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APPROVED: BOARD OF DIRECTORS
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STATEMENT OF THE CITIZENS LEAGUE
BEFORE THE MINNESOTA POLLUTION CONTROL AGENCY
FEBRUARY 28, 1968

1. The Citizens League has been deeply involved since 1961 in the Twin Cities area's effort to bring central collection and treatment facilities to those parts of the area that had been allowed to develop without it. We concluded then that for the orderly and economic development of this huge system, the planning, financing and decision-making must be on a fully metropolitan basis. We believe this is true today.

The soundest solution to the problem of developing major sewerage facilities is likely to come if the Metropolitan Council is now encouraged to move rapidly and forcefully to take up the key issues of plant location and cost allocation.

This has been a most difficult and complex issue, technically and politically. All the way along, there has been a pressure — perhaps understandable, to some extent — to stop talking and to begin building. On balance, however, the community has recognized that a very long period of study, discussion and education was going to be required. This takes time. But it will have been a worthwhile investment, and not time lost, if it leads to a sounder and fairer solution to the problem in the long run.

We are now entering into the final stages of this discussion. The Legislature, concerned to speed the solution of metropolitan problems, has created the Metropolitan Council. The Council has established a solution to the problem of sewage disposal as one of its top-priority items, leading to the 1969 legislative session. An engineering and financial consultant has now been retained, and a very tight work schedule has been set.

It is essential that, pending completion of these studies, the area withhold major investment decisions that would irrevocably commit the longer-term course of action. We, therefore, urge the Pollution Control Agency to take no action on the current application for what would be, in effect, a permanent, major plant on the Minnesota River, prior to a decision by the Metropolitan Council on an areawide arrangement for locating and financing the major system of interceptor sewers and treatment facilities.

2. The questions at issue are basic planning questions, not "technical" or "enforcement" questions.

First, they run beyond simply the question of pollution control. The basic issue is the use this area is going to make of its river valleys. The responsibility for this broad land-use decision has been assigned by the Legislature to the Metropolitan Council. The Council currently has under way a \$35,000 study of the alternatives in the use of these major river valleys, and of the possibility of specializing at least stretches of them for relatively high residential/recreational use. It is crucial that these options not be foreclosed at this point. Once basic decisions about land and water use have been made,

decisions about water quality standards can then follow logically as a part of an implementing program, free of the charge that they have been set arbitrarily or in the abstract.

Second, the question extends beyond the application for the Bloomington-Eagan-Burnsville plant. This is the immediate issue before the Agency. It is ably and energetically pressed by the representatives from this particular area. But there are other interests involved, not directly represented at this hearing, which would be affected by any decision, and which must, therefore, be considered at this time. What this particular application raises, in fact, is a basic policy question about the direction this area is going to move in developing its major collection and treatment facilities. It is a decision comparable in scope to the decision in the early 1930's, at the time the cities of Minneapolis and St. Paul were required to choose between a separate, or a joint, approach to the construction of the original sewerage works.

The Agency recognizes this larger dimension, we believe . . . and recognizes this decision must be made out of the broadest possible consideration of the issues, and not — simply by default — out of a series of piecemeal actions and decisions which could have the effect, in the end, of committing the area to a policy it would never have chosen if it had had the opportunity to think through the problem as a whole.

The complexities of this planning decision can be illustrated by a series of questions . . . all of them inextricably intertwined with the specific question involved in the Bloomington-Eagan-Burnsville petition, and all of them — to the best of our knowledge — still basically unanswered. That is:

- * Will the Lake Minnetonka region be coming to the Minnesota River in some future year? How much capacity will this require?
- * What is going to be done with the northwestern part of Hennepin County, on the assumption this region should not discharge into the Crow River?
- * Who will serve the region of Anoka County north beyond the watershed now being served by the NSSSD?
- * Is there, in all cases, capacity being built into these proposed regional collection systems to serve the full eventual needs of the areas beyond their present service limits? What are to be the eventual service limits of the north suburban system? Of the proposed Minnetonka-Plymouth-Eden Prairie system? Of the Pig's Eye system? What additional regional plants are likely
- * What are the water quality standards likely to be 10, 20 or 30 years from now? We are setting out to make decisions about the location of plants now on the assumption, evidently, that the standards set in 1968 are going to be the standards for the future. Yet it seems increasingly clear the public is, year by year, demanding higher and higher standards of cleanliness in our lakes and streams. What reason is there to believe its continuing demands for "cleaner water" will not force our standards higher still? The past year would seem to indicate we are feeling the beginnings of an intensified interest in the scenic and recreational potential of the Mississippi River through the heart of the Twin Cities. Fort Snelling Park continues to move toward much more intensive public use. With the West Bank development, the

