

1 PUBLIC  
2 INFORMATIONAL MEETING  
3 regarding the  
4 EPA CONSENT DECREE  
5 and Sewer Overflows

6 \* \* \*

7 Holiday Inn Pittsburgh - Parkway East  
8 915 Brinton Road  
9 Pittsburgh, PA 15221

10 \* \* \*

11 October 11, 2007  
12 7:06 p.m. - 8:39 p.m.

13 \* \* \*

14 Presentation by:  
15 Arletta Scott Williams,  
16 Executive Director of Alcosan  
17 and  
18 David W. Borneman, P.E.  
19 Director of Engineering & Construction

20 \* \* \*

21 Reported by:  
22 Marcy J. Llewellyn,  
23 Court Reporter

24 \* \* \*

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1 P R O C E E D I N G S

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3 MR. BORNEMAN: Good evening,  
4 everyone. In the interest of your time and the  
5 weather outside, we will be getting started. We  
6 have a lengthy presentation for you tonight, a  
7 Power Point presentation to try to at length  
8 explain to you the significance of the consent  
9 decree and exactly what it means to you, the  
10 customer. Before we get started, I want to  
11 introduce a few people. To the rear of the room  
12 is Nancy Barylak who is our manager of public  
13 relations. The two women who may have greeted you  
14 when you came in were Erica Lamar and Twila  
15 Simmons Walker. We also have Janie French from  
16 Three Rivers Wet Weather program here in the  
17 audience. My name again is David Borneman. I am  
18 the Director of Engineering and Construction at  
19 Alcosan.

20 Our executive director, Arletta Scott  
21 Williams, will be joining us. The traffic has  
22 hindered her efforts to get here, but she should  
23 be joining us shortly. Again, we have a  
24 presentation that we ask, there are microphones

25 for questions, we would ask -- we have a recorder,  
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1 someone recording tonight's dialogue. We would,  
2 because of the length of the presentation, suggest  
3 that we stay with the presentation, and then  
4 following the presentation, you can ask  
5 questions. When you do ask questions, we ask that  
6 you state your name, come to the microphone and  
7 ask your question. We will do the best we can to  
8 answer it.

9 Tonight, again, our purpose here is  
10 relative to the consent decree. We will attempt  
11 here to provide information about us. If you do  
12 not know who the Allegheny County Sanitary  
13 Authority, Alcosan, is and the service that we do  
14 provide, again, explain in detail what we call the  
15 wet weather dilemma, the regulations that have  
16 driven this situation that we must deal with,  
17 explain the impacts of the consent decree which  
18 was negotiated by Alcosan and the regulating  
19 agencies, the Federal Government, state and  
20 county. Explain, again, the impacts it could have  
21 financially, or at least address them. They are a  
22 large concern. And, again, hopefully we can  
23 respond to questions.

24 Again, the agenda we are looking at trying  
25 to go through briefly is the history, the type of

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1 service we provide, our role in providing waste  
2 water services to you, the customer, as well as  
3 the issue itself of wet weather and the consent  
4 decree, as I had just stated, the impacts  
5 financially and questions.

6 Our mission statement at Alcosan is to  
7 provide cost-effective environmentally conscious  
8 waste water treatment, and again, recognizing the  
9 impacts that it has on our waters and certainly  
10 hope that the service we provide also provides and  
11 enhances the use of our natural resources.

12 The history of Alcosan back in 1945 in  
13 Allegheny County, at that time the sewage, the  
14 storm water, everything went to receiving streams,  
15 the rivers. The State Sanitary Water Board issued  
16 orders to 102 municipalities and 90 industries in  
17 Allegheny County to do something to correct the  
18 situation. Again, the issue was polluting the  
19 streams of the Commonwealth. A treatment facility  
20 construction was hoped for in June of 1946. That  
21 wasn't going to happen. There were 74  
22 municipalities in response to those orders that

23 petitioned the county to form an authority. That  
24 authority is the Allegheny County Sanitary  
25 Authority, Alcosan. Again, it was in hopes of

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1 achieving this compliance to these orders on a  
2 county-wide basis.

3 The authority was formed in 1946. The  
4 function as it was defined at that time was to  
5 intercept the flows from the existing sewers that  
6 were in the communities already and intercept the  
7 flows in such a way and build a treatment plant to  
8 adequately treat that sewage industrial flow. The  
9 system, the interceptor system plant, took a  
10 number of years to design and build and it went on  
11 line in 1959. The initial service area consisted  
12 of 56 municipalities including the City of  
13 Pittsburgh, 27 industries. Keep in mind the  
14 municipalities retained their responsibilities for  
15 the pipes that were connected to the Alcosan  
16 system. Keep in mind when they were built, they  
17 did not necessarily have in mind that the flows  
18 were going to go to a treatment plant. Their  
19 primary charter when they were built was to  
20 basically take care of the waste and the storm  
21 water, get it off the property, control it in such  
22 a way that maintains the livelihood of that  
23 community, but typically it was just piped to a  
24 nearby stream or river.

25 Now, keep in mind that the municipal

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1 authority that we are is not -- the revenues do  
2 not come from tax monies. They come from our user  
3 rates. Again, keep in mind that we are a  
4 self-contained operating entity. We have a full  
5 compliment of in-house staff that operates and  
6 maintains the facilities that have been built.  
7 Presently, we have over 300 employees. We are the  
8 largest treatment facility in Allegheny County,  
9 one of the largest in the Ohio Valley. In  
10 comparison, McKeesport is 11.5 million gallons a  
11 day. We are roughly between 250 million gallons  
12 in wet weather peaking capacity. Normally, we're  
13 running about 180 million gallons in the summer a  
14 day, and wet weather we're running close to 250,  
15 which is typically spring, snow melt conditions,  
16 or possibly right now with the rain we are  
17 receiving. In comparison, again, Clairton is  
18 6 million gallons rated. The City of Duquesne  
19 is 2. So as you can see, we are significantly  
20 larger than any other waste water plant in the

21 county or actually in the region.  
22 Now, again, the Alcosan board, just a  
23 little history, the original Board of Directors,  
24 it is a County Authority and it was initially made  
25 up of five county members. In 1956, the City of

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1 Pittsburgh basically offered up to provide some  
2 financing and also the board was realigned to have  
3 representation of three representatives appointed  
4 by the city and two by the county. That, for the  
5 most part, was the atmosphere of the Alcosan Board  
6 for a number of years until 1988. Recognizing a  
7 lot of changes within the county, within the  
8 service area, there was talk of expansion of the  
9 service area at that time, that there was a change  
10 in the makeup of the board, and this is our  
11 current makeup today where we have seven Board of  
12 Directors. Three are appointed by the County  
13 Executive and three are appointed by the Mayor of  
14 Pittsburgh and one is a joint appointment. All  
15 those positions are presently filled.

16 Presently our service area is 83  
17 communities, so you can see there's been a  
18 significant amount of expansion. On the board in  
19 the back, there is a hard map of our current  
20 service area. We do not serve the whole county,  
21 but it does reflect the 83 communities that we do  
22 serve. Presently the population served is roughly  
23 900,000. The total service area land-wise is  
24 about 310 square miles, and there are 122  
25 permitted industrial waste customers.

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1 Again, this is just a representation of  
2 the map which is also back there on the board  
3 depicting not only the service area, but it's also  
4 showing you by color the different types of sewer  
5 systems that our municipalities may have based on  
6 the nature of when their systems were built. The  
7 pink area is a combined sewer system, which we  
8 will explain further. The yellow area is areas  
9 that are predominantly in the suburban areas,  
10 which are separate sewer areas where the sewer  
11 systems are supposed to be separate where there is  
12 only a sanitary sewer coming to Alcosan, and then  
13 it should be storm water piped a different way or  
14 handled a different way and not into the sanitary  
15 system. The white areas are presently unsewered  
16 areas or they're areas that are steep in terrain  
17 that may be limited in development.  
18 The thing that we want to get across to

19 you tonight is there's three components to  
20 managing this waste water. There is certainly  
21 what we've described as Alcosan, which is the  
22 treatment facility, and the conveyance system is  
23 the interceptor system which is predominantly the  
24 interceptor system that was constructed with our  
25 treatment plan along the major rivers and

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1 streams. That is what we call conveyance. As you  
2 can see, a large piece of the pie is equally the  
3 collection system. That is owned and maintained  
4 by the communities and have a role in the issue  
5 going forward.

6 Again, a little better definition of the  
7 conveyance and treatment system where the system  
8 along the rivers and streams at Alcosan operates  
9 and maintains and constructed for the most part,  
10 with the exception of Saw Mill Run, is 90 miles in  
11 length. The system as it was designed was to  
12 relieve wet weather flows by design back in the  
13 1950's when it was designed, so there were over  
14 300 diversion structures which again are designed  
15 to take the dry weather flows, divert those flows  
16 to the plant, to the Alcosan interceptor.  
17 However, when it rains, it by design is to  
18 overflow to the receiving streams. Now, this was  
19 proper when the system was designed. Again, the  
20 collection system that's upstream of the Alcosan  
21 system, as I said earlier, is owned and operated  
22 by the municipalities. There is over 4,000 miles  
23 of local sewers. Three Rivers Wet Weather has  
24 done a lot of surveys to establish that number,  
25 and again, it can include those sanitary and

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1 combined sewer systems. Again, it's all the pipes  
2 that are coming from the street where the homes  
3 are connected, where the businesses, all those  
4 pipes eventually get to Alcosan along the rivers  
5 and stream.

