

1. The WWTF consists of a trickling filter, and anaerobic digester located in the SE¼, NW¼, of Section 3, Township 53 North, Range 17 West, of Chariton County. The WWTF has a design flow of 0.275 million gallons per day (MGD) and a design population of 2,750. Effluent from the WWTF discharges from outfall # 001 to Puzzle Creek (U) pursuant to the requirements and conditions of Missouri State Operating Permit (Permit) No. MO-0056634.
 2. The Large Lagoon is a three (3) cell lagoon located in the SE¼, SE¼, NW¼, of Section 11, Township 53 North, Range 17 West, of Chariton County. The Large Lagoon has a design flow of 196,000 gallons per day (GPD) and a design population of 1,208. The Large Lagoon discharges to a tributary to Middle Fork Chariton River (P) pursuant to the requirements and conditions of Permit No. MO-0025313 which was issued June 6, 2008, and expires by its own terms on June 5, 2013. The Permit requires the City to comply with final effluent limitations for Fecal Coliform (FC) bacteria by June 5, 2013. Pursuant to the Permit's Part "E", Schedule of Compliance, the City was required to submit an interim report to the Department by June 6, 2009, and a Construction Permit (CP) application to the Department for improvements necessary to comply with final effluent limitations for FC by December 5, 2010. To date, the Department has not received an interim report or a CP application.
 3. The Circleview Lagoon does not receive wastewater and formerly operated pursuant to the requirements and conditions of Permit No. MO-0087874 which expired by its own terms on March 1, 2012. To date, the Circleview Lagoon has not been closed pursuant to a Department approved closure plan as required by 10 CSR 20-6.010(12).
 4. The South 2.4 acre lagoon (Small Lagoon) does not receive wastewater and formerly operated pursuant to the requirements and conditions of Permit No. MO-0025321 which will expire by its own terms on May 29, 2013. To date, the Small Lagoon has not been closed pursuant to a Department approved closure plan as required by 10 CSR 20-6.010(12).
- B. Puzzle Creek, the Middle Fork Chariton River, and their tributaries are waters of the state as defined in 644.016(26) RSMo.
 - C. On August 4, 2011, Department staff observed evidence of a bypass from the City's WWTF and informed City staff that the City is required to report all bypasses to the Department's Northeast Regional Office as required by Standard Conditions, Part I, Section B(5) of the Permit.
 - D. On August 4, 2011, the Department received a telephone call from the City reporting the bypass of wastewater occurring from the headworks of the WWTF.
 - E. On August 4, 2011, Department staff conducted an investigation and observed a pipe equipped with a gate valve, at the headworks of the WWTF that ended in Puzzle Creek several hundred feet downstream from the WWTF's outfall. Staff observed Puzzle

Creek, upstream from Outfall # 001 and observed the water to be clear with no evidence of sludge deposits. The investigator observed Puzzle Creek immediately downstream from Outfall # 001 and immediately downstream from the bypass pipe and observed the water in both locations to be black in color and containing deposits of sewage sludge. As part of the investigation, staff conducted field monitoring and collected water samples from Puzzle Creek, upstream from the bypass at the Holbrook Street Bridge and immediately downstream from the WWTF's outfall and downstream from the bypass immediately downstream from the bypass outfall and Highway 24 Bridge. Department staff interviewed City staff on site and learned the City had replaced the bypass pipe and replaced a sewer main with a larger diameter pipe and had rerouted the main around a building. Following the investigation, staff reviewed Department records and found that the Department had not received a CP application for construction of the sewer main.

