

The city also owns and maintains sewer lines throughout the city limits that collect and carry wastewater to its facility. Effluent from the facility discharges from outfall #001 to a tributary to Rivaux Creek pursuant to the conditions and requirements of Missouri State Operating Permit (MSOP) number MO-0106810. The permit was issued to the city on December 1, 2012, and is set to expire June 30, 2015.

- B. MSOP number MO-0106810 requires the city to sample the effluent discharged from outfall #001 and chemically analyze the effluent sample for the water contaminants listed in Part "A" every month. The permit further requires the city to comply with the effluent limitations contained in Part "A" and requires the results of the analysis to be submitted to the Department on monthly Discharge Monitoring Reports (DMRs) by the 28th day of the month following the reporting period.
- C. The city also owns and operates the Choctaw Ridge Lagoon which serves the Choctaw Ridge Subdivision and Summit Estates Trailer Park in Holts Summit, Missouri. The lagoon is located in the SE¼, SE¼, Section 35, Township 45 North, Range 11 West, in Callaway County. The three-celled lagoon has a design population equivalent of 320, a design flow of 32,000 gallons per day, an actual flow of 12,000 gallons per day, a design sludge production of 4.8 dry tons per year, and an actual sludge production of 0.7 dry tons per day. The city operates the lagoon pursuant to the terms and conditions of MSOP number MO-0033910. Effluent from the lagoon discharges from outfall #001 to a tributary to Turkey Creek. The most recent renewal of MSOP number MO-0033910 became effective May 1, 2013, and is set to expire December 31, 2014 in order to synchronize the MSOP with other MSOPs in the same watershed. MSOP number MO-0033910 contains a schedule of compliance for the city to upgrade the lagoon to comply with new effluent limitations for Ammonia as Nitrogen by May 1, 2020.
- D. The tributary to Rivaux Creek, the tributary to Turkey Creek, Rivaux Creek and Turkey Creek are classified as waters of the state as defined by Section 644.016(27) RSMo.
- E. Domestic wastewater and sludge are water contaminants as the term is defined in Section 644.016(24), RSMo.
- F. On April 5, 2011, the citizens of the city approved a \$7 million revenue bond issue to rebuild the city's sewer system. On November 15, 2012, the Department received from the city an Antidegradation Review Request and a complete application for a State Revolving Fund (SRF) loan in order to fund the construction of a new wastewater treatment facility and to make improvements to the existing wastewater collection system. The facility plan also recommends extending the collection system to unsewered areas within city limits and consolidating treatment facilities by closing the Choctaw Ridge Lagoon. On February 15, 2013, the Department received a revised SRF loan application from

the city. On April 12, 2013, the Department finalized the Water Quality and Antidegradation Review for the Holts Summit facility, and sent the city a letter indicating that the city could proceed with submittal of an application for an operating permit and antidegradation review public notice, a final engineering report, or a complete application for a construction permit.

- G. On May 4, 2011, the Department conducted an inspection at the Holts Summit wastewater treatment facility and collected samples of the effluent discharging from outfall #001. During this inspection, staff observed the presence of sewage sludge in the receiving stream below outfall #001. Chemical analysis of the effluent samples collected from outfall #001 document that the effluent violated permitted limitations for Biochemical Oxygen Demand (BOD) by 248%, Total Suspended Solids (TSS) by 333%, and the daily permitted effluent limitation for Ammonia as Nitrogen by 429%.
- H. On June 9, 2011, Department staff conducted a compliance inspection of the Holts Summit facility and the collection system. During the inspection, Department staff observed that the water level in the clarifier was near the top of the wall, a thick mat of solids was on the surface of the water, solids passing over the clarifier weir, the effluent was cloudy and that sewage sludge was present in the receiving stream below outfall #001. The inspection included an interview with the Sewer Superintendent for the city and during this interview the Superintendent stated that a much greater volume of wastewater was being routed through the treatment plant since December 2010, due to a pump malfunction in the lift station that normally transferred wastewater to the Jefferson City Treatment Facility.
- I. On June 9, 2011, Department staff also inspected six (6) of the 26 duplex lift stations located in the wastewater collection system for the Holts Summit facility. Upon inspection of the six (6) duplex lift stations, Department staff observed that one (1) station contained only one (1) pump. During the inspection of the collection system, the Superintendent stated that five (5) of the 26 duplex lift stations are operating with only one (1) pump. On June 30, 2011, the Department issued a Notice of Violation (NOV) to the city due to the violations found during the June 9, 2011, inspection.
- J. On August 15, 2011, the Superintendent contacted Department staff by telephone to report a bypass of sludge from the Holts Summit facility. Department staff interviewed the Superintendent by telephone and during this interview the Superintendent stated that the facility had a problem of sludge bulking in the secondary clarifier. The Superintendent explained that the pump from the secondary clarifier was clogged and that the sludge collection rake at the bottom of the secondary clarifier had broken. On August 15, 2011, Department staff conducted an inspection of the facility and observed sludge in the receiving stream below outfall #001. Due to violations documented during the inspection, the Department issued a NOV to the city on September 8, 2011.

