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I. INTRODUCTION

A. WHEREAS, Plaintiff United States of America, on behalf of the United States Environmental Protection Agency (“EPA”), has filed a complaint concurrently with this Consent Decree, alleging that Defendant, the City of Meridian, Mississippi (the “City”), has violated and continues to violate Section 301 of the Clean Water Act (“CWA”), 33 U.S.C. § 1311, and terms and conditions of its National Pollutant Discharge Elimination System (“NPDES”) permit issued under Section 402 of the CWA, 33 U.S.C. § 1342; and seeking injunctive relief and civil penalties pursuant to Sections 309(b) and (d) of the CWA, 33 U.S.C. §§ 1319(b) and (d);

B. WHEREAS, Plaintiff the State of Mississippi, acting through the Mississippi Commission on Environmental Quality and the Mississippi Department of Environmental Quality (“MDEQ”) (collectively, the “State”), joined in the Complaint and seeks injunctive relief and civil penalties for the City’s alleged violations of the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1, *et seq.* (“MAWPCL”);

C. WHEREAS, the State is also a Plaintiff in this action and is joined as a party under Section 309(e) of the CWA, 33 U.S.C. § 1319(e), which requires the state in which a municipality is located to be joined as a party whenever the municipality is a party to a civil action brought by the United States under Section 309 of the CWA;

D. WHEREAS, the State has been authorized by EPA to administer the NPDES program in Mississippi pursuant to Section 402(b) of the CWA, 33 U.S.C. § 1342(b);

E. WHEREAS, the City is a “municipality” pursuant to Section 502 of the CWA, 33 U.S.C. § 1362;

F. WHEREAS, the City’s Wastewater Collection and Transmission System (“WCTS”) transports wastewater to the City’s two wastewater treatment plants, the Meridian South Wastewater Treatment Plant (“South Plant”) and the Meridian East Wastewater Treatment Plant (“East Plant”);

G. WHEREAS, the South and East Plants are collectively regulated as the Meridian Publicly Owned Treatment Works (“Meridian POTW”) pursuant to NPDES Permit number MS0020117;

H. WHEREAS, the EPA and the State contend, based upon information provided by the City, that the City has had hundreds of unauthorized Sanitary Sewer Overflows (“SSOs”) since February 2013;

I. WHEREAS, the United States and the State contend that these SSOs are violations of the CWA, MAWPCL, and the City’s NPDES Permits;

J. WHEREAS, Miss. Code Ann. Section 21-33-303 establishes limits on a municipality’s authority to incur debt in specified circumstances;

K. WHEREAS, the City has informed EPA and the State that Miss. Code Ann. § 21-33-303 may impact the City's ability to raise revenues needed to comply with the deadlines established in this Consent Decree;

L. WHEREAS, the City does not admit any liability to the United States or the State arising out of the transactions or occurrences alleged in the Complaint;

M. WHEREAS, the Parties recognize, and the Court by entering this Consent Decree finds, that this Consent Decree has been negotiated by the Parties in good faith and will avoid litigation between the Parties and that this Consent Decree is fair, reasonable, and in the public interest;

NOW, THEREFORE, before the taking of any testimony, without the adjudication or admission of any issue of fact or law except as provided in Section I, and with the consent of the Parties, IT IS HEREBY ADJUDGED, ORDERED, AND DECREED as follows:

II. JURISDICTION AND VENUE

1. This Court has jurisdiction over the subject matter of this action, pursuant to 28 U.S.C. §§ 1331, 1345, and 1355, and Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and over the Parties. This Court has supplemental jurisdiction over the state law claims asserted by the State pursuant to 28 U.S.C. § 1367. Venue lies in this District pursuant to Section 309(b) of the CWA, 33 U.S.C. § 1319(b), and 28 U.S.C. §§ 1391(b) and 1395(a), because the violations alleged in the Complaint are alleged to have occurred in, and the City conducts business in, this judicial district. For purposes of this Decree, or any action to enforce this Decree, the City consents to the Court's jurisdiction over this Decree, over any such action, and over the City and consents to venue in this judicial district.

2. For purposes of this Consent Decree, the City agrees that the Complaint states claims upon which relief may be granted pursuant to Sections 309(b) and (d) of the CWA, 33 U.S.C. §§ 1319(b) and (d), and Miss. Code Ann. §§ 49-17-29 and 49-17-43.