- F. On August 5, 2011, Department staff returned to the site of the bypass and observed that the City had pumped contaminated water from Puzzle Creek. City staff informed Department staff that they planned to continue pumping contaminated water from Puzzle Creek further downstream. Department staff also observed that the water in Puzzle Creek downstream at Floyd Parks Road Bridge was black. Department staff conducted field monitoring and collected water samples from Puzzle Creek at Floyd Parks Road Bridge and the Highway 24 Bridge.
- G. Chemical analysis of water samples collected from Puzzle Creek immediately downstream from the WWTF's outfall on August 4, 2011, and Floyd Parks Road Bridge on August 5, 2011 documented that the Ammonia as Nitrogen levels violated the Missouri Clean Water Commission's Water Quality Standards Acute Criteria for Ammonia as Nitrogen.
- H. On August 5, 2011, the Department received written notice of the August 4, 2011, bypass from the City stating that the bypass lasted two (2) hours and fifteen (15) minutes and an estimated 2,250 gallons of untreated wastewater bypassed from the headworks. In the report, the City explained that while working on the secondary clarifier a mechanical malfunction occurred in the primary clarifier and City staff opened the gate valve and intentionally bypassed untreated wastewater in order to access the malfunction for repair.
- I. On October 13, 2011, the Department issued a Notice of Violation (NOV) to the City based on the findings of the August 4 and 5, 2011, investigations of the City's WWTF.
- J. On February 9, 2012, the Department received an application from the City to renew Permit No. MO-0056634 which had expired on December 21, 2011.
- K. On March 1, 2012, Permit No. MO-0087874 expired and to date, the Department has not received an application for renewal of the permit.
- L. On April 12, 2012, the Department received a CP application from the City to close the WWTF and convert the WWTF to a lift station which would divert wastewater to the Large Lagoon.

III. CITATIONS AND CONCLUSIONS OF LAW

The Department finds that the following violations of the Law, Chapter 644, RSMo, and its implementing regulations have occurred:

- A. On August 4, 2011, discharged water contaminants, untreated domestic wastewater, into Puzzle Creek, 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 or applicable subsection of 10 CSR 20-7.031.
- B. On August 4, 2011, operated, used or maintained a water contaminant source, domestic wastewater from an unpermitted outfall, which discharged to Puzzle Creek, waters of the state, without a Permit in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) and (5)(A).
- C. On August 4, 2011, caused pollution of Puzzle Creek, 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.
- D. 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 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) and (4)(A).
- E. Failure to submit an interim report to the Department by June 6, 2009, and failure to submit a CP application by December 6, 2010, as required in Part "E", Schedule of Compliance, of Permit No. MO-0025313 in violation of Section 644.076.1, RSMo.
- F. Failed to apply for renewal of the Permit at least 180 days before expiration of Permit No. MO-0056634 and Permit No. MO-0087874 in violation of Sections 644.051.10 and 644.076.1, RSMo, and 10 CSR 20-6.010(5)(C).
- G. Failed to comply with the effluent limits contained in Part "A" of Permit No. MO-0056634 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.

- xii. The date and time a repair crew arrived on-site and the personnel involved, if repair was required; and
 - xiii. The date and time of notification to the Department's Northeast Regional Office.
 2. A SSO and Bypass Response Plan detailing how City staff will respond to SSOs and bypass events, including actions necessary to immediately cease the discharge and completely mitigate any water quality impacts. Within thirty (30) days receipt of comments from the Department on the SSO and Bypass Response Plan, the City shall respond to and address, to the Department's satisfaction, all of the Department's comments on the SSO and Bypass Response Plan. The City shall respond to every SSO and Bypass event according to the Department approved SSO and Bypass Response Plan and maintain reports of same for the Department's inspection.
- F. Within one hundred eighty (180) days of the date the Department issues a CP for construction of a lift station and closure of the WWTF, the City shall complete all construction and closure activities in accordance with the CP.
- G. The City agrees to complete upgrades that will enable the lagoon's effluent to comply with the Law and its implementing regulations and all conditions and requirements of Permit number MO-0025313. 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 sixty (60) days of the effective date of this AOC, the City shall submit to the Department for review and comment a complete Antidegradation submittal prepared pursuant to the applicable Antidegradation Rule and Implementation Procedure for the State of Missouri and a completed request form for a Water Quality Review Assessment.
 2. Within fifteen (15) days from receipt of the Department's comments on the Antidegradation submittal, the City shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the Antidegradation submittal.
 3. Within fifteen (15) days of the date the Department issues the Water Quality Review Sheet/Antidegradation Review Preliminary Determination, the City shall submit to the Department a complete application for a Missouri State Operating Permit and Antidegradation Review Public Notice Application with the Water Quality Review Sheet/Antidegradation Review Preliminary Determination. In the event the Department receives comments from the public notice of the Missouri State Operating Permit and/or the Water Quality Review Sheet/Antidegradation The City shall submit to the Department within fifteen (15) days of the date on the Department's correspondence to the City: a written response addressing all comments

