

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7
11201 RENNER BOULEVARD
LENEXA, KANSAS 66219

IN THE MATTER OF)	
)	Docket No. CWA-07-2016-0031
The City of Rockaway Beach, Missouri,)	
)	
Respondent.)	FINDINGS OF VIOLATION
)	AND ORDER FOR COMPLIANCE
Proceedings under Section 309(a)(3))	
of the Clean Water Act,)	
33 U.S.C. § 1319(a)(3))	
_____)	

Preliminary Statement

1. The following Findings of Violation are made and Administrative Order for Compliance (“Order”) is issued pursuant to Section 309(a)(3) of the Clean Water Act (“CWA”), 33 U.S.C. § 1319(a)(3). This authority has been delegated by the Administrator of the U.S. Environmental Protection Agency (“EPA”) to the Regional Administrator, EPA, Region 7 and further delegated to the Director of Region 7’s Water, Wetlands and Pesticides Division.
2. Respondent is the City of Rockaway Beach, Missouri (“Respondent” or “City”).

Statutory and Regulatory Framework

3. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, *inter alia*, Sections 307 and 402 of the CWA, 33 U.S.C. §§ 1317 and 1342. Section 402 of the CWA provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System (“NPDES”) permit issued pursuant to that Section.
4. Section 405(e) of the CWA, 33 U.S.C. § 1345(e), prohibits the disposal of sludge from a publicly owned treatment works (“POTW”) or any other treatment works treating domestic sewage for any use for which regulations have been established pursuant to subsection (d) of that Section, except in accordance with such regulations.
5. Pursuant to Section 405(d)(1) of the CWA, the EPA promulgated regulations governing the Standards for the Use or Disposal of Sewage Sludge which are set forth at 40 C.F.R. Part 503 (the “sludge management program”). These regulations establish recordkeeping and reporting requirements, pollutant limits and site management practices applicable to owners or operators of treatment works treating domestic sewage, and standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works.

6. The Missouri Department of Natural Resources (“MDNR”) is the state agency within the State of Missouri that has been authorized by the EPA to administer the federal NPDES program pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, and applicable implementing regulations.

7. The State of Missouri has not applied for or obtained primary authority to administer and enforce the sludge management program pursuant to Section 402(b) or 405(c) of the CWA, 33 U.S.C. §§ 1342(b) or 1345(c). The EPA directly implements the sludge management program in Missouri, and is therefore the “permitting authority,” as defined by 40 C.F.R. § 503.9(p), for purposes of the sludge management program.

8. Pursuant to Section 402(i) of the CWA, 33 U.S.C. § 1342(i), the EPA retains concurrent enforcement authority with authorized states for violations of the CWA.

General Findings

9. The City of Rockaway Beach, Missouri is a “person” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

10. At all times relevant, Respondent was, and still is, the owner and/or operator of a POTW in Taney County, Missouri, that includes a wastewater treatment plant (“WWTP”), located at 1000 Boys Camp Road, Rockaway Beach, Missouri 65740, and a sewage collection system that receives wastewater from various domestic and non-domestic sources. As defined by 40 C.F.R. § 403.3(q), a POTW includes but is not limited to, devices and systems for the storage and treatment of municipal sewage and sewers, pipes and other conveyances of wastewater.

11. The WWTP discharges to Lake Taneycomo. On December 30, 2010, EPA approved the MDNR’s total maximum daily load for low dissolved oxygen in Lake Taneycomo.

12. The City’s POTW is a “point source” that “discharges pollutants” to “navigable water” of the United States, as those terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.

13. Respondent is therefore subject to the provisions of the CWA, 33 U.S.C. § 1251, *et seq.*

14. The MDNR issued NPDES Permit No. MO0108162 (“Permit”) on September 30, 2011, to Respondent pursuant to the authority of Section 402 of the CWA, 33 U.S.C. § 1342. The Permit expires on September 29, 2016.