- K. On October 18, 2011, the Department received correspondence from the city stating that a diving contractor repaired the sludge rake in the secondary clarifier in September 2011. In the letter, the city also stated that the inoperable pumps located at the regional pump station responsible for diverting approximately half of the city's wastewater to the Jefferson City Treatment Facility were replaced, and thus, the regional lift station was operational again.
- L. In 2012, the city started a spare replacement program for pumps, and ordered spare pumps that can be installed in 19 of the city's 26 lift stations. The city is budgeting to purchase spare pumps annually so as to have an inventory of pumps on hand as needed.
- M. On April 4, 2013, Department staff conducted a routine compliance inspection at the Choctaw Lagoon, and observed erosion and rodent damage on the lagoon berms and sludge below outfall #001. Department staff also documented that the receiving stream appeared green in color and there was a noticeable wastewater odor. On May 24, 2013, the Department issued a Letter of Warning to the city due to the violations found during the April 4, 2013, inspection.
- N. On June 21, 2013, the Department received notification from the city that a sanitary sewer overflow (SSO) had occurred from a manhole. The city reported that the SSO occurred because the main sewer line that enters the Holts Summit facility on the south side of the facility was plugged with trash and grease. Following receipt of the report, Department staff conducted an SSO investigation at the site of the reported SSO. Department staff observed that the wastewater flowed down a hill to a tributary to Rivaux Creek. Black sludge was observed in the tributary for approximately 400 feet, and a noticeable wastewater odor was detected. Department staff collected water samples for analyses, which indicated an elevated Ammonia as Nitrogen concentration in the tributary at the entry point of the SSO wastewater. Above the entry point, the Ammonia as Nitrogen concentration was less than 0.25 mg/L, and at the entry point, the Ammonia as Nitrogen concentration was 3.0 mg/L. On June 24, 2013, the Department received a phone call from city staff who reported that the city had completed remediation of the SSO by liming the affected ground, damming up the creek with sandbags, and pumping the wastewater back to the Holts Summit facility for treatment. On July 29, 2013, the Department issued an NOV to the city due to the violations found during the June 21, 2013, SSO investigation.
- O. As a result of the SSO investigation described in paragraph N, the Department incurred costs for staff time and resources in the amount of one thousand two hundred sixty-two dollars and seventy-one cents (\$1,262.71).
- P. Monthly DMRs submitted to the Department pursuant to MSOP number MO-0106810 document that the effluent discharged from the Holts Summit facility failed to comply with the applicable permitted effluent limitations for Ammonia as Nitrogen during the months of March, April and July 2010; January, February, March, April, May and August 2011; and February 2012.