- 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 five thousand two hundred and fifty dollars and (\$5,250.00). The Department and the City agree five thousand two hundred and fifty dollars (\$5,250.00) shall be suspended on the condition the City complies with all requirements and conditions contained in this AOC.
- D. The City shall report to the Department all bypasses and SSOs within 24 hours of each event, followed by a written report to the Department within five (5) days of the event.
- E. Within ninety (90) days of the effective date of the AOC, the City shall develop and submit to the Department for review and approval:
1. A written or electronic Tracking and Management System that documents information regarding sanitary sewer overflow (hereinafter “SSO”) events, bypasses and basement backups. 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 when planning for operation and maintenance activities and long term management of the City’s wastewater treatment system. 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:
 - i. The date and time (or best estimate) that the SSO, bypass or backup event began;
 - ii. Precipitation data (including intensity and duration);
 - iii. The source of information for the SSO, bypass or backup event, e.g., employee observation, electronic reporting or warning system, citizen complaint;
 - iv. The specific (and general) location of the SSO, bypass or backup (i.e., street address and specific basin or geographic area of the City);
 - v. The best estimate (unless monitored) of the duration of the discharge, including the ending date and time;
 - vi. The best estimate (unless monitored) of the volume discharged, including flow metering data, where applicable;
 - vii. Sampling results from any sampling performed;
 - viii. If applicable, the water body into which the wastewater was released;
 - ix. 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;
 - x. Measures taken to respond to the discharge event, minimize the duration of the overflow, and/or mitigate the impacts of the discharge;

- received from the Department; and if required a Water Quality and Antidegradation Review Request Addendum.
4. Within sixty (60) days of Department approval of the Antidegradation submittal, the City shall submit to the Department for review and approval a Facility Plan for the Large Lagoon, developed pursuant to the requirements contained in 10 CSR 20-8.110. The Facility Plan shall include a recommendation for upgrades to the large lagoon necessary to produce effluent that complies with final effluent limitations for disinfection or upgrades that will enable the facility to operate as a no-discharge facility.
 5. If the Department comments on and/or requests modification of the Facility Plan, the City shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments on and resubmit the engineering report within fifteen (15) days of receipt of the Department's comments.
 6. Within 60 days of approval of the Facility Plan the City shall submit a complete CP application including the plans, specifications, and the appropriate fee, for the recommended wastewater collection and treatment option contained in the Facility Plan.
 7. If the Department comments on and/or requests modification of the CP application, the City shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments on and resubmit the CP application within fifteen (15) days of receipt of the Department's comments.
 8. Within 12 months issuance of the CP, the City shall complete construction pursuant to the schedule contained in the City's Department approved Facility Plan which shall become enforceable as a condition of compliance under this AOC.
 9. Within ten (10) days of completion of construction activities, the City shall comply with the all permit effluent limitations contained in MSOP number MO-0025313.
 10. Within fifteen (15) days of completing construction, the City shall submit to the Department a Statement of Work Completed Form, signed, sealed and dated by a professional engineer registered in the State of Missouri certifying that the project was completed in accordance with Department approved plans and specifications and a complete application for the modified Permit No. MO-0025313 with applicable fee.
- H. 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 i) identifying the deadline that will not be completed; ii) identifying the reason for failing to meet the deadline; iii) and 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.

- I. Should the City fail to meet the terms of this AOC, including any of the deadlines set out in paragraphs D through I above, 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	\$ 500 per day
31 to 90 days	\$1,000 per day
91 days and above	\$2,500 per day

Stipulated penalties will be paid in the form of a certified or cashiers check made payable to “State of Missouri (Chariton 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

- J. 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.
- K. The stipulated penalty 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.
- 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 this AOC shall be the date the Department signs the AOC.
- 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. FINDING OF AFFORDABILITY

Pursuant to Section 644.145, the Department’s Affordability Finding, which addresses the obligations included within this Order based upon the Department’s cost estimate of \$421,867.00 to \$1,600,000.00 through completion of corrective actions outlined in the Department approved Facility Plan is attached hereto as Exhibit 1. This Affordability

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
Mount 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

Finding does not address future improvements that may necessary to comply with the Missouri Clean Water Law or its implementing regulations. This Order requires the City to complete a Facility Plan for its wastewater treatment and collection system and submit the Facility Plan to the Department for review and approval that includes a schedule for completing various improvements to such system. This Order also requires the City to prepare and implement a Department approved system to track SSO, bypasses and basement backups and a Department approved SSO and Bypass response plan.