6 As I said earlier, by design the Alcosan  
7 system, and again, this was the way, state of the  
8 art, these types of projects were approached back  
9 in the '40s recognizing that when it rains, you  
10 have a high dilution rate of the waste water, and  
11 if you have receiving streams that are also  
12 running above average flows when it's raining,  
13 then dilution can be the solution. Again, the  
14 high flows when we first were designing the  
15 system, our forefathers, they did extensive  
16 measuring of flows and looking at how the storms

17 affected the various sewer systems when they laid  
18 out the Alcosan system. They saw these high wet  
19 weather responses from ground water and rain water  
20 throughout our system and so we basically treated  
21 all the sewers as they came to our system the same  
22 when we designed how we would divert the dry  
23 weather flows and part of the wet weather flows to  
24 the Alcosan system.

25 Now, the issue at hand has to do with  
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1 changing regulations. What was done back in the  
2 '50s and received permits by the state was  
3 coordinated with Army Corp and through the years,  
4 as I said, was well and good, but the Clean Water  
5 Act in 1972, which is a national regulation, took  
6 effect and said the discharges of untreated sewage  
7 are illegal. They also basically provided for  
8 improvements to the level of treatment at existing  
9 treatment plants to what we call secondary  
10 treatment, which means you have to provide at  
11 least 85 percent removal of the key pollutants  
12 that typically go through a waste water plant. A  
13 lot of the plants prior to that a lot of times  
14 only provided about a 50 percent at best removal  
15 rate, which again was okay back in the day, but  
16 the Clean Water Act was the most significant thing  
17 that happened that changed everything across the  
18 country. Then it also in 1987 was amended. It  
19 started to address not just about the plants but  
20 what about all these overflows? What about all  
21 these relief points that are in the collection  
22 systems upstream of the plant? What are we doing  
23 about those? So the efforts initially in 1972  
24 were to get the plants up to proper compliance.  
25 They raised the bar to the secondary level at

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1 least as a minimum standard, and a lot of the  
2 plants in the region were updated. Alcosan went  
3 on line to secondary treatment in 1973, so we were  
4 on board with this and knew this was coming. In  
5 1987 is when this all changed about what is going  
6 on upstream of the plant. Again, from '87 into  
7 the early '90s, policies were adopted. Alcosan,  
8 trying to anticipate this, all plants work under a  
9 five-year operating entity as a permit. Every  
10 five years it's up for renewal. So there's a  
11 cycle. In 1993 was when our permit started to  
12 address how we would need to take measures to come  
13 to into compliance with all the new regulations  
14 from 1972, 1987 as they related to the overflows.

15 At this point, I would like to introduce  
16 Arletta Scott Williams, who will continue with the  
17 presentation as originally planned, and I still  
18 will be here to assist in any way I can.

19 MS. SCOTT WILLIAMS: Thank you. I do  
20 appreciate it. Good evening, everybody. I  
21 definitely want to thank Dave for stepping in for  
22 me. I had another speaking engagement and by the  
23 time I hit the Parkway, the Parkway was not being  
24 very receptive to my being on it. I'm sure he has  
25 given you a great background. I will talk to you

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1 about overflows and a few other things. As a  
2 matter of fact, just so I can be a little more  
3 mobile because I am not as big as Dave and I want  
4 you to see over this, I am going to hook up to one  
5 of these other mikes.

6 How many engineers do I have here? Any  
7 elected officials? No elected officials tonight?  
8 Okay. I am an engineer and that's why I just  
9 twisted up the cable the way I did. I take it  
10 that I have my interested citizens, the remainder  
11 of the audience? Well, I do appreciate you  
12 participating.

13 What is an overflow? Dave has talked to  
14 you about the background of the plant, how the  
15 system was designed to incorporated overflows.  
16 I'm sure in the process he has talked to you some  
17 about what an overflow is. It is essentially what  
18 you have been reading since I've been fidgeting  
19 with the mike. It is a discharge from the sewer  
20 system of untreated sewage. There are sanitary  
21 sewer overflows, as you can see from the slide,  
22 and combined sewer overflows, but the point is the  
23 same, it's the discharge of untreated sewage. We  
24 have here a picture of an overflow coming out of a  
25 flat gate. That is a CSO.

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1 Dave, did you talk to them about the flat  
2 gate opening, the design?

3 MR. BORNEMAN: No, I did not.

4 MS. SCOTT WILLIAMS: Okay, then I  
5 won't get to that now. The design that Dave spoke  
6 to you about, the interceptors, that is our  
7 conveyance system, that is the large pipes that  
8 run along the rivers, the streams, that intercept  
9 the flow that was coming from the municipalities,  
10 discharging directly to the rivers. Along these  
11 interceptors there are points of discharge, gates  
12 like this that are designed to open and release

13 flow whenever there is too much flow in the pipe.  
14 Understand, the only time there could possibly be  
15 too much flow in the pipe is when there is  
16 rainwater, when there is extra water. If it's  
17 purely sewage, that gate is not going to open.  
18 That's not going to happen. This is an SSO,  
19 sanitary sewer overflow, which is just a manhole  
20 that is bubbling up and releasing flow.

21 Going into more of what a combined sewer  
22 overflow is. The combined communities are the  
23 older communities. The City of Pittsburgh is a  
24 combined community. Again, the older areas of the  
25 county are combined. The combined system was

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1 designed to accept your sewage and that runoff of  
2 rainfall, snow melt, all that excess water, into  
3 one pipe. So we have sewage coming here. You got  
4 all this extra flow coming through the downspout,  
5 coming through the driveway drain or whatever  
6 mechanism, coming into the combined line which  
7 then comes to treatment. In this schematic,  
8 treatment of course is Alcosan. Typically when  
9 it's just sewage, it comes straight in the pipe  
10 and goes down to the plant. When there is too  
11 much with this extra water, it comes over, goes  
12 out to discharge. That's the combined sewer  
13 overflow that you see here, those points that open  
14 to release flow. That, while it has to be  
15 minimized while regulations have changed, and as  
16 Dave was explaining to you in 1987 with the Clean  
17 Water Act, regulations changed. Although it was  
18 perfectly acceptable for these discharges to occur  
19 before, now we have to reduce them. We have to  
20 minimize them because of the negative impact.

21 Now, a sanitary system, those are the  
22 newer communities, those that were built typically  
23 after the '40s, in the '40s, after the '40s. They  
24 have separate systems. The sewage comes through  
25 one line. All that rainwater runoff goes through

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16

1 another line. So sewage is coming down, going to  
2 treatment. All that rainwater, which should be  
3 clean water, is coming out and going to the  
4 receiving stream. Again, it should be clean  
5 water. There is no problem with it going to the  
6 rivers, the streams, the creeks. If for some  
7 reason this line is compromised, if it's got  
8 cracks, you are going to get water in there.  
9 Likewise, there are ways that there could be  
10 sewage tied in here. Sometimes, these lines are

11 tied into the sewage line for a variety of reasons  
12 that are not legal but it has happened in  
13 construction. Sanitary sewer overflows are  
14 illegal. That is the bottom line. They must be  
15 eliminated.

16 What causes overflows? Heard about what  
17 they are, the types. What causes them? Of  
18 course, as we had said repeatedly, rainfall. When  
19 we talk about rainfall, it's not simply rainfall  
20 at that point in time. Because of the topography  
21 of this area and the ground water, you can have  
22 rain for several days, and you have dry weather.  
23 Once it's dry weather, you would assume that you  
24 have no more overflows. That's not the case.  
25 Because of the water table and how water can come

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17

1 into the line still, underground, even when it's  
2 dry, picture perfect outside, if it's on the  
3 backside of several days of rain, you can still  
4 have discharges. Snow, ice melt, floods; if  
5 you've got a few feet of snow too cold to melt,  
6 when it does melt, it comes into the system. It  
7 can generate an overflow. Same thing with  
8 floods. More water than you would anticipate.  
9 Now, these are wet weather overflows and  
10 discharges.

11 Down here, we have some sources of dry  
12 weather discharges. If there is a blockage in the  
13 line, you think of those lines that we just showed  
14 you coming from the homes going to treatment. If  
15 there is a blockage and the flow can't get  
16 through, it's going to discharge. It's going to  
17 create an overflow. Likewise, a pipe could be  
18 broken or you could have a power failure. All of  
19 these are things that could generate an overflow.

20 The impact of overflows. Overflows are  
21 harmful to the environment. They have an  
22 environmental impact; they have an economic  
23 impact. There are significant pollutants and  
24 contaminants in these discharges because remember,  
25 this is sewage. It's dilute sewage, but it is

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1 sewage. It can have some significant implications  
2 for downstream users.

3 Here, you see another gate that's open  
4 discharging. This is somebody's basement. While  
5 you would not consider somebody's basement to be  
6 an overflow point, the sewage is backing up in the  
7 system and into somebody's home, technically that  
8 is an overflow, that's a discharge point, and

9 certainly completely unacceptable.  
10 The economic impacts. I think it's pretty  
11 easy to understand what clean water supports, not  
12 just national, but local. If you look at the  
13 specific numbers nationwide, these numbers are  
14 fairly big. They are very large. Again, the  
15 impacts of clean water. If you can't have clean  
16 water, if you have significant overflows, it just  
17 doesn't work that way.