15. Section A of the Permit includes requirements for Effluent Limitations and Monitoring Requirements for Outfall 001, requires Respondent to submit monthly monitoring reports (“MMRs”) regarding compliance with effluent limitations and conditions, including, but not limited to, the following:

Pollutant Parameter	Daily Maximum	Weekly Average	Monthly Average	Frequency and Sample Type
Biochemical Oxygen Demand, Five-day (“BOD ₅ ”)		30 mg/L	20 mg/L	Twice/Month 24 hr. Composite
<i>E. coli</i> (expressed as a geometric mean) Applicable April 1 – October 31		630 CFU* per 100 ml	126 CFU* per 100 ml	Once/Week Grab
Total Phosphorus as P	Monitor		0.5 mg/L	Twice/Month Grab
Total Suspended Solids (“TSS”)		30 mg/L	20 mg/L	Twice/Month 24 hr. composite
Ammonia as N	8.1 mg/L		2.6 mg/L	Once/Month Grab
Oil & Grease (“O&G”)	15 mg/L		10 mg/L	Once/Month Grab

*Colony Forming Units

16. Section A of the Permit also requires the City to complete at least one whole effluent toxicity (“WET”) test per permit cycle, with the first report due by January 28, 2016. The WET test and analytical procedures are described in Section D of the Permit, Special Conditions, Paragraph 10.

17. Section B of the Permit incorporates the requirements of MDNR’s NPDES Standards Conditions Parts I – General Conditions (dated October 1, 1980), which includes the following requirements:

- a) Sections A.1.a. – Sampling Requirements – requires that samples and measurements taken as required by the permit shall be representative of the nature and volume, respectively, of the monitored discharge;
- b) Section A.7. – Records Retention – requires records of all monitoring information, including all calibration and maintenance records and all original strip chart recording for continuous monitoring instrumentation, copies of all reports required by this permit to be retained for a period of at least three years from the date of the sample, measurement, report;
- c) Section B.2.a. – Non-Compliance Reporting – requires notice and written information to be provided to the MDNR within five days if, for any reason, the

permittee does not comply with or will be unable to comply with any daily maximum effluent limitation specified in this permit; and

- d) Section B.3. – Facilities Operation – requires the permittee to operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions, and that operators or supervisors of operations at publicly owned or publicly regulated wastewater treatment facilities be certified in accordance with 10 CSR 209.020(2) and any other applicable law or regulation.

18. Section B of the Permit incorporates the requirements of MDNR’s NPDES Standards Conditions Parts III – Sludge & Biosolids from Domestic Wastewater Treatment Facilities (dated August 15, 1994), which reiterates the City’s obligation to comply with all existing Federal and State laws and regulations that apply to the use and disposal of sewage sludge.

19. The federal Standards for the Use or Disposal of Sewage Sludge, at 40 C.F.R § 503.17, and Standard Conditions Part III of the Permit specify recordkeeping requirements for any person who prepares sewage sludge. This provision includes a requirement to create and retain, for five years, specified information regarding sludge preparation, monitoring and application or disposal.

20. On or about January 25-27, 2016, an EPA representative performed a Compliance Sampling Inspection (hereafter “Inspection”) of the City’s POTW, including the City’s collection and transmission systems, under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a), to evaluate the City’s compliance with its NPDES permit and the CWA.

21. During the Inspection, the inspector reviewed the City’s records related to the wastewater collection and transmission systems and conducted a visual inspection of the City’s facilities. A Notice of Potential Violation (“NOPV”) was issued at the conclusion of the Inspection. A copy of the inspection report was sent to Respondent by letter dated March 21, 2016 which identified potential violations including those described below.

FINDINGS OF VIOLATION

Count 1

Effluent Limitation Violations

22. The facts stated in Paragraphs 1 through 21 above, are hereby incorporated by reference.

23. Based on observations documented during the Inspection and review of other information reportable by the City pursuant to its Permit, the EPA finds that during the forty-four month period from June 2012 through January 2016, the Respondent violated the terms and conditions of its Permit, including, but not limited to, the following:

- a. *BOD₅*: exceeding the weekly average concentration limits 5 times, and the monthly average concentration limits 5 times;
- b. *E. coli*: exceeding the weekly average concentration limits 1 time, and the monthly average concentration limits 5 times;
- c. *Total Phosphorus*: exceeding the monthly average concentration limits 19 times;
- d. *TSS*: exceeding the weekly average concentration limits 1 time, and the monthly average concentration limits 1 time;
- e. *Ammonia*: exceeding the daily maximum concentration limits 24 times, and the monthly average concentration limits 14 times; and
- f. *O&G*: exceeding the daily maximum concentration limit 1 time, and the monthly average concentration limit 1 time, based on sampling performed by the EPA inspector.

