



# CSO CONSENT ORDER AMENDED

On July 13, 2017, the City of Omaha sent a request to the Nebraska Department of Environmental Quality (NDEQ) to begin discussions regarding amending the Complaint and Compliance Order by Consent (Consent Order). The Consent Order was originally entered into in 2007. It was unique at that time for such Orders as it did not cite any violations, impose penalties, or include stipulated fines. It also included only two dates, which were the submission of the Long term Control Plan by October 1, 2009 and a requirement to complete all projects by October 1, 2024. After the 2011 Missouri River Flood, the Consent Order was amended to provide the City three more years for implementation, until October 1, 2027.

The Consent Order allows for either the City or NDEQ to request an amendment under certain circumstances, particularly those that are beyond the control of the City. This includes “acts of God” such as the 2011 Missouri River Flood, but also concerns with other factors. For the 2017 request, among the factors the City noted were the soil instability at the Missouri River Water Resource Recovery Facility which prevented construction of facility modifications until addressed, the shortage of contractors due to growth in the Omaha area, and the need to slow sewer rate increases.

Beginning in August 2017, staff from the City and Program Management Team, met with NDEQ staff to discuss the request, obtain consensus on elements of the modification and to negotiate language. Documentation was provided to the NDEQ to support the need for the amendment, as well as to justify the request for additional time. The discussions with NDEQ were reflective of the good working relationship the City has with NDEQ. On December 12, 2017, the final language included in the Amended Consent Order was agreed upon by the City and NDEQ. The Amended Consent Order was executed January 2018.

The amendment to the Consent Order includes:

- A 10-year extension to the final implementation date of the CSO Long Term Control Plan from October 1, 2027 to October 1, 2037 extending the compliance schedule length for the Program to 28 years—one of the longest CSO compliance schedules in the United States.
- Language that defines the criteria to be used for determining compliance with the Consent Order as achieving at least 85% wet weather volume capture. This provides the City some certainty regarding the end of the order.

This amendment will help Omaha continue to address the issue of water quality in a sensible and cost-effective manner. The City, Program Management Team and NDEQ staff have been working together over the last 12 years to implement the CSO Program and address modifications as needed.

## Modification Opportunities

The CSO Consent Order modification provides the City opportunity to:



Reduce financial burden on ratepayers and the City.

Evaluate controls currently in place before building new ones so that the new ones can be adapted as necessary to achieve the needed result.



Address aging infrastructure and non-CSO environmental regulatory requirements along with CSO projects so the most critical needs are addressed.

Develop a schedule for future CSO projects to be implemented in a stepwise manner and to monitor effectiveness of one project before starting the next.



Optimize how best to achieve the capture of the remaining 15% of wet weather volume—through a deep tunnel system or another approach.

Provide sufficient time to construct the deep tunnel system, if necessary.



Most importantly, allow for a more gradual increase in sewer rates to reduce impact on public.