



A pedestrian walks on the landscaped roof of the 8.2 million gallon overflow tank the city built close to Lake Superior near Endion Station. The tank, others like it, and other projects were part of a more than \$160 million effort to solve the problem of untreated sewage overflowing into Lake Superior.

Steve Kuchera / skuchera@duluthnews.com

Court order on Duluth's sewage overflows is over

By [John Myers](#) on Jun 23, 2015 at 10:05 p.m.

[Like](#) [Share](#) [334](#) [Email](#) [Tweet](#)

[Sign up for Breaking News Alerts](#)

It took more than a decade of effort and upwards of \$160 million, but a federal judge has agreed that Duluth has finally fixed its problem of sewage overflows into Lake Superior.

TRENDING

1. Two Harbors man hosts free backyard fish fries
2. North Dakota student's death raises questions about campus drug informants
3. Last junkyard in Superior could close

[more](#)

LATEST

Dayton says arming National Guard soldiers is a federal issue

19 min ago

American Zach Johnson wins British Open playoff

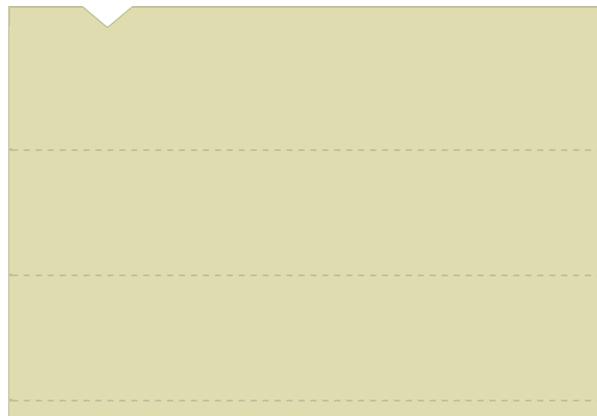
46 min ago

MN DNR Weekly Report for July 20, 2015

2 hours ago

[more](#)

HOT JOBS





ADVERTISEMENT

Federal District Judge John Tunheim signed a termination order last week formally ending the legal armhold that the Environmental Protection Agency had on the city after years of polluting overflows whenever there was a heavy rain.

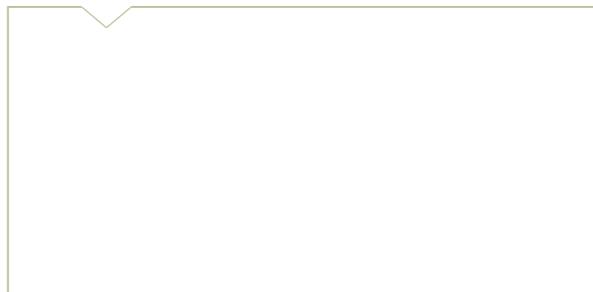
The judge's action ends a stipulation agreement under which the City of Duluth and Western Lake Superior Sanitary District agreed to EPA directives to fix the overflow problem — not only stopping overflows at several specific locations, but also to documenting that millions of gallons of rainwater were being kept out of the sanitary sewage system.

They not only complied but beat the EPA's deadline by more than a year.

Officials are scheduled to herald the success at a news conference today, celebrating the end of the legal wrangling as well as the community's commitment to keeping Lake Superior cleaner.

"It has taken our region years of investment and perseverance to resolve the overflow issue," said Jack Ezell, WLSSD manager of planning and technical services. "All 17 communities in our district can be proud that sewer overflows are no longer impacting public health in our communities or the natural environment of Lake Superior and the St. Louis River. It's a great

FEATURED EMPLOYER



EMPLOYERS

List a job for as low as \$99.95.

Top Ads

[\\$ BUYING WAR SOUVENIRS \\$ COLLECTOR - 612-385-8947](#)

[OAK LAKE CAMPGROUND & RV SALES. 855-256-9683 www.oaklakerv.com](#)

[Office Space. 4899 Miller Trunk Gordy's 218-428-2525](#)

[Concrete Work All types. Garage, slab, sidewalks patios, brick & block work. 25 years experience! Free Estimates. 218-481-5131](#)

[VIEW ALL TOP ADS »](#)

accomplishment and the region's commitment has made an impact on our future."

The city and WLSSD both own parts of the sewage collection system, and they tackled different parts of the overflow solution. Those fixes include constructing giant overflow holding tanks at key locations, adding backup generators to keep pumps going during power outages, installing thousands of homeowner sump pumps that don't pump into the sanitary sewage system, disconnecting downtown roof drains from the sewer system and stopping rainwater from leaking into sewer lines.

The last big overflow tank, above the Lakewalk near Endion Station, was completed in early 2012. It cost \$20 million and holds 8.2 million gallons.

All told, the city has put more than \$126 million into the effort, the WLSSD has spent another \$40 million. Those numbers are for major capital expenses and don't count the city's contribution to sump pump installations in homes.

Except for during the massive "1,000-year flood" in June 2012, there hasn't been a sewage overflow at any of the 18 problem areas listed in the consent decree since 2011.

The problem occurred because so much rainwater was seeping, leaking and flowing into the sewage system — so-called inflow and infiltration — from household basement drains, leaky sewer lines, leaky manholes and other points. That volume of water overwhelmed pipes, pumping stations and at times even the WLSSD sewage plant in Lincoln Park. That's when untreated sewage mixed with rainwater would spew out of manholes and

flow out of pumping stations into ditches, creeks, the harbor and Lake Superior.

Had the city and WLSSD failed, the EPA, U.S. Attorney's office and Minnesota Pollution Control Agency had the ability to not only thwart new development — anything that would have added volume to the sewage system — but also could have assessed fines and penalties.