24. Respondent's violations identified in Paragraph 23 above are violations of the terms and conditions of its Permit issued pursuant to 402 of the CWA, 33 U.S.C. §1342, and implementing regulations, and as such, are violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

Count 2
Effluent Testing, Reporting and Records Retention Violations

25. The facts stated in Paragraphs 1 through 24 above, are hereby incorporated by reference.

26. Based on observations documented during the Inspection and review of other information reportable by the City pursuant to Section A of its Permit, the EPA finds that the Respondent violated the terms and conditions of its Permit by failing to submit monthly monitoring reports that included the results of all monitoring and analysis for the following pollutants:

- a) one of two required Ammonia sampling results in August 2013;
- b) one of two required *BOD₅* sampling results in April 2014;
- c) one of two required *TSS* sampling results in January 2015; and
- d) at least one weekly *E. coli* sampling result during the months of August and September 2013 and June and August 2014.

27. Based on observations documented during the Inspection and review of other information reportable by the City pursuant to its Permit, the EPA finds that the Respondent violated the terms and conditions of its Permit by failing to monitor and analyze WET, consistent with the requirements of Special Condition D.10. of the Permit, and report the results to the MDNR by January 28, 2016.

28. Based on observations documented during the Inspection and review of other information reportable by the City pursuant to its Permit, the EPA finds that the Respondent violated the terms and conditions of its Permit by failing to retain records of monitoring information, and/or report results of monitoring inconsistent with sampling results, as follows:

- a) records were only available to support three of five sampling events for *E. coli* during the months of October 2014 and April 2015;
- b) only one of two samples collected for Phosphorus in April 2015 was used to calculate and report the effluent results – the missing sample result demonstrated noncompliance; and
- c) records of sample analysis did not match reported effluent results for Phosphorus in February 2015 – the actual sample results demonstrated noncompliance.

29. Respondent's violation identified in Paragraphs 26 through 28 above is a violation of the terms and conditions of its Permit issued pursuant to 402 of the CWA, 33 U.S.C. §1342, and implementing regulations.

**Count 3
General Permit Conditions Violations**

30. The facts stated in Paragraphs 1 through 29 above, are hereby incorporated by reference.

31. Based on observations documented during the Inspection and review of other information reportable by the City pursuant to its Permit, the EPA finds that the Respondent failed to comply with the General Conditions of the Permit, as specified in Standard Conditions, Part I, as follows:

- a) the Respondent informed the EPA inspector that its effluent sampling and analysis procedures included the following practices that failed to comply with Permit requirements and provide "representative" samples of effluent quality, as required by Sections A.1.a. – Sampling Requirements: (i) bulbs for the ultraviolet disinfection system were cleaned immediately prior to *E. coli* sample collection, (ii) samples of BOD₅ and TSS were only collected on days the effluent looked clear and were taken as one-hour aliquot rather than 30

minute aliquot composite samples, as required by the Permit, and (iii) samples for Ammonia and Total Phosphorus were collected as a 24-hour composite rather than a grab;

- b) with the exception of an E. coli violation in August 2015 and two phosphorus violations in August and October 2015, the Respondent failed to notify and provide written information to the MDNR of its effluent violations, which are summarized above in Paragraph 23, as required by Section B.2.a. – Non-Compliance Reporting; and
- c) the facility has insufficient operational equipment in place, performs inadequate and/or improper operation and maintenance of the treatment system components, provides inadequate solids management practices, has not developed and implemented a program to clean, repair and maintain the sewage collection system, has high inflow and infiltration in the collection system resulting in bypasses and incidences when the oxidation ditch had to be shut down in order to prevent washout of solids from the ditch, all of which indicate failure to operate and manage the POTW in a manner required by Section B.3. – Facilities Operation.

32. Respondent's violation identified in Paragraph 31 above are violations of the terms and conditions of its Permit issued pursuant to 402 of the CWA, 33 U.S.C. §1342, and implementing regulations.

