

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

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901 NORTH FIFTH STREET
KANSAS CITY, KANSAS 66101

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF)
WEST LIBERTY, IOWA)

FINDINGS OF VIOLATION AND
ORDER FOR COMPLIANCE

A Municipality)

Docket No. CWA-07-2009-0083

Proceeding under Section 309(a)(3))
Of the Clean Water Act,)
33 U.S.C. §1319(a)(3))

I. Preliminary Statement

1. The FINDINGS OF VIOLATION are made and ORDER 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" or the "Act"), 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. The City of West Liberty, Iowa (hereafter "Respondent" or "City") owns and operates a publicly owned treatment works ("POTW") that treats domestic, commercial and industrial wastewater.

3. The Iowa Department of Natural Resources ("IDNR") is the agency within the state of Iowa that has been authorized to administer the federal National Pollutant Discharge Elimination System ("NPDES") program pursuant to Section 402 of the CWA and its implementing regulations. EPA maintains concurrent enforcement authority with authorized state NPDES programs for violations of NPDES permits.

4. The City admits the jurisdictional allegations and neither admits nor denies the factual allegations set forth below.

II. Jurisdiction and Findings of Violation

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, inter alia, permits issued under the authority of 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 NPDES permit issued pursuant to that Section.

6. The City is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

7. The City owns and operates a POTW that receives and treats wastewater from various domestic and commercial and/or industrial sources.

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

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

10. On October 2, 1991, IDNR issued to the City NPDES Permit No. IA7073001 (hereafter "NPDES permit") for discharges from its POTW to Waspinoonoc Creek. The NPDES permit expired on October 1, 1996. The City filed applications for renewing its NPDES permit in April 1996 and August 2002, and IDNR has administratively extended the effect of the 1996 NPDES permit until a new permit is issued.

11. The City's NPDES permit establishes effluent limitations for Total Suspended Solids ("TSS") and Ammonia Nitrogen (measured as N) for Outfall 001. The NPDES permit sets weekly average limitations for TSS at 45 milligrams per Liter (mg/L) and monthly average limitations for TSS at 30 mg/L. The NPDES permit sets daily average limitations for Ammonia Nitrogen (measured as N) for the month of December at 5.8 mg/L and monthly average limitations for Ammonia Nitrogen (measured as N) for the month of December at 3.5 mg/L. The NPDES also establishes daily average limitations for flow at 2.5 million gallons per day (MGD) and monthly average limitations for flow at 1.37 MGD.

12. The City's NPDES permit requires Respondent to file Discharge Monitoring Reports ("DMRs") with IDNR on a monthly basis that summarize Respondent's sampling and analysis results for all pollutants regulated by the NPDES permit.

13. The City's NPDES permit requires Respondent to construct wastewater treatment plant ("WWTP") improvements to comply with the permit's effluent limits. Construction for the plant improvements was required to be completed no later than June 15, 1994. To date, Respondent has not completed construction of WWTP improvements pursuant to its NPDES permit.

14. In 1998, IDNR issued an Administrative Order ("1998 Administrative Order") requiring Respondent to construct wastewater treatment plant improvements for correction of inflow and infiltration ("I/I") and elimination of bypassing. Construction for the plant improvements was required to be completed no later than September 1, 1999. To date, Respondent has not completed construction of WWTP improvements pursuant to the 1998 Order.

15. Included in the Standard Conditions of Respondent's NPDES permit are the following provisions, summarized below:

- a. Paragraph 8 – Proper Operation and Maintenance (“O&M”): requires all facilities and control systems to be operated as efficiently as possible and maintained in good working order;
 - b. Paragraph 21 – Bypasses: except in certain enumerated circumstances, prohibits bypasses, defined as “the intentional diversion of waste streams from any portion of the treatment facility.”
16. Between December 15 and 17, 2008, an EPA representative performed an inspection of Respondent’s wastewater treatment facility under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a). Included in the inspection was observation of the City’s POTW.
17. Within the past five years, the City has experienced discharges of untreated wastewater from the City’s wastewater collection system, also know as sanitary sewer overflows (“SSOs”).
18. Within the past five years, the City has experienced discharges from the POTW’s wastewater treatment facilities in excess of Respondent’s NPDES permit limits for flow.
- a. the City exceeded the daily average NPDES permit limitations for flow for two months in 2005, for one month in 2006, for four months in 2007, and for six months in 2008; and
 - b. the City exceeded the monthly average NPDES permit limitations for flow for two months in 2005, for six months in 2006, for five months in 2007, and for seven months in 2008.
19. Within the past five years, the City has exceeded its weekly average and monthly average NPDES permit limitations for TSS and Ammonia Nitrogen (measured as N), including the following:
- a. the City exceeded the weekly average NPDES permit limitations for TSS for five months in 2007 and for six months in 2008;
 - b. the City exceeded the monthly average NPDES permit limitations for TSS for four months in 2007 and for five months in 2008; and
 - c. the City exceeded the weekly and monthly average NPDES permit limitations for Ammonia Nitrogen (measured as N) in December 2007.
20. Within the past five years, the City has reported 35 bypasses to IDNR: four bypasses in 2006, 11 bypasses in 2007, and 20 bypasses in 2008.
21. The violations identified in paragraphs 13, 17, 18, 19, and 20 are violations of the terms and conditions of the NPDES permit issued pursuant to Section 402 of the CWA, 33

