

# Partial Consent Decree Modification Fact Sheet

## History and Summary

### Background:

Since its inception in 2013, Capital Region Water has been committed to stewardship of local waterways, believing that CRW's sewer systems must work in tandem with the surrounding natural environment.

Over the last decade, Capital Region Water has planned and implemented solutions within those systems to protect and improve water quality while also rehabilitating aging infrastructure.

CRW is also obligated to make improvements, operating under an agreement with state and federal regulators known as a Partial Consent Decree. The agreement, in place since 2015, stipulates that CRW must take action to comply with the federal Clean Water Act and Pennsylvania's Clean Streams Law, which allegedly have been violated, primarily due to sewer overflows and discharges of polluted stormwater into local waterways.

Now, CRW has filed to modify that original agreement, seeking to further address violations and introduce a plan for additional system improvements over the next decade. In mid-February 2023, CRW reached an agreement to file the modification after months of negotiation with the City of Harrisburg, the U.S. Department of Justice, the U.S. Environmental Protection Agency, and the Pennsylvania Department of Environmental Protection.

### System Overview:

More than half of Harrisburg's sewer pipes are part of a combined system, meaning both sanitary waste and stormwater are collected and conveyed through the same pipes toward CRW's Advanced Wastewater Treatment Facility. During wet weather, the volume of stormwater sometimes exceeds the system's capacity, triggering an overflow event — called a combined sewer overflow or CSO. A CSO discharges untreated wastewater from outfalls into the Susquehanna River and Paxton Creek.

The remaining portion of Harrisburg drains into a municipal separate storm sewer system, or MS4, which collects and conveys only stormwater runoff. The separate sewer system discharges, untreated, directly into local waterways.

### Modification:

The intent of the 2015 Partial Consent Decree was to ensure that CRW could achieve a baseline level of control necessary to implement an approved Long Term Control Plan. The plan serves as a roadmap for ongoing system improvements, moving CRW toward its goal of full compliance with state and federal clean water regulations.

However, it has since been discovered that the system was in a worse condition than previously expected, meaning more time was necessary to provide basic maintenance and assess baseline conditions. It also means that additional projects are necessary to meet CRW's goals.

The modification identifies additional actions and establishes an associated timeline for the development of an approvable Long Term Control Plan. Federal and state regulators will hold CRW accountable to the milestones outlined in the PCD. .

### Next Steps:

After many months of negotiation and consideration of public comment, the U.S. Department of Justice (DOJ) filed a Motion to Enter a Modification to the Partial Consent Decree between the United States and PADEP v. Capital Region Water and the City of Harrisburg as a judgement of the court. The motion to approve and enter the Modification occurred August 22, 2023 in Federal District Court in Harrisburg.

This Modification to the Partial Consent Decree will guide Capital Region Water's wastewater and stormwater work for the next decade. Specific plans and projects are required to address alleged clean water violations, primarily due to sewer overflows and the discharge of polluted stormwater into local waterways. The filing establishes a timetable for compliance activity.

Within ten (10) days of the Effective Date (i.e., the date on which the Court accepts the Modification), Capital Region Water will provide a list of all the deliverables and deadlines included in the Modification to the Partial Consent Decree. Capital Region Water will continue to report progress on a semi-annual basis by March 31 and September 30 of each year.

Ongoing information will be available through the website and associated public notification procedures. For more details on the City Beautiful H2O Program Plan, please visit our website at: [www.capitalregionwater.com/what-we-do/cbh2o/](http://www.capitalregionwater.com/what-we-do/cbh2o/)

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## Consent Decree Commitments

### Current Compliance Measures (implemented since 2015):

- A \$50 million upgrade to CRW's Advanced Wastewater Treatment Facility was completed in 2016 to capture larger volumes of harmful nutrients.
- CRW has developed a Stormwater Management Plan based on USEPA's "Six Minimum Control Measures" outlined in federal regulations and is complying with MS4 permit conditions.
- CRW continues to cooperate with the City of Harrisburg to ensure legal and regulatory obligations are met.
- CRW developed and submitted, with public input, a Long Term Control — called the **City Beautiful H2O Program Plan** — in March 2018, aiming to reduce CSO volumes and frequency.
- An analysis of CRW's combined system and its capacity was conducted and submitted in 2018, evaluating multiple technologies designed to monitor CSOs.
- CRW completed and began a series of early action projects, including upgrades to the Front Street Pump Station, which has expanded pumping capacity by 50 percent to increase CSO capture.

In addition to the above-mentioned commitments, Capital Region Water is also subject to numerous, routine regulatory reporting requirements.

### Additional Compliance Measures Proposed in Modification:

Under the modification, CRW is committed to and will be held accountable for meeting the following measures:

- CRW will achieve full compliance with pollution and stormwater permits, as well as the federal Clean Water Act and state Clean Streams Law.
- A regulator-approved Nine Minimum Controls plan will be implemented, including continual system operation and maintenance; maximization of storage and flow throughout the system; eliminating dry-weather CSOs; and enhanced public notifications, as well as additional commitments.
- CRW will comply with its MS4 permit and associated Stormwater Management Plan.
- An updated Long Term Control Plan will be developed and submitted to state and federal agencies by December 31, 2024.
- CRW will complete ongoing construction and early action projects, including sewer system inspections; collection system improvements; CSO outfall inspections and repairs; and implementation of combined sewer overflow control projects.
- CRW will meet general compliance obligations related to effluent levels at the Advanced Wastewater Treatment Facility, as well as prohibition of dry-weather CSOs and other unauthorized releases from the combined system.

Capital Region Water is committed to accountability and transparency throughout this process and will continue to release information to the public.

### Customer impacts:

- Projects included in CRW's plan will have a direct impact on determining customer rates, annual budgets, and system investments. Related construction activity, including community greening projects should be expected.

### Important Milestones:

- Public comments on the filing must be submitted to the U.S. Department of Justice by **May 20, 2023**.
- CRW will develop and submit a revised Long-Term Control Plan to control CSOs by **December 31, 2024**.
- A corresponding Alternatives Analysis must be submitted by **March 31, 2024**. This analysis will evaluate various approaches to control CSO activity, in order to comply with regulations.

### Notable Numbers:

- This modification to the Partial Consent Decree will guide Capital Region Water's wastewater and stormwater improvement projects for the next **10 years**.
- CRW has projected about **\$200 million** of improvements, including **nearly \$42 million** in green infrastructure projects, over the next decade.
- CRW expects that completion of those improvements will increase systemwide CSO **capture to 85%**. It's currently capturing little more than 50%.