Count 4 Sludge Management Program Violations

33. The facts stated in Paragraphs 1 through 32 above, are hereby incorporated by reference.

34. Based on information and data collected during the Inspection and other relevant information, the Respondent failed to comply with Standards for the Use or Disposal of Sewage Sludge, at 40 C.F.R § 503.17, and Standard Conditions Part III, Section K.1. of its Permit, by failing to retain for five years complete sludge management records for calendar year 2011, and no sludge management record for calendar years 2012 through 2014.

35. Respondent's violations identified in Paragraph 34 above are violations of the Standards for the Use or Disposal of Sewage Sludge, 40 C.F.R. Part 503, and Standard Conditions Part III of the Permit, and as such are violations of the terms and conditions of its Permit issued pursuant to 402 of the CWA, 33 U.S.C. §1342, and Section 405 of the CWA, 33 U.S.C. § 1345.

Reasonable Time to Achieve Compliance

36. Pursuant to Section 309(a)(5)(A) of the CWA, 33 U.S.C. § 1319(a)(5)(A), and having taken into account the seriousness of the violations, the EPA finds that the Respondent must immediately comply with all sampling, analysis, recordkeeping, reporting and operation and maintenance requirements of its Permit, and all requirements of Section 405 of the CWA, 33 U.S.C. § 1345, and that sixteen (16) months is a reasonable time for Respondent to repair, replace or construct all wastewater treatment improvements and to achieve compliance with the effluent requirements of its Permit.

ORDER FOR COMPLIANCE

37. Based on the foregoing FINDINGS and pursuant to the authority of Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), Respondent is hereby ORDERED AS FOLLOWS:

38. This Order supersedes and terminates the EPA Order for Compliance, Docket No. CWA-07-2008-0031, In the Matter of The City of Rockaway Beach, Missouri, issued February 4, 2008, and amended on or about December 9, 2013.

39. In accordance with this Order, the Respondent shall immediately:

- a) operate and maintain the POTW in a manner to prevent numerical permit limit exceedances;
- b) comply with all influent and effluent sampling, analysis, reporting and recordkeeping requirements of its Permit; and
- c) comply with all sewage sludge requirements of Section 405 of the CWA, 33 U.S.C. § 1345, its implementing regulations at 40 C.F.R. Part 503, and Standard Condition Part III of its Permit, including but not limited to all recordkeeping requirements.

40. By no later than May 20, 2016, the Respondent shall submit to the EPA, for review and comment as set forth in Paragraph 41, below, a Compliance Plan to achieve and maintain compliance with all conditions and limitations of the Permit as soon as possible, but no later than July 1, 2017. The Compliance Plan should be consistent with the guidelines identified in Appendix A of this Order, and include, but not be limited to, repair and upgrade, as needed, of the POTW, development and implementation of a collection system cleaning, repair and maintenance program, and development of a comprehensive wastewater treatment plant operation and maintenance program.

41. The Compliance Plan submitted by the Respondent pursuant to Paragraph 40, above, will be reviewed by the EPA for completeness and sufficiency, and shall be managed as follows:

- a) If the EPA determines the Compliance Plan is complete and sufficient, and the schedule is appropriate, considering the work to be performed, the Respondent will be notified by the EPA, by mail or email, to promptly implement the Plan, according to its schedule.
- b) If the EPA notifies the City, by mail or email, that further revisions are needed, the City shall make such revisions and resubmit the proposed changes to the EPA within thirty (30) calendar days of receipt of EPA's notice.
- c) If the City believes it needs additional time to complete, prepare or revise the Compliance Plan, the City shall submit a request by mail or email to Cynthia Sans, at the address identified in Paragraph 44 below, indicating the basis for the request and the period of additional time requested. Any decision by the EPA to grant such request shall be in writing and delivered to the City by mail or email.

