

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII

901 NORTH FIFTH STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF )  
)  
THE CITY OF CHARITON, IOWA )  
)  
Respondent )  
)  
Proceedings under Section 309(a)(3) )  
of the Clean Water Act, )  
33 U.S.C. § 1319(a)(3) )  
\_\_\_\_\_ )

Docket No. CWA-07-2008-0069  
FINDINGS OF VIOLATION  
AND ORDER FOR COMPLIANCE

**I. Preliminary Statement**

1. The FINDINGS OF VIOLATION are made and the ORDER FOR COMPLIANCE is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a)(3) of the Clean Water Act ("CWA"), 33 U.S.C. § 1319(a)(3), as delegated by the Administrator to the Regional Administrator, EPA, Region 7, and further delegated to the Director, Water, Wetlands and Pesticides Division, EPA, Region 7.

2. Respondent, the City of Chariton, Iowa (hereafter "Respondent" or "City"), operates a Publicly Owned Treatment Works ("POTW") in the State of Iowa that treats domestic and industrial wastewater. As defined by 40 C.F.R. § 403.3(q), a POTW includes, but is not limited to, devices and systems for storage and treatment of municipal sewage and sewers, pipes and other conveyances of wastewater.

3. The Iowa Department of Natural Resources ("IDNR") is the state agency with the authority to administer the federal NPDES program in Iowa pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, implementing regulations, and a Memorandum of Understanding. EPA maintains concurrent enforcement authority with authorized state programs for violations of the CWA.

**II. Jurisdiction and Finding of Fact**

4. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, inter alia, a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 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.

5. The City is a "person" as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

6. The City owns and operates a POTW that receives and treats wastewater from various domestic and commercial sources.

7. The City's POTW discharges to Little Whitebreast Creek.

8. The POTW is a "point source" that "discharges pollutants" into "navigable waters" of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.

9. The City's discharge of pollutants from the POTW requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

10. On or about September 17, 2001, IDNR granted NPDES permit number IA-5903001 (hereafter "NPDES permit"), to the Respondent for discharges from the POTW to Little Whitebreast Creek subject to compliance with conditions and limitations set forth in the NPDES permit. The NPDES permit was modified on September 20, 2001, and has an expiration date of September 16, 2006. The NPDES permit has been administratively extended by IDNR.

11. Effluent Limitations section on page 2 of Respondent's NPDES permit sets a final effluent limitation from its wastewater treatment plant ("WWTP") at Outfall 001 for Ammonia Nitrogen (" $\text{NH}_3$ ") for the month of December of 3.2000 milligrams per liter ("mg/L") 30 day average and 5.7000 mg/L daily maximum.

12. Effluent Limitations section on pages 2 and 3 of Respondent's NPDES permit also sets monitoring requirements for Outfalls 002 and 003 for five-day carbonaceous biochemical oxygen demand (" $\text{CBOD}_5$ "), total suspended solids ("TSS") and pH.

13. Monitoring and Reporting Requirements on page 4 of Respondent's NPDES permit require the permittee to utilize analytical and sampling methods as specified in 40 C.F.R. Part 136, or other methods approved in writing by the IDNR.

14. The Design Capacity – Standard Conditions on page 6 of Respondent's NPDES permit identifies design capacities for Outfall 001 as 0.607 million gallons per day ("MGD") for average dry weather ("ADW"), 1.115 MGD for average wet weather ("AWW") and 2.230 MGD for maximum dry weather ("MDW"). This provision also states that wastes in volumes or quantities in excess of the design capacity are prohibited.

15. Item 8 of the Standard Conditions of the Respondent's NPDES permit states, "[a]ll facilities and control systems shall be operated as efficiently as possible and maintained in good working order." (See, 567.64.7(5)(f) Iowa Administrative Code ("IAC") and 40 CFR § 122.41(e).)

16. Item 10 of the Standards Conditions of the Respondent's NPDES permit requires the City to maintain records of operations in accordance with 567-63.2 IAC, including the time of sample collection and method of analyst for pH. (See also, 40 CFR § 122.41(j)(3).)

