

Sanitary Sewer Overflow (SSO) Consent Decree Update

January 27, 2021

### Agenda

- Background
- Strategic Priorities
- Schedule update Roads (Sewer Assets Located in the Public Rights-of-Way)
- Schedule update ESAs (Sewer Assets Located in the Environmentally Sensitive Areas)
- Costs
- National Park Service
- Summary

### Background

- On December 7, 2005, the United States District Court for the District of Maryland entered a Consent Decree to resolve civil claims that WSSC Water violated the Clean Water Act and Maryland water pollution control, health and nuisance laws. Four citizens groups the Anacostia Watershed Society, the Audubon Naturalist Society of the Central Atlantic States, Inc., Friends of Sligo Creek, and the Natural Resources Defense Council intervened as plaintiffs in the underlying civil action and signed the Consent Decree. In a First Amendment to the Consent Decree another citizens group- the Patuxent Riverkeeper also intervened as a plaintiff.
- The purpose of the 2005 Consent Decree is to eliminate the sanitary sewer overflows (SSOs) occurring in WSSC Water's collection system by requiring WSSC Water to inspect the condition of its sewer basins, identify structural and capacity problems contributing to SSOs, and to propose and implement rehabilitation plans to remediate such problems.
- The 2005 Consent Decree, as entered, required WSSC Water to complete its collection system repair work by December 7, 2015.
- Due to delays in obtaining necessary permits from governmental agencies, and the need to institute condemnation proceedings to obtain access to private property to perform sewer rehabilitation, WSSC Water entered into a 2<sup>nd</sup> Amendment to the Consent Decree which extended the deadline for completing collection system repair work to February 9, 2022.
- Twenty-four (24) out of our 26 total sewer basins (92 percent) are involved in the collection system repairs.



## **Strategic Priorities**



# Optimize Infrastructure



### Protect Our Resources



## Schedule Update: Roads Work by Basin

#### • 135 Construction Task Orders

- $\odot$  I3I.4 miles awarded for construction
- $\odot$  131.26 (99%) miles rehabilitated as of October 21, 2020

Sligo Creek	100%
Cabin John	100%
Paint Branch	100%
Lower Anacostia	100%
Beaverdam	100%
Seneca Creek	100%
Dulles Interceptor	100%
Muddy Branch	100%
Broad Creek	100%
Piscataway	100%
Parkway	100%

Western Branch		100%	
Mattawoman		100%	
Northwest Branch		100%	
Horsepen Branch		100%	
Northeast Branch	<b>99%</b>	$\rightarrow$	<b>99%*</b>
Oxon Run	<b>99%</b>	$\rightarrow$	<b>99%*</b>
Rock Creek		100%	
Rock Run		100%	
Little Falls	<b>99%</b>	$\rightarrow$	<b>99%*</b>
Watts Branch		100%	



### Schedule Update: Environmentally Sensitive Area (ESA) Work by Basin

- ESA includes a total of 257 Construction Task Orders
  - o 256 (99%) Construction Task Orders issued for construction
- ESA includes a total of 158.49 miles
  - I 58.43 (99%) miles awarded for construction
  - $\,\circ\,$  I3I.23 (83%) miles rehabilitated as of October 2I, 2020

Rock Run	100	%	
Paint Branch	84% →	88%**	
Beaverdam	98% →	100%**	
Piscataway	<b>95%</b> →	100%**	
Rock Creek	100	%	
Sligo Creek	<b>9</b> 1% →	91%**	
Cabin John	100	%	
Northeast Branch*	80% →	87%**	
Lower Anacostia	100	%	
Northwest Branch	<b>9</b> 1% →	93%**	
Broad Creek*	<b>94%</b> →	100%**	
Little Falls	<b>74%</b> →	79%**	

Muddy Branch	100%
Western Branch	$92\% \rightarrow 93\%^{**}$
Seneca Creek	100%
Watts Branch	$76\% \rightarrow 86\%^{**}$
Parkway	$87\% \rightarrow 100\%$ **
Oxon Run*	$78\% \rightarrow 80\%$ **
Horsepen Branch	100%
Dulles Interceptor	100%
Mattawoman	100%
Monocacy	100%
Patuxent North	100%
Patuxent Center	100%

\*Contains National Park Service Assets \*\*Percentage change from July 2020 update



#### **Consent Decree Planned vs. Actual Cost Through September 2020**





### **Consent Decree Costs**

Description	Projected Total Cost to Date	Actual Cost to Date	
Consent Decree (All Articles) **	\$1,696,661,066	\$1,494,781,500	
Article 06	\$1,198,324,047*	\$1,068,469,481	
All Other Articles Total Cost ***	\$495,536,870	\$423,751,674	
General Cost	\$41,738,859	\$31,094,756	<ul> <li>Projected total cost to date (includes: Construction, Program Management, Design and Environmental Support)</li> <li>** Includes the Article 06, All Other Articles</li> <li>Total</li> <li>Cost and Stipulated Penalties</li> <li>*** Does not include the Stipulated Penalties</li> </ul>
Article 02	\$99,766,777	\$77,518,155	
Article 03	\$41,441,216	\$33,864,744	
Article 04	\$37,889,222	\$28,491,988	
Article 05	\$2,708,764	\$2,708,764	
Article 07	\$12,909,641	\$811,766	
Article 10	\$203,607,938	\$203,030,518	
Article I I	\$50,431,356	\$41,187,886	
Supplemental Environmental Projects	\$5,043,097	\$5,043,097	
Stipulated Penalties	\$2,750,150	\$2,560,345	



# National Park Service (NPS)

One (I) NPS project remains on the critical path

 Northeast Branch Basin Projects – WSSC Water received the fully executed permit on August 3, 2020. Construction started on September 2, 2020, and is scheduled to be completed by fall/winter 2021



### Summary

- Total number of sewer assets to be rehabilitated, repaired, relocated (SR3) under the Consent Decree: 7,071
- Number of sewer assets designed: 7,069 percentage completed: 99.9
- Remainder in design: 2
- Anticipated design completion: January 2021
- Number of sewer assets rehabilitated: 6,912 percentage completed: 97.7
- Remainder in construction: 144
- Anticipated construction completion: December 2021 (Deadline: February 9, 2022)
- In accordance with the US Army Corps of Engineers permit requirements, post construction monitoring for stream projects will continue five (5) years after construction is completed
- Upon completion of SR3 construction in each sewer basin, WSSC Water will conduct a Performance Assessment of the work performed, to determine the effectiveness of the rehabilitation work performed in each sewer basin