18 Impacts to the fishing, the seafood  
19 industry, recreational and tourism industry, we're  
20 talking multiple billions of dollars here.  
21 Locally, riverfront revitalization, this is the  
22 Majestic (indicating.) This is Pittsburgh. If  
23 you have noticed, this is Pittsburgh, this is the  
24 Majestic. This is directly across from the  
25 Alcosan treatment plan on the Ohio River. Has

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1 anybody been there? Does anybody recognize it?  
2 No. Well, maybe it's not exactly there, but  
3 again, it can be impacted by overflows. Any part  
4 of the country with these systems, and everybody  
5 has these systems, has the potential for impacts.  
6 The development impact. If you just look  
7 at real estate alone, it could be industrial,  
8 commercial, residential. If we are not dealing  
9 appropriately with the sewage that's already in  
10 that pipe, there are regulations, there are  
11 requirements, there are agencies that will prevent  
12 us from adding sewage to that pipe, and that makes  
13 sense. Why should we add to the problem? Why  
14 should we be permitted to add to the problem?

15 Back to the service area. They told you  
16 about the 83 communities, the 310 square miles.  
17 Now that you know a little more about overflows, I  
18 want you to look at that square mileage a little  
19 differently. This is 60 square miles of combined  
20 sewer area, 145 miles of separate sewer area. It  
21 would seem that, wow, a separate sewer area is  
22 huge in comparison and it's the bulk of the  
23 problem. If you look at it based on population  
24 served, it's about 50-50 because, of course, the  
25 combined sewer communities are more densely

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1 populated. So please don't think of this as an  
2 SSO issue versus a CSO issue, one is more  
3 prevalent, there are more people contributing and  
4 causing more problems than the other. It's an  
5 equal problem and it must be resolved across the  
6 board.

7 This is the Alcosan service area map.  
8 Black shading is the outline of the service area.  
9 Again, we do not service all of Allegheny County.  
10 There are 130 municipalities in Allegheny County.  
11 Obviously, we only service 83. In this map, the  
12 pink shading are the combined communities. You  
13 can see the City of Pittsburgh right in the  
14 center. The mustard-colored areas are the  
15 separate sewer areas and these lighter yellow  
16 areas, if you're interested, they are  
17 noncontributing. They are on another system, a  
18 septic system or what have you. What you can see  
19 in this is how many combined sewer outfalls we  
20 have. 259, 53 sanitary. That's a large combined  
21 system, very large as combined sewer systems go in  
22 the nation.

23 If you look at how the state matches up  
24 with other areas, we have the most CSOs of any  
25 state in the nation, 1600 some. If you look at

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1 how quickly that drops, you go down to ten, that  
2 mere pittance. Right up in here we got the bulk  
3 of them. Of course, it is a national issue that  
4 needs resolution, but with the number of overflows  
5 we have, at some point it's obvious we will become  
6 a target. Again, a national issue. As Dave took  
7 you through the early history, how the system was  
8 designed in the '40s, why it was designed that way  
9 and the changes that occurred as regulations  
10 evolved from 1972 to 1987, in the 1990s we  
11 informed you of our permit requirements changing  
12 and evolving.

13 At the same time while this is going on,  
14 again, on a national level, the Federal Agencies,  
15 Federal Agencies being EPA and Department of  
16 Justice, are recognizing this is a major issue  
17 that is going to need to be resolved. They began  
18 going to larger cities and following through with  
19 enforcement actions, enforcement actions that  
20 ended in heavy penalties. If you look at the  
21 national map, we are not alone. There are many  
22 cities where they are clustered over here in the  
23 northeastern part of the country, but many cities  
24 have a consent decree, are dealing with the same  
25 type of issues we are. I do not want you to think

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1 that because of the large number of CSOs we have,  
2 we are solely in this boat and singled out. That  
3 is not the case.

4 A consent decree. The consent decree as

5 it relates to these other cities, and I'm speaking  
6 of our consent decree as it relates to these other  
7 cities, it's a comparable document. I shouldn't  
8 say "comparable document." It has comparable  
9 requirements and it is the best possible  
10 combination of an environmental benefit for the  
11 region and the best economic prudence we could  
12 bring to the table.

13 What is a consent decree? A consent  
14 decree is a judicial order. As David shared with  
15 you I think a little bit ago, a consent decree is  
16 a judicial order that is an agreement by the  
17 plaintiff in this case, Alcosan, and the defendant  
18 -- I'm sorry, the defendant is Alcosan, and the  
19 plaintiff in this case would be the government,  
20 the government being the team of United States  
21 EPA, Pennsylvania DEP, and the Allegheny County  
22 Health Department, an agreement between those  
23 parties to say the defendant has violated in some  
24 way, in this case we have discharged sewage  
25 unlawfully, and we agree that we are going to

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1 cease. This is the mechanism for us saying we are  
2 going to cease that activity, and typically in a  
3 consent decree there are penalties. I can tell  
4 you from having gone through this experience, it is  
5 definitely the result of great compromise, lengthy  
6 negotiations and strong wills coming to the  
7 table.

8 This particular consent decree, as I said,  
9 is based on discharges. It is a Clean Water Act  
10 consent decree. We are charged with violating the  
11 Clean Water Act for our discharges. How did we  
12 end up in this predicament? Could we have avoided  
13 a consent decree? I think people are much more  
14 familiar with consent decrees over the last ten  
15 years or so. We have heard much more about them  
16 in the media, a variety of consent decrees. In  
17 this process, we could not have avoided it. As  
18 Dave indicated, we have a permit that regulates  
19 how we operate the treatment plan, what we can  
20 discharge from the plant and the interceptor  
21 system. That permit qualifies us as a major  
22 permittee. The Clean Water Act, the CSO policy,  
23 required that major permittees have to have a  
24 compliance schedule that is contained in a  
25 judicial order, judicial order being the consent

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1 decree. There is no way we could have avoided  
2 this process.

3 The current status of the document is the  
4 consent decree. We obviously negotiated for quite  
5 some time. It was lodged at the end of May.  
6 Lodging is when it was filed in court. We came to  
7 an agreement. The agencies turned it over to the  
8 court. The date of notice, that was June 14. The  
9 date of the notice is important because that is  
10 the beginning of a comment period. We are now  
11 outside of the comment period. That period ended  
12 July 16th. The comment period is important  
13 because once the plaintiff and the defendant come  
14 to some resolution, this document, this consent  
15 decree, is not a done deal until a Court, a Judge,  
16 a Federal Judge weighs in on it and decides that  
17 it is a viable, fair document. The Court can't do  
18 that without public comment. In our case, this  
19 275-page document is very complicated. It's not  
20 something that you would expect any Judge with his  
21 staff to sit through and say, yes, it's good.  
22 Comments were very important. During this comment  
23 period, a few of our municipalities responded  
24 providing comments to the Court. A few of our  
25 communities also filed an intervention to prevent

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25

1 the document from becoming official and entered.  
2 We are right now in the period where the Judge and  
3 Court is making a determination as to what is  
4 going to be done with those comments, what is  
5 going to be done with respect to that  
6 intervention. So we are all on hold right now  
7 with respect to the document itself. That does  
8 not mean the work that is required of us is on  
9 hold. We are moving forward with that.

10 Once the Court gets through that process,  
11 we will have date of entry. That is the date when  
12 the document becomes official, when the clock  
13 starts ticking, when all of our requirements hit  
14 that starting clock. There are many activities  
15 that run from date of entry. 30 days from date of  
16 entry we have to have an overflow response plan  
17 in. The plan is going to dictate what we do when  
18 there are overflows in the system. There are many  
19 other requirements that go from date of entry,  
20 whether it's 90 days from date of entry, 180 days  
21 from date of entry. It's a very important date.

22 The settlement process itself, it ran  
23 seven years. We received the first draft of a  
24 consent decree in September of 2000. We  
25 negotiated with the agencies up to November of

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26

1 2001, and in that period worked diligently to  
2 explain to them that we were only responsible for  
3 one component of that three-part pie chart that  
4 Dave showed you earlier. Waste water management  
5 has three components. The collection is the  
6 community's responsibility; the interceptor and  
7 the treatment, which is our responsibility. When  
8 the process began, the EPA attempted to hold us  
9 responsible for all three of those components.  
10 After, again, lengthy debate and sharing of  
11 information and trying to bring the agencies to a  
12 point where they would accept they were going to  
13 have to bring the communities into the process to  
14 resolve this, they left us in the negotiating  
15 process and went to negotiate with the communities  
16 in November of 2001. That process took some  
17 time. They came back to us in July of 2003.

18 While we were involved in that process,  
19 the result ended up being the administrative  
20 consent orders, the consent order agreement. The  
21 two agreements, they varied depending on whether  
22 you were a combined community or a separate  
23 community, but all of the communities were engaged  
24 in the process.

