

Eddy Jowers  
Public Works Director



Don Murphy  
Mayor

## Water Department

October 8, 2012

Lance R. LeFleur  
Director, ADEM  
PO Box 301463  
Montgomery, Al 36110-1463

Re: Water Management Issues in Alabama

Dear Mr. LeFleur:

On behalf of the City of Pelham, I wish to thank you and the Alabama Water Agencies Working Group (AWAWG) for the opportunity to comment on the "Water Management Issues in Alabama" report prepared for Governor Bentley. The City of Pelham utilizes both surface and ground water sources to supply its water system, operates an advanced wastewater treatment plant within the Cahaba River Basin, and is a co permittee within the Shelby County Municipal Separate Storm System (MS4) permit. As a result, the City of Pelham is directly affected by the majority of the "Water Issue Areas" outlined in the report.

On the drinking water side, the City has, for the last three decades been actively engaged in managing its drinking water supply to ensure that its customers have a dependable and safe drinking water supply. The City has developed and operates several groundwater wells and has entered into long term water supply contracts with the Shelby County Water System. The City's supply system is complemented by a master planned distribution system that allows water from multiple sources to be delivered throughout the customer base. The supply and distribution system has been constructed in a systematic fashion over the last three decades and has been funded entirely through water sales. The result is a robust water supply and distribution system with layers of redundancy that ensure the City is able to continuously supply ample amounts of safe drinking water to its customers. The City is confident that the level of water supply already in place and distribution infrastructure both existing and planned will serve the needs of the City for many decades to come.

It is important to note that this level of confidence would not be possible without the City's water supply from the Shelby County Water System. The County's supply source is the Coosa River and the City has the ability to receive potable water from two plants the County owns and operates. This supply depends on an interbasin transfer (IBT) from the Coosa River Basin to the Cahaba River Basin and is critical not just to the City of Pelham, but to the other systems supplied by Shelby County as well. Accordingly, the City encourages the AWAWG to recognize the extreme importance of IBT's to the citizens of the State and to approach both existing and future IBT's from a management perspective and not from a prohibition perspective. The City would appreciate any opportunity to participate in the development of a regulatory framework for the development of IBT regulation.

The City of Pelham also operates a 4.0 million gallon per day advanced wastewater treatment plant. The plant discharges into Buck Creek which is a tributary to the Cahaba River. The Cahaba River has long been one of, if not the most environmentally sensitive streams in the State. In recent years, however, the development of Total Maximum Daily Loads (TMDL's) for nutrients and most recently siltation have created significant financial burdens not only for the City of Pelham, but also for all wastewater dischargers in the Cahaba River watershed. The City's current ADEM permit requires that the City's discharge meet a total phosphorus concentration of 0.043 parts per million by the year 2022. The best available estimate to meet this requirement indicates that \$10 to \$12 million in additional capital expenditures will be required by the City. This does not include the millions already spent to meet current limits. Shelby County alone has at least five wastewater plants that will require major capital improvements to meet this standard. A recent article in the *Birmingham News* stated that the already bankrupt Jefferson County is expecting to spend \$150 million in capital and operation expenses to meet phosphorus removal requirements. Considering the number of wastewater plants in the Cahaba River Basin, it is easily possible that over \$200 million in additional capital and operational expenses will be required from ratepayers in the next decade from the phosphorus regulations alone.

The water quality benefits resulting from such low discharge limits relative to the cost of achieving these limits has been and will continue to be debated, particularly as sewer rates increase to meet these requirements. Nevertheless, the TMDL studies conducted on the Cahaba River are clear in their conclusion that summertime low flows are a significant contributing factor to the less than desired water quality in the Cahaba. Summertime flows in the Cahaba are artificially low largely due to the low head dam across the mainstem of the Cahaba River near Highway 280. The dam was constructed in 1891 and is used to back up water from the dam to the Birmingham Water Works Board's water supply intake on the Cahaba River. Birmingham's withdrawal is such that during summer months, zero flow passes over the dam. All water collected in the basin upstream of the dam is used for public water supply. Downstream of the dam, a significant portion of the flow in the river is from

wastewater plants discharging into the river. In years past, this didn't adversely affect those communities downstream of the dam. Due to the recent nutrient limits, however, downstream communities are now being affected directly and are being forced to spend additional money on wastewater treatment to compensate for the low flow conditions in the river. Further, there is a very real concern that as the cost of treatment continues to rise, alternative more cost effective solutions such as reuse will not be permitted because they will further reduce the flows in the river. The City requests that any change to water use and withdrawal regulations be structured such that an operator of a dam system is required to maintain a minimum flow at least equaling the natural flow within the stream.

The City recognizes that these are complicated issues with many stakeholders, varying agendas, and often conflicting goals. It is encouraging that the State is attempting a holistic approach to this regulation. Water management must be adaptive and reflect the needs and desires of local communities while maximizing the beneficial use of the State's resources. The City appreciates this opportunity to provide input and looks forward to future opportunities as well.

Kindest regards,

A handwritten signature in black ink that reads "Eddy Jowers". The signature is written in a cursive, flowing style.

Eddy Jowers  
Director of Public Works