

5. The Parties, having determined that an extension of time to complete all actions required by the City to implement measures to achieve compliance with the CWA, its NPDES permit and this Order is appropriate and necessary, the Order is being amended to reflect a schedule of compliance appropriate for completion of all necessary actions to implement the CSO Mitigation Plan

6. Each signatory to this Amended Order for Compliance on Consent certifies that he or she is fully authorized to enter into the terms and conditions of this Amended Order.

AMENDED ORDER FOR COMPLIANCE ON CONSENT

7. Nothing contained in this Amended Order for Compliance on Consent shall relieve Respondent of its obligation to comply with all applicable provisions of federal, state, or local law, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

8. The following provisions of this Amended Order for Compliance on Consent shall replace Paragraphs 34 through 39 of the original Order issued March 25, 2009. All other provisions of the original Order shall remain the same.

Implementation of CSO Mitigation Plan

34. The City shall implement the CSO treatment and separation projects outlined in the CSO Mitigation Plan submitted to EPA June 28, 2013 that will result in mitigation of CSOs consistent with the 1994 National Combined Sewer Overflow Policy (CSO Policy). The City shall implement the CSO mitigation projects such that mitigation of CSOs in accordance with the CSO Policy will be completed as expeditiously as practicable, but in no case later than September 30, 2029. If the City decides to pursue treatment of 6th Street CSO through sewer separation and discontinue treatment at 6th Street during the term of this Order, the City shall submit, pursuant to this paragraph, the schedule for elimination of this CSO.

CSO Treatment System if Pilot Project Meets Goals

35. The City shall complete construction and implementation of treatment and separation projects in a manner consistent with the CSO Mitigation Plan submitted to EPA on June 28, 2013, which includes CSO disinfection at the 6th Street CSO only and separation or rerouting of other existing CSOs.

36. The City shall monitor discharges from the 6th Street CSO location for flow, total residual chlorine, CBOD, TSS, E-coli, and any other pollutant parameters required by the NPDES permit. Utilizing the procedures set forth in the CSO Treatment System Monitoring Plan, the City shall conduct the Compliance Verification Phase monitoring specified in this Paragraph at the 6th Street CSO treatment system installed pursuant to Paragraph 35 for a minimum of one year from the date of operation.

37. *The City shall submit a CSO Treatment System Evaluation Report for the first 12-month period of operation, i.e. the Compliance Verification Phase. The report shall be due as part of the subsequent Annual Progress Report as required per Paragraph 43. This CSO Treatment System Evaluation Report shall include an analysis of the effectiveness of the CSO treatment systems to consistently meet all effluent limitations applicable to that CSO as specified in the City's NPDES Permit.*

38. *EPA, in consultation with IDNR, will review the City's Treatment System Evaluation Report submitted pursuant to Paragraph 37 above, and determine: whether the CSO treatment system cannot consistently be operated to meet all applicable effluent limitations as specified in the NPDES permit, and if so, whether the City should be granted additional time to demonstrate compliance for such CSO treatment system(s) with the applicable effluent limits in the City's NPDES permit. EPA will notify the City in writing of its determination.*

a. If EPA, after consultation with IDNR, notifies the City that based on review of the City's Treatment System Evaluation Report (or revised Report, as applicable) it has determined that the 6th Street CSO treatment system consistently fails to meet the applicable effluent limits specified in the City's NPDES permit, and additional time is not warranted to demonstrate compliance, the City shall, within six months of receipt of EPA's determination, submit a revised mitigation plan outlining additional work required and associated schedule to mitigate the 6th Street CSO in accordance with the 1994 National CSO Policy for which the treatment system fails to meet the effluent limits. If the proposed additional work involves modifications to the 6th Street CSO disinfection facilities or separation of the 6th Street system into separate sanitary and storm water systems to eliminate discharges of combined sewage, the City may submit a request for an extension of time to complete such work pursuant to Paragraphs 40 and 54 of the Order, along with a detailed explanation of the work to be performed and a substantiation of the additional time needed to complete such work.

