

U.S. Clean Water Act Settlement in Northeast Ohio to Protect Lake Erie, Revitalize Neighborhoods and Create Green Jobs / Settlement with Northeast Ohio Sewer District to eliminate or treat five billion gallons of sewage

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WASHINGTON – The U.S. Environmental Protection Agency (EPA) and the U.S. Justice Department announced today a comprehensive Clean Water Act settlement with the Northeast Ohio Regional Sewer District that will address the flow of untreated sewage into Cleveland area waterways and Lake Erie. The settlement will safeguard water quality and protect human health by capturing and treating more than 98 percent of wet weather flows entering the combined sewer system, which services the city of Cleveland and 59 adjoining communities.

“Today’s landmark settlement will advance environmental justice and revitalize Cleveland communities by investing in green infrastructure,” said Cynthia Giles, assistant administrator for EPA’s Office of Enforcement and Compliance Assurance. “This commitment will not only protect human health and the environment, it will ensure that Cleveland residents are protected from raw sewage and have access to clean water, beaches and communities.”

“This approach will provide the opportunity for the Northeast Ohio Regional Sewer District to use this settlement to leverage and strengthen partnerships with community land banks to utilize brownfields and vacant properties for green water infrastructure,” said Mathy Stanislaus, assistant administrator for EPA’s Office of Solid Waste and Emergency Response. “This will revitalize adjacent neighborhoods and communities and residents will benefit from the transformation of these underutilized lands into new community assets.”

“We are pleased that NEORS D has decided through this consent decree to take the steps necessary to dramatically reduce its overflows in order to attain compliance with the Clean Water Act,” said Ignacia S. Moreno, Assistant Attorney General for the Environment and Natural Resource Division of the U.S. Department of Justice. “This settlement – which incorporates green infrastructure, major combined sewer overflow control measures, increases in treatment plant capacity, and the possibility of transforming vacant brownfields located in minority and low income residential areas into valuable community assets – will be a model for the future.”

The Northeast Ohio Regional Sewer District discharges nearly five billion gallons of untreated, raw sewage approximately 3,000 to 4,000 times per year into Lake Erie and nearby rivers. The settlement will require the sewer district to spend approximately \$3 billion to install pollution controls, including the construction of seven tunnel systems ranging from two to five miles in length that will reduce the discharges of untreated, raw sewage to approximately 537 million gallons per year. The sewer district estimates that this investment will lead to more than 30,000 jobs in the Cleveland area and return \$2.63 for every \$1.00 invested.

Today’s settlement will also significantly advance the use of large scale green infrastructure projects to control wet weather sewer discharges by requiring the sewer district to invest at least \$42 million in green infrastructure projects. These projects will capture an additional 44 million gallons of wet weather flow beyond what the tunnels and other traditional infrastructure construction improvements will capture. Green infrastructure involves the use of properties to store, infiltrate, and evaporate stormwater to prevent it from getting into the combined sewer system. Examples of potential green infrastructure projects include wetlands, troughs, cisterns, or other formations to store water, and rain gardens, urban croplands, and permeable pavement to allow for greater infiltration of water into the ground.

The settlement will also provide the sewer district with the opportunity to propose larger uses of green infrastructure in

exchange for reductions in the scope of traditional infrastructure projects. The sewer district would have the potential to use legal and financial mechanisms such as the Cleveland and Cuyahoga County land banks to transform the area's numerous vacant or abandoned properties to productive use -- helping to revitalize disadvantaged communities and resulting in cleaner air and green space. The sewer district will collaborate with local community groups, including those representing minority and/or low-income neighborhoods in selecting the locations and types of green infrastructure projects to propose. These pioneering green infrastructure portions of the settlement will further the Department of Justice and the Environmental Protection Agency's work to advance environmental justice.

In addition to installing controls and investing in green infrastructure, the sewer district will spend \$1 million to operate a hazardous waste collection center. The center will provide communities in Cuyahoga County with a permanent location to drop off household hazardous waste. The collection center is expected to collect and dispose of one million pounds of hazardous waste per year. The sewer district will also spend approximately \$800,000 to improve other water resources.

The settlement also requires the district to pay a penalty of \$1.2 million which will be distributed evenly between the United States and the State of Ohio. The settlement, lodged in the U.S. District Court for the Northern District of Ohio, is subject to a 30-day public comment period and final court approval.

Today's settlement is the latest in a series of Clean Water Act settlements that will reduce the discharge of raw sewage and contaminated stormwater into United States' rivers, streams and lakes. Raw sewage contains pathogens that threaten public health, leading to beach closures and public advisories against fishing and swimming. This problem particularly affects older urban areas, where minority and low-income communities are often concentrated. 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 will focus on reducing discharges from sewer overflows by obtaining cities' commitments to implement timely, affordable solutions to these problems, including the increased use of green infrastructure and other innovative approaches.

More information on the settlement: www.epa.gov/compliance/resources/cases/civil/cwa/neorsd.html

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