

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII  
901 N. 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF: )  
)  
City of Fredericktown, Missouri )  
)  
A Municipality )  
)  
Proceedings under Section 309(a)(3) )  
of the Clean Water Act, )  
33 U.S.C. § 1319(a)(3) )  
\_\_\_\_\_ )

FINDINGS OF VIOLATION AND ORDER  
FOR COMPLIANCE ON CONSENT

Docket No. CWA-07-2007-0071

**I. Preliminary Statement**

1. These FINDINGS OF VIOLATION are made and ORDER FOR COMPLIANCE ON CONSENT 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 Fredericktown, Missouri (hereafter "Respondent" or "City") owns and operates a publicly owned treatment works ("POTW") that treats domestic, commercial and industrial wastewater.
3. The Missouri Department of Natural Resources ("MDNR") is the agency within the State of Missouri that has been authorized to administer the federal National Pollutant Discharge Elimination System ("NPDES") and Pretreatment programs pursuant to Section 402 of the CWA and its implementing regulations. The EPA maintains concurrent enforcement authority with authorized state NPDES and Pretreatment programs for violations of NPDES permits and/or violations of the Pretreatment program requirements.
4. The City and EPA agree that issuance of this Order for Compliance on Consent ("Order on Consent") is in the best interest of the City and will provide protection for human health and the environment. In entering into this Order on Consent, the City agrees to make every reasonable effort, subject to financial constraints identified and addressed in the City's Continuing Improvement Plan ("CIP") and as incorporated into the City's Plan of Action ("POA"), each as referred to in Appendix A, to diligently and expeditiously implement the measures identified herein to correct current deficiencies with the City's POTW and to improve the management, operation and maintenance of the City's entire wastewater infrastructure, with an emphasis on both sustained incremental improvements and long term stability. In entering into this Order on

Consent, it is the intention of the parties to work cooperatively together to implement the measures identified herein and to avoid the necessity for the imposition of penalties. The parties agree that it may be necessary from time to time to adjust the schedules and/or actions set forth in the City's POA based on new information regarding the City's POTW, as discovered through implementation of the POA, and resulting financial considerations. The EPA agrees to work closely with the MDNR to coordinate oversight of, and support for, the City's efforts. All parties agree that coordination and communication are essential in successfully implementing this Order on Consent and the underlying improvements for the City's POTW, and further agree that the City will focus its resources – financial, workforce and administrative – on improving the City's wastewater operations, management and infrastructure consistent with the requirements of this Order on Consent and the City's NPDES permit.

5. The City, upon consenting to the issuance of this Order on Consent, admits the jurisdictional allegations and neither admits nor denies the factual allegations set forth below.

## **II. Jurisdiction and Findings of Violation**

Upon Consent of the parties by their attorney and/or authorized representatives, the EPA finds:

6. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants except in compliance with, inter alia, Section 307 of the CWA, 33 U.S.C. § 1317, and 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. Section 307 of the CWA, in pertinent part, authorizes the EPA to establish pretreatment standards for introduction of pollutants into publicly owned treatment works.

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

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

9. 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.

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

11. On June 15, 2001, MDNR issued to the City NPDES Permit No. MO0028690 (hereafter "NPDES permit") for discharges from its POTW to Saline Creek. The NPDES permit expires on June 16, 2010.

12. Section A, Effluent Limitations and Monitoring Requirements, of the City's NPDES permit establishes Total Suspended Solids (TSS), five-day biochemical oxygen demand (BOD<sub>5</sub>), fecal coliform and pH effluent limits for Outfall 001, the mechanical treatment plant. The NPDES permit also requires monitoring of certain pollutant parameters, including ammonia (measured as N) at Outfall 001. The NPDES permit prohibits the discharge of floating solids or visible foam other than in trace amounts.

13. Section A of the City's NPDES permit also requires Respondent to file Discharge Monitoring Reports (DMRs) with the MDNR on a monthly basis that summarize Respondent's sampling and analysis results for all pollutants regulated by the NPDES permit.

