

**E** Environment Committee  
For the Metropolitan Council meeting of July 22, 2009

Item: 2009-243

**ADVISORY INFORMATION**

**Date Prepared:** July 15, 2009

**Subject:** Authorization to Enter into a Memorandum of Understanding with the City of Minneapolis related to Combined Sewer Overflow (CSO) Elimination Efforts

**Proposed Action:**

That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a Memorandum of Understanding with the city of Minneapolis relating to Combined Sewer Overflow Elimination Efforts.

**Summary of Committee Discussion / Questions:**

Council Member Wittsack asked if Minneapolis has a timeline for the CSO work. Staff explained that the city has an I/I mitigation reduction goal. Through that program it has identified a rainleader disconnection program, some system maintenance repair activities and some flow measurement activities. The city's schedule identifies that the majority of the work is anticipated to be completed by 2013; however, it does indicate that the rainleader disconnection program will be completed in 2017. The final schedule will be determined by the Minnesota Pollution Control Agency (MPCA) as part of CSO permit negotiations.

CM Wittsack asked if the Council has a MOU with other communities. Staff responded that there was a MOU with Lake Elmo that set forth the requirements for their Plan.

CM Leppik asked if Minneapolis will have to step up its efforts if there an overflow. Staff responded that the MOU outlines the need for additional projects and studies for the on-going effort of CSO event elimination. Staff explained that due to the lack of significant rain events in the region, there isn't sufficient information to determine the effectiveness of recent efforts in CSO reduction. There is a consensus that an overflow most likely would occur during a significant rain event and the MOU sets up the mechanism to evaluate the system response to the rain event and identify projects to further reduce and eliminate CSO's in the future. The MOU allows the Council to act on the City's Update, and to get the City to commit on a long-term CSO program.

This is just the first step in a long-term plan. The Council, City, and Minnesota Pollution Control Agency will continue negotiations on either a continuance of the NPDES permit or another long term agreement.

CM Leppik asked about the status of the permit. Staff stated that the current permit expired in June of 2001, however the City and Council submitted a renewal application which extended the permit until further action is made by the MPCA. The MPCA has indicated that it may terminate the permit which would not be in the best interest of either the City or Council and will be part of the negotiations with the MPCA.

**E** Environment Committee  
Meeting date: July 14, 2009

For Metropolitan Council Meeting on July 22, 2009

ADVISORY INFORMATION	
<b>Date:</b>	July 2, 2009
<b>Subject:</b>	Authorization to Enter into a Memorandum of Understanding with the City of Minneapolis related to Combined Sewer Overflow Elimination Efforts
<b>District(s), Member(s):</b>	District #6 Peggy Leppik; District #7 Annette Meeks; District #8 Lynette Wittsack
<b>Policy/Legal Reference:</b>	MN Statutes 473.175
<b>Staff Prepared/Presented:</b>	Kyle Colvin 651-602-1151; Bryce Pickart 651-602-1091
<b>Division/Department:</b>	MCES c/o William G. Moore 651-602-1162

**Proposed Action**

That the Metropolitan Council authorize its Regional Administrator to negotiate and execute a Memorandum of Understanding with the city of Minneapolis relating to Combined Sewer Overflow Elimination Efforts.

**Background**

The City and Metropolitan Council are co-permittees on a National Pollution Discharge Elimination System/State Discharge System permit (MN0046744) for a Combined Sewer System. The City and Council have drafted a Memorandum of Understanding (MOU) summarizing Combined Sewer Overflow (CSO) elimination efforts to be carried out by both parties.

The City has submitted its 2030 Comprehensive Plan Update in accordance with the Metropolitan Land Planning Act, and its 2030 Comprehensive Sewer Plan Update in accordance with Minnesota Statutes. Both plans have been determined by the Council to fulfill statutory requirements and to be complete for final review.

The City has been informed that, once the MOU has been executed, the Council will act to authorize the City to put its 2030 Comprehensive Plan Update into effect and to approve the City's Tier II comprehensive sewer plan. The MOU requires the City to submit to the Council for approval a comprehensive sewer plan amendment in 2013 that identifies additional CSO mitigation projects.

