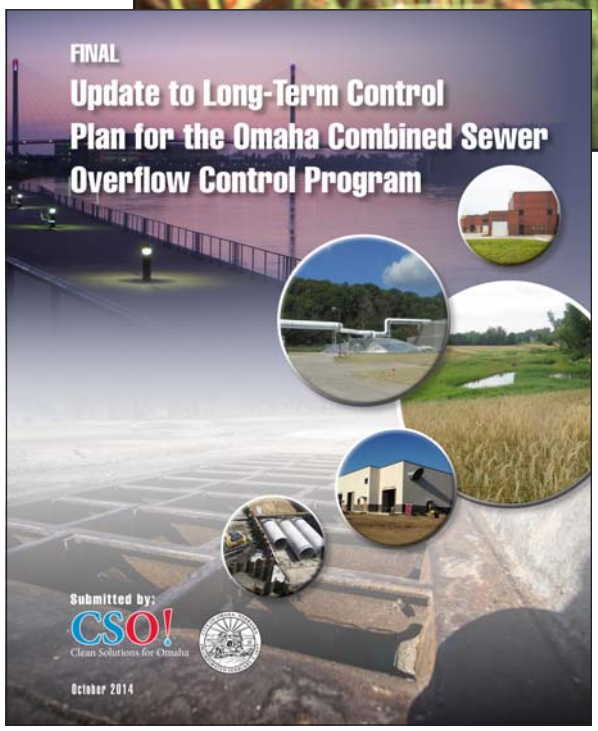
Nebraska Department of Environmental Quality Approves Long Term Control Plan Modifications

On June 12, 2017, the Nebraska Department of Environmental Quality issued a permit modification to the City's National Pollutant Discharge Elimination System (NPDES) Permit that covers the City's combined sewer system. This modification was at the City's request to change compliance dates to the CSO Long Term Control Plan schedule included in the permit. Approval was obtained in less time than it normally takes the Nebraska Department of Environmental Quality to make similar modifications. This is a recent example of how the City's trusted working relationships with Nebraska Department of Environmental Quality have benefited the City.

The City's Consent Order with Nebraska Department of Environmental Quality for the CSO Program was negotiated in 2007. It is based on a unique approach to ensuring City implementation of projects under the Long Term Control Plan. It is typical for Consent Orders and decrees to include all projects required under the Long Term Control Plan, each with a completion date. Any modifications to these dates require a reopening and renegotiation of the Consent Order. During negotiation of Omaha's Consent Order, Nebraska Department of Environmental Quality and the City agreed to not include project deadlines in the Order but instead to include them in as appropriate in each renewal permit for the combined system. These Permits are renewed every five years. This approach allows for changes in project deadlines to be addressed easily and quickly. Ongoing communication and coordination between the City and Nebraska Department of Environmental Quality have resulted in permit modifications that have saved the City money, while continuing to make progress toward meeting regulatory requirements.



The recent permit modification addressed several project dates that could have resulted in permit violations. They include the following:

- In May 2016, the tunnel boring machine (TBM) being used on the South Interceptor Force Main Project encountered a subsurface anomaly in the bedrock. As a result, the TBM became stuck, and the contractor was unable to meet the June 30, 2017 date in the permit. After evaluations by the Contractor, City, and the Program Management Team, a revised date of fall 2017 was determined to be the likely completion date. To ensure adequate time, a date of June 30, 2018 was proposed as a permit modification and approved by Nebraska Department of Environmental Quality.
- The permit required construction of the Saddle Creek Retention

Rendering of the proposed Saddle Creek Retention Treatment Basin chemical storage building, headworks, and office area. This view is from the north side of the facility looking across the CSO 205 – Saddle Creek outfall channel.

Treatment Basin (RTB) to be complete on September 30, 2020. After a single bid for the project came in significantly higher than the engineer's estimate, the bid was rejected. In March of this year, the City informed the Nebraska Department of Environmental Quality that it was moving forward with a redesign of the RTB based on a revised, much less expensive concept. This redesign will take approximately 18 months, with construction taking about 36 months. This permit modification changes the final date of completion from September 30, 2020 to December 31, 2023.

- The City also requested removal of multiple projects in the Minne Lusa Basin from the permit and Long Term Control Plan. Because of increasing costs for the Minne Lusa Conveyance Sewer Project, the City and the Program Management Team are currently re-evaluating what controls need to be implemented. The City has committed to submitting a report and preliminary schedule for needed projects in the basin. It is anticipated that this re-evaluation will result in a significant reduction in CSO Program costs.
- The Martha Street to Riverview Lift Station gravity sewer was

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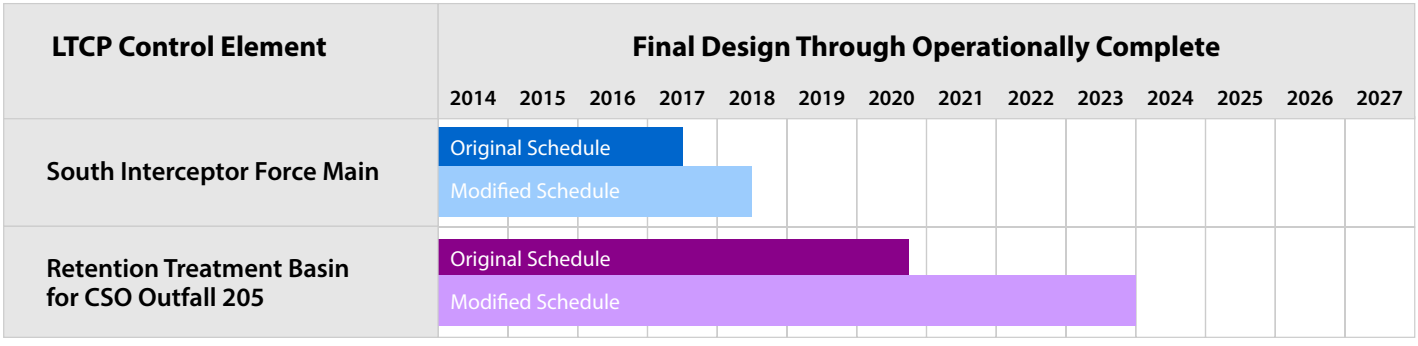

