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Newsroom

News Releases By Date

U.S. and Tennessee Announce Clean Water Act Agreement with the City of Memphis

Release Date: 04/16/2012

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WASHINGTON – The U.S. Environmental Protection Agency, the U.S. Department of Justice, the Tennessee Department of Environment and Conservation and the Office of the Tennessee Attorney General announced a comprehensive Clean Water Act (CWA) settlement with the City of Memphis, Tenn. Memphis has agreed to make improvements to its sewer systems to eliminate unauthorized overflows of untreated raw sewage. Memphis estimates such work will cost approximately $250 million.

"EPA is working with communities across country to address sewage overflows that negatively impact the health of residents and impair local water quality," said Cynthia Giles, assistant administrator for EPA's Office of Enforcement and Compliance Assurance. "This collaborative agreement with the city of Memphis will reduce raw sewage overflows, protecting area waterways now and into the future."

"The improvements required by this settlement agreement will bring lasting public health and environmental benefits to Memphis residents," said Ignacia S. Moreno, assistant attorney general for the Justice Department's Environment and Natural Resources Division. "We will continue to work in partnership with EPA to enforce the Clean Water Act and work with municipalities across the country to advance the goal of clean water for all communities."

A consent decree, filed today in U.S. District Court for the Western District of Tennessee in Memphis, represents the combined efforts of the United States and the state of Tennessee, co-plaintiffs in this settlement, and the Tennessee Clean Water Network, an intervening plaintiff in this action. The United States and Tennessee previously filed a complaint against Memphis on February 5, 2010, seeking injunctive relief and civil penalties for Memphis' alleged violations of the Clean Wate Act and the Tennessee Water Quality Control Act.

The major features of the consent decree will require Memphis to implement specific programs designed to ensure proper management, operation and maintenance of its sewer systems to eliminate unauthorized overflows of untreated raw sewage. In order to address the problem of grease buildup within the sewer lines, Memphis developed and will be required to implement a comprehensive fats, oil and grease (FOG) program. Furthermore, the consent decree will require Memphis to develop and implement a continuing sewer assessment and rehabilitation program to ensure that the integrity of sewer infrastructure is appropriately maintained to prevent system failures that would likely result in unauthorized overflows. The consent decree will also require Memphis to perform corrective measures in certain specifically identified priority areas.

In addition to the control requirements, the consent decree will also require Memphis to pay a civil penalty of $1.29 million. Half of this amount will be paid to the United States. At the direction of the state, the other half of the civil penalty will be paic by Memphis through the performance of certain state projects. These projects include implementation of improvements to

Memphis' Geographic Information System (GIS) and implementation of an effluent color study to better delineate limits for the color of Memphis' permitted discharges into the Mississippi River.

Keeping raw sewage and contaminated stormwater out of the waters of the United States is one of EPA's national enforcement initiatives for 2011 to 2013. The initiative focuses on reducing sewer overflows, which can present a significant threat to human health and the environment. These reductions are accomplished by obtaining cities' commitments to implement timely, affordable solutions to these problems, including the increased use of green infrastructure and other innovative approaches.

The United States has reached similar agreements in the past with numerous municipal entities across the country including Mobile and Jefferson County, Ala. (Birmingham); Atlanta and Dekalb County, Ga.; Knoxville and Nashville, Tenn.; Miami-Dade County, Fla.; New Orleans; Hamilton County (Cincinnati), Ohio; Northern Kentucky Sanitation District #1; and Louisville, Ky.

The proposed consent decree with Memphis is subject to a 30-day public comment period and final court approval.