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.

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 2nd day of January, 2012³.

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

Agreed to and Ordered this 9 day of Nov., 2012.

Del Dee Meyer
Del Dee Meyer, Mayor
City of Salisbury

c. Ms. Diane Huffman
Chief, NPDES and Facilities Management Branch
Water, Wetlands, and Pesticides Division
U.S. Environmental Protection Agency, Region VII
901 North Fifth Street
Kansas City, KS 66101

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

Ms. Irene Crawford
Regional Director
Northeast Regional Office
Department of Natural Resources
1709 Prospect Dr.
Macon, MO 63552-2602

Mr. Chris Wieberg
Chief, Operating Permit Section
Water Pollution Control Program
P.O. Box 176
Jefferson City, MO 65109

Ms. Janet Pointer
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
1288 State Highway HH
Sikeston, MO 63801

Missouri Department of Natural Resources
Water Protection Program
Affordability Determination and Finding
(In accordance with RSMo 644.145)

City of Salisbury, Chariton County Missouri
MO-0056634, MO-0025313, Mo-0025321, and MO-0087874
Bypass from MO-0056634

Section 644.145 RSMo requires the Missouri Department of Natural Resources to make a “finding of affordability” when “issuing permits under” or “enforcing provisions of” state or federal clean water laws “pertaining to any portion of a combined or separate sanitary sewer system or publicly-owned treatment works.”

Description:

The City of Salisbury (City) is served by the following wastewater treatment facilities:

1. A wastewater treatment facility (WWTF) consisting of a trickling filter with an anaerobic digester which has a design population of 2,750, and a design flow of 0.275 million gallons per day (MGD). The WWTF is located in the SE¼, NW¼, Section 3, Township 53 North, Range 17 West of the Salisbury Quadrangle of Chariton County and discharges effluent via outfall #1 to an unnamed tributary to Puzzle Creek pursuant to Missouri State Operating Permit (Permit) No. MO-0056634 which expired by its own terms on December 21, 2011.
2. A 6-acre lagoon (Large Lagoon) located in the SE¼, SE¼, NW¼, of Section 11, Township 53 North, Range 17 West, of Chariton County. The Large Lagoon has a design flow of 196,000 gallons per day (GPD), a design population of 1,208 and discharges to a tributary to Middle Fork Chariton River (P) pursuant to the requirements and conditions of Permit No. MO-0025313.
3. Circleview Lagoon does not receive wastewater and formerly operated pursuant to the requirements and conditions of Permit No. MO-0087874 which expired by its own terms on March 1, 2012. To date, the Circleview Lagoon has not been closed pursuant to a Department approved closure plan as required by 10 CSR 20-6.010(12).
4. A South 2.4 acre lagoon (Small Lagoon) does not receive wastewater and formerly operated pursuant to the requirements and conditions of Permit No. MO-0025321 which will expire by its own terms on May 29, 2013. To date, the Small Lagoon has not been closed pursuant to a Department approved closure plan as required by 10 CSR 20-6.010(12).

Residential Connections: 851³

Commercial Connections: 4

Total Connections: 855

New Permit Requirements or Requirements Now Being Enforced:

On August 4, 2011, a bypass occurred at the WWTF which discharged, untreated domestic wastewater, into Puzzle Creek, reducing the quality of the water below the Water Quality Standards established by the Missouri Clean Water Commission. On December 5, 2011, the Department received electronic correspondence¹ from the City stating that its WWTF is nearly sixty (60) years old and its mechanisms are constantly in need of repair and that the City intends to construct a lift station to divert the flow of wastewater from the WWTF to the Large Lagoon. In the correspondence, the City also states that it has diverted wastewater from its two (2) other facilities to the Large Lagoon and intends to convert the Large Lagoon to a no-discharge facility.