**Rationale**

Both the Council and Minneapolis recognize the need to outline their joint and separate efforts in the area of combined sewer overflow elimination. The MOU summarizes these efforts.

**Funding**

Costs associated with CSO elimination studies and on-going CSO elimination efforts are covered under current and future Annual and Capital budgets.

**Known Support / Opposition**

No known opposition.

## **2009 MEMORANDUM OF UNDERSTANDING RELATING TO COMBINED SEWER OVERFLOW ELIMINATION EFFORTS**

### **WHEREAS:**

1. The Metropolitan Council (Council) and City of Minneapolis (City) are co-permittees on NPDES/SDS Permit MN0046744 for a Combined Sewer System (Permit), issued by Minnesota Pollution Control Agency (MPCA) for combined sewers located in the City.
2. The Permit expired on June 30, 2001 and timely application for renewal was made in December 2000, which maintains the Permit conditions current until final action by the MPCA.
3. The City has submitted a comprehensive plan update to the Council in accordance with the Metropolitan Land Planning Act.
4. The City has submitted a comprehensive sewer plan update to the Council in accordance with Minnesota statutes.
5. The City's comprehensive sewer plan has elements related to its obligations in the current Permit.
6. The parties wish to enter into a Memorandum of Understanding (MOU) respecting those matters related to the Permit and the City's comprehensive plan and comprehensive sewer plan.

Now, therefore, the Metropolitan Council and the City of Minneapolis hereby agree as follows:

1. **Purpose of Agreement.** The parties to this MOU recognize the need to outline their joint and separate efforts in the area of combined sewer overflow elimination in the context of the Council's review and approval of the City's comprehensive plan and comprehensive sewer plan. With the execution of this MOU the Council agrees to authorize the City to put its 2030 Comprehensive Plan Update into effect and to approve the City's Tier II comprehensive sewer plan.
2. **Continuation of CSO Permit.** The parties to this MOU will continue to jointly request and accept status as a co-permittee on the continued CSO Permit. Both parties will support maintaining the CSO Permit until sewer separation work has been verified as complete, which is dependent on adequate wet weather. If the CSO permit is terminated, both parties agree to continue to accept responsibility for overflows that could occur at the remaining regulator/outfalls to the extent each party is responsible for the actions or inactions that result in the overflow.
3. **Joint Study of Current Collection System Status.** Both parties recognize the need for a full understanding of the collection system. To this end, both parties agree to hold a meeting to foster each other's understanding of the comprehensive system. Further, both parties agree to update the Brown & Caldwell "City of Minneapolis Combined Sewer Separation Evaluation" final report (2002) to collaboratively gain an understanding of regulator capacity and prioritization of work within the system.
4. **Continuation of CSO Elimination Efforts.** The City will continue its program to reduce the potential for overflows, including reasonable efforts to eliminate rainleader connections. The City will place priority on improvements that reduce the potential for overflows (lowest cost/benefit calculated), which is reflected on attached listing (see Exhibit A). Both parties will

cooperate in efforts to determine the effectiveness of ongoing CSO elimination projects and programs, and identification of additional improvements to reduce the potential for overflows.

5. **Infiltration/Inflow (I/I) Policy Implementation.** The City understands that the Council will continue implementing the I/I Policy, including final determination and implementation of the Demand Charge program, as contained in the 2030 Water Resources Management Policy Plan. The Council will continue to implement its I/I Policy to ensure that communities upstream of Minneapolis in the Council's interceptor system achieve compliance with the Council's design peak flow factor for each metershed. The City agrees to continue to work towards completing the I/I mitigation requirements of the Council's I/I policy.
6. **Comprehensive Sewer Plan Amendment.** By September 30, 2013, the City will submit a comprehensive sewer plan amendment to the Council. The amendment will identify additional improvements to reduce the potential for overflows.
7. **Effective Date.** This MOU shall be effective upon execution by both of the parties.
8. **Termination.** This MOU shall terminate upon Council approval of the comprehensive sewer plan amendment submitted by the City pursuant to paragraph 6 above.