

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES
STATE OF MISSOURI

IN THE MATTER OF:)	
)	
City of Lake Lotawana)	
Wastewater Collection System)	2012-WPCB-1156
and Treatment Facility)	
)	
SERVE:)	
)	
Howard Chamberlin, Mayor)	
City of Lake Lotawana)	

ABATEMENT ORDER ON CONSENT

I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS

The issuing of this Abatement Order on Consent (AOC) No. 2012-WPCB-1156 by the Missouri Department of Natural Resources is a formal administrative action by the State of Missouri and is being issued due to violations of the Missouri Clean Water Law (Law) occurring at the City of Lake Lotawana’s wastewater treatment facility No. 1. Failure to comply with this AOC is, by itself, a violation of the Law 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 of the Law, 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, including future, violations of the Law, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

II. FINDINGS OF FACT

A. The city is a fourth class municipality with a population of approximately 2,149. As part of the services it provides to its citizens, the city owns and operates facility #1

located in the NW ¼, NW ¼, NW ¼ of Section 33, Township 48 North, Range 30 West, Jackson County, Missouri. The city's facility #1 consists of an activated sludge treatment plant with three (3) aeration basins, clarifiers, and a Peak Flow Holding (Holding) Basin. Facility #1 has a design flow of 0.3177 million gallons per day (gpd) and an actual flow of 0.235 million gpd. The city also owns and maintains sewer lines throughout the city that collect and carry wastewater to its facility #1. Effluent from the city's facility #1 discharges from outfall # 001 to the West Fork of Sni-A-Bar Creek, pursuant to the requirements of Missouri State Operating Permit No. MO-0055425. The West Fork is waters of the state as defined in Section 644.016(23) RSMo and is listed in 10 CSR 20-7.031 Table H, as a class P stream as defined in 10 CSR 20-7.031(1)(F)(4).

- B. Permit No. MO-0055425 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. Permit No. MO-0055425 further requires the effluent 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 following month.
- C. The Department issued permit No. MO-0055425 to the city with an effective date of March 7, 2003, and modified the permit on April 26, 2007, to include mechanical upgrades to the original lagoon system.
- D. A bypass is "the diversion of wastewater from any portion of a wastewater treatment facility or sewer system to waters of the state" as defined in 10 CSR 20-2.010(11).
- E. The city routinely diverts excess wastewater to the Holding Basin during wet weather events, where it is stored until it can be passed through facility #1. When the Holding Basin reaches its maximum capacity, the city bypasses partially treated, excess wastewater collected in the Holding Basin in combination with effluent from facility #1 prior to discharge to the West Fork.
- F. On February 28, 2008, the Department received notification by telephone that there was an ongoing bypass of untreated wastewater from the headworks of facility #1. Department staff investigated the bypass event on February 28 and 29, 2008, and found that partially treated wastewater was also bypassing from the sludge holding lagoon. On March 6, 2008, the Department received notification by telephone that the bypass had ceased as of March 6, 2008. On March 11, 2008, Department staff visited facility #1 and confirmed that the bypass had ceased. On March 21, 2008, the Department received written correspondence from the city regarding the bypass event, but it was not within the five (5) day timeframe required in 10 CSR 20-7.015(9)(E).

- G. Between 2008 and 2011, the Department received written reports from the city reporting that it was blending wastewater from the Holding Basin with effluent from facility #1 for discharge into the West Fork. The reports submitted by the city document that blending had occurred for 71 days during the months of July, August and September 2008, 64 days during the months of April, May and June 2009, 184 days between January and July 2010, and for 28 days between March 3, and March 31, 2011.
- H. On May 19, 2010, the Department issued a Notice of Violation (NOV) to the city for failure to comply with permit effluent limits for Fecal Coliform (FC), during the months of August and November 2009.
- I. On November 18, 2010, Department staff conducted a routine compliance inspection of the city's facility #1 and found the city to be in violation, due to the bypassing of partially treated wastewater. In the Report of Compliance Inspection, the Department required the city to submit a description of the interim solution to bypassing occurring at facility #1 by May 4, 2011.
- J. On March 8, 2011, the Department received the city's Inflow and Infiltration (I/I) Assessment and Reduction Plan. On April 18, 2011, the Department sent a letter notifying the city that its I/I Assessment and Reduction Plan was complete. The I/I Assessment and Reduction Plan included a prioritized list of defects in the collection system that were identified via smoke testing. The I/I Assessment and Reduction Plan also provided a Repair Cost Analysis of the identified defects.
- K. On March 16, 2011, Department staff collected a grab sample of effluent discharging from outfall # 001. Chemical analysis of the sample indicated that the effluent failed to comply with permitted effluent limitations for FC required in Permit No. MO-0055425.
- L. On May 4, 2011, the Department received correspondence from the city in response to the Department's November 18, 2010, Inspection Report. The city's correspondence included a spreadsheet detailing repairs made in the collections system to mitigate the I/I issues. In the letter, the city further stated that a design memorandum would be submitted to the Department by January 2012, a complete design in April 2012, and that construction of improvements would begin in June 2012.
- M. On July 27, 2011, the Department received correspondence from the city stating that the major repairs on the collection system would be completed by March 2012, video inspections of sewer line and repair of deep pipe would be completed by October 2012, and that the city anticipated delivery of a preliminary report to the Department on or before August 1, 2011.

