



Connecticut Fund
for the Environment

Save the Sound®

December 13, 2018

The Metropolitan District
555 Main Street
Hartford, CT 06103
Attn: District Clerk

RE: Save the Sound's Comments on MDC's Draft Update to the 2018 CSO LTCP

To whom it may concern:

Save the Sound, a program of Connecticut Fund for the Environment, Inc. (CFE) dedicated to protecting and restoring the waters of Long Island Sound, respectfully submits the following comments in response to the Draft Update to the 2018 Combined Sewer Overflow Long-Term Control Plan (CSO LTCP) for the Metropolitan District (MDC). Save the Sound strongly opposes MDC's proposal to extend the deadline for their legal obligation to comply with Consent Order WC-5434 by nearly thirty (30) years (from 2029 to 2058), which requires, among other things, that MDC complete all combined sewer overflow (CSO) projects by 2029. This proposed extension nearly doubles the original timeline developed after protracted planning, public involvement, and legal procedures – and decades of stalled momentum towards a resolution to the issue of CSOs.

The requirement that MDC eliminate its CSOs is one of great urgency. As the Department of Energy and Environmental Protection (DEEP) noted in a December 26, 2017 correspondence, “a thirty or forty-year extension to the current elimination deadline should not be part of MDC's plan when considering the LTCP update.” Nonetheless, MDC has proposed such extensions in the Draft Update to the 2018 CSO LTCP. Combined sewers are vestiges of antique sewage disposal infrastructure, and their overflows contribute to unacceptable levels of debris, fecal bacteria, and nitrogen in Connecticut waterways and Long Island Sound. The fecal bacteria in raw sewage poses a serious threat to public health, while the high nitrogen loads in wastewater trigger algae blooms and low oxygen dead zones where fish cannot survive. In addition, sediments in low oxygen zones can release chemicals such as hydrogen sulfide, which is toxic to eel grass, and manganese, a neurotoxin recently theorized to cause blindness in lobsters and may be linked to shell disease through endocrine disruption. There are many other pollutants, such as microfibers, which can be somewhat mitigated in sewage treatment plants, but not when discharged via CSO events.



Connecticut Fund
for the Environment

Save the Sound®

The problem of CSOs has long been known, with the then Department of Environmental Protection's (now DEEP) involvement on the issue beginning as early as 1990 with its publication of the *Combined Sewer Overflow Strategy, May 1990*. Over the following decades, both DEEP and MDC have published numerous iterations of plans to eliminate CSOs. All the while, MDC has continued to discharge polluted sewage during storm events through its outdated infrastructure. From July 2018 through the date of this correspondence, MDC has had forty-one (41) CSO events, with at least twelve (12) events discharging more than a million gallons of polluted sewage each (and at least eight (8) discharging amounts in the tens of millions of gallons). The proposed delay will result in continued harm to human health and the environment, and, as DEEP noted in its December 26, 2017 correspondence, "is essentially tantamount to doing nothing" about this critical issue.

EPA's Integrated Municipal Stormwater and Wastewater Planning Approach Framework states, "[w]here extended time is necessary to achieve compliance, enforcement orders should provide schedules for CWA requirements that prioritize the most significant human health and environmental needs first." While the proposed extended timeline attempts to do just that, any extension on the scale of thirty (30) years for significant components of the LTCP shows a disregard for the scale of the problem and a failure to meaningfully work towards compliance with the original project schedule.

Save the Sound is also concerned with the public outreach conducted for the Draft Update to the CSO LTCP, especially in light of the significant changes proposed for the project schedule. Presentations to the Board of Commissioners and Town Councils do not satisfy the requirement of robust stakeholder engagement. The EPA encourages "a process which opens and maintains channels of communication with relevant community stakeholders in order to give full consideration to of the views of others in the planning process" and that entities utilizing the approach "should provide appropriate opportunities that allow for meaningful input during the identification, evaluation, and selection of alternatives and other appropriate aspects of plan development." However, stakeholders did not have access to the content of the plan until November 26, less than three weeks prior to the deadline for public comment (December 13). This is not sufficient time for the public to meaningfully participate and provide comment. Outreach has also been primarily focused on project costs, not allowing for robust discussion on the broad scope of concerns of the public. Additionally, the cost benefits of the proposed options are not provided in an easily comparable format and do not address the economic costs of chronic water pollution affecting other industries, such as the lobster fishery.

Save the Sound strongly encourages MDC to not abrogate its legal obligations to comply with prior deadlines and public outreach requirements. Any further delay in eliminating CSOs will only extend the already unacceptable harm to the environment and public health.

Respectfully submitted,



Connecticut Fund
for the Environment

Save the Sound®

Katherine M. Fiedler, Esq.
Legal Fellow
CFE/Save the Sound
900 Chapel Street, Suite 2202
New Haven, CT 06510
(203) 787-0646 ext. 108
kfiedler@ctenvironment.org

Soundkeeper Bill Lucey
CFE/Save the Sound
900 Chapel Street, Suite 2202
New Haven, CT 06510
(203) 787-0646 ext. 129
blucey@savethesound.org