More about the settlement:
www.epa.gov/compliance/resources/cases/civil/cwa/memphis.html

More information about EPA's national enforcement initiative:
http://www.epa.gov/compliance/data/planning/initiatives/2011sewagestormwater.html

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TENNESSEE CLEAN WATER NETWORK SETTLES WITH THE CITY OF M SANITARY SEWER OVERFLOWS

PRESS RELEASE
For Immediate Release: April 16, 2012
Contact: Renée Victoria Hoyos – 865.522.7007 x100

Tennessee Clean Water Network settles with the City of Memphis over Sanitary Sewer Overflows

Memphis TN –

The Tennessee Clean Water Network (TCWN), United States Environmental Protection Agency (USEPA) and the Tennessee Department of Environment and Conservation (TDEC) settled today with the City of Memphis (the City) to fix sanitary sewer overflows (SSOs) and foam discharges.

"We are very pleased with the results of the negotiation," said Renée Victoria Hoyos, Executive Director of the Tennessee Clean Water Network. "All parties worked hard to create a settlement that was fair that will lead to elimination of SSOs, better reporting and less floating foam."

Through a series of file reviews and citizen complaints, TCWN discovered that the City reported 1,170 sewer overflows in a five year period. Local kayakers contacted TCWN with photos complaining of foam coming from the M.C. Stiles Sewage Treatment Plant floating down the Mississippi River. As a result, in December 2009 the TCWN filed a 60-day notice of intent to sue the City for sanitary sewer overflows, visible floating foam, and other permit violations.

On Day 60, The USEPA and the Tennessee Department of Environment and Conservation filed an enforcement action against the City of Memphis. TCWN intervened in the case to ensure that there was a citizen activist group at the table.

Under terms of the agreement the City of Memphis will assess 10% of the sewer system each year. In year 1, the City will concentrate on areas near Cypress and Cane Creeks where the system is the oldest and the creeks impaired for pathogens. In year 2, the City will concentrate on the Lick Creek and close-in areas due to basement backups. The City has also committed to three large infrastructure projects, including the Wolf River Interceptor where a failure there could cause a major SSO to the Wolf River.

The settlement will also require the City to have written policies and procedures for operation and maintenance activities.

One major problem identified in the consent decree was the disposal of fats, oil and grease (FOG) to the sewer system. The City has taken proactive measures to educate the public about FOG with billboards and other public education tools.

TCWN has expressed disappointment, though, about the City's refusal to do a Supplemental Environmental Project. These projects can be performed in lieu of fines paid to the federal government and can assist communities most

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impacted by sewer overflows. Projects can range from low-interest loans to homeowners for repairs to lateral sewer lines or property acquisition to increase parkland. The City instead chose to pay a fine of $645,000 to the Department of Justice.

The City did agree to perform a "color study" to determine the source of color that was causing a color contrast into the Mississippi River from the M.C. Stiles Plant and partial GIS mapping of the sewer system. The City prefers to employ the use of a "Sewer Bible" - a paper copy of the sewer system that employees use to manually update repairs and maintenance. Cities of comparable size and smaller have moved to complete GIS mapping of the system to analyze their sewer system.

The public will have 30 days to review the consent decree. The City of Memphis will post all documents related to the settlement in a document repository on the City of Memphis website and copies will be available at the Central Library. If you see an SSO, please report it immediately to the Department of Public Works (901) 576-6742.

"The problem of sanitary sewer overflows is not just a Memphis problem," said Ms. Hoyos. "These problems occur throughout Tennessee and the nation. Federal funding for infrastructure improvements has declined in recent years and municipalities are squeamish to raise fees to pay for needed repairs and maintenance. Until we see dedicated funding to maintain our sewage treatment plants, we will continue to have contamination of our streams, rivers, lakes and communities."

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BREAKING NEWS

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FOR IMMEDIATE RELEASE Monday, April 16, 2012

U.S. and Tennessee Announce Clean Water Act Agreement with the City of Memphis

The Department of Justice, the U.S. Environmental Protection Agency (EPA), the Tennessee Department of Environment and Conservation and the Office of the Tennessee Attorney General announced today a comprehensive Clean Water Act settlement with the city of Memphis, Tenn. Memphis has agreed to make improvements to its sewer systems to eliminate unauthorized overflows of untreated raw sewage. Memphis estimates such work will cost approximately $250 million.