III. APPLICABILITY

3. The obligations of this Consent Decree apply to and are binding upon the United States and the State, and upon the City and any successors, assigns, or other entities or persons otherwise bound by law.

4. No transfer of ownership or operation of any portion of the Sewer System, whether in compliance with the procedures of this Paragraph or otherwise, shall relieve the City of its obligation to ensure that the terms of the Decree are implemented. At least thirty (30) Days prior to such transfer, the City shall provide a copy of this Consent Decree to the proposed transferee and shall simultaneously provide written notice of the prospective transfer, together with a copy of the proposed written agreement, to the United States and MDEQ, in accordance with Section XVI (Notices). Any attempt to transfer ownership or operation of the Sewer System without complying with this Paragraph constitutes a violation of this Decree.

5. The City shall provide a copy of this Consent Decree to all officers, employees, and agents whose duties might reasonably include compliance with any provision of this Decree, as well as to any contractor retained to perform work required under this Consent Decree. The City shall condition any such contract upon performance of the work in conformity with the terms of this Consent Decree.

6. In any action to enforce this Consent Decree, the City shall not raise as a defense the failure by any of its officers, directors, employees, agents, or contractors to take any actions necessary to comply with the provisions of this Consent Decree.

IV. OBJECTIVES

7. The objective of this Consent Decree is for the City to eliminate Sanitary Sewer Overflows, and to achieve and maintain full compliance with the CWA, the MAWPCL, and the NPDES Permits. All plans, measures, reports, construction, maintenance, operational requirements, and other obligations in this Consent Decree or resulting from the activities required by this Consent Decree shall be designed to eliminate SSOs. The EPA and the State expect the City to certify, when submitting plans under this Consent Decree, that the plans have been designed to remediate the identified causes of SSOs.

V. DEFINITIONS

8. Terms used in this Consent Decree that are defined in the CWA or in regulations promulgated pursuant to the CWA (including, without limitation, those terms defined in Section 502 of the CWA, 33 U.S.C § 1362, and at 40 C.F.R. § 122.2) shall have the meanings assigned to them in the CWA or such regulations, unless otherwise provided in this Decree. Whenever the terms set forth below are used in this Consent Decree, the following definitions shall apply:

a. “Asset Management” is a systematic process of deploying, operating, maintaining, upgrading, and disposing of assets cost-effectively to achieve sustainable infrastructure. It is intended to supplement and not to replace the City’s CMOM program.

b. “Building Backup” shall mean a wastewater release or backup into a building that is caused by blockages, flow conditions, or other malfunctions in the Wastewater Collection and Transmission System. A wastewater backup or release that is caused by blockages, flow conditions, or other malfunctions of a Private Lateral is not a Building Backup.

c. “Calendar Quarter” shall mean the three (3)-month periods ending on March 31, June 30, September 30, and December 31.

d. “Calendar Year” shall mean the twelve (12)-month period starting on January 1 and ending on December 31.

e. “Certification” or “certify” when used in this Consent Decree shall require the City to comply with Paragraph 17 of this Consent Decree.

f. “The City” or “Defendant” shall mean the City of Meridian, Mississippi, a municipal corporation, including all of its departments, agencies, instrumentalities such as the Water and Sewer Department, and any successor thereto.

g. “CMOM” or “Capacity, Management, Operations, and Maintenance” shall mean a program of accepted industry practices to properly manage, operate and maintain sanitary wastewater collection, transmission and treatment systems, investigate capacity-constrained areas of these systems, and respond to SSO events.

h. “Complaint” shall mean the complaint filed by the United States and the State in this action.

i. “Consent Decree” or “Decree” shall mean this Decree and all appendices attached hereto (listed in Section XXV). In the event of a conflict between this document and any appendix, this document shall control.

j. “CWA” shall mean the Clean Water Act, as amended, 33 U.S.C. §§ 1251, *et seq.*

k. “Date of Lodging” shall mean the date this Consent Decree is filed for lodging with the Clerk of the Court for the United States District Court for the Southern District of Mississippi.