17. Item 14 of the Standard Conditions of the Respondent's NPDES permit requires that any non-compliance that may endanger human health or the environment shall be reported orally within 24 hours of discovery followed by a written submittal describing the non-compliance and its cause, the period of non-compliance including exact dates and times, whether the cause has been corrected, how long the bypass is expected to continue and steps taken to reduce, eliminate and prevent a reoccurrence.

18. The Sludge Handling and Disposal Requirements attachment to Respondent's NPDES permit requires that land application of municipal sewage sludge (hereafter "biosolids") shall be conducted in accordance with criteria established IAC 567-67.1 through 67.11(455B) and pursuant to Section 405(d) of the CWA, 33 U.S.C. § 1345(d), and regulations promulgated at 40 CFR Part 503. The NPDES permit requires the permittee to provide written notice to the IDNR prior to any planned changes in biosolids disposal practices, and the cited IAC provisions require the permittee to have a long-range program for land application of biosolids, with a minimum planning period of 5 years, updated annually.

19. On September 26 through 28, 2007, EPA performed an inspection (hereafter "the EPA Inspection") of the City's POTW 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.

20. On October 9 and December 12, 2007, a representative of the IDNR performed inspections at the City's POTW. The findings from those inspections were included in an IDNR Report of Investigation dated February 25, 2008, and provided to the City in a cover letter and Notice of Violation ("NOV") dated February 25, 2008.

21. On March 10, 2008, EPA received a response from the City to a request for information (hereafter "EPA Information Request") issued by EPA to the City on January 31, 2008, under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a).

#### **IV. Findings of Violation**

22. Based on observations documented during the EPA Inspection, review of the IDNR Investigation Report and NOV, and review of information provided by the City in response to the EPA Information Request, EPA finds that the City violated the terms and conditions of its NPDES, including, but not limited to, the following:

- a. Respondent violated the Effluent Limitations of its NPDES permit by failing to meet the Ammonia daily maximum limit of 5.700 mg/L for the sample collected on December 8, 2005.
- b. Respondent violated the Monitoring and Reporting Requirements of its NPDES permit by failing to:
  - i. document all required sample information and the analytical technique or method used to test pH;
  - ii. monitor, sample and report discharge events in 2006 at Outfalls 002 and 003.

- iii. ensure that its own sample analysis and sample analysis performed by its contract laboratory were in compliance with the proper edition of Standard Methods for Examination of Water and Wastewater, 40 CFR Part 136; and
  - iv. maintain sample temperatures of  $\geq 4^{\circ}\text{C}$  during and following sample collection.
- c. Respondent violated Design Capacity Standard Conditions and Item 8 of the Standard Conditions of its NPDES permit regarding proper capacity loadings, and operation and maintenance of the treatment facilities and control systems by:
- i. maintaining the wastewater plant, particularly the final clarifier and mechanical bar screens, in poor condition;
  - ii. operating the WWTP outside normal operating procedures and accepted engineering and operating standards, specifically by failing to properly sample mixed liquor suspended solids ("MLSS") at correct intervals and by utilizing only one of the two aeration ditches during period when the hydraulic and organic loading exceeded the design capacity of a single aeration ditch;
  - iii. turning off the blowers in one or both of the aeration ditches during high flow events in order to minimize loss of solids without initiating long term corrective measure to reduce the impacts of the high flow events on the treatment plant; and
  - iv. failing to address significant inflow and infiltration ("I&I") in the collection system that has caused bypasses at the WWTP and unpermitted discharges within the collection system.
- d. Respondent violated Item 10 of the Standard Conditions of its NPDES permit regarding proper maintenance of records of operation by failing to create and maintain records of the time of sample collection and method of analysis for pH.
- e. Respondent violated Item 14 of the Standard Conditions of its NPDES permit regarding reporting non-compliance that may endanger human health or the environment and by failing to report bypasses at the WWTP, discharges from Outfalls 002 and 003, and sanitary sewer overflows from the collection system.
- f. Respondent violated the Sludge Handling and Disposal Requirements of its NPDES permit by:
- i. failing to establish and maintain in writing a long range program for land application of biosolids; and
  - ii. maintaining inadequate biosolids storage capacity at the WWTP, or in the alternative, failing to routinely land apply biosolids in order to stay within the present biosolids storage capacity. Based on the average expected solids production for the POTW, more biosolids should have been produced by the POTW than the biosolids application records and the biosolids storage capacity would account for in calendar year 2007.