25 By May of 2007, this year, once we got

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27

1 back to the process, we finalized and now have a  
2 document. Very large headline. Large headline  
3 since we did a lot of work over a lengthy period.  
4 The team that brought this all together on the  
5 government side, as I've said, you have the EPA  
6 who is represented by the Department of Justice;  
7 the Pennsylvania DEP, and the Allegheny County  
8 Health Department. On the EPA side in addition to  
9 the Department of Justice, they also have their  
10 in-house attorneys, technical people on not only  
11 the local level -- when I say "local level,"  
12 they're coming out of Region 3 headquarters which  
13 is in Philadelphia, but then they have  
14 headquarters which is Washington D.C. So there  
15 are people participating in this process from a  
16 variety of areas within the EPA.

17 On our side of the table, every area of  
18 our operation and our organization is represented  
19 in the process. Dave, who started off the  
20 presentation, was front and center, a very hard  
21 and supportive and passionate negotiator through  
22 the entire process. You will see at the bottom we  
23 have Camp, Dresser, McKee. That was our technical  
24 consultant. We got a technical consultant with  
25 national experience. The government used SAIC as

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1 their technical consultant.

2 What we are attempting to accomplish in  
3 this entire process, what you would expect. We  
4 were trying to get the best deal possible, the  
5 best deal for our rate payer. At the same time, I  
6 was tasked with bringing the civil penalty in  
7 under a million dollars. As you can see, it's  
8 right there in the newspaper. We got the best  
9 deal possible. If it's in the paper, it must be  
10 true. Believe me, we did, we truly did get the  
11 best deal that we possibly could.

12 Now, on the penalty side of things, I got  
13 close to one million. I didn't get it under a  
14 million. The civil penalty is the penalty for  
15 past sins, for everything that has happened, for  
16 all the overflows and discharges that have taken  
17 place up to a certain point. This penalty, 1.2  
18 million, is divided three ways, between the three  
19 members of the government team. They each get  
20 \$400,000. The first check is paid out from date  
21 of entry, as you can see. Like I told you, that's  
22 a very important date. 30 days from the date of  
23 entry, we have to send that check to the Federal  
24 Government. 180 days from the date of entry, the  
25 state gets theirs. 360 days, the county gets

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1 theirs.

2 The civil penalty at 1.2 million is a good  
3 deal because when you look at how that penalty can  
4 be calculated, it is simply a matter of how many  
5 overflows you have had over a certain time, so  
6 some huge number times so many thousands of  
7 dollars. If you look at the pure mathematical  
8 calculation, you could come out to be \$1.3 billion  
9 for penalties. Nobody ever anticipated or would  
10 expect that that would be a true penalty offer.  
11 That was never really on the table, but just to  
12 give you a frame of reference for what it could be  
13 on certainly the upper end.

14 More importantly right now, stipulated  
15 penalties are penalties in the future. You may  
16 look and say 750 and \$2500, compared to that, what  
17 is the big deal. No big deal whatsoever. Well,  
18 these are per event, per day. That means you can  
19 have multiple events in the day and then these  
20 events can go on for multiple days. These numbers  
21 can add up very quickly. So we are working and  
22 will work diligently to minimize the possibility  
23 that we will incur stipulated penalties. They are  
24 not just for overflows. You can have stipulated

1 spoke before, dry weather discharges are certainly  
2 not something you want to have, but for anything  
3 else in that document within that 275 pages that  
4 we said we would do, if we don't do it, if we  
5 don't submit a report on time, if we don't engage  
6 in some activity where we said we would, we will  
7 occur stipulated penalties. We are going to do  
8 everything to avoid them.

9 Suppressing the penalty. That 1.2  
10 million, we got to that number by a number of  
11 trade-offs. One of the ways you can suppress the  
12 penalty is supplemental environmental projects,  
13 SEPs. Those are projects that have an  
14 environmental benefit, an environmental return.  
15 They have nothing to do with the violations that  
16 you are being charged with. In our case we agreed  
17 to perform \$3 million worth of SEPs, again, to  
18 bring that \$1.2 million figure down. Around the  
19 country it's not uncommon, from what we have seen  
20 those projects and CDs with SEPs that we are  
21 familiar with, you can see them range from a half  
22 a million to 5.3 million.

23 If you look at this comparison, you've got  
24 the civil penalty on this side, you've got SEPs on  
25 this side. Remember, our civil penalty was 1.2

1 million. Our SEPs were 3 million. So if you  
2 look, we compare very favorably with Cincinnati in  
3 that regard. I should comment that Cincinnati has  
4 been in this process before, so it's not a first  
5 time for them.

6 What are the requirements? Well, we  
7 talked about what sanitary sewer overflows are,  
8 what dry weather discharges are. Of course, we  
9 have to eliminate them. We have to do a better  
10 job of regulating and managing combined sewer  
11 overflows. We didn't really understand all those  
12 requirements. We have to construct, operate,  
13 conveyance, storage, and treatment facilities to  
14 deal with all the flows in the region.

15 We have to develop a wet weather plan. A  
16 wet weather plan is very important because it is  
17 the structure and the framework for how we will  
18 come into compliance. We will put ideas forth in  
19 this wet weather plan to be submitted to the  
20 agencies that will again lay out that structure  
21 for many years to come. That document has to be  
22 submitted by 2012. Of course, we're going to have

23 to work extensively with our municipalities and  
24 engage in more public outreach.

25 How is this all happening? We are going

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32

1 to be doing a lot of modeling, monitoring,  
2 evaluating, and that's in the upfront stages,  
3 getting a lot of information. Very similar to  
4 these books over here and pulling all that  
5 information on. We're going to do a lot more of  
6 that.

7 Then in the next phase, we are going to  
8 plan, design and construct. This is a schedule  
9 that is close to 20 years, but within that 20-year  
10 time frame, there are many milestones that have to  
11 be met very, very aggressively. If you look at  
12 the time line as it shows here, right now we are  
13 engaged in and have been engaged in flow  
14 monitoring, modeling and assessment of water  
15 quality. It's good to know what the water quality  
16 is right now or what you're trying to improve so  
17 you have a benchmark for where you are and where  
18 you're going to go.

19 The wet weather planning that I talked  
20 about, which is due in 2012, that effort is taking  
21 place now along with municipal coordination. You  
22 notice the wet weather plan is submitted in 2012  
23 and then there is a period for agency review. The  
24 agencies have one year to review this document.

25 That should give you some appreciation for how

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33

1 complex and comprehensive it's going to be. One  
2 year for a review period.

3 Design and construction, as I said, that's  
4 going to go out until 2026. When we get to 2026,  
5 we then have a three-year evaluation period where  
6 we need to monitor to determine if what we've done  
7 is effective and meeting the requirements. In  
8 addition to that, whatever we put in the ground  
9 through here at 2026 still has to be in compliance  
10 for 20 years beyond that 2026. So we have a lot  
11 of activities going on. Over here, we have the  
12 communities doing their mapping and surveying and  
13 assessments. That all dovetails into this  
14 municipal coordination, bringing it into the wet  
15 weather plan.

16 So a lot of information, a lot of terms  
17 thrown at you. What does it all mean? Who is  
18 responsible? How is it going to get done? I  
19 wouldn't want you to think that we've just been  
20 sitting around. As I said, we haven't been

21 waiting for the consent decree to become an  
22 official document nor were we waiting for this  
23 whole process of negotiations to begin. When we  
24 got the initial draft of the CD, we've been  
25 working on this process for quite some time. As

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34

1 Dave indicated in the '70s, well, actually in the  
2 '60s, we recognized that regulations were  
3 evolving and where there was a need to go to a  
4 secondary treatment facility, we were prepared to  
5 do that. Similarly, we were positioned the same  
6 way with this particular issue. In 1989, when the  
7 CSO policy was coming, we retained a national wet  
8 weather consultant. That would be Camp, Dresser,  
9 McKee, the person that I showed you participated  
10 in the negotiations at the bottom part of one of  
11 the slides.

12 Again, a lot of national experience,  
13 understanding of the issues. Between 1992 and  
14 1998, we did a lot of evaluation, a lot of looking  
15 at the system in ways we hadn't done since it was  
16 originally put into operation. All of that  
17 information together was used to put together a  
18 plan for how we thought we would be able to  
19 proceed, which we'll talk about in a little bit.

20 In 1998, we formed Three Rivers Wet  
21 Weather along with the Health Department. In  
22 going through this entire effort, we started to  
23 realize we are talking about an awful lot of money  
24 that is going to need to be brought to bear. It's  
25 something that is beyond the capacity of the rate

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35

1 payers. It's beyond the capacity of what we can  
2 do locally.

3 So we started to look for ways to bring  
4 funding, looked for state funding, looked for  
5 Federal funding, engaged in extensive lobbying  
6 efforts, but also recognized because of the  
7 strained relationship that we have with many of  
8 our communities that we could not be the mechanism  
9 or the depository for the money to come to this  
10 region. It just wouldn't wash.

11 So in creating Three Rivers, we created an  
12 entity that could take that money and act as a  
13 conduit to funnel it out to the communities to be  
14 used, initially to be used, to demonstrate  
15 technology that would allow communities to reduce  
16 the flows that they had in their municipal  
17 systems. Eventually, that philosophy shifted, and  
18 Three Rivers became the organization that worked

19 with the communities to come into compliance and  
20 negotiating. If Three Rivers had not been around  
21 and available to the communities when the agencies  
22 left us in that negotiating process in November of  
23 2001, they would not have generated the same  
24 result. It would probably still be negotiating.  
25 Three Rivers was the force that brought the

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36

1 communities together so that they could come to a  
2 successful resolution. Again, those are the  
3 administrative consent orders and consent order  
4 agreements that came out of that.