l. “Day” shall mean a calendar day unless expressly stated to be a business day. In computing any period of time under this Consent Decree, where the last day would fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.

m. “Deliverable” shall mean any written document required to be prepared and/or submitted by or on behalf of the City pursuant to this Consent Decree.

n. “EPA” shall mean the United States Environmental Protection Agency and any of its successor departments or agencies.

o. “Effective Date” shall have the definition provided in Section XVII.

p. “Force Main” shall mean any pipe which is owned or operated by the City that receives and conveys, under pressure, wastewater from the discharge side of a pump. A Force Main is intended to convey wastewater under pressure.

q. “Gravity Sewer Line” or “Gravity Sewer” shall mean any pipe which is owned and operated by the City that receives, contains and conveys wastewater not normally under pressure, but is intended to flow unassisted under the influence of gravity.

r. “Infiltration” as defined by 40 C.F.R. § 35.2005(b)(20) shall mean water other than wastewater that enters the WCTS (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes.

s. “Inflow” as defined by 40 C.F.R. § 35.2005(b)(21) shall mean water other than wastewater that enters the WCTS (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.

t. “I/I” shall mean the total quantity of water from Inflow, Infiltration, and rainfall induced Inflow and Infiltration without distinguishing the source.

u. “MAWPCL” shall mean the Mississippi Air and Water Pollution Control Law, Miss. Code Ann. § 49-17-1 *et seq.*

v. “Major Gravity Line” shall mean any of the following:

(1) all Gravity Sewer Lines that are twelve (12) inches in diameter or larger;

(2) all Gravity Sewer Lines that convey wastewater from one pumping station service area to another pumping station service area; and

(3) all Gravity Sewer Lines that have caused or contributed, or that the City knows will likely cause or contribute to capacity-related SSOs.

w. “Month” shall mean one (1) calendar month running from the numbered day to the same numbered day of the following calendar month, regardless of whether the particular month has 28, 29, 30 or 31 days. In the event a triggered event would occur on a day of the month which does not exist (for example, on February 30), then the event shall be due on the first day of the following month (for example, March 1).

x. “MDEQ” shall mean the Mississippi Department of Environmental Quality and the Mississippi Commission on Environmental Quality, collectively, and any successor departments or agencies of the State.

y. “NPDES” shall mean the National Pollutant Discharge Elimination System authorized under Section 402 of the CWA, 33 U.S.C. § 1342.

z. “NPDES Permits” shall mean NPDES Permit number MS0020117 issued to the City pursuant to Section 402 of the Clean Water Act, 33 U.S.C. § 1342, for the Meridian POTW and any future extended, modified, or reissued permits.

aa. “Paragraph” shall mean a portion of this Decree identified by an Arabic numeral.

bb. “Parties” shall mean the United States of America on behalf of EPA, the State acting through MDEQ, and the City.

cc. “Plaintiffs” shall mean the United States of America on behalf of EPA, and the State acting through MDEQ.

dd. “Private Lateral” shall mean that portion of a sanitary sewer conveyance pipe that extends from the wastewater main to the single-family, multi-family, apartment, or other dwelling unit or commercial or industrial structure to which wastewater service is or has been provided. “Private Lateral” is intended to have the same meaning as “building sewer” in Miss. Code of Ordinances § 225-66 (1987).

ee. “Prohibited Bypass” shall mean the intentional diversion of waste streams from any portion of a treatment facility which is prohibited pursuant to the terms set forth at 40 C.F.R. § 122.41(m).

ff. “Public Document Repository” or “PDR” shall mean the City’s website, www.meridianms.org. Computer terminals capable of accessing the PDR shall be available for use by the public at the Meridian-Lauderdale County Public Library.

gg. “Publicly Owned Treatment Works” or “POTW” shall mean a publicly owned treatment works or POTW as defined in 40 C.F.R. § 403.3(q), and includes the WCTS and the WWTPs as defined in this Consent Decree.

hh. “Pump Station” shall mean facilities which are owned or operated by the City comprised of pumps which lift wastewater to a higher hydraulic elevation, including all related electrical, mechanical, and structural systems necessary to the operation of that pump station.