Semiannual Reporting

42. Beginning no later than August 1, 2016, and continuing on February 1 and August 1 each year until this Order is Terminated pursuant to Paragraph 57, the Respondent shall provide to the EPA, with a copy to the MDNR, a report containing, at a minimum, the following information for the previous six (6) months:

- a) A copy of all MMRs and supporting documentation;
- b) A detailed description of all actions taken to inspect, repair, clean, maintain and/or improve the collection system and treatment plant pursuant to the Compliance Plan, the collection system operation and maintenance plan and/or the treatment system operation and maintenance plan;
- c) A description of all work planned for the next 6-month reporting period pursuant to the Compliance Plan, the collection system operation and maintenance plan and/or the treatment system operation and maintenance plan; and
- d) Include in the February 1 report each year, a copy of all sewage sludge records required to be retained by the City pursuant to Standard Conditions Part III of the Permit and 40 CFR Part 503.17, and a copy of the annual sludge report that are required to be submitted to the MDNR pursuant to Standard Conditions Part III of the Permit.

Certification

43. Each submission made by Respondent to the EPA pursuant to the requirements of this Order shall contain the following certification signed by an authorized official, as described at 40 CFR § 122.2:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing submissions of false information.

Submittals

44. All documents required for submittal to the EPA shall be sent by certified mail, return receipt requested, or by email to:

Cynthia Sans, Compliance Officer
Water Enforcement Branch
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency
11201 Renner Blvd
Lenexa, Kansas 66219

Sans.Cynthia@epa.gov

45. Electronic submissions to the EPA will be deemed submitted on the date they are transmitted electronically. Any report, notification, certification, or other communication that cannot be submitted electronically to the EPA shall be submitted in hard-copy to the address provided above.

46. All documents required to be submitted to the MDNR pursuant to this Order shall be submitted by mail to:

Paul Dickerson
Chief, Water Pollution Compliance and Enforcement Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176.

General Provisions

Effect of Compliance with the Terms of This Order

47. This Order shall not constitute a permit under the CWA. Compliance with the terms of this Order shall not relieve Respondent of liability for its responsibility to obtain and comply with any required local, state and/or federal permits.

48. Respondent shall comply with all other applicable laws, regulations, standards and requirements contained in any applicable local, state and Federal pretreatment laws, regulations, standards and requirements including any such laws, regulations, standards or requirements that may become effective during the term of this Order.

49. This Order does not constitute a waiver or a modification of any requirements of the CWA, 33 U.S.C. § 1251 *et seq.*, all of which remain in full force and effect. The EPA retains the right to seek any and all remedies available under Section 309 of the CWA, 33 U.S.C. § 1319, for any violation cited in this Order. Issuance of this Order 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.

Access and Requests for Information

50. Nothing in this Order shall limit the EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent, pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318 and/or any other authority.

Severability

51. If any provision or authority of this Order, or the application of this Order to Respondent, is held by federal judicial authority to be invalid, the application to Respondent of the remainder of this Order shall remain in full force and effect and shall not be affected by such a holding.

Parties Bound

52. This Order shall apply to and be binding upon the Respondent, his agents, successors and assigns. Respondent shall ensure that any directors, officers, employees, contractors, consultants, firms or other persons or entities acting under or for it with respect to matters included herein comply with the terms of this Order.

Failure to Comply

53. Failure to comply with the terms of this Order may result in your liability for significant statutory civil penalties for each violation under Section 309(d) of the CWA,

33 U.S.C. § 1319(d), as modified by 40 C.F.R. Part 19. Upon suit by the EPA, the United States District Court for the Southern District of Missouri may impose such penalties if, after notice and opportunity for a hearing, the court determines that you have violated the CWA as described above and failed to comply with the terms of this Order. In determining the amount of any penalty the court will consider the seriousness of your violations, your economic benefit resulting from the violations, any history you may have of such violations, any good faith efforts you have made to comply with legal requirements, the economic impact a penalty may have upon you, and such other matters as justice may require. The district court has the authority to impose separate civil penalties for any violations of the CWA and for any violations of this Order.

Judicial Review

54. Respondent has the right to seek immediate federal judicial review of the Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Section 706, which is set forth at <http://uscode.house.gov/download/pls/05C7.txt>, provides the grounds for such review.

Opportunity to Confer

55. Respondent has the opportunity to confer with and/or submit information to the EPA concerning the validity of this Order, including the basis for the Order, the terms of the Order, and the applicability of this Order to the Respondent. Within ten calendar days of receipt of this Order, Respondent may request a conference regarding the Order or may submit information to the EPA. If Respondent requests a conference or wishes to submit information, the conference or submission of information shall take place within 30 calendar days of receipt of this Order. The EPA shall deem a failure to request a conference or to submit information as a waiver of the opportunity to confer.

