

RESOLUTION NO. _____

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY
OF SOUTH BEND, INDIANA, SUPPORTING THE CITY ADMINISTRATION'S
ALTERNATIVE COST SAVINGS APPROACH TO ITS CSO LONG TERM CONTROL
PLAN AND ENCOURAGING THE FEDERAL AND STATE ENVIRONMENTAL
REGULATORY AGENCIES TO ADOPT THIS INNOVATIVE PLAN**

WHEREAS, the City of South Bend has been a leader in seeking ways to maintain a clean and safe St. Joseph River, having been the first Indiana city on the St. Joseph River to construct a wastewater treatment plant, and prior to 2011 it had invested over one hundred million dollars (\$100,000,000) into upgrades and improvements of its sewage system to enhance environmental protection; and

WHEREAS, in December 2011, the City of South Bend enacted a 20 year CSO Long Term Control Plan (CSO Plan) to reduce combined sewer overflows (CSO's) into the St. Joseph River to ensure compliance with the federal Clean Water Act, which CSO Plan was incorporated into a Consent Decree filed in the United States District Court for the Northern District of Indiana; and

WHEREAS, the City's original CSO Plan required a massive new investment by the City to reduce down to four (4) the number of annual events of CSO excess sewer discharge into the St. Joseph River; the expectation of the remedial cost was approximately five hundred million dollars (\$500,000,000) to be paid through a series of sewer rate increases born by customers of the City sewer utility, most of whom are individuals and families, of which about \$149 million has been paid to date; and

WHEREAS, today the estimated cost of the City's original five hundred million CSO Plan is around eight hundred sixty-one million dollars (\$861,000,000); and

WHEREAS, The South Bend Common Council, as the City's fiscal agent, pursuant to Ind. Code 8-22-1-8, is concerned with cost as well as operational efficiency of City programs; and

WHEREAS, at the time of its enactment, the City's CSO Plan incorporated novel, state of the art technology and was based upon then existing knowledge, solutions, and treatment techniques; and

WHEREAS, in the years since 2011, the City has had the benefit of the wireless sensor and smart valve technology used in the original Long Term Control Plan, almost unique in the world, which has provided real time, highly reliable data to identify actual needs and points of weakness in the system, and the City has also had the benefit of a comprehensive study of its sewer treatment system; and

WHEREAS, the City, through the cooperation of the Administration, the Common Council, and certain interested, knowledgeable community members, and based on its exhaustive, data-driven studies in the past few years, has formulated a new and accurate system and program to control its CSO discharges which reduces substantially the estimated cost of meeting the CSO curtailment objective than either the original or current projected costs of the 2011 CSO Plan, and which if adopted and approved by federal and state environmental regulatory agencies, will greatly reduce the cost burden on City utility rate payers, many of whom are financially disadvantaged; and

WHEREAS, on May 8, 2017 the City Administration presented to the Common Council and to the public the highlights and general description of its new CSO Plan at the Council's Utilities Committee meeting; and

WHEREAS, the South Bend Common Council highly supports the City Administration's program presented on May 8, 2017 as a quality solution to the CSO issue facing South Bend as a city on the St. Joseph River resulting from the City's cooperative efforts, and it encourages the United States Environmental Protection Agency, the Indiana Department of Environmental Management, and any other regulatory body to adopt the City's innovative Plan as a cost efficient, environmentally effective approach, and grant due modification to the pending Consent Decree.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF SOUTH BEND, INDIANA, AS FOLLOWS:

Section I. The Common Council hereby states that it highly supports the City administration's approach to finding a quality solution to the CSO issue facing South Bend as a city on the St. Joseph River.

Section II. The Common Council hereby states that it encourages the United States Environmental Protection Agency, the Indiana Department of Environmental Management, and any other regulatory body to adopt the City's innovative Plan as a cost efficient, environmentally effective approach and grant due modification to the pending Consent Decree.

Section III. This Resolution shall be in full force and effect from and after its adoption by the Common Council.

Tim Scott, President Common Council

Oliver Davis, Vice Pres., Common Council

David Varner Member, Common Council