- N. On October 31, 2011, the Department received the city's facility plan which is currently under review by the Department.
- O. On January 31, 2012, the Department received data from the city indicating that all of the defects prioritized as heavy and over 40% of the defects prioritized as medium in Appendix C of the December 2010 I/I Assessment and Reduction Plan had been repaired.
- P. Between January 1, and May 1, 2012, the city completed installation of nineteen (19) lift station monitors with alarms, pump hours, and flow calculation. The city has also purchased annual wireless service for each of the lift station monitors allowing computer generated reports and alarm notifications by email, pager or telephone.
- Q. DMRs submitted by the city document permit effluent limitation violations for Total Suspended Solids (TSS) in August 2010 and September 2011, Ammonia as N in February 2010 and March 2010, FC in April 2010, and biochemical oxygen demand (BOD) in February 2010, March 2010, April 2010, and September 2011.

III. CITATIONS AND CONCLUSIONS OF LAW

The Department alleges that the following violations of the Law, Chapter 644, RSMo, and its implementing regulations have been committed by the city:

- 1. Failed to report a bypass event as required by the Standard Conditions, Section B (2) (5), of Permit No. MO-0055425, and in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015 (9) (E).
- 2. Caused pollution of 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.
- 3. Failed to submit complete, accurate and timely DMRs as required in Standard Conditions, Part 1 Section "A" (1) (b) of Permit No. MO-0055425, and in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.
- 4. Failed to operate and maintain facilities to comply with the Law and applicable permit conditions, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.
- 5. Failed to comply with the effluent limits contained in Part "A" of Permit No. MO-0055425663 in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

IV. AGREEMENT

- A. The Department and the city desire to amicably resolve all claims that might be

brought against the city for the violations alleged above in Section III, Citations and Conclusions of Law, without the city admitting the validity or accuracy of such claims.

- B. The provisions of this AOC shall apply to and be binding upon the parties executing this Order, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties.
- 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 thirty thousand dollars and no cents (\$30,000.00). The Department and the city agree twenty five thousand dollars (\$25,000.00) of the civil penalty shall be suspended on the condition the city complies with all requirements and conditions contained in this AOC. The payment shall be in the form of a certified check or cashiers check made payable to “Jackson County Treasurer, as custodian of the Jackson County School Fund.” The check in the amount of five thousand dollars and no cents (\$5,000.00) 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 shall report to the Department all known Sewer System Overflows (SSOs) within twenty-four (24) hours of each SSO event, followed by a written report to the Department within five (5) days of the SSO event for its entire collection and treatment system. The city shall also maintain reports of all SSO occurrences for the Department’s inspections.
- E. The city shall complete improvements to its collection system to work toward eliminating incidents of bypass. The city shall fully implement all of the requirements of Appendix A of this AOC, Wastewater Collection System and Treatment Facilities Correction and Management Program in accordance with the timeline submitted pursuant to Appendix A, Paragraph 3.A. If the Department comments and/or requests modification of any documents submitted to the Department pursuant to Appendix A, the city shall submit a written response to the Department to address and satisfy said Department comments. The written response shall be submitted within thirty (30) days receipt of said comments or within the time frame specified in the Department’s correspondence, whichever is earlier.
- F. In the period of time from the effective date of this AOC until repairs to the collection

system and any recommended upgrades for facility #1 are completed, the city shall operate and maintain the existing facility #1 and collection system at all times so as to produce the best effluent quality possible and comply with the terms and conditions of Permit No. MO-0055425. All units or components of the existing facility #1 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 facility.

- G. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed on time, the city shall notify the Department by telephone or electronic mail, identifying: i) the deadline that will not be completed; ii) the reason for failing to meet the deadline; and iii) a proposed 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. Should the city fail to meet the terms of this AOC, including any of the deadlines set out in paragraphs D through I above, except in the event of a force majeure event the Department may impose stipulated penalties and the city agrees to pay such stipulated penalties, in the following amounts:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$250.00 per day
31 to 60 days	\$400.00 per day
61 to 90 days	\$800.00 per day
91 days and above	\$2,000.00 per day

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

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

- I. Force majeure event for the purposes of this AOC shall be defined as any event arising from causes beyond the control of the city, of any entity controlled by the city or of the city's contractors, that delays or prevents the performance of any obligation

under this AOC despite the city's best efforts to fulfill the obligation. The requirement that the city exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate and prevent any potential force majeure event and best efforts to minimize the effects of any such event (a) as it is occurring and (b) after it has occurred to prevent or minimize any resulting delay to the greatest extent possible. "Force majeure" does not include unanticipated or increased expenses or costs associated with implementation of this Agreement, changed financial circumstances, or other financial or budgetary issues. Failure to apply for a required permit or approval, or to provide in a timely manner all information required to obtain a permit or approval necessary to meet the requirements of this Settlement Agreement are not Force majeure events.