Effective Date

56. The terms of this Order shall be effective and enforceable against Respondent 30 calendar days after receipt of an executed copy of the Order.

Termination

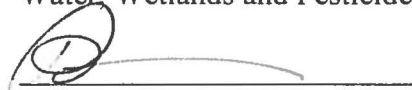
57. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

ON BEHALF OF THE U.S. ENVIRONMENTAL PROTECTION AGENCY:

The Order is hereby issued this 30th day of March, 2016.



Karen A. Flournoy
Director
Water, Wetlands and Pesticides Division



Patricia Gillispie Miller
Senior Counsel
Office of Regional Counsel

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 to the Regional Docket Clerk, United States Environmental Protection Agency, 11201 Renner Blvd., Lenexa, Kansas 66219.

I further certify that on the date noted below I sent by certified mail, return receipt requested, a true and correct copy of the signed original Findings of Violation and Order for Compliance to:

Don Smith, Mayor
Rockaway Beach City Hall
2762 State Highway 176
Rockaway Beach, MO 65740

and by first class mail to:

Paul Dickerson
Chief, Water Pollution Compliance and Enforcement Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102-0176

3-30-2016
Date



APPENDIX A

RECOMMENDED GUIDELINES FOR WASTEWATER TREATMENT FACILITIES AND COLLECTION SYSTEM COMPLIANCE PLAN

In the Matter of: The City of Rockaway Beach, Missouri
Findings of Violation and Order for Compliance
EPA Docket No. CWA-07-2016-0031

1. OBJECTIVES

The City of Rockaway Beach, Missouri (“City”) shall take all necessary measures to comply with its NPDES permit MO-0108162, the Clean Water Act and Missouri Clean Water Law. All wastewater must receive full treatment at the Wastewater Treatment Plant to ensure compliance with all applicable effluent limitations. To accomplish these objectives, the City shall prepare and implement a Compliance Plan that should be consistent with the recommendations set forth in this Appendix. Reporting by the City, review and approval by the Environmental Protection Agency (“EPA”) and implementation of activities required in this Appendix are governed by the provisions of the Order for Compliance on Consent, EPA Docket Number CWA-07-2016-0031 (hereafter “Order”), to which this Appendix is attached.

2. DEFINITIONS

a. Unless otherwise defined herein, terms used in this Appendix shall have the meanings given to those terms in the Clean Water Act (“Act”), 33 U.S.C. § 1251 *et seq.*, and the regulations promulgated under the Act, and the Order. To the extent the following terms differ from the definitions found in the Act, these terms shall be used solely for the purpose of implementing the Water Collection System and Treatment Facilities Correction and Management Program, described in this Appendix.

b. The following terms used in this Appendix are defined as follows:

i. “Bypass” means the intentional diversion of waste streams from any portion of a treatment facility. For purposes of this Order, a bypass includes any discharge from the wastewater treatment plant that receives less than secondary treatment, whether or not authorized by the NPDES permit.

ii. “Collection System” and “Sanitary Sewer System” shall mean the sewage collection and transmission system (including all pipes, force mains, gravity sewer lines, pumping stations, manholes, and appurtenances thereto) owned or operated by the City and designed to convey wastewater to the City’s wastewater treatment plant or to one or more points of discharge.

iii. “Infiltration” shall mean water other than wastewater that enters a Sanitary Sewer System (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.

iv. "Inflow" shall mean water other than wastewater that enters a Sanitary Sewer System (including sewer 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 sewers and sanitary sewers, catch basins, cooling towers, storm water, surface runoff, street wash waters, or drainage.

v. "I/I" shall mean the total quantity of water from inflow, infiltration, and rain induced infiltration without distinguishing the source.

vi. "Operation and Maintenance" shall mean implementation of a plan and schedule for keeping all components of the wastewater treatment plant and collection system in good repair and working to design standards.

vii. "Permit" shall mean NPDES permit MO-0108162 issued to the City by the Missouri Department of Natural Resources on September 30, 2011, and any subsequent reissued permit for the City's WWTP.

viii. "Sanitary Sewer Overflow" or "SSO" shall mean an overflow, spill, diversion, or release of wastewater from the City's Collection System. This term shall include discharges to waters of the State or United States from the City's Sanitary Sewer System, as well as any release of wastewater from the City's Sanitary Sewer System to public or private property that does not reach waters of the United States or the State, including building or private property backups.

ix. "Satellite System" shall mean a community outside the legal boundaries and jurisdiction of the City that contributes wastewater to the Collection System

x. "Wastewater Treatment Plant" and "WWTP" shall mean the sewage treatment plant operated by the City, and all components of such sewage treatment plant.