23. Based on observations documented during the EPA Inspection, EPA finds that the City violated the CWA and the terms and conditions of its NPDES, by constructing and maintaining an unpermitted point source in its collection system at a manhole near 12<sup>th</sup> and Lion Streets from which discharges have occurred.

24. Respondent's violations of the terms and conditions of its NPDES permit, as described in Paragraphs 22 through 23, above, are violations of Sections 301(a) and a permit issued pursuant to 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, and implementing regulations.

#### **V. Order for Compliance**

25. Based on the Findings of Fact and Findings of Violation previously set forth, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), Respondent is hereby ORDERED to take the actions described below:

26. *Monitoring, Sampling, Analysis, Recordkeeping, and Reporting.* The City shall comply with all monitoring, sampling, analysis, recordkeeping and reporting requirements of its NPDES permit, including but not limited to the following:

- a. Beginning immediately upon receipt of this Order, record all data required to be documented when collecting and analyzing samples, including but not limited to date, time and exact place of sampling or measurement, the individual(s) who performed the sampling measurement, the individual(s) who performed the analyses, and the analytical techniques or methods used for all samples, in accordance with the City's NPDES permit;
- b. Beginning immediately upon receipt of this Order, ensure that all sampling techniques, sample preservation techniques and sample analysis performed by the City or by a contract laboratory on behalf of the City complies with the requirements in the correct edition of the Standard Methods for Examination of water and Wastewater, 40 C.F.R. Part 136;
- c. Beginning immediately upon receipt of this Order, ensure all discharges from Outfalls 002 and 003 are monitored, sampled, analyzed for compliance with the applicable permit effluent limitations, and reported on the discharge monitoring report ("DMR");
  - i. If an effective program is not currently in place to ensure Outfalls 002 and 003 are monitored at times when flow in the collection system is likely to result in discharges from these Outfalls, the City shall within thirty (30) days of receipt of this Order prepare and implement a monitoring policy to ensure effective and consistent monitoring of these discharge points; and
  - ii. A copy of the policy shall be provided to EPA and IDNR immediately upon completion; and

- d. Beginning immediately upon receipt of this Order and continuing for twelve (12) months thereafter, simultaneously provide to EPA a copy of DMR submitted each month to IDNR.

27. *POTW Operation and Maintenance.* Respondent shall take actions and institute practices necessary to operate and maintain its POTW in a manner consistent with its NPDES permit, the CWA and its implementing regulations, and applicable state requirements. To demonstrate that such actions have been undertaken, Respondent shall submit a report to EPA and IDNR by no later than October 1, 2008, that includes, but is not limited to:

- a. As required in IDNR's NOV of February 25, 2008, an engineering analysis of the treatment plant and recommended operational improvements and possible plant upgrades to assure that treatment is being provided for all flow received by the treatment plant and that no discharges or bypasses from the storm water pond (Outfall 002) occur that are not as a result of a storm with the intensity or duration greater than a storm with a return period of five years. The engineer analysis shall also include, but not be limited to, needed plant repairs, upgrades to plant to handle flow and organic loading, proper biosolids handling, and a proposed schedule to implement the recommendations and to come into compliance as soon as practicable;
- b. As required in IDNR's NOV of February 25, 2008, a statement certifying that the WWTP's East final clarifier has been repaired;
- c. Written procedures and policies to ensure proper operation and maintenance of the WWTP, including but not limited to procedures that provide proper operation and maintenance on the treatment facility; and
- d. A statement certifying that the monitoring, sampling, analysis, recordkeeping and reporting requirements under Paragraph 26 of this Order have been fully implemented and that the City is in compliance with these requirements under its NPDES permit.