- Q. Monthly DMRs submitted to the Department pursuant to MSOP number MO-0106810 document that the effluent discharged from the Holts Summit facility failed to comply with the applicable permitted effluent limitations for BOD during the months of March, April, June and July 2011.
- R. Monthly DMRs submitted to the Department pursuant to MSOP number MO-0033910 document that the effluent discharged from the Choctaw Lagoon failed to comply with the applicable permitted effluent limitations for BOD during the months of January and December 2012, and January and February 2013.
- S. Monthly DMRs submitted to the Department pursuant to MSOP number MO-0033910 document that the effluent discharged from the Choctaw Lagoon failed to comply with the applicable permitted effluent limitations for Total Suspended Solids during the months of April 2011, November 2012, and February 2013.
- T. Monthly DMRs submitted to the Department pursuant to MSOP number MO-0033910 document that the effluent discharged from the Choctaw Lagoon failed to comply with the applicable permitted effluent limitations for Oil & Grease during the month of January 2013.
- U. Since September 2011, monthly DMRs submitted to the Department document that the effluent discharged from the Holts Summit facility has been in compliance with permitted effluent limitations during every month except February 2012, when the effluent exceeded the monthly average for Ammonia as Nitrogen.
- V. On February 15, 2013, the Department received correspondence from the city, including a *City of Holts Summit Memorandum*, dated February 11, 2013, which stated that the city purchased an Ammonia as Nitrogen test kit and has been monitoring Ammonia as Nitrogen concentrations on a weekly basis since February 2012 to ensure compliance with permitted effluent limits.
- W. Section 644.096, RSMo, creates a cause of action in favor of the State, or any of its political subdivisions or agencies, to recover actual damages, including all costs and expenses necessary to establish or collect any sums under Section 644.006 to 644.141, RSMo, and the costs and expenses of restoring any waters of the State to their condition as they existed before the violation, sustained by the State because of the violation.
- X. Section 644.076.1, RSMo, makes it unlawful to violate the MCWL and regulations promulgated pursuant thereto and establishes civil penalties of up to ten thousand dollars (\$10,000.00) per day per violation.

III. CITATIONS AND CONCLUSIONS OF LAW

Violations of the MCWL and its implementing regulations alleged herein and found to have been committed by the city are as follows:

- A. Caused pollution of a tributary to Rivaux Creek and a tributary to Turkey Creek, waters of the state, or placed or caused or permitted to be placed a water contaminant in a location where it is reasonably certain to cause pollution of waters of the state, in violation of Sections 644.051.1(1) and 644.076.1, RSMo
- B. Discharged water contaminants into waters of the state which reduced the quality of such waters below the Water Quality Standards established by the Missouri Clean Water Commission, in violation of Sections 644.051.1(2) and 644.076.1, RSMo, and 10 CSR 20-7.031.
- C. Failed to comply with the effluent limits contained in Part "A" of MSOP number MO-0106810 and MSOP number MO-0033910, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.
- D. Failed to operate the Holts Summit facility and Choctaw Lagoon so that there are no discharges of sludge as required by the Standard Conditions of MSOP number MO-0106810 and MSOP number MO-0033910, in violation of Section 644.076.1, RSMo.
- E. Failed to provide oral or written notification to the Department for all bypasses as stated in the Standard Conditions in MSOP number MO-0106810 and MSOP number MO-0033910, in violation of Section 644.076.1, RSMo.
- F. Failed to prevent a discharge from a location other than the permitted outfall as required by MSOP number MO-0106810, in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) and (5)(A).

IV. AGREEMENT

- A. The Department and the city desire to amicably resolve all claims that may be brought against the city for violations alleged above in Section III, Citations and Conclusions of Law, without the city admitting to the validity or accuracy of such claims.
- B. The provisions of this AOC shall apply to and be binding upon the parties executing this AOC, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of the city under this AOC.
- C. The city, in compromise and satisfaction of the Department claims relating to the above-referenced violations, agrees, without admitting liability or fault, to pay a

civil penalty in the amount of twenty thousand dollars and zero cents (\$20,000.00). The Department and the city further agree that seventeen thousand dollars and zero cents (\$17,000.00) of the civil penalty shall be suspended for a period of two (2) years on the condition that the city does not violate the MCWL and its implementing regulations or the terms of this AOC. The payment shall be in the form of a certified check or cashier's check made payable to "Callaway County Treasurer, as custodian of the Callaway County School Fund." The check in the amount of three thousand dollars and zero cents (\$3,000.00) is due and payable upon execution of this AOC by the city. The check and signed copies of the AOC shall be delivered to:

Accounting Program
Missouri Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0176