14. Section B of Respondent's NPDES permit incorporates by reference Standard Conditions Parts I, II and III, several provisions of which are summarized below:

- a. Part I, Section B, subsection 2 - Noncompliance Notification: requires reporting to MDNR within 5 days of any failure to comply with the daily maximum effluent limitations of the NPDES permit, and within 24 hours of any noncompliance with the permit that may endanger health or the environment;
- b. Part I, Section B, subsection 5 - Bypassing: except in certain enumerated circumstances, prohibits the bypass or shut down of any wastewater treatment facility, or any part of the facility or sewer system, that results in a violation of a permit limitation or condition; and
- c. Part I, Section B, subsection 6 - Removed Substances: requires solids, sludges and other pollutants removed in the course of treatment or control of wastewater to be disposed of in a manner to prevent them from entering surface water.

15. Section C, Special Conditions, of the City's NPDES permit, as revised, includes a requirement to report to MDNR semi-annually in January and July regarding measures taken to locate and eliminate sources of infiltration and inflow to the City's collection system. (See, Section C. Special Conditions, subsection 8.)

16. On June 9, 2005, an EPA representative performed an inspection of the City of Fredericktown's wastewater treatment facilities 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 reported discharges of untreated wastewater from manholes, pump stations, sewer line breaks and/or other locations within the City's wastewater collection system, also known as sanitary sewer overflows ("SSOs").

18. Within the past five years, the City has reported bypasses of wastewater from the POTW from all or a portion of the wastewater treatment facilities.

19. Each discharge of pollutants as identified in Paragraphs 17 and 18 above is a violation 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 of Fredericktown, and as such, is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).

### **III. Order for Compliance on Consent**

20. Based on the Findings set forth above, and pursuant to Section 309(a)(3) of the CWA, 33 U.S.C. § 1319(a)(3), EPA hereby ORDERS and the City of Fredericktown CONSENTS to the requirements set forth hereafter in this Order on Consent.

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

21. The City shall comply with the requirements of Appendix A of this Order on Consent, 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 MDNR in accordance with Paragraph 22, below, and upon approval, shall be fully implemented by the City.

#### **Approval of Submissions and Incorporation into the Order on Consent**

22. Upon receipt, EPA and MDNR will review all documents submitted by Respondent pursuant to Paragraph 21, and approve such submittals promptly or require modification, as appropriate and reasonable to achieve compliance with the goals of this Order on Consent, and resubmittal of a portion or all of the documents pursuant to Paragraph 23, below. Upon approval, documents submitted under Paragraph 21, above, or resubmitted pursuant to Paragraph 23, below, shall be deemed incorporated into and become enforceable under this Order on Consent, 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**

23. If required by EPA and MDNR pursuant to Paragraph 22, above, Respondent shall, within fifteen (15) days of receipt of any written comments from EPA and MDNR regarding the documents submitted by Respondent pursuant to this Order on Consent, make modifications and changes to such documents as directed by EPA and MDNR, and resubmit the documents to EPA and MDNR. The parties may agree, in writing, to a longer period of time for resubmission of such documents.

### Submissions

24. All documents required to be submitted to EPA, by this Order on Consent, shall be submitted by mail to **Ms. Berla Johnson, Compliance Officer**, at the following address:

United States Environmental Protection Agency  
WWPD/WENF  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

25. A copy of documents required to be submitted to MDNR by this Order on Consent, shall be submitted by mail to:

Kevin Mohammadi  
Chief, Water Pollution Compliance and Enforcement Section  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

and

Gary Gaines  
Director, Southwest Regional Office  
Missouri Department of Natural Resources  
2155 N. Westwood Boulevard  
Poplar Bluff, Missouri 63901.

### Certification

26. All submissions made by Respondent to EPA and MDNR pursuant to the requirements of this Order on Consent shall contain the following certification signed by an authorized official, as described at 40 CFR § 122.22:

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**

##### **Dispute Resolution**

27. Unless otherwise expressly provided for in this Order on Consent, the dispute resolution procedures of this Section shall be the exclusive mechanism for resolving disputes arising under this Order. The City and EPA shall attempt to resolve any disagreements concerning this Order expeditiously and informally. The MDNR may be consulted and/or invited to participate in the dispute resolution process by EPA.

