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OMAHA SEWER PROJECT

Flexibility would help

Two words — “shall comply” — helped dig a hole for Omaha \$1.7 billion deep.

They are found in a 1994 Environmental Protection Agency policy-turned-law regarding the Clean Water Act of 1972. They tell 772 cities across the United States that they shall comply with federal sewer separation regulations.

Many of those communities are struggling to come up with tens of millions of dollars — or more than a billion, as Omaha is — to build separate sewers.

Omaha has 50 square miles with combined sanitary and stormwater sewers, most east of 72nd Street. When it rains more than a tenth of an inch, the system overflows at 32 locations and sewage-contaminated water flows into the Missouri River and, perhaps more significantly, Papio Creek.

The Omaha area’s sewer replacement program, which is expected to cost \$1.7 billion, is now underway. Users’ sewage bills are expected to increase by double-digit percentages at least through 2014.

No one suggests that the Clean Water Act is a bad idea. The problem, says Marty Grate, Omaha’s Environmental Services manager, is the rigidity of federal law and the reluctance of the EPA to bend on deadlines, scheduling or other issues.

Grate suggested that no one at the EPA wants to be seen as soft on the clean water regulations. He also suggested that the power of the EPA to make compromises is limited by previous congressional action, and it might require more congressional action to get the agency to listen to cities.

Omaha Mayor Jim Suttle has lobbied in Washington to find financial help. He has suggested that, because the sewer requirements are an unfunded federal mandate, the federal government should kick in 50 percent of the cost. In the 1970s, Washington paid some 60 percent of such project costs. By 2000, that had fallen to 15 percent. Now, with federal funding hard to find, it’s difficult to get any money allocated to sewer grants.

Suttle also suggested that more efficient and cost-effective ways of doing the project are being developed, so if the EPA were to give the city more flexibility on time schedules, the Omaha project might be able to take advantage of them.

Grate said the mayor has suggested that the city’s first step, if given the chance, would be to see that existing sewage treatment plants were utilized to their maximum. Then, because contamination in the Papio Creek affects far more people than Missouri River contamination, that should be the second priority. The third area the mayor has emphasized, Grate said, is the need to look at water quality standards and new technologies.

Some communities across the United States are either well into their own sewer separation projects or have completed the work. Many others still face substantial burdens, such as \$2 billion for Los Angeles and \$1.4 billion for Washington, D.C.

In a letter sent to regional EPA offices from national headquarters late last month, the agency appeared to easing its stringent requirements somewhat. Regional offices were told to be open to creative scheduling of projects, for example.

Perhaps a new way of interacting with the EPA can be worked out, a way that recognizes cost-effective, innovative approaches that take a city’s financial constraints into consideration and allow reasonable relief in compliance schedules.

The signs of flexibility in the EPA’s Oct. 27 letter are welcome and may be adequate. Or it may take congressional action.

The \$1.7 billion price tag is a huge millstone weighing down the Omaha area. The EPA should work with city officials to make that burden as manageable as possible.