

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF MISSOURI**

**RECEIVED**

MAY 23 2013

DAS ACCOUNTING

**IN THE MATTER OF:**

The City of Drexel )  
North and South Wastewater Treatment Facilities )

No. 2013-WPCB-1236

**SERVE:**

The Honorable Terry Mayfield, Mayor )  
City of Drexel )

**ABATEMENT ORDER ON CONSENT**

**I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS**

The issuing of this Abatement Order on Consent (AOC) number 2013-WPCB-1236, by the Missouri Department of Natural Resources, is a formal administrative action by the State of Missouri and is being issued because the City of Drexel's north and south wastewater treatment facilities and collection system are in violation of the Missouri Clean Water Law (MCWL). This AOC is issued under the authorities of Sections 640.130, 640.131, 644.056 and 644.079, RSMo. Failure to comply with this AOC is, by itself, a violation of the MCWL Section 644.076.1, RSMo. Litigation may occur without further administrative notice if there is not compliance with the requirements of this AOC. This AOC does not constitute a waiver or a modification of any requirements for the MCWL, or its implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve the city of liability for, or preclude the Department from, initiating an administrative or judicial enforcement action to recover civil penalties for any future violations of the MCWL, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

**II. FINDINGS OF FACT**

A. The City of Drexel owns and operates two (2) wastewater treatment facilities. The city's north facility is a five-celled lagoon located in Cass County that operates pursuant to Missouri State Operating Permit (MSOP) number MO-0023655. The city's south facility is a five-celled lagoon located in Bates County and operates pursuant to MSOP number MO-0023663. Both facilities have a design population of 500 and discharge effluent to North Sugar Creek.

MSOP number MO-0023663 contains a schedule of compliance for the south facility's effluent to meet final limitations for *Escherichia coli* and Ammonia by January 1, 2014, and February 1, 2016, respectively. MSOP number MO-0023655, which is currently expired, will also contain a schedule of compliance for *Escherichia coli* and Ammonia when it is renewed.

- B. North Sugar Creek and its tributaries are waters of the state as the term is defined by Section 644.016(27) RSMo.
- C. Domestic wastewater is a water contaminant as the term is defined in Section 644.016(24), RSMo.
- D. On January 19, 2012, Department staff conducted an inspection of the city's south facility in response to an environmental concern, which stated approximately 5,000 to 10,000 gallons of raw sewage was bypassed from the south facility on January 8, 2012. During the inspection, Department staff did not observe any wastewater bypassing from the facility; however, Department staff observed evidence of a recent wastewater discharge, which entered an unnamed tributary to Sugar Creek. Department staff observed a constructed outfall pipe in a manhole where the discharge occurred. During the inspection, Department staff also noted that the baffles in the facility were not working properly, the facility aerators were not operational, the facility was overfilled with sludge, and the outfall was not properly marked. The inspectors documented that the sludge in the facility was approximately six (6) inches from the surface of the water. Department staff collected water samples for laboratory analysis, and documented that the outfall lacked a calibrated flow measuring device. Analytical laboratory results indicated that effluent exceeded the average monthly biochemical oxygen demand (BOD) limit of 45 mg/l by 128%. On March 8, 2012, the Department issued Notice of Violation (NOV) number KC2012021609203453 to the city for maintaining a water contaminant source that intermittently discharges to waters of the state without a MSOP, failing to properly operate and maintain the facility, causing pollution to waters of the state, and failing to measure flow at the outfall. On March 29, 2012, the Department issued NOV number KC2012012412080411 to the city for constructing an outfall without a construction permit and causing pollution to waters of the state.
- E. On January 19, 2012, Department staff also conducted an inspection of the city's north facility in response to an environmental concern. During the inspection, staff observed that warnings signs were not properly posted around the facility, the fence surrounding the facility was in disrepair, and the outfall was not properly marked. Additionally, Department staff observed that the north facility's aerators were not operational, there were signs of muskrat burrows in the berms of the facility, and stormwater was retained in a low lying area that could potentially enter the facility. Staff noted that the facility was full of sludge; the sludge was approximately 12 inches from the surface of the water. After the inspection, staff reviewed the conditions of the laboratory and files kept by the city. During the file review, Department staff documented that no regular schedule for maintenance activities at the facility was maintained and the lab responsible for

analyzing the city's wastewater samples did not have pH standards or properly maintain meters to perform laboratory testing as required by the MSOP. On April 24, 2012, the Department issued the city Notice of Violation number KC2012030515255126 for failing to carry out the minimum requirements for laboratory testing.