ii. “Sanitary Sewer Overflow” or “SSO” shall mean any discharge of wastewater to waters of the United States or the State from the City’s Sewer System through a point source not specified in any NPDES permit, as well as any overflow, spill, or release of wastewater to public or private property from the Sewer System that may not have reached waters of the United States or the State, including all Building Backups.

jj. “SCADA” shall mean supervisory control and data acquisition.

kk. “Section” shall mean a portion of this Decree identified by a Roman numeral.

ll. “Sewerbasin” shall mean the subdivisions of the City’s WCTS containing sewers that are primarily hydraulically linked.

mm. “Sewer Group” shall mean one of the three groups of Sewerbasins identified by the City in the Sewerbasin Prioritization Report.

nn. “Sewer System” shall mean the WCTS and the WWTPs.

oo. “State” shall mean the State of Mississippi, including all of its departments, agencies, and instrumentalities.

pp. “Timely” when applied to the submittal of a Deliverable shall mean submitted no later than the deadline established in this Consent Decree (or in a document approved pursuant to this Consent Decree) and containing all of the elements pertaining to the submittal as set forth in this Consent Decree (or in a document approved pursuant to this Consent Decree). “Timely” when applied to the implementation of any Work shall mean implemented no later than the deadline established in this Consent Decree (or in a document approved pursuant to this Consent Decree) and in accordance with the elements pertaining to such Work as set forth in this Consent Decree (or in a document approved pursuant to this Consent Decree).

qq. “United States” shall mean the United States of America, acting on behalf of EPA.

rr. “Wastewater Collection and Transmission System” or “WCTS” shall mean the municipal wastewater collection, retention and transmission system, including all pipes, Force Mains, Gravity Sewer Lines, Pump Stations, pumps, manholes, and appurtenances thereto, which are owned or operated by the City.

ss. “Wastewater Treatment Plants” or “WWTPs” shall mean devices or systems used in the storage, treatment, recycling, and reclamation of municipal wastewater. For purposes of this Consent Decree, this definition shall include all facilities owned, managed, operated, and maintained by the City, including but not limited to the South Plant and the East Plant, and all components of such sewage treatment plants.

tt. “Work” shall mean all activities the City is required to perform under this Consent Decree.

VI. REVIEW OF DELIVERABLES/CERTIFICATION OF DELIVERABLES

9. Public Document Repository/ Public Review Requirement. The City shall post on its website instructions to the public for receiving email notice of all future Deliverables. Prior to the submission of each Deliverable to EPA and MDEQ, the City shall post a copy of the Deliverable in its PDR, provide notice of such action by email to all parties who have requested such email notice, and include notice of such action with water bills that are mailed to system customers. The City shall also send to the PDR notice of the Deliverable to be submitted, a memorandum containing a brief synopsis of the Deliverable, and instructions on how to find the document on the City’s website. The City shall post on its website instructions for submitting

comments, and shall allow the public a period of thirty (30) Days to comment on the Sewer Group Rehabilitation Plans required under Paragraph 20.b(6). After the 30-Day period, the City shall consider public comments for a period of fifteen (15) Days. Within seven (7) Days after submitting a Deliverable to EPA and MDEQ, the City shall place a copy of the submitted version of the Deliverable in its PDR. Within seven (7) Days after EPA's approval, approval contingent upon conditions, or modification by EPA, the City shall place a copy of such final version of the Deliverable in its PDR. The City shall maintain in its PDR until termination of this Consent Decree all written comments received from EPA and MDEQ along with all submitted versions of Deliverables.

10. Copy to MDEQ. The City shall provide a copy of any Deliverable to MDEQ at the same time such Deliverable is due to EPA.

11. EPA Action on Deliverables. After review of any Deliverable that is required to be submitted pursuant to this Consent Decree, EPA, after consultation with MDEQ, shall in writing:

- a. approve the submission;
- b. approve the submission upon specified conditions;
- c. approve part of the submission and disapprove the remainder; or
- d. disapprove the submission.

12. Approved Deliverables. If a Deliverable is approved by EPA pursuant to Paragraph 11.a, the City shall take all actions required by the Deliverable in accordance with the schedules and requirements of the Deliverable as approved. If the Deliverable is conditionally approved or approved only in part, pursuant to Paragraph 11.a or 11.b, the City shall, upon written direction from EPA, after consultation with MDEQ, take all actions required by the approved plan, report, or other item that EPA, after consultation with MDEQ, determines are technically severable from any disapproved portions, subject to the City's right to dispute only the specified conditions or the disapproved portions, under Section XII of this Consent Decree (Dispute Resolution). Following EPA approval of any Deliverable or portion thereof, such Deliverable or portion thereof so approved shall be incorporated into and become enforceable under this Consent Decree.