5 Between 1998 and 2000, we engaged in  
6 numerous informational meetings with the  
7 regulatory agencies, primarily EPA. I want you to  
8 understand that the state DEP, the local Health  
9 Department, the Allegheny County Health  
10 Department, of course were much more familiar with  
11 Alcosan, with our particular situation because  
12 they're here on the ground with us. When people  
13 come in from Washington, or even from Philadelphia  
14 in this case, they have a different perspective  
15 because they are not here and it's not  
16 particularly easy to understand the complexities  
17 of this region. It's difficult for people to  
18 understand that we could have 130 municipalities  
19 with independent forms of government. So when we  
20 get down to the sewage management issues, it's  
21 even more difficult for them to grasp.

22 Between that 1998 and 2000 -- 1992 and  
23 1998, and then between 1998 and 2000, all that  
24 information that we gathered, all that sharing of  
25 information with the agencies, these documents

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37

1 were produced, which are on the table over here,  
2 that essentially answer these questions: What is  
3 in the ground? How well is it working? Are we  
4 doing the best with what we've got?

5 Then we have this document, the Long Term  
6 Control Plan, which was our concept of how we  
7 could manage the flows that we were seeing, how we  
8 could manage the deficit that had been determined  
9 by all of this investigation. Understand, all of  
10 this was done for the Alcosan system. This had  
11 nothing to do with what was going on in the  
12 municipalities. We weren't looking at that. We  
13 were really just trying to get our arms around our  
14 system. In doing that, we came up with an  
15 understanding of what the deficit was, what the  
16 true deficit was at the time.

17 The municipal systems could convey about a  
18 billion gallons a day when it's raining outside.  
19 That is a lot of flow. Our interceptor system can  
20 convey about 875 million gallons a day. That's  
21 not too bad. The pinch point would be the  
22 treatment facility. The treatment facility at  
23 that time was about 200 million gallons a day. We  
24 are up to 275, but that certainly doesn't  
25 compensate for what the actual need is here. So

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38

1 at that point, we started looking at options for  
2 how we deal with this extra flow knowing that the  
3 regulations are coming, that they are changing,  
4 that these requirements are going to be placed on  
5 us.

6 You have a few pretty straightforward  
7 options. You can provide more treatment. You can  
8 build additional plants like Alcosan. You can  
9 bring more flow through the Alcosan plant. Or you  
10 can treat out along the interceptor system before  
11 the flow even gets to the plant or gets away from  
12 you through those overflows. More conveyance.  
13 You can in certain areas add parallel interceptor  
14 lines so we can bring more flow in. You can go  
15 for source reduction.

16 Again, the initial objective of Three  
17 Rivers Wet Weather, to get flow out of the  
18 municipal system that didn't need to be there so  
19 there would be less to deal with, or you could  
20 create storage, large tanks that would hold the  
21 flow until the rain event was over and they could  
22 be bled into the system.

23 The wet weather planning effort going  
24 forward was going to require a lot of  
25 communication, coordination with all the customer

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39

1 municipalities, a lot of assessment, not just the  
2 technical alternatives but financial and cost  
3 alternatives as well. As I said, it's going to  
4 require that postconstruction monitoring. These  
5 facilities that you see here, these are some of  
6 the facilities that can be utilized to achieve wet  
7 weather compliance. I'm pointing out this  
8 facility here in the corner, hopefully it just  
9 looks like a basketball court to most of you, and  
10 for all intents and purposes, that is what it is.  
11 Under this facility, there is treatment. It would  
12 be wonderful if we could develop incentives for  
13 certain communities where we are going to need to  
14 site these facilities to have something

15 aesthetically pleasing that, again, could benefit  
16 the community, because there are going to be  
17 numerous siting issues. Once again, in looking at  
18 alternatives and options, we will be looking at  
19 all of these things and ways to incorporate it  
20 into the existing landscape.

21 Now, how are we going to do this? We're  
22 not just going to throw a bunch of money at a  
23 310-square mile service area. We have taken the  
24 service area that I showed you before and  
25 segmented it into seven planning basins. Each one

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40

1 of these planning basins obviously has multiple  
2 communities in it, but each planning basin will  
3 have an engineer retained and assigned by Alcosan  
4 to come up with the plans for how we bring that  
5 area into compliance. All of that information is  
6 taken from these engineers in conjunction with  
7 municipal engineers, because understand that every  
8 community within these basins has their municipal  
9 engineers. We are required to cooperate with  
10 them. All that information is taken and then fed  
11 to Camp, Dresser, McKee as our overall program  
12 coordinator who will help us put together the wet  
13 weather plan. There will be a lot of sharing of  
14 information back and forth, as I said. We will be  
15 engaged in tracking everything we do.

16 This particular page here, if you can see  
17 it, you're much better than I am and you're  
18 farther away than me so you're really fantastic,  
19 but it outlines all the activities that are  
20 required per the consent decree. Who is  
21 responsible for it, what the time frame is, and  
22 this runs out to 2026; who has to do what when,  
23 and then who it evolves -- whose responsibility it  
24 evolves into, because things move on.

25 We have a super computer system, the

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41

1 Enterprise Content Management System, to help us  
2 track all of this. But this individual page with  
3 all these little lines, there are 17 of these  
4 pages to monitor and keep track of. I can assure  
5 you we have people in place to do that. Overall,  
6 what are the goals of our program? Of course, to  
7 meet the consent decree requirements, which means  
8 complying with the Federal Clean Water Act and the  
9 Clean Streams Law, but also to support development  
10 locally. This slide is really just showing you  
11 what this has cost and will cost cities across the  
12 country. When I say what it will cost, I will not

13 talk about the penalties anymore, I'm talking  
14 about program costs, costs to bring the cities  
15 into compliance, be that engineering, be that  
16 analysis, design, construction.

17 You can see they are all in the billions.  
18 We know that we are going to be spending it over a  
19 long time frame, but unfortunately, I can't tell  
20 you right now how much that's going to cost each  
21 of you individually.

22 Part of our process is, as I said, in  
23 performing the technical alternatives and  
24 investigation. We also do a financial  
25 investigation. We are looking at certainly

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42

1 opportunities for more funding, but also we will  
2 be looking at opportunities to change the rate  
3 structure so that there could be some incentives  
4 for communities that are doing something a little  
5 different with their flow and bringing less flow  
6 to the authority.

7 Where we are right now with user rates, I  
8 just want to give you a feel for where we are, and  
9 this is just the Alcosan user rate. This does not  
10 include anything that your community adds to the  
11 Alcosan rate. Right now, we are charging \$2.98  
12 per thousand gallons. That per thousand gallons  
13 is relative to consumption because we bill you  
14 based on the water you consume. That is the best  
15 system available to us right now and that is what  
16 we make use of. You have a \$6.27 quarterly fee.  
17 Based on average usage of about 18,000 gallons per  
18 quarter, that's about \$240 for the average  
19 customer.

20 Your community has two options. They can  
21 engage in direct billing or lump sum billing.  
22 Direct billing is where we, the authority, bill  
23 you directly. There is no add-on. It is that  
24 straight rate based on whatever your consumption  
25 is. There are only a few communities in our

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43

1 system, out of the 83, there is only a handful,  
2 five, maybe six, that still engage in the direct  
3 billing option.

4 The lump sum billing option, most of the  
5 communities apply that or have used that method  
6 because it permits them to add a fee. We bill the  
7 community in one lump sum; they, in turn, bill  
8 you, and they can add whatever is necessary to our  
9 rate to take care of their portion of that  
10 three-part pie. They are well within their rights

11 to do that.  
12 Budget issues, what impacts our budget,  
13 what impacts our rates. Of course, when you go  
14 all the way to the bottom, certainly, the consent  
15 decree, but things that you could anticipate that  
16 would impact your usage, your household things  
17 like utility costs, we have seen increases of 15  
18 to 40 percent in utilities. When I say utilities,  
19 I am talking natural gas, electricity, water,  
20 things of that nature. Not only do we see  
21 increases in those rates, we see increases in  
22 consumption. Again, we are pumping 250 million  
23 gallons of sewage. It requires a lot of  
24 electricity to pump 250 million gallons of sewage  
25 every day. My monthly electric bill is \$600,000.

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44

1 Now, based on things that are required in the  
2 consent decree, I'm going to have to run the pumps  
3 in a little different operating scenario, which  
4 will require me to incur more electrical charges.  
5 We don't have a problem with that because that is  
6 what we negotiated. That is what is best for the  
7 overall compliance, the environment, but there  
8 needs to be recognition that we are going to incur  
9 more costs there.

10 Less billable consumption. The wet  
11 weather issue that we're talking about, it's a  
12 two-edged sword. When it's wet outside,  
13 particularly in the summer, even late spring,  
14 people aren't watering their grass. People aren't  
15 washing their cars. It seems like little things  
16 maybe, but when you add that up over a  
17 310-square-mile-service area, that is a lot of  
18 flow that is missing. We see that. We see the  
19 impacts of it.