- D. The city agrees to pay the State's investigative costs in the amount of one thousand two hundred sixty-two dollars and seventy-one cents (\$1,262.71) in the form of a separate check made payable to the "*State of Missouri*." The check in the amount of one thousand two hundred sixty-two dollars and seventy-one cents (\$1,262.71) is due and payable upon execution of this AOC by the city. The check shall be delivered as provided in paragraph IV, C.
- E. In the period of time from the effective date of this AOC until the new or upgraded facility is completed and the Choctaw Ridge Lagoon is properly closed, the city shall comply with the terms and conditions of MSOP number MO-0106810 and MSOP number MO-0033910, which includes operating the existing Holts Summit facility and Choctaw Lagoon at all times so as to prevent sludge from discharging from the facilities to waters of the state and produce the best effluent quality possible at both facilities. All units or components of the existing Holts Summit facility and Choctaw Lagoon shall be maintained in an operable condition, even if this requires the purchase and installation of new parts or equipment and the repair of the facilities. To prevent further pollution to waters of the state, the city shall inspect the receiving streams below the Holts Summit facility and Choctaw Lagoon outfalls, at minimum but more if needed, once per day three (3) days a week. In the event that sludge is discharged from either outfall, the city shall report the discharge to the Department within 24 hours of discovery and submit a written report of the incident to the Department within five (5) days of discovery and remove any sludge that has been discharged. The 24-hour reports shall be made using the Department's electronic reporting system or orally. Voice mail messages, electronic mail, or faxes do not satisfy the 24-hour reporting requirement.
- F. Upgrade or Replacement of Facility
- The city shall complete upgrades or replacement of its facility that will enable the effluent to comply with the MCWL and its implementing regulations and all

conditions and requirements of its permit. All required reports, plans and specifications shall be prepared and sealed by a professional engineer licensed to practice in the State of Missouri pursuant to the following schedule:

1. Within thirty (30) days receipt of Department comments on the city's facility plan, respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the facility plan;
 2. Within ninety (90) days of the date the Department approves the facility plan, submit to the Department for review and approval, a complete application for a construction permit including plans and specifications signed and sealed by a professional engineer licensed to practice in the State of Missouri for the upgrades or replacement of the facility which will enable the effluent to comply with all applicable final effluent limitations contained in the permit.
 3. Within sixty (60) days receipt of Department comments on the city's construction permit application, respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the construction permit application;
 4. Within three hundred sixty-five (365) days of the effective date of the construction permit, complete construction of the approved upgrades;
 5. Within thirty (30) days of completing construction, submit to the Department a Statement of Work Complete Form, signed, sealed and dated by a professional engineer registered in the State of Missouri certifying that the project is complete and operable in accordance with Department approved plans and specifications, and a complete application requesting modification of the operating permit; and
 6. Within thirty (30) days of completing construction of the improvements, achieve compliance with the final effluent limitations contained in Part "A" of the permit.
- G. The time frames, completion dates and implementation deadlines contained in this AOC are deemed reasonable by the parties in light of the circumstances existing at the time of signing. However, should the city become aware that a deadline or milestone set forth in this AOC will not be completed by the required deadline, the city shall immediately notify the Department by telephone or electronic mail i) identifying the deadline that will not be completed; ii) identifying the reason for failing to meet the deadline; and iii) proposing an extension to the deadline. Within five (5) days of notifying the Department, the city shall submit to the Department for review and approval a written request containing the same basic provisions of i, ii, and iii listed above. The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of the city's right to

request an extension and may be grounds for the Department to deny the city an extension.

- H. The city shall fully implement all of the requirements of Appendix A of this Abatement Order on Consent, Wastewater Collection and Treatment System Management Program and complete improvements to its collection system that work toward eliminating incidents of SSOs from its collection system and bypasses at the facility. If the Department comments and/or requests modification of any documents submitted to the Department pursuant to Appendix A, the city shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments and resubmit the document(s) within thirty (30) days receipt of the Department's comment(s).
- I. Should the city fail to meet the terms of this AOC, including the terms set out in paragraphs E and F, the city shall be subject to pay stipulated penalties in the following amount:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$500.00 per day
31 to 90 days	\$1,000.00 per day
91 days and above	\$2,500.00 per day

Stipulated penalties will be paid in the form of a certified or cashier's check made payable to "Callaway County Treasurer, as custodian of the Callaway County School Fund." Any such stipulated penalty shall be paid within ten (10) days demand by the Department and shall be delivered to:

Accounting Program
Missouri Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0176

- J. The stipulated penalties provided for in this AOC shall be in addition to any other rights, remedies or sanction available to the Department for the city's violation of this AOC or applicable law.
- K. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties with respect to the matters addressed herein, be they express or implied, oral or written, except those within are expressly set forth herein. The terms of this AOC supersede all previous related memoranda or understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.
- L. By signing this AOC, all signatories assert that they have read and understood the terms of this AOC, and that they have the authority to sign this AOC on behalf of their respective party.