28. *Sanitary Sewer Overflow and Inflow and Infiltration Corrective Measures.*

Respondent shall take actions and institute practices necessary to ensure, to the greatest extent practicable, that inflow and infiltration in its wastewater collection system does not cause sanitary sewer overflows ("SSOs"), including but not limited to discharges from the collection system, manholes, lift stations, pump stations, and basement back-ups, and does not cause flows to the WWTP in excess of the plant's design capacity. To achieve compliance with this requirement, the City shall:

- a. As required in IDNR's NOV of February 25, 2008, submit to EPA and IDNR no later than October 1, 2008, for review and approval, an engineering report with an acceptable schedule for performing a Sanitary Sewer Evaluation Study ("SSES") and for rehabilitating the sewer system to the extent necessary to handle additional

loadings and eliminate any discharges from the South Lift Station water pond (Outfall 003) and the manhole near 12<sup>th</sup> Street and Lion Avenue Lift Station. The engineering report shall include a schedule to eliminate the discharge point from the manhole near the 12<sup>th</sup> Street and Lion Avenue Lift Station and Outfall 003 as soon as possible, with priority given to the discharge point near the 12<sup>th</sup> and Lion Street Lift Station, but in no event later than October 1, 2011. Upon approval of the schedule by EPA, in consultation with IDNR, the City shall perform the SSES and rehabilitate the sewer system under this Order; and

- b. The City shall comply with the requirements of Appendix A of this Order, Wastewater Collection System and Treatment Facilities Correction and Management Program. All submission required by Appendix A shall be subject to review and approval by EPA, and upon approval, shall be fully implemented by the City under this Order.

29. *Biosolids Management and Land Application.* Respondent shall take actions and institute practices necessary to ensure compliance with the biosolids management practices required by the NPDES permit, Section 405 of the CWA, 33 U.S.C. § 1345, 40 C.F.R. Part 403, and requirements of Iowa State law at Rule IAC 567—67.4, including but not limited to:

- a. Within thirty (30) days of receipt of this Order, submit to EPA and IDNR a complete and detailed 5-year written long range program for land application of biosolids; and
- b. Beginning immediately, manage biosolids storage at the WWTP consistent with the biosolids storage capacity of that facility and, when necessary and appropriate, perform land application of biosolids in a manner the complies with the requirements of the NPDES permit, the CWA, its implementing regulations, state law and, when complete, the City's long range program for land application of biosolids.

### **Reporting and Record Keeping**

30. *Immediate Reporting.* Using the Definitions in Section 1 of the Appendix of this Order, the City shall immediately report to EPA and IDNR: (1) each bypass event; (2) each discharge from the POTW that receives less than secondary treatment (e.g., when aerators in the oxidation ditch are turned off), whether or not such discharge is a violation of the NPDES permit; and (3) each SSO event.

- a. Reports under this Subsection shall be submitted by facsimile or e-mail to:

Robert Bryant, EPA  
Facsimile number: 913-551-7765  
E-mail address: bryant.robert@epa.gov

Dennis Ostwinkle, IDNR  
Facsimile number: 319-653-2856  
E-mail address: [Dennis.Ostwinkle@dnr.state.ia.us](mailto:Dennis.Ostwinkle@dnr.state.ia.us)

Jim Stricker, IDNR, FO#5  
Facsimile number: 515-725-0218  
E-mail address: [James.Stricker@dnr.state.ia.us](mailto:James.Stricker@dnr.state.ia.us)

- b. The 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.
- c. Reporting required under this Paragraph to EPA and IDNR is in addition to any reporting required by the City's NPDES permit.

31 *Semi Annual Reporting.* Beginning as of December 31, 2008, and every six (6) months thereafter until termination of the Order, the City shall submit in writing to EPA and IDNR a semi-annual status report at the same time as the DMR reports are submitted (i.e., on January 28<sup>th</sup> and July 28<sup>th</sup>). The semi-annual status report shall contain a summary of the status and progress of all projects and programs required by this Order and the Appendix, including, but not limited to:

- a. A summary of information collected pursuant to Section 2 of the Appendix, including a tabulation of each SSO, bypass and backup event.
- b. 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, the removal or correction date (if removed) and expected removal date (if not yet removed). If the source is located on private property, identify all actions taken by the City, if any, and date taken, to secure the source(s) removal.
- c. A description of all preventive 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.
- d. A list of all NPDES permit violations within the reporting period. 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 each DMR within that period, or on the cover letter to the DMR (i.e., claim of upset, etc.).