- J. If any event occurs or has occurred that may delay the performance of any obligation under this AOC, whether or not caused by a force majeure event, the city shall provide notice orally or by electronic or facsimile transmission to the Department within five (5) business days of when the city first knew that the event might cause a delay. Within seven (7) days thereafter, the city shall provide in writing to the Department, an explanation and description of the reasons for the delay; the anticipated duration of the delay; all actions taken to be taken to prevent or minimize the delay; a schedule for implementation, of any measures to be taken to prevent or mitigate the delay or the effect of the delay; the city's rationale for attributing such delay to a force majeure event if it intends to assert such a claim; and a statement as to whether, in the opinion of the city, such event may cause or contribute to an endangerment to public health, welfare or the environment. The city shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to comply with the above requirements shall preclude the city from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. The city shall be deemed to know of any circumstances of which the city, any entity controlled by the city, or the city's contractors knew or should have known. If the Department agrees that a force majeure event has occurred, the Department may agree to extend the time for the city to perform the obligation(s) under this AOC that are affected by the force majeure event for the time necessary to complete those obligations. An extension of the time for performance of the obligations affected by the force majeure event shall not, by itself, extend the time for performance of any other obligation. The Department will notify the city in writing of the length of the extension, if any, for performance of the obligations affected by the force majeure event. If the Department does not agree that the delay or anticipated delay has been or will be caused by a force majeure event, the Department will notify the city in writing

of its decision within 60 days of receiving the city's written notice and description as required by this Section.

- K. Nothing in this AOC forgives the city from future noncompliance with the laws of the State of Missouri, nor requires the Department or State of Missouri to forgo pursuing by any legal means any noncompliance with the laws of the State of Missouri.
- L. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they expressed or implied, oral or written, except those that are expressly set forth herein. The terms of this AOC supersede all previous memoranda or understanding, notes, conversations, and agreements, expressed or implied.
- M. The effective date of the AOC shall be the date the Department signs the Order.
- N. The city agrees to comply with the terms and conditions of its Permit, the Law, Chapter 644, RSMo, and the implementing regulations at all times in the future.

V. AFFORDABILITY FINDING

Pursuant to Section 644.145, the Department's Affordability Finding, which addresses the obligations included within this Order through sixteen (16) months of the effective date of the AOC based upon the city's cost estimate of (\$219,925.00) through sixteen (16) months of the effective date of the AOC, is attached hereto as Exhibit 1. This Affordability Finding does not address future improvements that may be necessary to comply with the Missouri Clean Water Law or its implementing regulations. This Order requires the city to complete an engineering report of lift station flow data in its wastewater collection system and submit the engineering report to the Department for review and approval that includes a schedule for completing various improvements to such system. The Department intends to prepare an Affordability Finding addressing such improvements in connection with Department approval of such facility plan. The city agrees to provide such additional information requested by the Department as is reasonably necessary to assist in developing any required Affordability Finding in the future.

VI. RIGHT OF APPEAL

By signing this Order, the city consents to its terms and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this Order, or the affordability finding referenced herein, pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, 644.145 RSMo, Chapter 536 RSMo, 10 CSR 20-1.020, 10 CSR 20-6.020(5), the Missouri Constitution, or any other source of law. Notwithstanding anything contained herein to the contrary, the city is not precluded from seeking judicial

review otherwise challenging future Department actions, where such Department actions interpret or implement this AOC.

VII. CORRESPONDENCE AND DOCUMENTATION

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

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

Agreed to and Ordered this 16th day of January, 2012.^{13th}



Leanne Tippet Mosby, Director
Division of Environmental Quality
Missouri Department of Natural Resources

Agreed to and Ordered this 18th day of December, 2012.