- M. The effective date of the AOC shall be the date the Department signs the Agreement. The Department shall send a fully executed copy of this AOC to the city for its records.
- N. The city shall comply with the MCWL, Chapter 644, RSMo and its implementing regulations at all times in the future.

V. FINDING OF AFFORDABILITY

Pursuant to Section 644.145, the Affordability Finding attached to this AOC as Exhibit 1, addresses the obligations included within this AOC and is based on the city's estimate of \$4,422,000.00 to construct a new wastewater treatment facility. This Affordability Finding does not address future improvements that may be necessary to comply with the MCWL or its implementing regulations. This AOC requires the city to properly operate and maintain the existing Holts Summit facility and Choctaw Lagoon in compliance with the terms and conditions of MSOP number MO-0106810 and MSOP number MO-0033910 until the city completes improvements that will eliminate the need for the existing facilities. This AOC also requires the city to complete the following: prepare and implement a Department-approved system to track SSOs, bypasses and basement backups; prepare and implement a Department-approved plan to evaluate the city's wastewater collection system and correct deficiencies identified during the evaluation; and prepare and implement a Department-approved Maintenance and Repair Program for maintaining the wastewater collection system.

VI. RIGHT OF APPEAL

By signing this AOC, the city consents to and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, Chapter 536 RSMo, 644.145, RSMo, 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), the Missouri Constitution, or any other source of law.

VI. CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to conditions outlined in this AOC shall be directed to:

Ms. Corinne Rosania
Compliance and Enforcement Section
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

**APPENDIX A
WASTEWATER COLLECTION AND TREATMENT
SYSTEM MANAGEMENT PROGRAM**

1. Definitions

A. *Building/Private Property Backup (backup)* means any release of wastewater from the city of Holts Summit's Sanitary Sewer System to buildings or private property. However, the city is not responsible under this AOC for any backup caused by blockages, flow conditions, or malfunctions of a private service connection or other piping/conveyance system that is not owned or operationally controlled by the city, or for overland flooding not emanating from the city's Sanitary Sewer System.

B. *Bypass* means the diversion of waste streams from any portion of a treatment facility, including any discharge from the wastewater treatment facility that receives less than secondary treatment, whether or not authorized by the Missouri State Operating Permit.

C. *Collection System or Sanitary Sewer System* means the sewage collection and transmission system including all pipes, force mains, gravity sewer lines, pumping stations, manholes, and appurtenances thereto that are owned or operated by the city and designed to convey wastewater to the city's wastewater treatment facility or to one or more points of discharge.

D. *Infiltration* means water other than wastewater that enters a Sanitary Sewer System, including sewer service connections and foundation drains, from the ground through such means of defective pipes, pipe joints, connections, or manholes.

E. *Inflow* means water other than wastewater that enters a Sanitary Sewer System, including service connections, from sources such as, but not limited to roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage.

F. *Inflow and Infiltration (I&I)* means water that enters a Sanitary Sewer System from inflow or infiltration without distinguishing the source.

G. *Private Service Connection* means wastewater pipes or other appurtenances not owned by the city that are used to convey wastewater from a building or buildings to the city's Collection System.

H. *Sanitary Sewer Overflow (SSO)* means an overflow, spill, diversion, or release of wastewater from the city's Collection System to waters of the state or to public or private property, including Building/Private Property Backups.

I. *Wastewater Treatment Facility (facility)* means the sewage treatment plant operated by the city pursuant to Missouri State Operating Permit number MO-0106810, and all components of such sewage treatment plant.