13. Disapproved Deliverables. If the submission is disapproved in whole or in part pursuant to Paragraph 11.b or 11.c, the City shall, within thirty (30) Days or such other time as EPA and the City agree to in writing, correct all deficiencies and resubmit to EPA the Deliverable, or disapproved portion thereof, for approval, in accordance with Paragraphs 11 and 12. If the resubmission is approved in whole or in part, the City shall proceed in accordance with Paragraph 12.

14. Stipulated Penalties Accruing. Any stipulated penalties applicable to the original Deliverable, as provided in Section X of this Decree, shall accrue during the thirty (30)-Day

period or other specified period, but shall not be payable unless the resubmission is untimely or is disapproved in whole or in part; provided that, if the original submission was so deficient as to constitute a material breach of the City's obligations under this Decree, the stipulated penalties applicable to the original submission shall be due and payable notwithstanding any subsequent resubmission.

15. Resubmitted Deliverable. If a resubmitted Deliverable, or portion thereof, is disapproved in whole or in part, EPA, after consultation with MDEQ, may again require the City to correct any deficiencies, in accordance with preceding Paragraph 13, or may itself correct any deficiencies, subject to the City's right to invoke Dispute Resolution and the right of EPA to seek stipulated penalties as provided in preceding Paragraph 14. Upon EPA's correction of any deficiencies, such resubmitted plan, report, or other item, or portion thereof will be incorporated into and become enforceable under this Consent Decree and shall be implemented by the City according to the approved schedule, subject to the City's right to invoke Dispute Resolution pursuant to Section XII.

16. Timing of Review of Deliverables. If EPA issues written comments and decisions on any Deliverable more than ninety (90) Days after receipt of such submission, any subsequent deadline or milestone that is dependent upon such comments or decisions shall be extended. The length of the extension shall be determined by calculating the number of Days between EPA's receipt of the submission and the date of EPA's written response, less ninety (90) Days. Within thirty (30) Days of the date that the City knows or should know of a deadline or milestone that the City believes is extended under this Paragraph, the City shall inform EPA, in writing, of its belief and the amount of time the City believes the deadlines or milestones are extended. If EPA disagrees with the City's determination that a deadline is dependent upon such comments or decisions, EPA shall inform the City in writing. The City may dispute EPA's conclusion regarding whether a deadline is dependent upon such comments or decisions pursuant to Section XII of this Consent Decree (Dispute Resolution).

17. Certification. In all Deliverables, notices, documents or reports submitted to the United States and State pursuant to this Consent Decree, the City shall, by a senior City management official, sign and certify such notices, documents and reports as follows:

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 such 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.

VII. COMPLIANCE REQUIREMENTS

18. Obligation to Perform Work. Upon the Effective Date, the City shall implement the Work pursuant to this Consent Decree. All Work shall be performed using sound engineering practices so that the construction, management, operation and maintenance of the Sewer System will allow the City to comply with the CWA and the objective of this Consent Decree to eliminate SSOs and remediate the WCTS to prevent SSOs, including practices to improve the resilience of the sewer system. Sound engineering practices may include appropriate provisions of the *Handbook: Sewer System Infrastructure Analysis and Rehabilitation*, EPA/625/6-91/030, 1991; *Existing Sewer Evaluation and Rehabilitation*, WEF MOP FD-6, 2009; EPA's guidance: *Computer Tools for Sanitary Sewer System Capacity Analysis and Planning*, EPA/600/R-07/111, October 2007; the most current edition of MDEQ's *Guidance for the Design of Publicly Owned Wastewater Facilities*; EPA's *Creating Resilient Water Utilities (CRWU) Initiative*, found at <https://www.epa.gov/crwu>; and EPA's *Climate Resilience Evaluation and Awareness Tool Version 3.0 (CREAT 3.0)*, referenced at EPA 815-B-16-004, May 2016 and currently at <https://www.epa.gov/crwu/build-climate-resilience-your-utility>, 2012; and the Pump Station evaluations shall be consistent with the *Pumping Systems* chapter of the most current version of Water Environment Federation's *Manual of Practice FD-4, Design of Wastewater and Stormwater Pumping Stations*.