32. *Retention of Records.* The City shall maintain copies of all written submissions prepared pursuant to this Order and the Appendix for no less than twenty four (24) months after termination of this Order.

33. *Certification.* Each submittal to EPA pursuant to the requirements of this Order shall include a written statement by Respondent signed by a principal executive officer or a ranking elected official, or by a duly authorized representative of that person, that contain the following certification:

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 violations.

#### Submissions

34. Unless otherwise directed by this Order, all documents required to be submitted to EPA by this Order, shall be submitted by mail to:

Robert W. Bryant  
Water Enforcement Branch  
Water, Wetlands and Pesticides Division  
U.S. Environmental Protection Agency - Region VII  
901 North Fifth Street  
Kansas City, Kansas 66101.

35. Unless otherwise direct by this Order, a copy of documents required to be submitted to EPA by this Order, shall be submitted by mail to:

Dennis Ostwinkle, Supervisor  
Iowa Department of Natural Resources  
Field Office #6  
1023 West Madison Street  
Washington, Iowa 52353-1623

Jim Stricker, Supervisor  
Iowa Department of Natural Resources  
Regional Office #5  
401 SW 7th, Suite 1  
Des Moines, IA 50309

## **VI. General Provisions**

### **Effect of Compliance with the Terms of this Order for Compliance**

36. Compliance with the terms of this Order shall not relieve Respondent of liability for, or preclude EPA from, initiating an administrative or judicial enforcement action to correct the violations described above, including but not limited to actions to protect the health or welfare of persons or the environment, or 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.

37. 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. EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d) or (g) of the CWA, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order. Issuance of this Order shall not be deemed an election by 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**

38. Nothing in this Order shall limit 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**

39. 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.

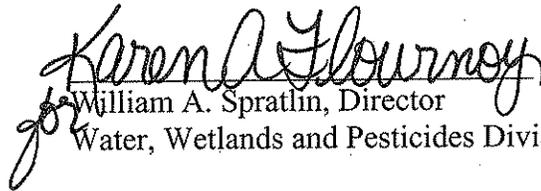
### **Effective Date**

40. This Order shall be effective upon receipt by Respondent. All time periods herein shall be calculated therefrom unless otherwise provided in this Order.

**Termination**

41. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of EPA. Such notice shall not be given until all of the requirements of this Order have been met.

Issued this 1st day of August, 2008.

  
William A. Spratlin, Director  
Water, Wetlands and Pesticides Division

  
Patricia Gillispie Miller  
Senior 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 Administrative Order for Compliance to the Regional Hearing Clerk, United States Environmental Protection Agency, 901 North Fifth Street, Kansas City, Kansas 66101.

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

The Honorable John Braida, Mayor  
City of Chariton  
115 South Main Street  
Chariton, IA 50049

Dennis Ostwinkle, Supervisor  
IDNR Field Office #6  
1023 West Madison Street  
Washington, Iowa 52353-1623

Jim Stricker, Supervisor  
IDNR Field Office #5  
401 SW 7th, Suite 1  
Des Moines, IA 50309

8/4/08  
\_\_\_\_\_  
Date

Kimberly Kestel  
\_\_\_\_\_

## APPENDIX A

### WASTEWATER COLLECTIONS SYSTEM INFORMATION MANAGEMENT AND REPORTING PROGRAM

In the Matter of: The City of Chariton, Iowa  
Order for Compliance  
EPA Docket No. CWA-07-2008-0069

#### 1. DEFINITIONS

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

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

i. "Building/Private Property Backup" and "Backup" shall mean any release of wastewater from the City's Sanitary Sewer System to buildings or private property. The City would not be responsible for any backup that was caused by: (1) 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 (2) overland, surface flooding not emanating from the City's Sanitary Sewer System.

ii. "Bypass" means the intentional diversion of waste streams from any portion of a treatment facility. For purposes of the 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.

iii. "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.

iv. "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.

v. "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.

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

vii. "Private Service Connection" shall mean that portion of the Collection System, not owned by the City, used to convey wastewater from a building or buildings to that portion of the Collection System owned by the City.

viii. "Sanitary Sewer Overflow" and "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/Private Property Backups.