- F. On March 22, 2012, a water technician from the city contacted the Department to report a wet weather overflow at the rate of 15,000 gallons per minute. On March 23, 2012, Department staff conducted an inspection at the city's south facility in response to multiple environmental concerns received by the Department. During the inspection, Department staff observed wastewater discharging from a manhole with a constructed bypass, and wastewater overtopping the facility berm and entering a tributary to Sugar Creek. Department staff also noted that the facility's aerators were not operational. On June 27, 2012, the Department issued the city NOV number KC2012032612311215 for operating a water contaminant source without a MSOP, failing to properly operate and maintain the south facility, and causing pollution to waters of the state.
- G. As a result of the above investigations, the State incurred costs for staff time in the amount of three thousand five hundred two dollars and seventy-six cents (\$3,502.76).
- H. Monthly Discharge Monitoring Reports (DMRs) submitted to the Department document that effluent discharged from the city's south facility failed to comply with applicable permitted effluent limitations for BOD during the months of November 2010; January and February 2011; and February and April 2012.
- I. Monthly DMRs submitted to the Department document that effluent discharged from the city's south facility failed to comply with applicable permitted effluent limitations for total suspended solids (TSS) during the months of April, May, June, September, October, and November 2011; and May, June, and July 2012.
- J. Monthly DMRs submitted to the Department document that effluent discharged from the city's north facility failed to comply with applicable permitted effluent limitations for TSS during the months of December 2010; April, May, August, September, October, and November 2011; and July and August of 2012.
- K. Monthly DMRs submitted to the Department document that effluent discharged from the city's north facility failed to comply with applicable permitted effluent limitations for BOD during the months of January, February, April, and May 2011; and February 2102.
- L. On October 23, 2012, the Department sent a letter to the city approving the city's sludge management plan, which outlined a plan for dredging and land-applying sludge from the north and south facilities. The plan includes an estimate of approximately 180 days to complete dredging and land application of the sludge from both facilities.

- M. On February 28, 2013, the Department received a letter from the city stating that the city initiated interim measures to improve the operation of the existing facilities, including dredging and replacing baffle curtains and aerators that are in disrepair at both facilities. In the letter, the city stated that the contract for these improvements has been executed, and the project should begin mid-March 2013. Lastly, in the letter, the city stated that it has executed a contract with Allgeier, Martin and Associates, Inc. for engineering services associated with updating a facility plan for wastewater treatment system upgrades that was previously drafted in 2005. The 2005 engineering report recommended construction of a new wastewater treatment facility for the city, and included an estimated capital cost of \$1,812,000.
- N. Section 644.096, RSMo, authorizes the State, or any political subdivision or agency, 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.
- O. 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 at the city's north and south facilities and collection system are as follows:

1. Failed to carry out minimum requirements for laboratory testing to ensure adequate wastewater system in plant operational control, in violation of Sections 644.076.1, RSMo, and 10 CSR 20-9.010(5);
2. Failed to comply with the effluent limits contained in Part "A" of MSOP number MO-0023655 and MSOP number MO-0023663, in violation of Sections 644.051.1(3) and 644.076.1, RSMo;
3. Caused pollution to waters of the state, or placed or caused or permitted to be placed water contaminants in a location where they are reasonably certain to cause pollution of waters of the state, in violation of Sections 644.051.1(1) and 644.076.1, RSMo;
4. Operated, used, or maintained a water contaminant source – constructed bypass – which discharged to a tributary to Sugar Creek, waters of the state, without a MSOP, in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1) and (5)(A);
5. Caused or permitted construction, installation, or modification of any sewer system or of any water contaminant source, point source or wastewater treatment facility without first receiving a construction permit in violation of

Sections 644.076.1 and 644.051.2 RSMo, and 10 CSR 20-6.010(1)A and 10 CSR 20-6.010(4)A; and

6. Failed to operate and maintain facilities to comply with applicable permit conditions in violation of Section 644.051.1(3).