The Large Lagoon's Permit contains a schedule of compliance (SOC) that requires the City to be in compliance with final limits for Fecal Coliform (FC) bacteria by June 5, 2013. Pursuant to the Permit's, Part "E", SOC, the City was required to submit an interim report to the Department by June 6, 2009, and a Construction Permit (CP) application to the Department for improvements necessary to comply with final effluent limitations for FC by December 5, 2010. To date, the Department has not received an interim report or a CP application.

On March 1, 2012, Permit No. 0087874 for Circleview Lagoon expired by its own terms and to date the Department has not received an application to renew the Permit.

Range of Anticipated Costs Associated with Complying with Requirements:

1. Prepare a Facility Plan for Department review and approval, evaluating all four (4) of the City's wastewater treatment facilities and recommending corrective actions necessary to bring all four (4) of the facilities into compliance with the Law and its implementing regulations, including, but not limited to compliance with the disinfection requirement contained in Permit No. MO-00253133 and a schedule to implement the recommended improvements. The Department anticipates development of the Facility Plan will cost fifteen to twenty thousand dollars (15,000.00 to 20,000.00)².
2. Implementation of the schedule to construct recommended improvements. Costs for implementation of the schedule will depend on the Facility Plan submitted and approved for Number 1 above.

¹ Electronic letter from the City to the Department dated December 5, 2011.

² Research done by the Department's SRF engineers indicates that a similar-sized town paid \$15,000.00 for a Facility Plan with similar elements.

3. Development and Implementation of a Sanitary Sewer Overflow, bypass and basement back-up tracking system. The Department does not anticipate any costs associated with this activity.

Affordability will need to be revisited once the Department has approved the City's Facility Plan.

(1) A community's financial capability and ability to raise or secure necessary funding *(examine key indicators of the communities ability to raise funds);*

Current User Rates ³	\$17.50/month or \$210.00/year
Municipal Bond Rating ³ (if applicable):	None
Bonding Capacity ³ :	Not known
Current outstanding debt ³ :	\$0.00

Other Indicators:

The City has indicated that plans to consolidate the number of Permits, facilities and outfalls were ongoing prior to the bypass incident¹. The City has also purchased property adjacent to the Large Lagoon that may be used for land application of wastewater if the Large Lagoon can be converted to a no-discharge system¹.

(2) Affordability of pollution control options for the individuals or households of the community;

Current annual operating costs ³ (exclude depreciation):	\$63,000.00
Current user rate ³ :	\$17.50/month or \$210.00/year
Estimated capital cost of pollution control options:	Not known
Annual cost of additional <i>(operating costs and debt service)</i> :	Not known
Estimated resulting user rate:	Not known
Median Household Income (MHI) ⁵	\$39,865.00
Usage rates as a percent of MHI: <i>(17.5x12=210/39,865=.005x100=0.5%)</i>	0.5%

Check Appropriate Box	Financial Impact	Residential Indicator (Usage Rate as a percent of MHI)
<input checked="" type="checkbox"/>	Low	Less than 1% MHI
<input type="checkbox"/>	Medium	Between 1% and 2% MHI
<input type="checkbox"/>	High	Greater than 2% MHI

³ 8/14/2012 electronic correspondence from the City

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

The WWTF is well past its design life and both clarifiers are only partially functional. The City is currently pumping and hauling sludge from the clarifiers one to two (1-2) times per week¹. On August 4, 2011, the City bypassed raw wastewater to Puzzle Creek due to mechanical failure of both the primary and secondary clarifiers. The bypass resulted in environmental damage to the creek and reduced the quality of the water in the creek below the Water Quality Standards established by the Missouri Clean Water Commission, which is a threat to public health. Department staff observed sludge in Puzzle Creek upstream of the bypass outfall and below outfall #001 indicating that sewage sludge routinely discharges from the WWTF. Puzzle Creek is a class C stream with beneficial uses of Livestock and Wildlife Watering, Protection of Warm Water Aquatic Life and Human Health—Fish Consumption, and Whole Body Contact Recreation (B). Bypass of raw wastewater into Puzzle Creek endangers aquatic life, wildlife, livestock and human health. The sludge and raw wastewater introduce FC bacteria and ammonia as well as contaminants that reduce the Dissolved Oxygen (DO) content of the water. FC bacteria present a significant health risk to humans, livestock and wildlife that use the stream. Ammonia is toxic to aquatic life and produces a noxious odor. DO must be present in sufficient quantity for a stream to support aquatic life.