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

## **2. INFORMATION COLLECTION AND UTILIZATION**

a. SSO, Bypass and Basement Backup Tracking System ("Tracking System"). Within ninety (90) days of receipt of the Order, the City shall prepare and submit to EPA and IDNR, for review and approval, a description of a written or electronic Tracking System that documents information regarding SSO events, bypasses and basement backups. Upon approval, the City shall implement the provisions of the Tracking System as a condition of compliance with the Order.

i. To the extent practicable, the City should incorporate this system into a computer-based program that allows authorized and appropriate City personnel access to the information.

ii. The Tracking System should include all information necessary for the City to establish an effective and useful information collection and management system for SSO, bypass and backup events, and responses to such events. The Tracking System should include, but not be limited to, the following information:

(1) The date and time (or best estimate) that the SSO, bypass or backup event began;

(2) The source of information for the SSO, bypass or backup event, e.g., employee observation, electronic reporting or warning system, citizen complaint;

- (3) The specific (and general) location of the SSO, bypass or backup (i.e., street address and specific basin or geographic area of the City);
- (4) The best estimate (*unless monitored*) of the duration of the discharge, including the ending date and time;
- (5) The best estimate (*unless monitored*) of the volume discharged, including actual flow metering data, where applicable;
- (6) Sampling results from any sampling performed;
- (7) If applicable, the waterbody into which the wastewater was released;
- (8) 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;
- (9) Measures taken to respond to the discharge event and minimize the duration and/or impacts of the discharge;
- (10) The specific measures the City intends to use to prevent recurrence of the discharge; and
- (11) The date and time a repair crew arrived on-site and the personnel involved, if repair was required.

b. Data Management System: Within one hundred eighty (180) days of receipt of this Order, the City shall prepare and submit to EPA and IDNR, for review and approval, a description of a Data Management System that will collect, organize and analyze all existing data and all data that the City will be collecting in accordance with this Subparagraph and with Subparagraph 2.a., SSO, Bypass and Basement Backup Tracking System. The Data Management System shall be designed and operated in a manner that allows the City to utilize the information for operation and maintenance activities, long term management of the City's wastewater treatment system, and development and implementation of the Sanitary Sewer Evaluation Study ("SSES") required by Paragraph 28.a. of the Order. Upon approval, the City shall implement the provisions of the Data Management System as a condition of compliance with the Order.

i. To the extent practicable, the City should incorporate this system into a computer-based program that allows authorized and appropriate City personnel access to the information.

ii. In addition to the data collected pursuant to Subsection 3.a, above, the City's Data Management System should review and/or collect and organize information from at least the following sources:

(1) Existing Data Review: A review of existing data concerning SSOs, sewage flows, WWTP and Sanitary Sewer System attributes (e.g., pipe diameters, pipe segment lengths, diversion structure characteristics, catchment characteristics, invert elevations), and rainfall and groundwater levels. The data review shall identify all additional data needed to provide the City with a full and accurate understanding of the wastewater treatment and collection systems.

(2) Rainfall and Flow Monitoring: The City shall conduct dry and wet weather flow monitoring at several locations within the collection system. Dry weather monitoring shall be carried out to allow the characterization of base flows and Infiltration rates. Wet weather monitoring shall be carried out following events of sufficient duration and intensity to cause significant I/I in the system to support the development of the SSES. The locations, types and rationale for placement or utilization of rain gauges, flow monitors, and any other appropriate equipment or information sources, shall be included in description of the Data Management System.

(3) Flow Monitoring: Flow data collected pursuant to Subparagraph (2), above, shall be collected using a system of permanent and/or temporary flow monitors placed at locations in the Collection System as is necessary to characterize the amount of flow under dry and wet conditions. The City shall submit with its description of the Data Management System maps showing proposed initial flow monitoring locations and shall describe how flow monitoring at the selected locations will be used to identify those portions of the City collection system with the most significant I/I. The City shall inspect, maintain and, if necessary, calibrate all flow monitors in accordance with good engineering practice and the manufacturer's recommendations.

iii. Quality Control/Quality Assurance: The Data Management System shall incorporate the quality assurance and quality control practices the City will follow to ensure the accuracy and reliability of data collected and managed in accordance with this Paragraph.