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's claims relating to the above-referenced violations agrees, without admitting liability or fault, to pay a civil penalty in the amount of ten thousand dollars and zero cents (\$10,000.00). The Department and city further agree that seven thousand five hundred dollars and zero cents (\$7,500.00) shall be suspended as described in paragraph D below. The civil penalty in the amount of two thousand five hundred dollars and zero cents (\$2,500.00) shall be paid in the form of two (2) checks as follows:
  - a. one thousand two hundred fifty dollars and no cents (\$1,250.00) to the "Bates County Treasurer, as custodian of the Bates County School Fund"; and
  - b. one thousand two hundred fifty dollars and no cents (\$1,250.00) to the "Cass County Treasurer, as custodian of the Cass County School Fund".

Both checks in the total amount of two thousand five hundred dollars and zero cents (\$2,500.00) are due and payable upon execution of this AOC by the city. The checks and signed AOC shall be delivered to:

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

- D. The suspended penalty described in paragraph C of seven thousand five hundred dollars and no cents (\$7,500.00) shall be suspended for a period of two (2) years from the execution of this AOC upon the condition that the city does not violate the terms of the AOC. Upon determination that the city has failed to meet the terms of this AOC, including the requirements of paragraph E through L, the

Department shall send a written demand for the suspended penalty to the city. The city shall have fifteen (15) days from receipt of the written demand to submit the suspended penalty to the address listed in paragraph C. The suspended penalty shall be paid in the form of two (2) checks as follows:

- a. three thousand seven hundred fifty dollars and no cents (\$3,750.00) to the “Bates County Treasurer, as custodian of the Bates County School Fund”; and
  - b. three thousand seven hundred fifty dollars and no cents (\$3,750.00) to the “Cass County Treasurer, as custodian of the Cass County School Fund”.
- E. The city agrees to pay the State’s investigative costs in the amount three thousand five hundred two dollars and seventy-six cents (\$3,502.76) in the form of a certified check or cashier’s check made payable to the “*State of Missouri.*” The check in the amount of three thousand five hundred two dollars and seventy-six cents (\$3,502.76) is due and payable upon execution of this AOC by the city. The check shall be delivered to:
- Accounting Program  
Missouri Department of Natural Resources  
P.O. Box 477  
Jefferson City, MO 65102-0176
- F. Within thirty (30) days of the effective date of this AOC, the city agrees to develop and submit a Quality Assurance/Quality Control (QA/QC) program to the Department for review and approval. The QA/QC Program shall be structured as a standard operating procedure for the laboratory, and shall explain the process by which the city samples and tests for each permitted parameter and how the laboratory equipment is calibrated and maintained. If the Department comments and/or requests modification of the QA/QC program, the city agrees to address the Department’s comments and resubmit the document within fifteen (15) days receipt of the Department’s comments.
- G. Within ninety (90) days from the effective date of this AOC, the city agrees to cease discharge from and eliminate all unpermitted outfalls from the city’s north and south facilities and collection system, including discharge pipes constructed in collection system manholes, and submit a report to the Department documenting that the unpermitted outfalls have been eliminated.
- H. In the period of time from the effective date of this AOC until the new or upgraded facility is completed and permitted by the Department, the city shall operate and maintain the existing north and south facilities at all times in compliance with the conditions and requirements of their respective operating permits, MSOP numbers MO-0023655 and MO-0023663. All units or components of the existing facilities shall be maintained in an operable condition, even if this requires the purchase and installation of new parts or equipment, or repair of the existing facilities.