19. Early Action Capital Improvement Project. Based on previous investigations, the City has identified a project intended to remediate conditions that are causing SSOs, which shall be referred to as an "Early Action Capital Improvement Project." The Early Action Capital Improvement Project is identified and described in Appendix A, attached hereto and incorporated herein. The City shall complete this Early Action Capital Improvement Project within forty-two (42) Months in accordance with the schedule set forth in Appendix A, to be completed after the Effective Date of this Consent Decree. Any change to the scope of the Early Action Capital Improvement Project or the schedule approved by EPA for its completion shall not constitute a material modification to this Consent Decree as set forth in Section XIX below.

20. Sewer System Evaluation and Rehabilitation.

a. Summary of the Sewer System Evaluation and Rehabilitation Actions.

The evaluation and rehabilitation of the WCTS will consist of a multi-phased program which will result in a prioritized assessment, analysis, and rehabilitation of the City's WCTS infrastructure to, among other things, eliminate/store/capture for treatment I/I and eliminate structural defects, and the other conditions causing, or that are likely to cause, SSOs. As further described below in paragraph b., the City will first develop and implement a plan to eliminate Highway 80 Trunk Line SSOs, as described below. The City will develop and implement a Highway 80 Trunk Line Work Plan and a Highway 80 Trunk Line Rehabilitation Plan pursuant to which the City will conduct sewage flow monitoring and inspections to identify and remediate structural deficiencies in the Highway 80 Trunk Line.

Thereafter, as further described below in paragraph b., the City will also develop and implement a Prioritization Work Plan and a Prioritization Report with the objective of

eliminating SSOs and remediating the WCTS to prevent SSOs in which the City will assess the degree of I/I, structural defects, and the other conditions causing, or that are likely to cause, SSOs in each Sewerbasin in the WCTS; assess the WCTS to identify areas lacking sufficient capacity; and establish Sewerbasin priorities for further evaluation and rehabilitation. The City shall develop these priorities and expeditious schedules taking into consideration the nature and extent of customer complaints; flow monitoring; the location and cause of SSOs; any remedial measures already undertaken; field crew work orders; any preliminary sewer assessments; and any other relevant information. In addition to the foregoing factors, in determining the priorities of Sewerbasins, the City shall give priority to the areas near surface waters that have been included on MDEQ's CWA Section 303(d) list of impaired waters for pathogens and to areas that have been identified by MDEQ as potentially having environmental justice issues (minority and/or low-income neighborhoods). The City will also develop and implement a Sewer Group Evaluation Report and Rehabilitation Plan that will outline how groups of Sewerbasins will be assessed as scheduled in the Prioritization Report. These evaluations will determine the extent of rehabilitation the City will perform in the WCTS as described in the Sewer Group Evaluation Report and Rehabilitation Plan to meet the objectives of this Consent Decree. Sewerbasins will be categorized in three groups, numbered 1 through 3. The rehabilitative needs and corrective actions described in the Sewer Group Evaluation Report and Rehabilitation Plan will be completed for the Sewerbasins in Sewer Groups 1 and 2 according to approved schedules as set forth in the Sewer Group Evaluation Report and Rehabilitation Plan for the respective Sewer Groups. Rehabilitative needs and corrective actions for the Sewerbasins in Sewer Group 1 will be completed on or before one hundred and forty-four (144) Months after the Effective Date of this Consent Decree. All proposed measures for Sewerbasins in Sewer Group 2 shall be completed within two hundred and sixteen (216) Months after the Effective Date of this Consent Decree. The City will implement the CMOM program required by this Consent Decree to, among other things, eliminate/store/capture for treatment I/I and eliminate structural defects, and the other conditions causing, or that are likely to cause, SSOs in the Sewerbasins in Sewer Group 3.

