



State of Ohio Environmental Protection Agency

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P.O. Box 1049
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January 26, 2009

Re: City of Columbus
Plan Approval Application No. PTI 01-302-PW
Wet Weather Management Plan, City of Columbus, Ohio
Wet Weather Management Plan Approval

Mayor and Council
City of Columbus
90 W Broad Street
Columbus, Ohio 43215

Dear Mayor and Council:

Ohio EPA has reviewed the Wet Weather Management Plan (WWMP), of the City of Columbus, Ohio. The WWMP was received by the Central District Office of the Ohio EPA on July 1, 2005. The WWMP includes the System Evaluation and Capacity Assurance Plan ("SECAP") which was required by Consent Order 02-CVH-05-5768 (Franklin County Court of Common Pleas) and the Long Term Control Plan ("LTCP") which was required by Consent Order 04-CVH-05-5336 (Franklin County Court of Common Pleas).

I find that the Long Term Control Plan portion of the WWMP meets the applicable state and federal requirements, and the projects and implementation schedules are hereby approved subject to the provisions of this approval. The SECAP portion of the WWMP is hereby conditionally approved. I find that the SECAP portion of the WWMP meets the applicable state and federal requirements contingent upon compliance with the following conditions:

1. All projects in the WWMP as set forth in the WWMP, including the described technologies, level of service, and control level are hereby approved.
2. The implementation schedule for all the LTCP CSO projects and Wet Weather Wastewater Treatment Plant Improvements shown in Attachment A is approved.
3. The implementation schedule for all the SECAP projects and Wet Weather Wastewater Treatment Plant Improvements shown in Attachment A is approved.

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

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4. The following process shall be used to determine the implementation schedule for completing construction of the projects listed in Attachment B:

a. Columbus shall submit to Ohio EPA an Affordability Analysis no later than January 9, 2015. The Affordability Analysis shall include a rate study that predicts sewer user rates needed to complete the projects listed in Attachment B for the four separate scenarios set forth below. The Analysis shall also evaluate these options in accordance with the USEPA's CSO Guidance for Financial Capability Assessment and Schedule Development (CSO Guidance, published March 27, 1997), the most current edition of that guidance, or a more recent guidance document acceptable to the Director of Ohio EPA. The City shall evaluate at least these options:

1. The schedule in Attachment B.
2. A schedule that accelerates and completes construction of all projects five years sooner than the final completion date proposed in the schedule as submitted in the WWMP and shown in Attachment B.
3. A schedule that accelerates and completes construction of all projects ten years sooner than the final completion date proposed in the schedule as submitted in the WWMP and shown in Attachment B.
4. A schedule that accelerates and completes construction of all projects fifteen years sooner than the final completion date proposed in the schedule as submitted in the WWMP and shown in Attachment B. It is recognized that accelerating the schedule for the subject projects by fifteen years may also require evaluating accelerating the approved schedule for Olentangy Relief Tunnel (ORT) Phase A.

b. Based upon the above Affordability Analysis Columbus shall submit no later than January 9, 2015 a revised implementation schedule for completing construction of Phase B and C of the Olentangy Relief Tunnel (ORT) and Phase B and C of the Alum Creek Relief Tunnel (ART). The revised implementation schedule shall be included with submittal of the above affordability analysis and rate study and shall include completion of the subject projects at a date sooner than the date proposed in the WWMP as submitted and shown on Attachment B. If Ohio EPA determines that the proposed schedule is unacceptable, Ohio EPA will so notify Columbus. If such notice occurs, Ohio EPA and the City agree to use good faith efforts to resolve their differences. If the parties are unable to resolve their differences and agree upon a schedule of implementation for the completion of the ORT and ART projects, then either party may petition

the Franklin County Court of Common Pleas in Case 02-CVH-05-5768 for additional relief with regard to the implementation schedules for the WWMP.

5. Columbus shall perform and submit to Ohio EPA by July 1, 2019 an analysis of the costs and benefits (volume, frequency, and duration) of operational changes, additional storage or additional treatment that could be employed to further minimize or eliminate the expected number, volume or duration of untreated bypasses around the Jackson Pike High Rate Treatment System.

6. Future NPDES Permits may require Columbus to perform and submit to Ohio EPA a "No Feasible Alternative Analysis" to further minimize or eliminate bypasses or overflows at the Jackson Pike and Southerly WWTPs.

This plan will be considered as part of any future submission of a Permit to Install/Plan Approval Application, accompanied by detail plans, as required by the Ohio Revised Code Chapter 6111.44 and the Ohio Administrative Code Chapter 3745-42 for construction of any WWMP project or portion thereof. Construction shall not be initiated until a permit to install, based upon the approval of detail plans, is obtained from this Agency. The approval of this plan shall in no way be construed as acceptance or approval of detail plans. All detail plans must be in accordance with applicable laws and rules including OAC 3745-42 at the time of action on a specific PTI/Plan Approval Application. The emergence of new information or technology may require revisions to projects in the WWMP to assure compliance with applicable rules and laws including OAC 3745-42.

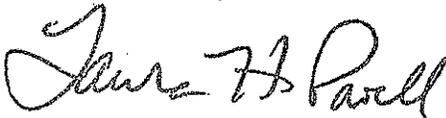
Additionally, I have determined that a temporary lowering of water quality to certain site specific areas in the Scioto River, Olentangy River, Alum Creek, and Big Walnut Creek watersheds may occur and the appropriate and necessary as a result of the final actions. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the areas in which these water bodies are located.

You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the

Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of

the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address: Environmental Review Appeals Commission; 309 South Fourth Street, Room 222; Columbus, OH 43215.

Sincerely,



Laura H. Powell
Assistant Director

cc: Columbus City Health Department
Franklin County Health Department
City of Columbus Department of Public Utilities
Ohio EPA Central District Office
DSW

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