Mississippi is being turned into a stream flowing through the heart of very nearly the largest single college campus in the nation. In Minneapolis the first steps have been taken to remove the industrial property at the foot of the Washington Avenue bridge; and to proceed with an urban renewal plan which will involve the extension of West River Road along the river bank all the way into the downtown. In considering how to move, the Agency will need to consider carefully the possibility that decisions on plant location today, on the basis of today's standards, will seem unacceptable, and will be regretted, by the community not too many years into the future.

- * How are we going to be certain there is no risk of pollution from additional upstream plants? Sewerage is a peculiar utility: A municipality assumes costs not for the benefit of its own residents, but for the benefit of other communities downstream. There is an inevitable tendency to trim costs, knowing that the resulting loss of benefits will fall on someone else. Every plant operator, seeing the river running high must feel an impulse to cut back treatment, and to "ride on the river," knowing that this will reduce operating costs. Minimum standards would still be met even at operations below design capacity: The river simply would not be as pure as it otherwise might be.

There is also the possibility of sewage bypassing a plant, either during a scheduled maintenance or as a result of an accident (or a combination of the two). Plants are designed to minimize this sort of risk. Yet practically no utility system is built to handle the ultimate peak load. And even the most sophisticated and carefully operated systems have been taken out of service by accidents.

Training and enforcement are perhaps the keys. Yet what we hear about the training of treatment plant operators is not encouraging. Nor is there, as we understand it, any requirement either in law or regulation for the reporting of planned "down time" due to maintenance or for the reporting of accidental discharges. Neither is there currently, we are informed by the Agency staff itself, enforcement personnel to make even a single inspection of every treatment plant in Minnesota even once a year.

- * Finally, who — if the area moves to regional plants and regional districts — will perform the "operating" functions for the treatment system taking the Twin Cities area as a whole? As the flow in the river varies, and as the discharges of different quantity and quality occur at different points within the area, someone must continuously monitor the river conditions and coordinate the available treatment capacity, if maximum water quality is to be maintained.

3. Policy questions of the sort we have been discussing must be settled locally.

The state pollution control program has always depended on local communities and local councils to provide the financing and the facilities that will make possible upgraded treatment. Normally, in past years, the Agency and its predecessors have dealt with municipalities. But in the metropolitan situation, the municipality is, clearly, not the unit with which it is possible to work. Here, the council with which the state can most effectively and appropriately deal is the Metropolitan Council, which is in a position to act for the area as a whole.

To permit the Metropolitan Council to make the decision on plant location, design and financing is, therefore, consistent with the state's traditional practice of seeking to get local communities as quickly as possible to work out their own local solutions that will make possible a start on construction.

The Metropolitan Council ought to be given the opportunity to work out answers to two major questions:

First, whether the proposal for a single district can be separated from the proposal for a single plant. In much of the current discussion, the two are normally linked together. The Citizens League itself, in its report in 1965, favored a single district building a single downstream plant . . . and it continues to seem obvious to us that, if prevention of water pollution through this densely built-up urban center is the primary goal, then the risk is certainly less if the upstream regional plants are avoided entirely.

Yet "the plant" and "the district" do not really tie together in quite the way much of the general discussion suggests. When we urge areawide planning for the sewage disposal system, for example, we are talking about the seven-county metropolitan area — an area in which there already exist more than two dozen plants treating domestic wastes. Clearly, the issue is better focused if we talk in terms of the limits of service of the Pig's Eye plant, in relation to the Mississippi below Anoka and the Minnesota below Shakopee. On this point, the Citizens League report in 1965 said: "Which approach (i.e., a single downstream plant or upstream regional plants) is selected is an engineering decision best left to the district board and subject to the approval of the Water Pollution Control Commission." It may be possible that additional upstream plants could be justified as consistent with the very high water quality standards we believe this area will require in the future. But the area should insist that this conclusion come not simply out of an argument by the regional groupings, but out of a decision-making process in which all interests — upstream and downstream, core area and suburban, built-up and yet-undeveloped — have had a seat at the table, and have had a chance to speak with an equal voice. This means the Metropolitan Council.

