

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

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JUN - 1 2011

Mr. Jeffrey Theerman
Executive Director
Metropolitan St. Louis Sewer District
2350 Market Street
St. Louis, Missouri 63103-2555

Subject: Combined Sewer Overflow Long-Term Control Plan

Dear Mr. Theerman:

The Missouri Department of Natural Resources (Department) has completed its review of Metropolitan St. Louis Sewer District's (MSD's) Combined Sewer Overflow Long-Term Control Plan Update Report, dated February 2011 (LTCP), which MSD submitted pursuant to Missouri State Operating permits (MO-0025178 and MO-0025151, issued December 30, 2005) for both the Bissell Point and the Lemay wastewater treatment plants. These permits required MSD to develop an LTCP to address combined sewer overflows (CSOs) in accordance with EPA's 1994 CSO Control Policy (59 FR 18688); Section 402(q) of the federal Clean Water Act, 33 U.S.C. §1342(q); and Missouri's Effluent Regulations, 10 CSR 7.015(10), incorporating EPA's CSO Control policy by reference. The Department concludes that MSD has satisfied its obligations under the Schedule of Compliance, Section D.1., of the Bissell Point and Lemay permits.

The LTCP addresses the following plan elements:

- Characterization, Monitoring, and Modeling of the Combined Sewer System,
- Public Participation,
- Consideration of Sensitive Areas,
- Evaluation of Alternatives,
- Cost/Performance Considerations,
- Operational Plan,
- Maximizing Treatment at the Existing POTW Treatment Plant,
- Implementation Schedule including Financial Capability Analysis, and
- Post-Construction Compliance Monitoring Program.

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MSD has selected the "Demonstration Approach" defined in EPA's CSO control policy. Therefore, after construction of CSO controls, the remaining CSO discharges are not expected to prevent the attainment of current state water quality standards.

The LTCP provides significant reductions in untreated CSO volumes and pollutant loadings. The LTCP consists of controlling CSOs to MSD's urban streams to the point where further expenditures yield significantly diminished returns (the "knee-of-the-curve"), coupled with an enhanced green infrastructure program in areas with CSOs that discharge directly to the Mississippi River. Implementation of the selected LTCP will reduce the occurrence and magnitude of CSOs to MSD's urban streams and also reduce CSO volumes and loadings to the Mississippi River. Specific new CSO controls are described in the attached letter from EPA dated May 2, 2011.

By this letter, the Department approves Chapter 11 "Selected Plan", Chapter 12 "Green Infrastructure Program", and Appendix Q "MSD's Green Infrastructure Program" of the Metropolitan St. Louis Sewer District's Combined Sewer Overflow Long-Term Control Plan Update Report, dated February 2011.

As you know, many aspects of the LTCP were negotiated in an ongoing federal enforcement action taken against MSD, and a federal Consent Decree will likely be lodged and entered in the near future. The State of Missouri, which includes the Department, will not be signing the federal Consent Decree. This letter shall not be construed as the Department's support or approval of the terms and conditions of the federal Consent Decree. Instead, this letter is being provided solely because of the Department's regulatory role in reviewing MSD's LTCP submittal pursuant to permits MO-0025178 and MO-0025151. However, the Department reserves the right to modify or withdraw this approval if any public comments disclose facts or considerations indicating that the LTCP is inappropriate, improper, or inadequate, up to the time the United States Department of Justice moves for entry of the Consent Decree.

This letter also shall not be construed as a modification of, or limitation on, MSD's current or future NPDES or state construction or operating permits. Nor shall it relieve MSD from any present or future obligation to comply with such permits or any applicable laws or regulations.

This letter supersedes any prior approval of the "Revised Long-Term CSO Control Plan, June 2004 Interim Submittal", which is no longer considered to be in effect.

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If you have any other questions about this letter, please contact Mr. Kevin Mohammadi of my staff at (573) 751-1740 or the Missouri Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102.

Sincerely,

DIVISION OF ENVIRONMENTAL QUALITY



Leanne Tippet Mosby
Division Director

LTM/kmm

c: Mr. Kevin Mohammadi, Water Protection Program
Ms. Karen Flournoy, EPA Region 7