck:** The statement says that the greatest issue is with the water. If you are talking about arsenic and chromium, those are in the soils as well. The question is are people going to get a hazardous dose and how are people going to respond to that? These issues are being addressed in a risk assessment.

**Sheridan:** We have been trying to get that information for a couple of weeks and he has inside data. Where did he learn that?

**Newburn:** The answer to your question cannot be answered here.

**Sheridan:** If we did not raise the questions, there would not have been questions. They would not have been doing this additional research. You are speaking as if there is a utopia on which you are going to put a greenway.

**Newburn:** There are not any experts here who can address your questions.

**Sheridan:** We have two experts here. They are speaking as if there are not going to be five million cubic yards of slag moved. If the slag is not moved there is no greenway project.

**Schombert:** I don't care about the greenway project. What we have to talk about here has to go forward with or without a greenway project.

**Sheridan:** Fine, that's the point.

**Buck:** Slag has been moved in many places for a very long time. People have considered the environmental affects of moving slag.

**Sheridan:** The reality is that you have to be very careful here. I will give you the bibliography on zinc, chromium, lead, and sulphur.

**Schombert:** In all honesty, you are taking away from time we need to spend on other issues. I am not a fan of culverting and moving slag or covering the stream. That is exactly what we have upstream, if you do it downstream you will have the exact same problems. That is a reality.

**Goto:** The STUDIO only has permission from the URA to research the area. If the development was not happening we are not allowed to be there even studying it. That is why Tim is saying that to you. We have permission to be there, that is all. Researching, studying, and sharing the information with the public.

**Sheridan:** Does that mean that you are restricted from researching the question I posed? That if you address that, you lose your permission to stay on site? Because no one is addressing it, John Buck just told me something I did not know and I am glad to hear it.

**Stephen:** The most effective authorities are those that combine the top down authority of public officials with the grass roots of communities. Is the county, in its new regulations, considering strategies for encouraging more citizen participation?

**Schombert:** The problem is that elected officials last for only two years and then they are gone. We need to have the Regent Square Civic Association or other community groups to take the lead in this, dragging the municipal officials to these meetings. There is another way and that is the regulatory way. The county is pursuing issuing orders to these communities, again, frankly DEP refused to issue the orders a few years ago because of a case load problem. They have reconsidered. If you let EPA control the situation, you lose control of the method.

**Stephen:** One idea that has already been floated is to paint storm sewer grates with a mark that identifies it as connected to Nine Mile Run.

**Newburn:** Have you been able to identify the biggest problems as far as prioritizing the fix? Is there one problem affecting Nine Mile Run that can be identified as greater than others? Is there one project you can identify that would solve 60 percent of the problem in the first year?

**Buck:** The other problem is the flow surges wildly. A wetland can work for base flow, but during a stream event, the wetland will be overwhelmed.

**Schombert:** The county has stencils to remind people not to dump down the storm drains. We have a problem with carpet cleaning companies, and it is useful to give people notice so they don't go out there and dump motor oil.

**Schombert:** Often you get that type of bang for the first buck on these projects. Here at Nine Mile Run, it is the Braddock Avenue culvert, the problem is that everything upstream, which is half the area. The focus of a collaborative effort could be upstream of the culvert.

**Stadterman:** The city has a trunk line sewer downstream and CSOs. A recent study revealed that the trunk line is decaying as well and would need about \$3,000,000 of repairs.

**Schombert:** When we are talking about sewage problems, we are talking about upstream. If we don't address the problems upstream, we are dealing with the symptoms rather than the cause. If you do that, the cause continues to decay. I am not a fan of wetlands; it avoids the real problem, the sewers.

**Brown:** You will have to put the wetland in a place where you would not get a surge, but by that point the water quality is significantly improved from the mouth of the culvert.

**Chaffey:** Who owns the sewers? It appears that they are no longer a municipal asset and that they would be willing to transfer ownership.

**Stadterman:** ALCOSAN's responsibility does not start until the interceptor at the river. ALCOSAN has established the agreements for the municipality to keep their own lines and ALCOSAN is not ready to take over the lines. That is a political issue.

**Schombert:** The sewers are a county-wide \$1.2 billion problem. Someone has to oversee that and make it happen, and I believe ALCOSAN has the resources to make it happen. But that will require a political change. The ALCOSAN board would have to be told to make that change and the communities have to agree to that.

**Stadterman:** ALCOSAN has three board members appointed by the county, three by the city and one joint member.

**Schombert:** Wilkesburg has a \$1,000,000 sewer fund.

*(Note — Recently, Edgewood enacted a sewer surcharge which is estimated to raise \$28,000 per year.)*

**Sheridan:** The municipalities are in clear violation of statutes that provide up to \$25,000/day fines. Could an independent citizen suit force the municipalities to fix the problem?

**Newburn:** An environmental group is perched to file such a suit.

**Schombert:** I have talked with the Pennsylvania Environmental Defense Foundation about Nine Mile Run. Although a citizen suit may very well be the motivation, these lawsuits often end up taking money that could otherwise be part of the solution. A citizen's group which initiates a lawsuit needs to be diligent in managing the suit so that the money is actually used to solve the problem.

**Sheridan:** The fines are \$25,000 per day, they would rather pay the penalties than fix it up.

**Schombert:** No, what has occurred is that the citizen group has taken the penalties and the attorney fees and walked away. We do not want to make the municipalities pay the fines. Also, if the municipalities are asked to pay the fine, it is the taxpayer who is ultimately on the hook.