2. Information Collection and Utilization

SSO, Bypass and Basement Backup Tracking and Data Management System (Tracking and Management System). Within ninety (90) days of the effective date of Abatement Order on Consent (AOC) number 2013-WPCB-1153, the city shall submit to the Department, for review and approval, a description of a written or electronic Tracking and Management System that documents information regarding SSO events, bypasses and backups; and allows the city to organize and analyze information collected by the city regarding SSO events, bypasses and backups. The city shall immediately implement the provisions of the Tracking and Management System upon receiving the Department's approval and to the extent practicable, incorporate this system into a computer-based program that allows authorized city personnel access to the information.

The Tracking and Management System shall include all information necessary for the city to establish an effective and useful information collection system for SSOs, bypasses, backup events, and responses to such events. The Tracking and Management System shall also be designed and operated in a manner that allows the city to use the system for operation and maintenance activities, long term management of the city's wastewater treatment system, and development of the I&I Assessment and Reduction Plan pursuant to Section 3 of this Appendix and the Maintenance and Repair Program provisions required by Section 4 of this Appendix. The Tracking and Management System shall also incorporate the quality assurance and quality control practices the city will follow to

ensure the accuracy and reliability of data collected and managed. The Tracking and Management System shall include, but not be limited to, the following:

- (1) The date and time (or best estimate) that the SSO, bypass or backup event began;
- (2) Precipitation data (including intensity and duration);
- (3) The source of information for the SSO, bypass or backup event, e.g., employee observation, electronic reporting or warning system, citizen complaint;
- (4) The specific (and general) location of the SSO, bypass or backup (i.e., street address and specific basin or geographic area of the city);
- (5) The best estimate (unless monitored) of the duration of the SSO, bypass or backup event, including the ending date and time;
- (6) The best estimate (unless monitored) of the volume discharged, including flow metering data, where applicable;
- (7) Sampling results from any sampling performed;
- (8) If applicable, the water body into which the wastewater was released;
- (9) The specific cause(s) of the discharge, if known, including for backups, whether it was caused by the city's collection system or private service connections;
- (10) Measurements taken to respond to the SSO, bypass or backup event and minimize the duration and/or impacts of the discharge;
- (11) The specific measures the city intends to use to prevent recurrence of the SSO, bypass or backup event;
- (12) The date and time a repair crew arrived on-site and the personnel involved, if repair was required; and
- (13) The date and time of notification to the Department's Northeast Regional Office or Emergency Response personnel.

3. I&I Assessment Plan and Capital Improvement Plan

A. Within ninety (90) days of the effective date of this AOC, the city shall submit to the Department for review and approval an I&I Assessment Plan (I&I Plan)

developed by a professional engineer registered in the State of Missouri. The I&I Plan shall divide the collection system into designated areas that will be prioritized by the city based on known problem areas and include a schedule to inspect the lines in the designated areas. Sewer lines that were installed within the last fifteen (15) years may be excluded from the plan unless the city has reason to believe these sewer lines are a major source of I&I. In the event the Department comments on the I&I Plan, the city shall submit a written response to address and satisfy all Department comments.

B. Within fifteen (15) days receipt of Department comments on the I&I Plan submittal, respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the I&I Plan submittal.

C. Within twelve (12) months of the date of Department approval of the I&I Plan, the city shall complete all required work contained in the Department approved I&I Plan.

D. Within six (6) months of completing the Department approved I&I Plan, the city shall submit to the Department for review and approval a Capital Improvement Plan (CIP) developed by a professional engineer registered in the State of Missouri. The CIP shall identify and prioritize proposed system improvements based on the I&I Plan, and include a proposed schedule to implement such improvements.

E. Within fifteen (15) days receipt of Department comments on the CIP submittal, respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the CIP submittal.

F. Immediately upon Department approval of the CIP, the city shall implement the CIP pursuant to the schedule as approved by the Department, which shall be fully enforceable as a term or condition of this AOC.

4. Maintenance and Repair Program

A. Within one hundred eighty (180) days of the effective date of this AOC, the city shall develop a Maintenance and Repair Program for the city's wastewater treatment facility and collection system. The city's Maintenance and Repair Program shall include a schedule for routine and systematic inspection, maintenance and repair of the collection system and identify all known short and long term capital investment

projects and activities the city anticipates will be necessary to ensure current and long term compliance with the city's Missouri State Operating Permit.