(4) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low and fixed income populations. This requirement includes but is not limited to:

Potentially Distressed Populations	
Unemployment for Salisbury, Chariton County ⁴	8.1%
MHI ⁵ Salisbury, Chariton County	\$39,865.00
Percentage Change in MHI ⁶ (1990–2010)	46.7%
Percent Population Growth/Decline ⁷ (1990-2010)	-13.98%
Change in Median Age in Years (1990-2010) ⁸	3.6
Percent of Households in Poverty ⁹	15.7%
Percent of Households Relying on Food Stamps ¹⁰	11.1%

The City is negotiating an AOC which allows the City to request extension of milestones, should the City become aware of a milestone date that they will not be able to meet.

Opportunity for cost savings or cost avoidance:

None noted

Opportunity for changes to implementation/compliance schedule:

None noted

⁴ Unemployment data from Missouri Department of Economic Development for February, 2012 – <http://www.missourieconomy.org/pdfs/urel1202.pdf>

⁵ Median Household Income data from American Community Survey – Median income in the past 12 months – <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>
Note: The median household income is adjusted for inflation according to the method suggested in the EPA CSO guidance for financial capability assessment and schedule development (<http://www.epa.gov/npdes/pubs/csofc.pdf>)

⁶ Median Household Income – 2006-2010 American Community Survey 5-year Estimates – Median income in the past 12 months - <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>
1990 Median Household Income - Summary Tape File 3 - <http://mcdc.missouri.edu/websas/xtabs3menus/mo/Places>

⁷ 2010 Census Population Data - <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>
2000 Census Population Data - <http://www.census.gov/popest/data/cities/totals/2009/tables/SUB-EST2009-04-29.xls> 1990 Census Population Data – <http://www.census.gov/prod/cen1990/cp1/cp-1-27.pdf>

⁸ Median Age – 2010 American Community Survey 5-year Estimates – B01002 – <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?ref=geo&refresh=t>
1990 Median Age - <http://www.oseda.missouri.edu/mscdc/census/mo/trendplaces.html>

⁹ Poverty data – American Community Survey - <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

¹⁰ Food Stamps – 2006-2010 American Community Survey 5-year Estimates – S2201 <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

(5) An assessment of other community investments relating to environmental improvements;

It is not known whether the City has significant community investments in environmental improvements other than wastewater.

(6) An assessment of factors set forth in the United States Environmental Protection Agency's (EPA's) guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards;

See Section (2) of this analysis for the residential indicator as outlined in the above-referenced EPA guidance.

Secondary indicators for consideration

Socioeconomic, Debt and Financial Indicators

Indicators	Strong (3 points)	Mid-Range (2 points)	Weak (1 point)	Score
Bond rating indicator	Above BBB or Baa	BBB or Baa	Below BBB or Baa	NA
Overall net debt ³ as a % of full market property value ³	Below 2%	2% - 5%	Above 5%	3 0/4,000,000.00
Unemployment Rate ⁴	>1% below Missouri average	± 1% of Missouri average	>1% above Missouri average	2 MO rate=8.4%, Salisbury rate =8.1% 8.4%-8.1%=-0.3%
MHI ⁵	More than 25% above Missouri MHI	± 25% of Missouri MHI	More than 25% below Missouri average	2 MO MHI=\$44,306.00 Salisbury MHI=\$39,865.00 39,865.00-44,306.00=-4,441.00 -4,441.00/44,306.00=-0.10 0.10x100=-10.0%
Property tax revenues ³ as a % of full market property value ³	Below 2%	2% - 4%	Above 4%	2 92,756.00/4,000,000.00=0.023x100=2.3%
Property tax collection rate ¹¹	Above 98%	94% - 98%	Below 94%	2

Average Score for Financial Capability Matrix: (3+2+2+2+2=11/5=2.2) 2.2

Residential Indicator (from Criteria #2 above): 0.5% = Low Financial Impact

¹¹ Telephone conference with the City's Public Works Supervisor, Mr. Tom Burkhart