Second, whether agreement can be reached on the sharing of costs. We stress the regional districts are at this point not in a position to know which solution will be cheaper for them. Their engineers have estimated the cost of regional plants. But the cost of the alternative — of metropolitan interceptors — will depend on the extent to which, once the discussions begin, representatives from the downstream areas are willing to assume a share of the costs of providing an outlet for the upstream areas. We sense a growing acceptance of the argument that the accident of geographic location should not basically determine a community's cost of sewer service. The essential principle written into the NSSSD formula, for example — in which the same charges are set for Circle Pines, relatively far from the river, as are set for Coon Rapids, located on the river — might well be extended over the metropolitan area as a whole. This is the approach the Citizens League has strongly recommended since 1965. If, through a series of piecemeal decisions, we allow the communities favorably located on the waterways to develop "their own" solutions, we risk ending up where we began in 1961 . . . with certain areas arguing that they have their facilities "in and paid for" and that the remaining areas — the upstream or outlying areas — should likewise pay for the facilities they require.

4. The Pollution Control Agency is not simply being asked to wait another two years, for another try at legislation like those in 1967, 1965, 1963 or 1961 . . . while sewers begin to overflow in the streets.

First, we are not persuaded an unavoidable emergency will arise before 1969 . . . certainly not in connection with the communities now petitioning the Agency. The Director of the Agency told the Citizens League meeting in St. Paul Feb. 1:

"The problem in this (the Bloomington-Eagan-Burnsville) instance appears to be one of providing economically a sewage disposal system for the future anticipated growth of the area. All of the communities involved presently have relatively adequate outlets, either directly or via neighbors, none of which is now known to be causing a severe problem or which could not be expanded when necessary."

When trouble arises, it ought to be possible to take temporary steps to relieve the pressure. We understand the City of Minneapolis is currently reviewing the possibility of making extra capacity available in the interceptor now receiving flows from Bloomington. Even the construction of a temporary force main might well be justified in order to avoid committing the area to a course of action, based on short-term expediency, which would be unwise in the long run. No steps toward a regional plant based on the allegation of a short-term crisis should be taken, at any rate, until a disinterested study has been made, and a report issued, on the nature and cost of possible interim alternatives.

Second, we believe it is impossible to overestimate the importance of the change in the situation represented by the creation of the Metropolitan Council. The Legislature has, in the past — according to legislators themselves — been unable to agree on a solution to the area's sewage disposal problem primarily because there has been no agreement within the area itself. And there has been no agreement within the area primarily because there has been no formal, official, representative mechanism charged with the responsibility of working out agreement and able to put together a representative, responsible consensus. The Metropolitan Council is such a mechanism. And legislators have told Council members that, if the Council can come to the 1969 session with anything like a reasonable consensus, within its own membership and within the area, the Legislature will move on the basis of its recommendation. This, they say, is, after all, what they set the Metropolitan Council up to do.

5. The Agency, after reaching a decision to hold off action on the present application, should then urge the Metropolitan Council to move rapidly to seek local agreement on plant location and on financing.

At a minimum, the Council should:

- * Move as rapidly as possible to conclude its major river valleys study, and set its new consultants to work intensively on the technical, engineering and financial studies of alternative physical systems, and on alternative cost allocation formulas.
- * Begin immediately intensive discussions on the policy and political issues. The familiarity of most members with the issues, the Council's experienced and able leadership, and the representative feature built into its makeup, all give reason to believe that out of such discussions an acceptable and implementable agreement can emerge.

6. There should be no time limit on the opportunity given the Metropolitan Council to work out an acceptable solution. Though the Council should move with great urgency, it should be given the time it requires.

The Twin Cities area is dealing here with one of the largest and most significant planning decisions made in the metropolitan area in recent years — comparable in scope to the early basic decisions on the freeway system. A major part of the difficulty is that the issue is technically coming first before an agency which is, in the words of its director, John Badalich, "not a planning agency." We must not begin making major investment commitments without thinking out clearly and in a proper policy-making framework, the basic questions about where we want to go. The decision about taking the metropolitan approach must precede — not follow — decisions about the authorization of upstream regional plants.

This kind of basic policy decision is the responsibility of the Metropolitan Council . . . which has, both under state law and federal regulation, the authority to develop the area's plans and to review projects for conformance with those plans. There is every indication the Council is eager to take this responsibility

It is appropriate from the point of view of the Minnesota Pollution Control Agency that the Council does make this decision. We urge members of the Agency formally to request the Council to move immediately in this direction and, in the meantime, to suspend action on the request for a piecemeal solution now before it.