28. If the City objects to any EPA action taken pursuant to this Order on Consent, it shall notify EPA in writing of their objection(s) within fifteen (15) days of such action, unless the objection(s) has/have been resolved informally. The EPA and the City shall have fifteen (15) days from EPA's receipt of the City's written objection(s) to resolve the dispute (the "Negotiation Period"). The Negotiation Period may be extended at the sole discretion of EPA. Such extension may be granted verbally but must be confirmed in writing.

29. Any agreement reached by the EPA and the City pursuant to this Section shall be in writing and shall, upon signature by both EPA and the City, be incorporated into and become an enforceable part of this Order on Consent. If the City and EPA are unable to reach an agreement within the Negotiation Period, the disputed matter will be referred to EPA Region 7's Regional Judicial Officer ("RJO"), who will issue a written decision. The RJO may request that the parties provide additional information relevant to the dispute as necessary to render a written decision. The RJO's decision shall be incorporated into and become an enforceable part of this Order. The City's obligations under this Order on Consent shall not be tolled by submission of any objection for dispute resolution under this Section, provided however, that the RJO may establish new timelines and dates regarding performance of the disputed matter as part of any written decision provided herein. Following resolution of the dispute, as provided by this Section, the City shall fulfill the requirement that was the subject of the dispute in accordance with the agreement reached or with EPA's decision, whichever occurs, and regardless of whether the City agrees with the decision.

##### **Effect of Compliance with the terms of this Order on Consent for Compliance**

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

31. This Order on Consent does not constitute a waiver or a modification of any requirements of the Clean Water Act, 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 Sections 309(b), (c), (d) or (g) of the Act, 33 U.S.C. § 1319(b), (c), (d) or (g), for any violation cited in this Order on Consent. Issuance of this Order on Consent 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 Act for any violation whatsoever.

#### Access and Requests for Information

32. Nothing in this Order on Consent 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

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

#### Effective Date

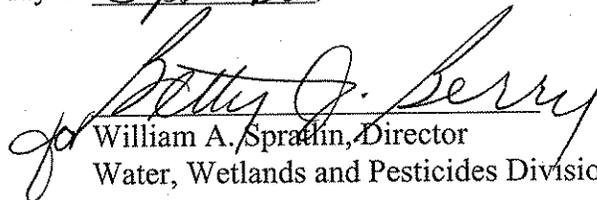
34. The terms of this Order on Consent shall be effective and enforceable against Respondent upon its receipt of an executed copy of the Order on Consent.

#### Termination

35. This Order on Consent shall remain in effect until a written notice of termination is issued by an authorized representative of the U.S. Environmental Protection Agency. Such notice shall not be given until all of the requirements of this Order on Consent have been met.

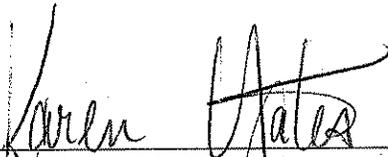
#### FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Issued this 17th day of September, 2007.

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

  
Patricia Gillispie Miller  
Senior Assistant Regional Counsel

FOR THE CITY OF FREDERICKTOWN, MISSOURI

  
\_\_\_\_\_  
The Honorable Karen Yates  
Mayor, City of Fredericktown  
  
9/10/07  
\_\_\_\_\_  
Date

CERTIFICATE OF SERVICE

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

The Honorable Karen Yates  
Mayor, City of Fredericktown  
124 W. Main  
Fredericktown, Missouri 63645

Kevin Mohammadi  
Chief, Water Pollution Compliance and Enforcement Section  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, Missouri 65102

Gary Gaines  
Director, Southwest Regional Office  
Missouri Department of Natural Resources  
2155 N. Westwood Boulevard  
Poplar Bluff, Missouri 63901

9/19/07  
Date

g. daniel c. kirkett

## APPENDIX A

### WASTEWATER COLLECTIONS SYSTEM AND TREATMENT FACILITIES CORRECTION AND MANAGEMENT PROGRAM

In the Matter of: The City of Fredericktown, Missouri  
Order for Compliance on Consent  
EPA Docket No. CWA-07-2007-0071

#### 1. OBJECTIVES

The City of Fredericktown, Missouri ("City") shall take all necessary measures, to the greatest extent feasible, to eliminate Sanitary Sewer Overflows ("SSOs") from the City's Collection System and Bypasses of full treatment at the Wastewater Treatment Plant. 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 Missouri Department of Natural Resources ("MDNR"), and implementation of activities required in this Appendix are governed by the provisions of the Order for Compliance on Consent, EPA Docket Number CWA-07-2007-0071 (hereafter "Order on Consent"), 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 Act, 33 U.S.C. § 1251 *et seq.*, and the regulations promulgated under the Act, and the Order on Consent. . 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 on Consent, 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 located at 130 Buford Blvd., Fredericktown, Missouri, and all components of such sewage treatment plant.