"We'll never be done. There's always work to do to prevent overflows. We'll need to continually rehabilitate our city-owned (sewage) infrastructure and look after the private end of the lines, too," said Jim Benning, the city's director of public works. "But having this legal monkey off our back is good news for the city. It could have really limited new development in our city."

The city is nearly finished checking the sewage lines of all its 28,000 homes. Nearly 10,000 of those homes have installed new sump pumps that harmlessly send foundation water into the homeowner's yard, not into the sewer system.

Duluth probably will continue the foundation drain disconnect and sump pump program for several years as homes are sold to new owners, offering \$1,500 to each homeowner to help cover the cost.

"But the formal inspection from house to house by neighborhood or basin is coming to an end," Benning said.

The big projects have been funded through a variety of sources, including millions in federal and state grants. But city residents have footed most of the bill, as the city and WLSSD sold bonds, paid back during several years, to

foot their parts of the bill. Those costs have been reflected by higher monthly water and sewer bills.



Eventually, having the consent decree lifted could save homeowners some money. Residents now pay \$5.57 each month as a surcharge on their sewage and water bills to pay for the overflow fix, Benning said. That money currently goes to pay back bonds that were used to fund multimillion-dollar projects.

"That's helped pay for those big storage tanks, which was quite expensive ... but that fee will eventually sunset," Benning said.

The WLSSD's Ezell noted that, despite the progress, there's still a lot of rainwater flowing into the sewage system. While Monday's downpour of 1-2 inches across the Twin Ports didn't spur any overflow — it almost certainly would have 10 years ago — sewage flows Monday increased 11-fold in some parts of the system.

Duluth wasn't alone among U.S. cities with sewage overflow problems, but because of the steep hill and proximity to Lake Superior, it was among the worst offenders.

For years, after nearly every rainfall of an inch or more, millions of gallons of untreated sewage flowed out of

pumping stations and manholes, then into ditches, creeks and eventually the St. Louis River and Lake Superior.

Much of the excess water came in through sump pumps and leaky lateral lines, as well as leaky city sewage lines.

In summer 2003, Duluth and the WLSSD suffered a series of large sewage overflows, usually associated with storms or heavy rains. Those spills happened to coincide with the first year of widespread water testing on local beaches, and many residents and visitors were shocked to see multiple warnings for high E. coli bacteria levels at their favorite waterfront access.

DNA testing ultimately revealed the beach bacteria culprit was likely goose feces, not humans, but the die was cast for Duluth to finally solve the overflow problem.

Public outcry after the 2003 spills, along with pressure from environmental groups, and spurred the federal government to act. In January 2004, the EPA ordered Duluth and the WLSSD to fix the problem.

All sides agreed on a plan and the agreement, the consent decree, was filed in federal court in 2008.

Sewage overflows were common, disgusting in years past

Sewage overflows after heavy rains or rapidly melting snow were a way of life in Duluth for decades. But more people began to notice, and complain, over the past 20 years.

Sometimes they were hard to miss. On April 5, 1995, for example, a gushing sanitary sewer dislodged a manhole cover at Columbus Avenue and Arrowhead Road, spilling

diluted sewage onto the street for hours. It flowed into nearby Tischer Creek, and eventually on to Lake Superior, and left an unsightly mess of toilet paper and debris on the street. Sewage backed into several nearby residents' basements.

The WLSSD plant usually handles about 40 million gallons of sewage per day. After heavy rains or rapid snow melt, sometimes more than 160 million gallons would flow into the plant. At times undertreated sewage was released because of the sheer volume.

But not all of the sewage made it as far as the plant. The exact volume of overflows will never be known. In 2003, it was estimated more than 6.5 million gallons overflowed over just a few weeks. One huge spill hit 12.8 million gallons on April 15, 1994. From 1994 through 1996, some very wet years, more than 50 million gallons of sewage and rainwater overflowed in Duluth.

Explore related topics:

[NEWS](#) ▶

[DULUTH](#) ▶

[LAKE SUPERIOR](#) ▶

[WLSSD](#) ▶

[ENVIRONMENT](#) ▶

John Myers

JMyers@duluthnews.com

(218) 723-5344

Promoted Stories



**Do You Have
Royal Blood?
Your Last Name**



**4 in 5 Americans
Are Ignoring
Buffett's**

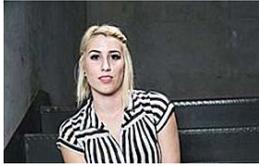


**17 Giant Dogs
Who Think They
Are Lap Dogs**

Ancestry

The Motley Fool

BrainJet



Ever Googled yourself? A popular website

Instant Checkmate



6 Pets You Never Knew You Could Have

Realtor.com



Drivers Surprised They Never Knew

ImproveInsurance.com

Recommended by 

ACCOUNT

[Manage My Account](#)
[Manage Home Delivery](#)
[Privacy Policy](#)
[Terms and Conditions](#)

NEWSPAPER

[Subscribe to the Paper](#)
[Buy Newspaper Prints](#)

CONTACT

[Contact Us](#)
[Get Website Help](#)
[Work With Us](#)

More

[JobsHQ](#)
[CarsHQ](#)
[HomesHQ](#)
[Northland Outdoors](#)
[Agweek](#)

Social



AREAVOICES



TWITTER



FACEBOOK



RSS

FEEDS

© Duluth News Tribune and Forum Communications Company
424 W. First St. | Duluth, Minnesota 55802 | Call us at (218) 723-5281