20 At the same time, conservation efforts are  
21 taking hold. People are becoming more  
22 knowledgeable about cutting back and using less.  
23 Those low flush toilets need to go away. I think  
24 everybody needs to flush as much as they possibly  
25 can. You want to make sure you get everything to

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45

1 me that I want and that you need to get rid of.  
2 Again, we see it.  
3 A decline in the large  
4 industrial/commercial customer base. We certainly  
5 know we're losing industry. We have lost an  
6 industry, the steel mills. Very large consumers  
7 of water. Also customers that you wouldn't  
8 readily think of immediately. Housing projects.

9 Housing projects that have been closed, phenomenal  
10 impact, the reduction in consumption.  
11 Manufacturers, hospitals that have consolidated;  
12 and while it pains me to say this, the  
13 penitentiary over the last ten years is the only  
14 commercial customer that has increased in usage  
15 consistently. They increased, and then they upped  
16 and moved. Even though they are coming back, it  
17 won't be at the levels they were. That is a big  
18 impact to the budget.

19 We lost state funding. We lost \$5.5  
20 million a year. That had been available since  
21 1952. It was a large part of our budget. We are  
22 all familiar with the woes of the Port Authority  
23 and their need for state funding, their quest for  
24 state funding. I'm not going to weigh in on the  
25 drink tax or anything of that nature, but people

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46

1 need to drink as much as possible and flush as  
2 much as possible. Drink more, flush more. It  
3 will be better for everybody.

4 Of course, in implementing the consent  
5 decree, we have additional analyses, more of this,  
6 more of this over here. I had somebody ask me at  
7 one of the presentations, why don't you take the  
8 money that you put into all of that and just put  
9 it into fixing the problem. My response was what  
10 I think you would expect my response to be, that  
11 would be like going to the doctor and saying to  
12 operate on me before you have any diagnostic  
13 evaluation. We have to have this type of effort,  
14 and we are going to be required to have more of  
15 it. We are going to see more jobs, more  
16 processes, more equipment. The consent decree has  
17 numerous requirements.

18 Rate hikes. We initially had anticipated  
19 and hoped that we were going to be able to not  
20 have a rate hike in '08, but that is not the  
21 case. January 1st, there will be a rate  
22 increase. Right now, I can't say exactly what  
23 that is. I should know in about two, maybe three  
24 weeks. We have a consultant working on that. I  
25 need to get that information as soon as possible

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47

1 to get it to the community so that they can  
2 incorporate it in their budget process. What will  
3 all of this mean to the long-term rates? As I  
4 said before, right now, I can't tell you that. We  
5 know we are going to spend a lot of money.  
6 Certainly, we all recognize that. I think now

7 that you have seen what's required of us, you  
8 recognize the reason we're going to spend a lot of  
9 money. Understand that the consent decree does  
10 not require specific things to be built, put in  
11 the ground at a certain time where I can say okay,  
12 I'm going to build that facility at this  
13 particular time, and it is going to cost this much  
14 money. We have to go through that evaluation  
15 phase. Frankly, I wouldn't want the document to  
16 tell me that. We need to be able to do the  
17 evaluation, assess the alternative so that we can  
18 come up with the best solution possible.

19 We will have a cost of service study  
20 performed in 2008. That is not relative to  
21 consent decree implementation. That will be a  
22 study to determine what does it cost us right now  
23 to provide the service we provide. I can assure  
24 you not just from myself, from the Chairman, from  
25 the Board of Directors, everything we could

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48

1 possibly do we do to minimize rate increases.  
2 Nobody wants to be the one to bring an exorbitant  
3 rate increase to the public.  
4 Public participation. This effort,  
5 bringing information to you, is required by the  
6 consent decree, and it certainly makes good  
7 sense. We need to keep you informed. We need to  
8 get your feedback so that you're part of the  
9 process. That is a requirement of the consent  
10 decree, but again, it makes good sense. We will  
11 have newsletters that are going out. You can  
12 certainly always go to our Web site information.  
13 You can go to the Web site to look at the consent  
14 decree as well, but just information relative to  
15 the process and where we are with consent decree  
16 implementation.

17 We will have annual meetings, meetings  
18 like this where we will go out to the public and  
19 make sure you know once a year, at least once a  
20 year, where we are with implementing the consent  
21 decree. That is the best way to come back and  
22 give you information. Again, as I said, there are  
23 certain things I can't tell you and project right  
24 now. If I am meeting with you annually, you're  
25 going to get the right updates along the way.

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49

1 We are required to form a municipal  
2 customer advisory committee. This is a committee  
3 that will receive direct information on the  
4 consent decree process. It's a ten-member

5 committee appointed by the county executive. I  
6 have to say that we created a municipal advisory  
7 committee a few years ago with dismal results. It  
8 did not function very well. It wasn't the fault  
9 of the committee. It was clearly, completely my  
10 fault on our end. That won't be the case this  
11 time because it is part of my requirements. Now,  
12 if for some reason this committee doesn't work, I  
13 am going to incur stipulated penalties on top of  
14 the embarrassment and the disgrace that goes along  
15 with having failed twice. That's not going to  
16 happen. I can tell you that.

17 We will have public notifications. Right  
18 now, some of you may be familiar with the flying  
19 of the CSO flags. That is a form of public  
20 notification that we have. These fly from marinas  
21 when we are in a wet weather event. They are  
22 indicating to the public that we are in a combined  
23 sewer overflow event and they need to minimize  
24 their contact with the water. It doesn't mean you  
25 have to stay out of the water, you just need to

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50

1 reduce and minimize your contact with the water.  
2 It's very much like the air advisory notices that  
3 you see, the ozone action. You will see more of  
4 that.

5 One of our best outreach events is the  
6 Alcosan open house. These are pictures from the  
7 most recent open house which was held just a  
8 couple of weeks ago, Saturday, September 22nd. We  
9 hosted 1802 people. It is a phenomenal  
10 opportunity to educate people. I have slipped and  
11 said you expose them to sewage. What I really  
12 meant is you expose them to the issues and educate  
13 them, which is what we do. Each slide has some  
14 educational story in it. Right here, we've got  
15 children looking at the microbiology of sewage and  
16 getting a better appreciation for the service that  
17 we provide. Right here, we have people becoming  
18 better educated on what we're talking about here,  
19 overflows and how we deal with them.

20 This tank is a tank of fish, a huge tank  
21 of fish, that we took from the Ohio River. They  
22 were phenomenal specimens. You would not believe  
23 what is in the water today. Why? Because we have  
24 cleaner water than we have ever had before, but we  
25 still need to do a better job. These outreach

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51

1 events, you will see more of them.  
2 Here we are at the high point of the

3 presentation. The good news is that I'm done.  
4 Everybody can breathe easier. The bad news is  
5 that everything that Dave and I have explained to  
6 you is going to improve water quality only so  
7 much. It's not going to be the complete -- as my  
8 mother has said -- "be all, end all." There is  
9 more to come. The consent decree and Alcosan's  
10 requirements only deal with sewage overflows, not  
11 acid mine drainage, agricultural runoff, storm  
12 water management issues. All of that is out there  
13 yet to come. That is another shoe in the future.  
14 I am guaranteeing, though, that implementing those  
15 programs is going to improve water quality, which  
16 will be better for everybody.

17 So, with that, we will take questions now.  
18 I believe Dave shared with you that you need to  
19 come to a microphone. You can go to either  
20 microphone. Obviously, you need to identify  
21 yourself, where you're from, and I'm going to need  
22 you to spell your last name and ask the question.

23 MR. JAMNIK: David Jamnik,  
24 J-a-m-n-i-k, North Huntingdon Township. We have  
25 experienced a problem up there with our

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52

1 authority. We were very persistent on why we had  
2 to change a 35-year-old sewer line, which is  
3 relatively new. The 20 homes that were affected  
4 never had overflow problems, never had backup in  
5 their homes or nothing. They come in and they  
6 just said, "We're tearing it up, and you're going  
7 to have to replace your laterals," because we  
8 cameraed them and they said they were bad. Now, I  
9 had mine inspected by a plumber. He water tested  
10 it, the old water. We had those heavy rains that  
11 we had. I had a gage, you could look right down  
12 there. Not a speck of water. He said, "You're  
13 going to have change it." Now, what kind of  
14 standards are we going to have for these people to  
15 justify changing a line that you never had a  
16 problem with?

17 MS. SCOTT WILLIAMS: You are a little  
18 outside of the scope of my expertise, sir.

19 MR. JAMNIK: Are we going to have a  
20 standard? They just told us recently that they  
21 had no guidelines to go by, yet in the beginning  
22 since February I have been arguing this point.  
23 Why should we have a line change? Then we had our  
24 gas lines ripped up, some of them. We had  
25 underground utilities destroyed. We had all

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53

1 underground utilities. We had our driveways tore  
2 up, sidewalks tore up. Some of those people paid  
3 \$5000 to replace ten foot of their lateral. These  
4 people just seem like they refuse to give us an  
5 honest answer. That is all we want.

6 I would like to know if you people are  
7 going have a standard procedure on what's  
8 acceptable, because everything has a standard. I  
9 mean, can you justify replacing a 35-year-old  
10 commercial grade terra-cotta pipe that never  
11 leaked and never gave you a problem? I would  
12 think anybody would be upset with having a sewer  
13 replaced that you never had a problem with. This  
14 guy says, "I'm changing it regardless."

