

APPENDIX D



The ARAMARK Tower
1101 Market Street
Philadelphia, Pennsylvania 19107-2994

BERNARD BRUNWASSER
Commissioner

October 28, 2010

Ms. Jenifer Fields
Water Quality Program Manager
PA Dept of Environmental Protection
Southeast Regional Office
2 East Main Street
Norristown, PA 19104

Dear Ms. Fields,

Since the Philadelphia Water Department first submitted the Long Term Control Plan Update for the Combined Sewer Overflow program in September, 2009, your staff has engaged with ours in a lengthy dialogue concerning the proposed program. Staff from the US EPA have also participated in this discussion. As a result of comments and suggestions made by the agencies, PWD has provided additional information, and has also committed to providing several additional deliverables in the early years of the Program to supplement the LTCPU. We expect that these commitments will soon be formalized in a revised Consent Order and Agreement and a revised CSO condition in the NPDES permits. The details of those formal documents are being discussed by our respective organizations now.

The purpose of this letter is to address certain fundamental issues related to the LTCPU that have emerged during the last few months, and that may not be sufficiently documented elsewhere. The work elements and basic structure of the Program have not changed, but certain key features of the proposal differ from what was presented in the September 2009 LTCPU.


The proposed LTCPU is a \$2.0B (\$1.2B net present value) program for addressing water quality goals as set by the Pennsylvania and National CSO Control Policies, to be implemented over a 25 year period, with metrics and milestones developed to measure progress along the way. The City budget for the LTCPU is consistent with Federal CSO Guidance recommendations for Median Household Income. The City believes that we have proposed a program that addresses the state and federal water quality goals and sets a limit on the financial burden on the City's sewer customers. Additional CSO expenditures during the 25 year period could significantly exceed the limit of the City's affordability for implementing a CSO long term control plan.

The LTCPU will provide an adequate level of control to meet the water quality-based requirements of the Clean Water Act (CWA). The City's plan is based on the National CSO Policy for a Presumption Approach to meet the water quality requirements of the CWA and the Pennsylvania Clean Streams Law as follows: the City will construct and place into operation the

controls described as the selected alternative in the LTCPU, as supplemented by this letter, to achieve the elimination of the mass of the pollutants that otherwise would be removed by the capture of 85% by volume of the combined sewage collected in the Combined Sewer System (CSS) during precipitation events on a system-wide annual average basis.

Though the original LTCPU contained a detailed proposal for a stream restoration program, with a certain amount of dedicated funding, we understand that the agencies believe it is not appropriate to include this kind of work within a CSO commitment. However, the City is committed to stream restoration and wetland creation, and so the monetary commitment toward realizing these goals must be appropriated from another source as these cannot be counted toward achievement of CSO compliance goals. Therefore, the \$125M originally committed to streams and wetlands in the LTCPU must be re-appropriated toward infrastructure aimed at CSO reduction.

Sincerely,


Bernard Brunwasser
Water Commissioner