- I. Within ninety (90) days of the effective date of this AOC, the city agrees to submit to the Department for review and approval, a facility plan developed in accordance with the requirements of 10 CSR 20-8.110 and prepared by a professional engineer licensed to practice in the State of Missouri. The facility plan shall evaluate the wastewater treatment systems and recommend corrective actions to enable the facilities to comply with the MCWL and the conditions and requirements of MSOP numbers MO-0023655 and MO-0023663. The facility plan may recommend upgrades or replace of the existing facilities, and shall include a schedule of completion dates for major project milestones, including but not limited to an Antidegradation Review, if necessary; submittal of a complete application for a construction permit, including applicable fee, design summary, plans, and specifications signed and sealed by a professional engineer licensed to practice in the State of Missouri; and a construction completion date of February 1, 2016. The city shall implement the schedule as approved by the Department, which shall be enforceable as a condition of compliance of this AOC.
- J. Within one hundred eighty (180) days of the effective date of this AOC, the city agrees to remove accumulated sludge from the north and south facilities pursuant to the Department-approved sludge management plan and repair or replace the baffle curtains and aerators that are in disrepair at the north and south facilities, and submit a report to the Department documenting that the corrective actions have been completed
- K. The city shall fully implement all of the requirements of Appendix A of this AOC, Wastewater Collection and Treatment System Management Program, and if required, complete improvements to its collection system that work toward eliminating incidents of sanitary sewer overflows (SSOs) from its collection system and bypasses at the wastewater treatment facilities. All documents submitted to the Department pursuant to Appendix A shall be subject to review and approval by the Department and shall be fully implemented by the city upon approval. If the Department comments and/or requests modification of any documents submitted to the Department pursuant to Appendix A, the city shall make the modifications as directed by the Department and/or address the Department's comments and resubmit the document(s) within (15) fifteen days of receipt of the Department's comment(s).
- L. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, the city shall 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.

- M. Should the city fail to meet the terms of this AOC, including the deadlines for completion of construction set out in paragraphs E through L, 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

The total stipulated penalty amount will be divided equally in half and paid in the form of two (2) checks; one made payable to “Bates County Treasurer, as custodian of the Bates County School Fund” and one made payable to “Cass County Treasurer, as custodian of the Cass County School Fund.” Any such stipulated penalty shall be paid within ten (10) days of 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

- N. Nothing in this AOC forgives the city from future non-compliance with the laws of the State of Missouri, nor requires the Department or State of Missouri to forego pursuing by any legal means any noncompliance with the laws of the State of Missouri. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they express or implied, oral or written, except those within are expressly set forth herein. The terms of this AOC supersede all previous memoranda or understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.
- O. 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.
- P. Upon full payment of the above-mentioned penalty and full compliance with all provisions of this AOC, the Department agrees to refrain from initiating or asserting against the city any civil or administrative suit claiming violations of the MCWL, Chapter 644, RSMo, listed in Notice of Violation numbers KC2012021609203453, KC2012012412080411 and KC2012032612311215.
- Q. The effective date of the AOC shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to the city for its records.
- R. The city shall comply with the MCWL, Chapter 644, RSMo and its implementing regulations, and all conditions and requirements of MSOP numbers MO-0023663 and MO-0023655 at all times in the future.

V. FINDING OF AFFORDABILITY

Pursuant to Section 644.145, the Affordability Finding, which addresses the obligations included within this Order, based upon the city's cost estimate of \$250,000 through completion of corrective actions that will enable effluent from the north and south facilities to comply with current permitted effluent limitations and submittal of a facility plan recommending upgrades necessary for the facilities to comply with upcoming effluent limitations, is attached hereto as Exhibit 1. This Affordability Finding does not address future improvements that may be necessary to comply with the MCWL or its implementing regulations, including construction of a new wastewater treatment plant. This AOC requires the city to develop a QA/QC program, repair baffle curtains and aerators that are in disrepair at the north and south facilities, dredge and remove accumulated sludge from the north and south facilities, eliminate any unpermitted discharges, and complete construction of a new wastewater treatment facility in accordance with a Department-approved facility plan.