15 MS. SCOTT WILLIAMS: Are we talking  
16 about North Huntingdon?

17 MR. JAMNIK: North Huntingdon, yes.  
18 We had articles in the paper and everything about  
19 what went on up there. We don't want anybody else  
20 to go through what we had to go through. This has  
21 been seven, eight months now. We just got our  
22 driveways and landscaping just put back in. We  
23 were out of phones for six weeks with temporary  
24 lines running across the street. One guy almost  
25 had his house burned down, ripped up the

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54

1 underground, shorted out the computers, ovens,  
2 everything, smoke in the house. For someone to  
3 come in and start tearing stuff up -- and another  
4 thing I'm concerned about, this is a waste of  
5 \$250,000 that we could be putting into somebody  
6 that has a sewer backup.

7 I called the EPA up and they said North  
8 Huntingdon was never issued a corrective action.  
9 I said, "Well, we never had sewer backups. We  
10 never had manhole lids coming off."

11 Another thing, is there going to be a  
12 procedure for checking downspouts? Do they smoke  
13 test, do you know?

14 MS. SCOTT WILLIAMS: I can't tell you  
15 exactly what --

16 MR. JAMNIK: I mean, I would like to  
17 have some guidelines to go by for the next set of  
18 people who are going through the same thing that  
19 we went through. We were told that we were one of  
20 the older plans. I said that a 35-year-old sewer  
21 line is not an old sewer line. Now, if it was  
22 broke, I can understand that. He said, "Well,  
23 your pipes, we looked through them and they were  
24 misaligned a little bit." I said, "Are we talking  
25 machine disks?" We're talking a quarter inch of

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1 misalignment. But they weren't leaking. I said,  
2 "If you're not leaking, how can water get in?"  
3 He couldn't give me an answer. He said, "They're  
4 going to need changed." I don't understand it.

5 MS. SCOTT WILLIAMS: I can understand  
6 your frustration, sir. Again, it's not something  
7 I can speak to, unfortunately.

8 MR. JAMNIK: I mean, if we are going  
9 to go by guidelines, Federal guidelines, then I  
10 imagine every community is going to have to go by  
11 the same guidelines; am I correct?

12 MS. SCOTT WILLIAMS: It really  
13 depends on what ordinance that your municipality  
14 implements. There are some municipalities that  
15 have had ordinances in place for quite some time  
16 related to removal of downspouts, things of that  
17 nature, to inspection of home laterals. There are  
18 others who have not had anywhere near it. Again,  
19 I can't say what North Huntingdon does anywhere.  
20 I'm not familiar with them.

21 MR. JAMNIK: The thing is, there  
22 should be a standard. Infiltration of water can  
23 come from a couple sources: Downspouts, sump  
24 pumps broken, break a drain inside the house,  
25 broken pipes. So it should be standard for

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1 everybody, the same thing. Water goes in, it goes  
2 in. One community to the next doesn't justify a  
3 different standard. I am no engineer, but I  
4 worked with enough plumbers in my day that I know  
5 it's basic. I think they're making a big deal out  
6 of something which you have a more simple solution  
7 to have a standard that everybody can go by. Then  
8 you're on the same page. When you have all these  
9 communities running different standards, I don't  
10 think that is fair to anybody.

11 MS. SCOTT WILLIAMS: I understand  
12 what you're saying.

13 MR. JAMNIK: Would you please look  
14 into that? To help yourself out, too.

15 MS. SCOTT WILLIAMS: We can certainly  
16 look into that. Again, let me say that is on the  
17 up-front end of this issue. In that pie chart,  
18 that is related to the municipal side of things.  
19 My system is connecting to the municipal system.  
20 The municipal system is connecting to your home  
21 lateral, and the municipality is regulating  
22 whatever happens within the Municipal Board, but I  
23 can tell you that we will look into it just  
24 because it's information that would be beneficial

25 for us to have.

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57

1 MR. JAMNIK: One other thing that I  
2 suggest. They metered the flow of water. You  
3 know where they metered it at? They metered it at  
4 the end result. If you're going to meter  
5 infiltration of water, you should go from the high  
6 source and you pop them manhole lids off when it's  
7 raining and check the amount of infiltration that  
8 comes down from each manhole. If you're leaking  
9 it through, it's going to justify a much bigger  
10 amount of water down at the end. They checked it  
11 down at the end. They don't know where all that  
12 water was coming from. You know what's amazing?  
13 85 percent of that big line was full after they  
14 got done doing our sewer line. It was coming from  
15 up above. They never bothered checking none of  
16 those manholes. They don't even have any kind of  
17 procedure to even know how to check that, but we  
18 will rip everything up first.

19 Then to make a comment, "Well, we had to  
20 do something." That doesn't make sense. It's  
21 like you going in for open heart surgery. Well,  
22 we will go in for open heart surgery before you  
23 find out you really need it.

24 MS. SCOTT WILLIAMS: You are very  
25 knowledgable, sir. I am very impressed.

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58

1 MR. JAMNIK: I wish they would  
2 listen. I have been pounding that pavement up  
3 there all that time, and this woman refuses to  
4 even look at us. If you've got everybody together  
5 and sat down and explained the situation -- all  
6 she said is, "You've got terra-cotta pipe in there  
7 that needs replaced." That doesn't make sense.  
8 But this is what you have to do,  
9 communication. If you don't have communication  
10 within the community, you're not going to get  
11 anything solved. Be up front with them. That's  
12 what I said, "Be up front with us." We could have  
13 accepted this. When you come in and you keep  
14 changing, every time we go to a meeting, another  
15 standard -- this isn't what we are going by now.  
16 We are going by this standard. It's very  
17 frustrating. Thank you. I appreciate you taking  
18 the time.

19 MS. SCOTT WILLIAMS: Thank you very  
20 much. I'm glad we got all that into the record.  
21 Thank you.

22 MS. BEATTIE: My name is Sharon

23 Beattie, spelled B-e-a-t-t-i-e. I live in  
24 Churchill Borough. I wondered what part of this  
25 consent decree has any required compliance by the

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59

1 municipalities. What would Churchill Borough be  
2 required to do? Anything with the consent decree  
3 or is it just Alcosan?

4 MS. SCOTT WILLIAMS: The consent  
5 decree is the Alcosan portion of the judicial  
6 compliance here, but as Dave and I both mentioned,  
7 the communities have the administrative consent  
8 orders and the consent order agreements. If you  
9 think back to when I talked to you about the  
10 process where we negotiated with the agencies  
11 early on in 2000 and then those agencies left us  
12 and went and negotiated with the communities,  
13 where Three Rivers was very instrumental in  
14 pulling that negotiation together, the result of  
15 that are orders for each of the communities to  
16 engage in certain activities. That dovetailed  
17 into our consent decree, and we are required to  
18 work with the communities in putting together the  
19 programs that come out of the consent decree.  
20 There are very extensive requirements for sharing  
21 information back and forth, so there is nothing  
22 specifically within the consent decree that holds  
23 the municipalities to certain activities because  
24 they are not signatory to that document, but they  
25 do have these ancillary agreements with

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60

1 Pennsylvania DEP, or the Allegheny County Health  
2 Department. That requires them to engage in many  
3 activities that again dovetail with the consent  
4 decree. They have been brought to the table.

5 MR. BORNEMAN: If I could just expand  
6 on that, there is literally specific language  
7 within the text of the consent decree that  
8 outlines what type of information has to be shared  
9 amongst Alcosan and the communities. There is  
10 time frames stipulated as to Alcosan requesting  
11 information from the communities. They have so  
12 many days to respond. There are ways to mitigate  
13 if there is a failure of getting that  
14 information. It reinforces both the orders that  
15 the municipalities have with the state and the  
16 county as well as holds us still as the main  
17 person that has to put this all together, not only  
18 helping improve the Alcosan system, but there are  
19 critical portions of the community systems that we  
20 are supposed to work together towards a solution

21 that they can incorporate into their local  
22 improvements as well.  
23 MS. BEATTIE: Each community would  
24 have deadlines that they are supposed to meet with  
25 these other agreements?

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61

1 MR. BORNEMAN: Well, yes. The  
2 governments have tried to marry up the schedules  
3 to work together. They've actually amended the  
4 agreements that were done back in 2002 to reflect  
5 current deadlines that are in our document.  
6 Again, there is a stipulated responsibility on us  
7 to request certain information. The communities  
8 have so many days to give it to us. If they are  
9 being nonresponsive, we are supposed to notify  
10 them again. We are supposed to try to get the  
11 plaintiffs involved if necessary to make sure the  
12 information is being gathered.

13 It's stipulated where we are required to  
14 give them information as well that we are  
15 developing and sharing working towards common  
16 goals.

17 MR. ROTELLI: My name is Dave  
18 Rotelli, R-o-t-e-l-l-i. I'm from East  
19 McKeesport. Can somebody here please tell me the  
20 difference between a decree and an unfunded  
21 mandate which is unconstitutional?