The Honorable Howard Chamberlin, Mayor
City of Lake Lotawana

Copies of the foregoing served by certified mail to:

The Honorable Howard Chamberlin
Mayor, City of Lake Lotawana
100 Lake Lotawana Drive
Lake Lotawana, MO 64068

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. Jack McManus
Chief Counsel
Agriculture and Environment Division
Office of the Attorney General
P.O. Box 899
Jefferson City, MO 65102-0899

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

Mr. Chris Weiberg, Chief
Operating Permits Section
Water Protection Program
P.O. Box 176
Jefferson City MO 65102-0176

Dr. Samuel M. Hunter, Chair
Missouri Clean Water Commission
1288 State Highway HH
Sikeston, MO 63801

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

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

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

Mr. Buddy Bennett, Commissioner
Missouri Clean Water Commission
7361 Summer Azure Lane
Higginsville, MO 64037

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
Kimberling City, MO 65686

APPENDIX A
WASTEWATER COLLECTION AND TREATMENT SYSTEM
MANAGEMENT PROGRAM

All documents required by Appendix A shall be submitted to the Missouri Department of Natural Resources (Department) for review and approval. Upon the date the Department approves of these documents, the city shall implement the provisions of each document as a condition of compliance with the Abatement Order on Consent.

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 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, stormwater, 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 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 (facility)**. The sewage treatment plant and all associated components of such sewage treatment plant, operated by the city.

II. **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) No. 2012-WPCB-1156, 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 and 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 III of this Appendix and the Maintenance and Repair Program provisions required by Section IV 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 discharge, 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) Measures taken to respond to the discharge 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 discharge;
- (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.

III. I/I Reduction

- A. The city agrees to maintain the lift station monitors at all times and further agrees to collect and maintain data from the lift station monitors, including pump hours, pump performance data, and flow calculations.
- B. Within one hundred eighty (180) days of the effective date of AOC No. 2012-WPCB-1156, the city shall submit a report comparing wet and dry weather flows for each of the city's lift stations. The report shall also contain daily precipitation data for the same time period.
- C. Within twelve (12) months of the effective date of AOC No. 2012-WPCB-1156, the city shall repair all defects listed in its December 2010 I/I Assessment and Reduction Plan.
- D. Within fifteen (15) months of the effective date of AOC No. 2012-WPCB-1156, the city shall submit to the Department for review and approval, an engineering report prepared by a professional engineer licensed to practice in the State of Missouri. The engineering report shall analyze pump hours, pump performance data, and flow calculations and compare the wet weather and dry weather flow for all of the city's lift stations. The wet and dry weather flows shall be correlated with daily rainfall totals for the same time period. The report shall recommend corrective action necessary to eliminate SSOs and bypass events from facility #1 and a schedule to implement the corrective action. The schedule contained in the Department approved engineering report shall become fully enforceable as a condition for compliance with the AOC.
- E. Within thirty (30) days receipt of comments from the Department on the engineering report, the city shall respond to and address, to the Department's satisfaction, all of the Department's comments on the engineering report.

IV. Maintenance and Repair Program

- A. Within ninety (90) days of the effective date of AOC No. 2012-WPCB-1156, the city shall submit a Maintenance and Repair Program (M & R Program) for its wastewater collection system to the Department. The suggested guidance for developing the M & R Program is the United States Environmental Protection Agency's (EPA) 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 M & R 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 permit.
- B. The city's M & R Program shall include a process to reevaluate the assumptions, schedules, and conclusions of its M & R Program, including information developed through implementation of the I/I Assessment and Reduction Plan, and revise the M & R Program as necessary to ensure it continues to function as a viable planning tool that enables the city to continue to effectively and efficiently operate its wastewater treatment system and comply with its permit. The reevaluation process shall be planned no less frequently than every two years after preparation of the city's M & R Program.

V. Reporting and Record Keeping

- A. Immediate Reporting. The city shall notify the Department by telephone or online reporting within twenty-four (24) hours from the time the city becomes aware of any discharges from facility #1 that receive less than secondary treatment, 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 also agrees to submit a written report to the Department within five (5) days from the time the city becomes aware of any dry or wet weather bypasses or SSOs.
 - (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 permit.
- B. Semi Annual Reporting. The city shall submit a written six (6) month status report to the Department on or before July 28, 2012, which covers the reporting period of January 1, 2012 through June 30, 2012. The reporting period for July 1, 2012, through December 31, 2012, shall be submitted to the Department by January 28, 2013. The city

shall continue to submit the six (6) month status reports by July 28 and January 28 each year until written notice of termination of AOC No. 2012-WPCB-1156 is issued by the Department. The reports shall contain a summary of the status and progress of all projects and programs required by this Appendix, including, but not limited to:

- (1) A summary of information collected pursuant to Section II of this Appendix, including a tabulation of each bypass, SSO, 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 III and IV 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, 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 quarter. 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 six (6) month period, 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 No. 2012-WPCB-1156.

VI. Requesting Termination of Reporting Requirements

Upon successful completion of all construction activities identified within the approved I/I Assessment and Reduction Plan under Section III of this Appendix; full and successful implementation of all actions required pursuant to Sections II and IV of this Appendix; and reporting as required by Section V of this Appendix, the city may 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 V subparagraph B of this Appendix. The Department will consider termination of the reporting requirements contained in Section V 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.