3. COMPLIANCE PLAN RECOMMENDED ACTIONS

a. By May 20, 2016, Respondent is to submit to EPA a Compliance Plan to achieve and maintain compliance with all conditions and limitations of the Permit. The schedule included in the Compliance Plan shall ensure that all actions necessary to achieve compliance with the Permit shall be completed as soon as practicable, but no later than, July 1, 2017. Upon approval, the City shall implement the provisions of the Compliance Plan as a condition of compliance with the Order.

b. The Compliance Plan should identify activities and schedules to address the following elements of the City's wastewater collection and treatment program:

i. A program for routine and systematic inspection, maintenance and repair of the WWTP.

ii. A program for routine and systematic inspection, maintenance and repair of the collection system.

iii. A coordinated program for the management and disposal of sewage sludge including the treatment, storage, wasting, and final disposal of sludge and that accounts for all sludge produced by the WWTP.

iv. A process for using the information collected through its collection system inspection, maintenance and repair activities to:

(1) identify areas within the collection system that have excessive I/I, such that these conditions are causing and/or contributing to any SSOs, backups, overloading and/or bypasses at the WWTP;

(2) identify and quantify sources of I/I within the areas of the collection system determined to have excessive I/I rates;

(3) identify and quantify (frequency, volume, water quality) SSOs;

(4) identify areas subject to backups;

(5) identify unauthorized connections, such as inflow sources;

(6) identify and quantify (frequency, volume, water quality) bypass events at the WWTP and the cause(s) of such bypass events (e.g., I/I, capacity issues other than I/I); and

(7) identify physical degradation of the collection system that causes or contributes to SSOs, backups and/or bypasses.

v. A program to identify and eliminate, to the extent feasible, all sources of inflow to the collection system that are determined excessive.

vi. A program to identify and correct and/or eliminate SSO locations, to the extent feasible.

vii. A process to identify all causes of effluent limitation noncompliance and/or bypass events at the WWTP (e.g., I/I, lack of adequate capacity at the plant, treatment process deficiencies, lack of back-up equipment, lack of monitoring and alarm systems), and a plan and schedule for correction of the deficiencies, installation of equipment and/or construction of new facilities to ensure all discharges from the wastewater treatment plant comply with the secondary treatment and water quality-based limitations in the City's Permit.

viii. A program for periodic (e.g., semiannual) discussions and negotiations with Satellite Communities to ensure they are identifying and correcting sources of I/I in their system to ensure a limited amount of wet weather flows reach the WWTP.

c. Wastewater Needs and Financial Planning. The City should prepare a Continuing Improvement Plan (“CIP”), that identifies all known short and long term capital investment projects and operation and maintenance activities the City anticipates will be necessary to ensure current and long term compliance with the City's Permit.

i. The CIP should identify:

(1) the specific anticipated projects/actions necessary to effectively and efficiently operate the wastewater treatment system and remain in compliance with the City's Permit;

(2) time tables for execution of such projects/actions; and

(3) financial resources needed to successfully accomplish such projects/actions.

ii. The CIP shall further identify the specific source or sources of funding for such projects/actions, and if needed funds are not currently available or are not expected to be available at the time identified within the CIP for such project/action, the CIP shall identify options and time frames for securing such needed funding (e.g., submittal of grant or loan applications, increases in sewer user fees).

iii. Re-evaluation Process. The CIP should include a process to reevaluate the assumptions, schedules, and conclusions of the CIP, including information developed through implementation of the Compliance Plan, and revise the CIP as necessary to ensure it continues to provide a viable planning tool to enable the City to continue to effectively and efficiently operate the City's wastewater treatment system and comply with its Permit. The reevaluation process should be planned no less frequently than every two years after preparation of the CIP.