**Buck:** We must take into account that water runs downhill regardless of political boundaries. Regional authorities can play a role on addressing local needs.

**Chaffey:** What made the municipalities come together at other watersheds?

**Schombert:** It was this type of issue and also the possibility of leveraging dollars (for instance, Girtys Run Authority formed in part because of funds available from the development of West View Park).

**Buck:** A problem is how to fairly assess the users among different municipalities.

**Schombert:** ALCOSAN rates today are the second lowest in the nation.

**Buck:** What about looking at this with an electric utility analogy: One fee for use of the pipes and another for the end-of-pipe transmission.

**Stadterman:** Municipalities may also use a surcharge.

**Schombert:** Wilkinsburg had one (\$.50/1,000 gallons) that accumulated \$1,000,000; but as the money accumulated, they stopped collecting. The politicians wanted to get credit for a tax break. Political officials should not be in the sewage business because financing decisions get made for the wrong reason. Sewer bills are getting to about \$50 per month. That is the reality—the real cost of hooking to ALCOSAN. We are now paying because of the years of neglect of the sewer lines.

**Chaffey:** In the case of Nine Mile Run, they show no concern for sewers beyond their borders.

**Newburn:** Is there any downside to forming an authority?

**Schombert:** I invited each municipality to attend the workshop and none showed.

**Schombert:** The problem of equitably spreading expenditures among the municipalities. If you find that there are significant problems in Edgewood, stress may develop between municipalities if too much money is being channeled to solve that problem.

**Newburn:** If a coalition is put together, maybe there will be some sort of memo of understanding?

**Schombert:** By the new regulations, municipalities that share a watershed must have joint management agreements that are revisited every five years. This is a minimum. The ideal may be operating authorities that can finance, manage and maintain projects.

**Newburn:** So these issues are going to need to be taken to this site, because the tendency will be for the municipality to pull out if money is being spent in other municipalities.

**Schombert:** The County Health Department has assumed responsibility over the County's GIS system primarily because of the sewer problems. The Department has committed to the EPA to map these sewer systems to develop a sewer inventory.

**Buck:** I am thinking of some equitable way of distributing the burden. What if one more municipality is putting out more flow than the others?

**Schombert:** If we can get one municipality's flow down farther than others and achieve on a watershed basis the 250 gallons/day/person ALCOSAN design capacity, this process will spread the benefits of initial investments to the areas that need it most.



**Newburn:** What about public education about the use and care of water—water conservation education? Is there value in changing public view?

**Buck:** Any way to divert water from roof drains from the sanitary sewer?

**Newburn:** What about the use of storage tanks and releasing slowly into a wetland? The EPA wants storage facilities for excess sewer flows. Sewage should not be funnelled into the wetland. Stormwater flows are the problem. The culvert at Braddock Avenue looks like the outlets at the bottom of Hoover Dam.

**Stephen:** How do we get municipal officials more attendant to the issues? What are the steps we take to get the officials to prepare to work on a watershed basis as the proposed county regulation encourages?

**Newburn:** There are not many solutions except fixing the issue. Is there any value in getting the county commissioners down to the site?

**Stadterman:** Conservation would help in eliminating excess flow. ALCOSAN does hope to expand its conservation education.

**Schombert:** The real problem here is wet weather flow. Conservation does not help in wet weather because it is such a small percentage of the flow.

**Schombert:** You need to be careful in rerouting storm drains because you may just be shifting the problem from the sanitary to the storm system. That is difficult in a built-up area with all of the direct flows into storm sewers.

**Kass:** Also, we should consider more permeable paving.

**Schombert:** Yes, think of Regent Square with its roofs and streets: 50, 60, 70 percent of the area is impermeable surface. We need to consider more permeable surfaces on new developments.

**Schombert:** We need to get community groups involved to push elected officials to make the right decisions. The regulatory approach is failing.

**Schombert:** The county and ALCOSAN are making a series of meetings with each commissioner, separately, to address these issues. The issue needs to be kept in the newspaper all the time. Keep it in the public eye all the time. Then they won't forget. There should be an article that Swissvale had a million gallon discharge into Frick Park this morning.



**Buck:** Labeling the storm sewers would make it more visible. Also a sign for toilets: "To ALCOSAN on Sunny Days, to the Mon when it rains."

**Newburn:** Is there a public awareness program from the Health Department to bring a focus to the health issues?

**Buck:** Do the advisories reveal sewage pollution violations in the river?

**Newburn:** Is there a citizen watch group which monitors the condition of our rivers, publicizing the condition of our waters?

**Newburn:** Perhaps that is one suggestion, a citizen monitoring group.

**Schombert:** We have had a good response from federal officials to the general issue of sewer problems in Allegheny County. We hope to pick a project and make it work.

**Schombert:** That is what the CSO flags are about.

**Stadterman:** Yes, the River Water Advisory program is warning that Combined Sewer Overflows are occurring in the rivers. One of the EPA's Nine Minimum Controls is public notification of CSO events. The advisory program is a public notification.

**Stadterman:** ORSANCO and the Allegheny County Health Department are the only organizations that I know of that regularly monitor the river water quality. I don't know of any citizen watch group.

**Kass:** Earlier today, a comment was made that sewage problems cannot be measured in the big rivers.

**Stadterman:** In smaller streams, you see more of an impact from CSOs than in the main rivers. In the main rivers, impacts are harder to measure, you need to address the issue that untreated sewage is getting into the rivers.