22 MS. SCOTT WILLIAMS: Well, an  
23 unfunded mandate -- let's drop off the  
24 constitutionality of it.

25 MR. ROTELLI: Why? It is.

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62

1 MS. SCOTT WILLIAMS: I can tell you  
2 that, yes, what we are dealing with is an unfunded  
3 mandate, absolutely, positively. Is it  
4 unconstitutional? I can't speak for that. I  
5 don't know that.

6 MR. ROTELLI: It is.

7 MS. SCOTT WILLIAMS: I can tell you  
8 this is law. This is the requirement. We have no  
9 choice.

10 MR. ROTELLI: Well, you call it law.  
11 I call it tyranny. We have an entity in  
12 Washington, D.C. telling these communities to do  
13 this, not supplying the money. That is an  
14 unfunded mandate.

15 MS. SCOTT WILLIAMS: It's an unfunded  
16 mandate. I agree.

17 MR. ROTELLI: You're going to  
18 bankrupt a lot of people. You're going to

19 bankrupt a lot of communities in this area.  
20 They're raising the natural gas ten percent. That  
21 was just in the paper. Electric, I don't have to  
22 go on. Gasoline for automobiles. You're not  
23 dealing with communities like Squirrel Hill and  
24 Churchill here. Do you understand me?

25 MS. SCOTT WILLIAMS: I understand you  
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63

1 wholeheartedly.

2 MR. ROTELLI: What do you think these  
3 people are going to do when you have sheriff sales  
4 every month page after page, five, six pages of  
5 sheriff sales, and what is occurring is people are  
6 moving out, they're renting their houses out to  
7 some perspective entrepreneur that wants to get  
8 rich quick, buys up these homes, and HUD comes  
9 along and pays all their bills. So you have  
10 transients taken over these small communities, and  
11 the police force has to be increased to deal with  
12 the problems. This is what these kinds of decrees  
13 do to communities. They ruin. Quite frankly,  
14 ma'am, my decree is I'm going to leave the area.  
15 Thank you.

16 MS. SCOTT WILLIAMS: Thank you, sir.  
17 I appreciate you coming tonight.

18 Let me say that it was not the authority's  
19 choice to engage in this process. If we could  
20 have done something else, if there were other  
21 options available to us, we would. We are all  
22 rate payers as you are rate payers. I lived in  
23 Penn Hills. I lived in a community that has had  
24 exorbitant rates for quite some time because of  
25 other issues. When everybody us was at one point

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64

1 paying \$1.82 per thousand gallons, we were paying  
2 \$6.50 per thousand gallons.

3 Yes, what you're saying is true, sir.  
4 People up and left. I can assure you that just as  
5 we do everything to minimize rate increases by  
6 looking at every area of the operation, and as I  
7 said, we lost state funding a few years ago, we  
8 tightened an already tight belt. We continue to  
9 do that. We continue to pound the pavement  
10 looking for state and Federal funding. Right now,  
11 we lobby with Three Rivers to bring funding to  
12 Three Rivers and the communities. We have brought  
13 \$23, \$24 million to this region. That is a drop  
14 in the bucket. It's not a lot of money, but there  
15 are certain parts of the country where they  
16 haven't had anywhere near that \$23 million.

17 We continue to be very aggressive in our  
18 pursuit of funding to underwrite this, but it is  
19 going to be a very large burden on the rate payer,  
20 and we have a customer base that just as I showed  
21 you the commercial base is declining, the  
22 residential base is declining as well. It will  
23 continue to decline. We feel your pain. We do  
24 everything we possibly can to minimize it. Again,  
25 I thank you for getting that on the record, sir.

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65

1 Do we have anybody else?

2 MS. WINTER: My name is Iris Winter,  
3 W-i-n-t-e-r. I am a city resident. Our basement  
4 flooded along with seven of our neighbors. I  
5 don't know, is there any kind of one-stop place to  
6 go to? I had to call the PWSA. I called the  
7 Health Department. I called the EPA. I called  
8 the DEP. There is a new thing on the flyer that  
9 you have that I haven't heard of. I looked at  
10 Three Rivers Wet Weather, but it seems like there  
11 is this vast array -- and my neighbors, they're  
12 basements have flooded thousands of times. They  
13 just clean it up and keep on going. We just  
14 bought the houses. It's a brand-new house. PWSA  
15 keeps trying to say, "Well, it's this, this, this"  
16 pointing back at us. Every time I look into it,  
17 there is no way that it's related to what our  
18 house is doing.

19 MS. SCOTT WILLIAMS: Where do you  
20 live?

21 MS. WINTER: South Oakland.

22 MS. SCOTT WILLIAMS: I had no idea  
23 there was flooding in that particular area.

24 MS. WINTER: I mean, we went to Home  
25 Depot and met another couple from a different

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66

1 neighborhood in the city, and they were just there  
2 at the same time we were buying their wet/dry vac  
3 to clean out their basement. I want you guys to  
4 come by and fix our sewer line. Save the money  
5 for your area and bring it over here.

6 I think it probably happens a lot in the  
7 city and people don't report it. I don't know if  
8 when you do your newsletters if you can add a  
9 little section on who to report it to or how to  
10 report it. I don't know if people will actually  
11 do it. Like I said, seven of my neighbors were  
12 out at the same time dumping out all of the stuff  
13 that got ruined. I think I'm the only one who  
14 called anyone about it.

15 MS. SCOTT WILLIAMS: I can't say that  
16 there's a one-stop-shop number that I would call.  
17 I would certainly direct you to PWSA and to the  
18 Mayor's response line to look to see if there is  
19 some better way to get you information to get you  
20 access.

21 MS. WINTER: It looks that you're  
22 working with the Health Department a lot, but they  
23 seemed pretty clueless on how to advise me on the  
24 dangers that we had encountered. I had been  
25 cleaning out our basement and then found out a

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67

1 week later that I'm expecting our second child, so  
2 I was a little concerned about that. We ran our  
3 air conditioner for a week before we found it had  
4 been contaminated. They had no advice on anything  
5 that we should ask our doctor about. They say ask  
6 your doctor. That is not their specialty. Your  
7 doctor is a doctor. They don't know everything  
8 about that kind of thing. It just seems like  
9 there is no information out there for the regular  
10 homeowner.

11 MS. SCOTT WILLIAMS: Another good  
12 point. Congratulations certainly. Keep going.

13 MS. WINTER: The last one is it might  
14 be nice if you have meetings like this to have the  
15 municipal reps handy. I don't know if they are  
16 willing, but it might be nice when we have  
17 questions about PWSA or Churchill or the other  
18 ones, if there was someone there who could step up  
19 and answer the questions.

20 MS. SCOTT WILLIAMS: Let me say that  
21 when I came and I asked who was in the audience  
22 looking to see if there were elected officials,  
23 because sometimes quite often you will have  
24 council members, and those are council members of  
25 the smaller communities. We have had county

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68

1 council members come to meetings. You never know  
2 who might show up at a meeting, and they are  
3 willing to step up and make a statement. We have  
4 had people from the Health Department, the state  
5 DEP come to the meetings. If there is something  
6 they can respond to, they will. We put that  
7 invitation out there. Sometimes it just doesn't  
8 match with their schedule or their agenda.

9 MR. BORNEMAN: When you made these  
10 calls, have you put anything in writing?

11 MS. WINTER: I actually did most of  
12 it by e-mail to sort of cover my back that way.

13 The first call that I made to PWSA was an actual  
14 call, but pretty much the 311 was an e-mail  
15 report. The DEP complaint and the EPA complaint  
16 that I filed were both e-mail on line so that I  
17 have paper copies of it. So most of it was paper  
18 copies or electronic copies.

19 MR. BORNEMAN: I was just trying to  
20 make sure it was documented. Again, going  
21 forward, these types of issues are to be  
22 addressed. Again, as Arletta said, PWSA and the  
23 County Health Department, their division that is  
24 with the solid waste water and waste water, they  
25 have several divisions, but I would think they

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69

1 would be the people you would be dealing with.

2 MS. SCOTT WILLIAMS: For your  
3 purposes, I would tell you to have your husband  
4 clean up.

5 MS. WINTER: He had just been in a  
6 car accident. We've had a really rough week.

7 MS. SCOTT WILLIAMS: It sounds like  
8 it, but you need to avoid contact. If you have to  
9 have contact, you need to be completely suited up  
10 with rubber gloves and everything. You do not  
11 want to come into direct contact. You want to use  
12 a lot of bleach. Good luck.

13 Have you had enough of me, folks? Again,  
14 I appreciate you coming out. Be safe out there.  
15 We are having our little wet weather event tonight  
16 and it can be kind of slippery, so be safe. Go to  
17 the Web site for information. Please feel free to  
18 call us, e-mail us if you have other thoughts that  
19 come up after tonight.

20 Anybody that you might suggest this to,  
21 and I realize it's late in the evening now, but  
22 anybody that you might recommend this presentation  
23 to, we will be here again tomorrow morning at  
24 10:00 a.m. We will also be at the Convention  
25 Center next Tuesday at 10:00 a.m. Again, if there

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1 is somebody that you would recommend this to,  
2 please do so. Thanks again.

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1 CERTIFICATE

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I hereby certify that the proceedings and  
evidence are contained fully and accurately in the  
stenographic notes taken by me on the  
informational meeting of the within cause and that  
this is a correct transcript of the same.

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Marcy J. Llewellyn  
Professional Court Reporter

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