### **3. INFORMATION COLLECTION AND UTILIZATION**

a. SSO, Bypass and Basement Backup Tracking System ("Tracking System"). Within forty-five (45) days of receipt of this Order on Consent, the City shall prepare and submit to EPA and MDNR, 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 on Consent.

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 ninety (90) days of receipt of this Order on Consent, the City shall prepare and submit to EPA and MDNR, 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 on Consent.

i. To the extent practicable and useful, 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, and to the extent required to implement the City's POA, 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) Previous Rainfall and Flow Monitoring: The City should incorporate into the Data Management System information related to any existing dry and wet weather flow monitoring within the collection system. Dry weather monitoring should allow the characterization of base flows and Infiltration rates. Wet weather monitoring should 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 description of locations, types and rationale for placement or utilization of rain gauges, flow monitors, and any other appropriate equipment or information sources for previous monitoring efforts shall, to the extent available, be included in the Data Management System.

(3) Additional Flow Monitoring: Any flow data collected in addition to the data described in 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 any available maps showing previous flow monitoring locations and shall describe how additional flow monitoring at 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 one hundred eighty (180) days of receipt of this Order on Consent, the City shall submit to EPA and MDNR for review and approval, a detailed Plan of Action (POA) containing a fixed-date schedule for, to the extent feasible, eliminating SSO events within the City's Sanitary Sewer System and bypasses at the WWTP. The POA may contain financial considerations, consistent with the Long Term Planning process described in Section 5 of this Appendix, which may serve as the basis for the City to request to modify pertinent portions of the fixed-date schedule submitted with the POA. Upon approval, the City shall implement the provisions of the POA as a condition of compliance with the Order on Consent.

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. If not already completed, and as new information may be generated, 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.

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

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

vi. To the extent not already complete, 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 projected date for submitting 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 meet water quality-based limitations.

## 5. LONG TERM PLANNING

a. Wastewater Needs and Financial Planning. Within eighteen (18) months of receipt of this Order on Consent, the City shall submit to EPA and MDNR 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 and revise it as necessary to ensure the CIP 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 MDNR: (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

Kevin Mohammadi, MDNR  
Facsimile number: 573-522-9920  
E-mail address: kevin.mohammadi@dnr.mo.gov

Gary Gaines, MDNR  
Facsimile number: 573-840-9754  
E-mail address: gary.gains@dnr.mo.gov

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 MDNR 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 on Consent, and each quarter thereafter until termination of the Order on Consent, the City shall submit in writing to EPA and MDNR, 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 on Consent, including a tabulation of each SSO, bypass and backup event.

ii. A summarized list of all confirmed I/I sources and the status of corrective actions. The city shall maintain records, and will make them available to EPA and MDNR upon request, showing 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. With each quarterly report, the City shall submit a certification of the City Engineer to EPA and MDNR that any items of work reflected on the report as completed, have been completed and verified by the City Engineer.

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 a copy of each DMR and its cover letter submitted within that quarter (*i.e.*, claim of upset, etc.).

c. Reduced Reporting. After eighteen months of implementation of the requirements of the Order on Consent 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 on Consent and this Appendix, if requested. The EPA's response to the City's petition will be in writing, and if granted, will be incorporated in the Order on Consent pursuant to Paragraph 22 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 on Consent.

## **7. REPORT REQUESTING TERMINATION OF ORDER ON CONSENT**

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 MDNR demonstrating such compliance and implementation of the required actions and petition EPA for termination pursuant to the applicable provisions of the Order on Consent. EPA, in consultation with MDNR, will entertain termination of the Order on Consent 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.