B. The city's Maintenance and Repair Program shall include a process to reevaluate the assumptions, schedules, and conclusions of the city's Maintenance and Repair Program, including information developed through implementation of the I&I Plan, and revise the city's Maintenance and Repair Program as necessary to ensure it continues to provide a viable planning tool that will enable the city to continue to effectively and efficiently operate the city's wastewater treatment system and comply with the requirements of permit number MO-0106810. The reevaluation process shall be planned no less frequently than every two years after preparation of the city's Maintenance and Repair Program.

5. Reporting and Record Keeping

A. Immediate Reporting. The city shall verbally notify the Department within twenty-four (24) hours from the time the city becomes aware of any bypass, regardless of whether or not the discharge is a violation of the city's permit, and each SSO event, with the exception of backups that are contained within a building. The city shall also submit a written report to the Department within five (5) days from the time the city becomes aware of any such bypasses or SSOs as described above.

(1) The written report shall contain the date, time, location, and estimated volume of the event, precipitation information (amount and duration), if any, and any additional information the city determines may be helpful in explaining the event and its circumstances or impacts.

(2) Reporting required under this Subsection to the Department is in addition to any reporting required by the city's Missouri State Operating Permit.

B. Semi Annual Reporting. After the Department's approval of the I&I Assessment and Reduction Plan, the city shall submit in writing to the Department six (6) month status reports on or before the 28th day of April and October every year thereafter

until termination of AOC number 2013-WPCB-1153. The April report shall cover activities that occurred during September, October, November, December, January, February and March; and the October reports shall cover activities that occurred during April, May, June, July, August, and September. The Semi Annual Reports shall contain a summary of the status and progress of all projects and programs required by Appendix A, including, but not limited to:

- (1) A summary of information collected pursuant to Section 2 of this Appendix, including a tabulation of each SSO, bypass and backup event.
- (2) A list of all confirmed I&I sources, the date (best estimate) of confirmation, whether the Inflow source or Infiltration source is on private or public property, and the removal or correction date. If the source has not yet been removed or corrected then include the expected date. If the source is located on private property, identify all actions taken by the city and the date taken to secure the source(s) removal or correction.
- (3) A description of all preventative maintenance activities undertaken by the city. This shall include information identifying specific pipe segments, manholes, pump stations or other structures within the collection system which were inspected, cleaned, repaired or replaced. Where available, maps shall be submitted documenting the information provided in the report.
- (4) The status of implementation of all plans required by Sections 3 and 4 of this Appendix, including a statement as to whether specific schedule milestone dates in the schedules included in each approved plan were met. Upon completion of a specific project in the approved plans, the city shall submit a certification that the specified work has been completed, including the following documentation of the completed work to the Department:
 - (a) For work performed by a private contractor, the city personnel shall complete an inspection report for the completed

project and the certification by the city's Engineer that the specified work has been completed; and

(b) For work performed by the city personnel, a copy of the work order for the project verified by the city's Engineer as complete.

(5) A list of all permit violations within the semi-annual reporting period. This tabular listing shall include the date of the violation, the parameter exceeded, the permit limit, the reported amount, and any additional relevant information included in each DMR within the quarter, or on the cover letter for the DMR (i.e., claim of upset, etc.)

C. The city shall maintain copies of all written submissions prepared pursuant to this Appendix for at least thirty-six (36) months after termination of AOC number 2013-WPCB-1153.

6. Requesting Termination of Reporting Requirements

Upon successful completion of all construction activities identified within the approved I&I Assessment and Reduction Plan and the approved Capital Improvement Plan under Section 3 of Appendix A; full and successful implementation of all action required pursuant to Sections 2 and 4 of Appendix A; and reporting as required by Section 5 of Appendix A, the city shall submit a report to the Department demonstrating such compliance and implementation of the required actions and request termination of the reporting requirements contained in Section 5 subparagraph B of Appendix A. The Department will consider termination of the reporting requirements contained in Section 5 subparagraph B of Appendix A when all actions identified above have been completed and the city demonstrates that it has corrected deficiencies within the physical structures comprising the city's wastewater treatment system, has significantly improved operation and maintenance processes, data collection and utilization, and has eliminated, to the extent feasible, SSOs, bypasses and backups. The reporting requirements of this Appendix shall remain in effect until a written notice of termination is issued by an authorized representative of the Department.