U.S.C. § 1342, for the City, and as such, are violations of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

III. Order For Compliance

22. Based on the Findings set forth above, and pursuant 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), Respondent is hereby ORDERED as follows:

Wastewater Collection System and Treatment Facilities Correction and Management Program (Appendix A)

23. The City shall comply with the requirements of Appendix A of this Order, Wastewater Collection System and Treatment Facilities Correction and Management Program. All submissions required by Appendix A shall be subject to review by EPA and IDNR, and approval by EPA, in accordance with Paragraph 24, below, and upon approval, shall be fully implemented by the City.

Approval of Submissions and Incorporation into the Order

24. Upon receipt, EPA and IDNR will review all documents submitted by Respondent pursuant to Paragraph 23, and EPA shall approve such submittals or require modification and resubmittal of portion or all of the documents pursuant to Paragraph 25, below. Upon approval, documents submitted under Paragraph 23, above, or resubmitted pursuant to Paragraph 25, below, shall be deemed incorporated into and become enforceable under this Order, or at EPA's discretion, shall be incorporated into, and become enforceable under, a separate order issued under the authority of the CWA.

Modification and Resubmission of Documents

25. If required by EPA pursuant to Paragraph 24, above, Respondent shall within forty-five (45) days of receipt of any written comments from EPA and/or IDNR regarding the documents submitted by Respondent pursuant to this Order, make modifications and changes to such documents as directed by EPA, and resubmit the documents to EPA and IDNR. The parties may agree, in writing, to a longer period of time for resubmission of such documents.

Submissions

26. All documents required to be submitted to the EPA by this Order, shall be submitted by mail to:

Berla Johnson
Water Enforcement Branch
U.S. Environmental Protection Agency-Region 7
901 North Fifth Street
Kansas City, Kansas 66101.

27. All documents required to be submitted to IDNR by this Order shall be submitted by mail to:

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

Certification

28. All submissions made by Respondent to EPA and IDNR 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.

IV. General Provisions

Effect of Compliance with the terms of this Order

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

30. 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 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 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

31. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect property operated by Respondent 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

32. 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

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

Effective Date

34. The terms of this Order shall be effective and enforceable against Respondent upon the date of its receipt of an executed copy of the Order.

Termination

35. 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.

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Issued this 8th day of July, 2009.



William A. Spratlin
Director
Water, Wetlands and Pesticides Division



Chris Muehlberger
Assistant Regional Counsel

CERTIFICATE OF SERVICE

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

The Honorable Chad Thomas
Mayor
City of West Liberty
409 North Calhoun Street
West Liberty, Iowa 52776;

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

CCJ M...h...

7.9.09

Date

APPENDIX A

WASTEWATER COLLECTIONS SYSTEM AND TREATMENT FACILITIES CORRECTION AND MANAGEMENT PROGRAM

In the Matter of: The City of West Liberty, Iowa
Order for Compliance
EPA Docket No. CWA-07-2009-0083

1. OBJECTIVES

The City of West Liberty, Iowa ("City") shall take all necessary measures, to the extent feasible, to eliminate Sanitary Sewer Overflows ("SSOs") from the City's Collection System and Bypasses of full treatment at the Wastewater Treatment Plant ("WWTP"). To accomplish these objectives, the City shall perform the actions set forth in this Appendix. Reporting by the City, review and approval by the Environmental Protection Agency ("EPA") and the Iowa Department of Natural Resources ("IDNR"), and implementation of activities required in this Appendix are governed by the provisions of the Order for Compliance, EPA Docket Number CWA-07-2009-0083 (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. "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 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.

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.

3. INFORMATION COLLECTION AND UTILIZATION

a. SSO, Bypass and Basement Backup Tracking System ("Tracking System"). Within thirty (30) days of receipt of this 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 sixty (60) 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 3.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 of the Plan of Action for Compliance pursuant to Section 4 of this Appendix

and the Long Term Planning provisions required by Section 5 of this Appendix. 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 Plan of Action for Compliance, as provided for in Section 4, below. 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.