b. If EPA, after consultation with IDNR, notifies the City that it has determined that the 6th Street CSO treatment system consistently fails to meet the effluent limits specified in the City's NPDES permit, and additional time is warranted to demonstrate compliance, the City shall, within the additional time granted by EPA's determination, take all necessary measures to ensure discharges from the 6th Street CSO treatment system consistently meets the applicable effluent limits specified in the City's NPDES permit and submit a revised CSO Treatment System Evaluation Report to EPA and IDNR for review and determination pursuant to this Paragraph.

Implementation of CSO Mitigation

39. *The City will treat or eliminate the corresponding CSO(s), or otherwise mitigate such CSO(s) as follows:*

<i>Disinfection Improvements (5th to 6th)</i>	<i>October 30, 2014</i>
<i>13th Street Separation</i>	<i>November 15, 2017</i>
<i>4th Street Separation</i>	<i>November 15, 2020</i>
<i>10th Street Separation</i>	<i>November 15, 2023</i>
<i>9th Street Separation</i>	<i>November 15, 2026</i>
<i>7th Street Separation</i>	<i>September 30, 2029</i>
<i>8th Street Separation</i>	<i>September 30, 2029</i>

In no case shall the date to complete all such work extend later than September 30, 2029, except as otherwise provided herein.

GENERAL PROVISIONS

Effect of Compliance with the Terms of this Order for Compliance on Consent, as Amended

9. Compliance with the terms of the Order as amended herein shall not relieve the City of liability for, or preclude the EPA from, initiating an administrative or judicial enforcement action to recover penalties for any violations of the CWA, or to seek additional injunctive relief, pursuant to Section 309 of the CWA, 33 U.S.C. §1319.

10. The Order, as amended herein, does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. §1215 *et. seq.*, all of which remains in full force and effect. The EPA retains the right to seek any and all remedies available under Sections 309 of the CWA, 33 U.S.C. §1319, for any violation cited in the Order. Issuance of this Amended Order for Compliance on Consent shall not be deemed an election by the EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the CWA for any violation whatsoever.

Titles and Headings

11. The titles, headings and subheadings within this Amended Order for Compliance on Consent are for informational purposes only for the convenience of the reader. As such, any inconsistencies between the title, headings and subheadings and the text of the Amended Order shall be resolved in favor of the text.

Effective Date

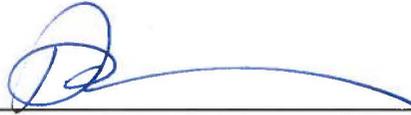
12. This Amended Order for Compliance on Consent shall be effective upon receipt by the City of a fully executed copy thereof.

FOR COMPLAINANT, THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

Issued this 18th day of December, 2013.



Karen A. Flournoy, Director
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency – Region 7



Patricia Gillispie Miller
Senior Counsel

FOR RESPONDENT, CITY OF FORT MADISON, IOWA:


Brad Randolph, Mayor

December 3, 2013
Date

CERTIFICATE OF SERVICE

I certify that on the date noted below I hand delivered the original and one true copy of this Findings of Violation and Order for Compliance on Consent to the Regional Hearing Clerk, United States Environmental Protection Agency, 11201 Renner Blvd., Lenexa, Kansas 66219.

I further certify that on the date noted below I sent a copy of the foregoing Findings of Violation and Order for Compliance on Consent by first class certified mail, return receipt requested, to:

The Honorable Brad Randolph
Mayor, City of Fort Madison
811 Avenue E
Fort Madison, Iowa 52627

and by first class mail to:

Dennis Ostwinkle
Iowa Department of Natural Resources
1023 W. Madison
Washington, Iowa 52353-1623

Jane B. McAllister
Ahlers & Cooney P.C.
100 Court Avenue, Suite 600
Des Moines, Iowa 50309-2231

12/18/13
Date

Name *Kathy Robinson*