VI. RIGHT OF APPEAL

By signing this AOC, the city consents to its terms 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

Agreed to and Ordered this 13<sup>th</sup> day of June, 2013

  
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John Madras, Director  
Water Protection Program  
Missouri Department of Natural Resources

Agreed to and Ordered this 21 day of May, 2013

  
The Honorable Terry Mayfield, Mayor  
City of Drexel

Copies of the foregoing served by certified mail to:

The Honorable Terry Mayfield  
City of Drexel  
P.O. 710  
Drexel, MO 64742

CERTIFIED MAIL:

c: Ms. Diane Huffman  
Chief, NPDES and Facilities Management Branch  
Water, Wetlands, and Pesticides Division  
U.S. Environmental Protection Agency, Region VII  
11201 Renner Blvd  
Lenexa, KS 66219

Mr. Chris Wieberg, Chief  
Operating Permits Section  
Water Protection Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

Ms. Andrea Collier, Director  
Kansas City Regional Office  
Missouri Department of Natural Resources  
500 NE Colbern Road  
Lee's Summit, MO 64086-4710

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

Dr. Samuel M. Hunter, Chair  
Missouri Clean Water Commission  
P O Box 984  
216 Tanner Street  
Sikeston, MO 63801

Mr. Ben A. "Todd" Parnell, III, Vice Chair  
Missouri Clean Water Commission  
Drury University  
900 N. Benton  
Springfield, MO 65802

Mr. John Cowherd, Commissioner  
Missouri Clean Water Commission  
1303 Deer Lane  
Mount Vernon, MO 65712

Mr. Samuel D. Leake, Commissioner  
Missouri Clean Water Commission  
41690 Harrison Trail  
Perry, MO 63462

Ms. Wallis Warren, Commissioner  
Missouri Clean Water Commission  
2671 Jefferiesburg Road  
Beaufort, MO 63013

Mr. Dennis Wood, Commissioner  
Missouri Clean Water Commission  
P.O. Box 112  
284 Lillian Lane  
Kimberling City, MO 65686

Mr. Buddy Bennett, Commissioner  
Missouri Clean Water Commission  
1922 N Main Street  
Higginsville,  
MO 64037-1527

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

**1. Definitions**

A. Building/Private Property Backup and Backup. Any release of wastewater from the city's sanitary sewer system to buildings or private property. The city is not responsible 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 overland flooding not emanating from the city's sanitary sewer system.

B. Bypass. 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 and Sanitary Sewer System. 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. 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. 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). The total quantity of water from inflow, infiltration and rain induced infiltration without distinguishing the source.

G. Private Service Connection. The portion of the collection system, not owned by the city, used to convey wastewater from a building or buildings to that portion of the collection system owned by the city.

H. Sanitary Sewer Overflow (SSO). An overflow, spill, diversion, or release of wastewater from the city's collection system to waters of the state, as well as to public or private property including building/private property backups.

I. Wastewater Treatment Facility (WWTF). The sewage treatment plant operated by the city, 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 AOC number 2013-WPCB-1236, 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 basement backups; and allows the city to organize and analyze information regarding SSO events, bypasses and basement backups collected by the city. 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 systems, and development of the Maintenance and Repair Program provisions required by Section 3 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 Kansas City Regional Office.

### **3. Maintenance and Repair Program**

A. Within one hundred eighty (180) days of the effective date of AOC No. 2013-WPCB-1236, the city shall develop a Maintenance and Repair Program for the city's collection system. The suggested guidance for developing the Maintenance and Repair Program is the United States Environmental Protection Agency's Guide for Evaluating Capacity, Management, Operation, and Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems (Document No. EPA 305-B-05-02). 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 Permits.

B. The city's Maintenance and Repair Program shall include a process to revise the 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 systems and comply with the requirements of MSOP numbers MO-0023655 and MO-0023663. The reevaluation process shall be planned no less frequently than every two (2) years after preparation of the Maintenance and Repair Program.

#### **4. Reporting and Record Keeping**

A. **Reporting.** The city shall verbally notify the Department within twenty-four (24) hours from the time the city becomes aware of any discharges from the WWTFs that receive less than secondary treatment, regardless of whether or not the discharge is a violation of the city's MSOPs, 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 bypasses or SSOs as described above and report wet weather bypasses and SSOs with its Discharge Monitoring Reports.

- (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 Permits.

B. **Record Keeping.** 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 No. 2013-WPCB-1236.