4. PLAN OF ACTION FOR ELIMINATION OF SSOs, BYPASSES AND BACKUPS

a. Within ninety (90) days of receipt of this Order, the City shall submit to EPA and IDNR for review and approval, a detailed Plan of Action (POA) containing a schedule with phased and fixed-date action items for eliminating SSO events within the City's Sanitary Sewer System and bypasses at the WWTP, to the extent feasible. The City shall incorporate into its POA actions that will eliminate SSO events and bypasses caused by excessive I/I consistent with the definitions at 40 CFR § 35.2005(b)(16), (28) and (29). Upon approval, the City shall implement the provisions of the POA as a condition of compliance with the Order.

b. The POA shall, at a minimum, 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 collection system.

ii. A process for utilizing the information collected and organized pursuant to Section 3 of this Appendix, Information Collection and Utilization. Specifically, the POA should describe how the City will use the information to:

(1) identify areas within the collection system that have excessive I&I, such that these conditions are causing and/or contributing to 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.

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

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

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

vi. A process to identify all causes of 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 receive secondary treatment and water quality-based limitations.

5. LONG TERM PLANNING

a. Wastewater Needs and Financial Planning. Within six (6) months of receipt of this Order, the City shall submit to EPA and IDNR a Continuing Improvement Plan ("CIP"), which 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 NPDES permit. The CIP shall 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 NPDES permit; (2) time tables for execution of such projects/actions; and (3) financial resources needed to successfully accomplish such projects/actions. 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).

b. Reevaluation Process. The CIP shall include a process to reevaluate the assumptions, schedules, and conclusions of the CIP, including information developed through implementation of the POA, 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 NPDES permit. The reevaluation process shall be planned no less frequently than every two years after preparation of the CIP.

6. REPORTING AND RECORDKEEPING

a. Immediate Reporting. The City shall immediately report to EPA and IDNR: (1) each discharge from the POTW that receives less than secondary treatment, whether or not such discharge is a violation of the NPDES permit; and (2) each SSO event.

i. Report under this Subsection shall be submitted by facsimile or e-mail to:

Berla Johnson, EPA
Facsimile number: 913-551-7765
E-mail address: jackson-johnson.berla@epa.gov

Dennis Ostwinkle, IDNR
Facsimile number: 319-653-2856
E-mail address: dennis.ostwinkle@dnr.state.ia.us.

ii. 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.

iii. Reporting required under this Subsection to EPA and IDNR is in addition to any reporting required by the City's NPDES permit.

b. Quarterly Reporting. Beginning with the first calendar quarter following receipt of this Order, and each quarter thereafter until termination of the Order, the City shall submit in writing to EPA and IDNR a status report at the same time as the DMR reports are submitted (i.e., on the twenty-eighth day of each month following the end of the quarter). The quarterly status report shall contain a summary of the status and progress of all projects and programs required by this Appendix, including, but not limited to:

i. A summary of information collected pursuant to Section 3 of this Appendix, including a tabulation of each SSO, bypass and backup event.

ii. 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.

iii. 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.

iv. The status of implementation of all plans required by Sections 4 and 5 of this Appendix, including a statement as to whether specific scheduled milestone dates in the schedules included in each approved plan were met. Upon completion of a specific project in the approved plans, the City shall submit a certification that the specified work has been completed, including the following documentation of the completed work to EPA and IDNR:

(1) For work performed by a private contractor: an inspection report by City utilities personnel of the completed project and certification by the City Engineer that the specified work has been completed; and

(2) For work performed by City personnel: a copy of the work order for the project verified by the City Engineer as having been completed;

v. The status of compliance by all Industrial Users of the City's Collection System, including information regarding any violations of the limits imposed on the Industrial Uses and any action taken by the City in response to such violations.

vi. A list of all NPDES permit violations within the quarter. This tabular listing shall include the date of the violation, the parameter exceeded, the permit limit, the reported amount, and any additional relevant information included each DMR within that quarter, or on the cover letter to the DMR (*i.e.*, claim of upset, etc.).

c. Reduced Reporting. After eighteen months of implementation of the requirements of the Order and this Appendix, the City may submit a written petition to EPA to reduce the reporting requirements of Subsection b, above, from quarterly to semi-annually. In submitting this request, the City must verify that it has complied with the requirements for monitoring, reporting and implementation identified herein, and must agree to promptly provide specific information to EPA regarding issues addressed by the Order and this Appendix, if requested. EPA's response to the City's petition will be in writing, and if granted, will be incorporated in the Order pursuant to Paragraph 41 of the Order.

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

7. REPORT REQUESTING TERMINATION OF ORDER

Upon successful completion of all construction activities identified within the approved Plan of Action for Compliance under Section 4 of this Appendix, full and successful implementation of all actions required pursuant to Sections 3 and 5 of this Appendix, and reporting as required by Section 6 of this Appendix, the City may submit a report to EPA and IDNR demonstrating such compliance and implementation of the required actions and petition EPA for termination pursuant to the applicable provisions of the Order. EPA, in consultation with IDNR, will entertain termination of the Order when all actions identified above have been completed and the City demonstrates that it has corrected deficiencies within the physical structures comprising the City's wastewater treatment system, has significantly improved operation and maintenance processes, data collection and utilization, and has eliminated, to the greatest degree feasible, SSOs, bypasses and backups.