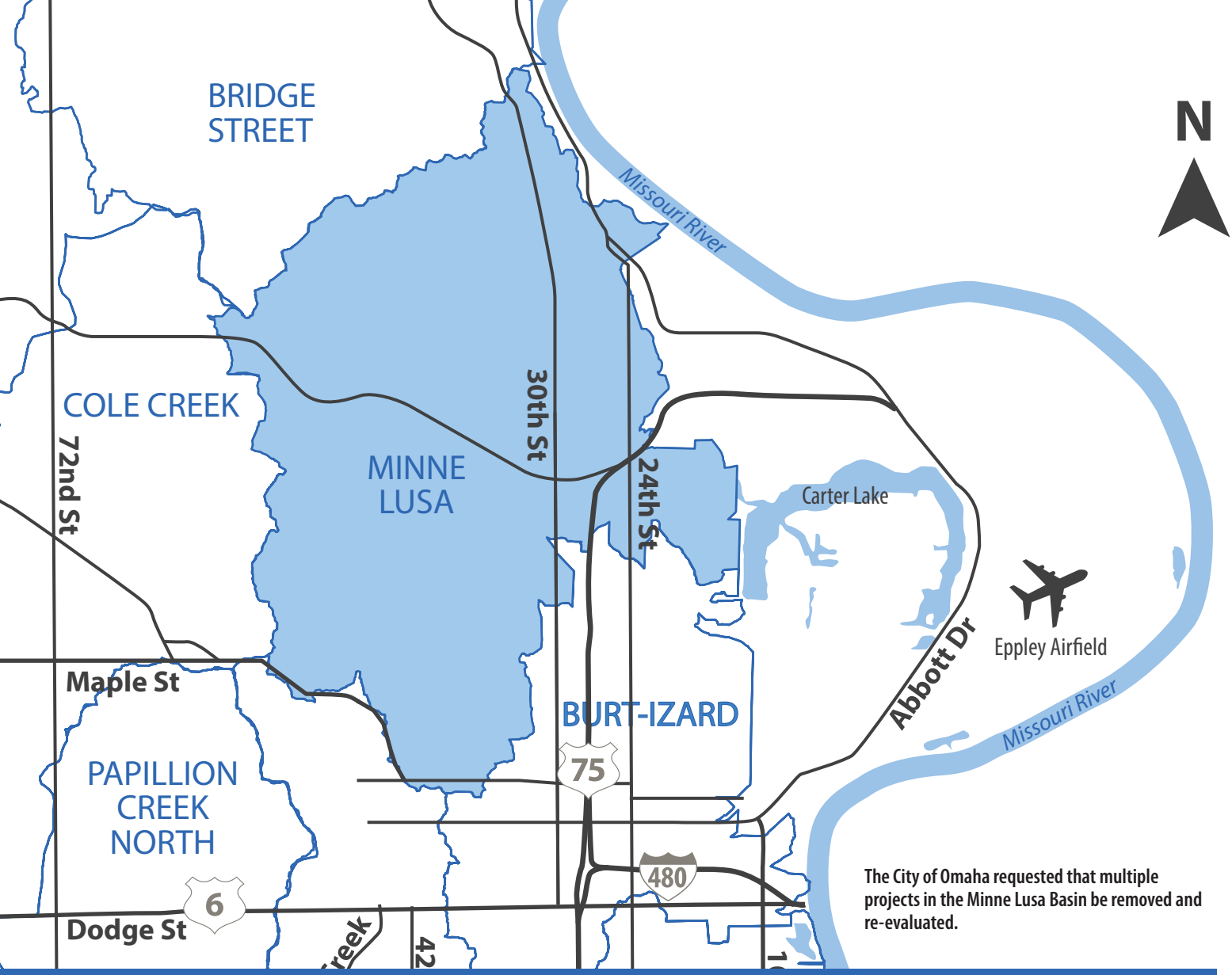

The City of Omaha requested that multiple projects in the Minne Lusa Basin be removed and re-evaluated.

Minne Lusa Basin CSO Projects Removed from the Permit and Long Term Control Plan for Re-evaluation

- Minne Lusa Conveyance Sewer
- John Creighton Boulevard Conveyance Sewer
- Paxton Conveyance Sewer 30th to 41st Street
- Paxton Conveyance Sewer 41st to 49th Street
- CSO 105 Minne Lusa Avenue Storage Facility
- Paxton Corridor Sewer Separation
- 41st and Sprague SE Phase 1 and 2, NW Phase 1 and 2
- Minne Lusa 105 2a and 2b
- Minne Lusa 105-5
- 46th and Grand East

removed from the permit because it is tied to the current Riverview Lift Station Project. That project does not have a specific deadline and is part of ongoing negotiations with Burlington Northern Railroad concerning property acquisition. Sewer construction is now part of the Riverview Lift Station Project.

The CSO efforts above are examples of the City's adaptive management approach to the CSO Program, whereby modifications are made to address changing conditions, improve the overall Program and reduce costs. Positive working relationships with the Nebraska Department of Environmental Quality and a flexible Consent Order allow modifications to be made without costly reopenings of the Consent Order. This kind of flexibility will continue to be valuable to the Program as the City and the Program Management Team consider future performance assessments, optimization and investments in other aspects of City infrastructure.