"The improvements required by this settlement agreement will bring lasting public health and environmental benefits to Memphis residents," said Ignacia S. Moreno, Assistant Attorney General for the Justice Department's Environment and Natural Resources Division. "We will continue to work in partnership with the EPA to enforce the Clean Water Act and will work with municipalities across the country to advance the goal of clean water for all communities."

"The EPA is working with communities across the country to address sewage overflows that negatively impact the health of residents and impair local water quality," said Cynthia Giles, Assistant Administrator for the EPA's Office of Enforcement and Compliance Assurance. "This collaborative agreement with the city of Memphis will reduce raw sewage overflows, protecting area waterways now and into the future."

A consent decree, filed today in U.S. District Court for the Western District of Tennessee in Memphis, represents the combined efforts of the United States and the state of Tennessee, co-plaintiffs in this settlement, and of the Tennessee Clean Water Network, an intervening plaintiff in this action. The United States and Tennessee previously filed a complaint against Memphis on Feb. 5, 2010, seeking injunctive relief and civil penalties for Memphis' alleged violations of the Clean Water Act and the Tennessee Water Quality Control Act.

"Sewage overflows are a significant problem that affect water quality in the Southeast and across the entire country," said Gwen Keyes Fleming, EPA Region 4 Administrator. "This settlement is a collaborative agreement that will result in significant improvements to water quality and provide the Memphis community with a cleaner and healthier environment."

The major features of the consent decree will require Memphis to i mplement specific programs designed to ensure proper management, operation and maintenance of its sewer systems to eliminate unauthorized overflows of untreated raw sewage. In order to address the problem of grease buildup within the sewer lines, Memphis developed and will be required to implement a comprehensive fats, oil and grease (FOG) program. Furthermore, the consent decree will require Memphis to develop and implement a continuing sewer assessment and rehabilitation program to ensure that the integrity of sewer infrastructure is appropriately maintained to prevent system failures that would likely result in unauthorized overflows. The consent decree will also require Memphis to perform corrective measures in certain specifically identified priority areas.

In addition to the control requirements, the consent decree will also require Memphis to pay a civil penalty of $1.29 million. Half of this amount will be paid to the United States. At the direction of the state, the other half of the civil penalty will be paid by Memphis through the performance of certain state projects. These projects include implementation of improvements to Memphis' Geographic Information System (GIS) and implementation of an effluent color study to better delineate limits for the color of Memphis' permitted discharges to the Mississippi River.

"Today's consent decree sets out a schedule that will ensure the city of Memphis moves forward in making the much needed infrastructure changes to its sewer system," said Tennessee Department of Environment and Conservation Commissioner Bob Martineau. "We've been pleased with the city's cooperative tone during these negotiations, while working together to ensure a cleaner, healthier environment for the citizens of Memphis."

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"Violations of the Tennessee Water Quality Control Act due to aging infrastructure have become an all-too-familiar occurrence in various parts of Tennessee," Tennessee Attorney General Bob Cooper said. "We hope today's cooperative agreement to improve the Memphis sanitary sewer system will help the overall health of our community, environment and economy."

Keeping raw sewage and contaminated stormwater out of the waters of the United States is one of the EPA's national enforcement initiatives for 2011 to 2013. The initiative focuses on reducing sewer overflows, which can present a significant threat to human health and the environment. These reductions are accomplished by obtaining cities' commitments to implement timely, affordable solutions to these problems, including the increased use of green infrastructure and other innovative approaches.

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The proposed consent decree with Memphis is subject to a 30-day public comment period and final court approval before becoming effective. A copy of the consent decree lodged today is available on the Department of Justice website at www.justice.gov/enrd/Consent_Decrees.html.

More information about the settlement is available at www.epa.gov/compliance/resources/cases/civil/cwa/memphis.html.

More information on EPA's national enforcement initiative is available at www.epa.gov/compliance/data/planning/initiatives/2011sewagestormwater.html.

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