Specific references must be cited for proposed procedures, techniques, and design criteria to be used in evaluating the City's Sewer System. The I/I evaluations and WCTS evaluations and rehabilitation will be consistent with EPA's Handbook: Sewer System Infrastructure Analysis and Rehabilitation, EPA/625/16-9/030, October 1991; Water Environment Federation's Manual of Practice FD-6, Existing Sewer Evaluation & Rehabilitation, 2009; and the most current edition of MDEQ's Guidance for the Design of Publicly Owned Wastewater Facilities.

b. Phased Approach for WCTS Evaluation and Rehabilitation

(1) Highway 80 Trunk Line Work Plan. Within twelve (12) Months after the Effective Date of this Consent Decree, the City will submit to EPA for review and approval a Highway 80 Trunk Line Work Plan. Upon approval by EPA, the City will implement the Highway 80 Trunk Line Work Plan. The Highway 80 Trunk Line Work Plan will include, at a minimum, the following:

(a) The proposed locations selected, including a map displaying those locations, and proposed methodologies and criteria that the City will implement and use to conduct sewage flow monitoring and inspection of the Highway 80 Trunk Line to identify and analyze structural deficiencies in the Highway 80 Trunk Line.

(b) The methodologies and procedures the City will implement for monitoring and determining the total dry weather and wet weather (peak) flow rate in the Highway 80 Trunk Line to estimate the severity of I/I in the Highway 80 Trunk Line.

(c) The methodologies and procedures the City will implement for evaluating and assessing the Highway 80 Trunk Line to enable the City, in the Highway 80 Trunk Line Rehabilitation Plan, to identify deficiencies and a specific list of proposed remedial measures to correct such deficiencies. The remedial measures for the Highway 80 Trunk Line will include repairs that have been determined to be necessary to prevent imminent structural failure or have been determined to be necessary to correct a major structural defect plus management of the remainder of the Highway 80 trunk line in accordance with the principles of "Asset Management," as described in USEPA "Fact Sheet Asset Management for Sewer Collection Systems," which includes, without being limited to, remediating other sources of I/I as needed.

(2) Highway 80 Trunk Line Rehabilitation Plan. Within twenty-four (24) Months after EPA approval of the Highway 80 Trunk Line Work Plan, the City will submit to EPA for review and approval a Highway 80 Trunk Line Rehabilitation Plan that contains the results and conclusions from the implementation of the Highway 80 Trunk Line Work Plan. Upon approval by EPA, the City will implement the Highway 80 Trunk Line Rehabilitation Plan. The Highway 80 Trunk Line Rehabilitation Plan will include, at a minimum, the following:

(a) The results of flow monitoring conducted pursuant to the Highway 80 Trunk Line Work Plan and estimates of the severity of I/I within the Highway 80 Trunk Line.

(b) Proposed remedial measures as more particularly described in Paragraph 20.b(1)(c) above, to correct identified deficiencies. Any such proposal for remedial measures for the Highway 80 Trunk Line will include a detailed work plan for the implementation of such measures including beginning and completion dates and a date for the submittal to EPA of a Highway 80 Trunk Line Final Report upon completion of the remedial measures in each phase detailing the activities taken. The remedial measures will be completed within forty-two (42) Months after EPA approval of the Highway 80 Trunk Line Rehabilitation Plan.

(3) Sewerbasin Prioritization Work Plan. Within twelve (12) Months after the Effective Date of this Consent Decree, the City will submit to EPA for review and approval a Sewerbasin Prioritization Work Plan, which will set forth the proposed locations selected, and proposed methodologies and criteria the City will implement and use, to identify the severity of I/I within the areas of the WCTS, to update existing maps of the Sewer System, to assess the capacity of the WCTS, and to establish Sewerbasin priorities for further evaluation and rehabilitation of the WCTS, as detailed in the Sewerbasin Prioritization Report and the Sewer Group Evaluation Report and Rehabilitation Plan described in Paragraphs 20.b(5) and 20.b(6) below all for the purpose of meeting the objective of eliminating SSOs and remediating the WCTS to prevent SSOs. Upon approval by EPA, the City will implement the Sewerbasin Prioritization Work Plan. The Sewerbasin Prioritization Work Plan will include, at a minimum, the following:

(a) The methodologies and procedures the City will implement to estimate the severity of I/I within each Sewerbasin.

(b) The methodologies and procedures the City will implement to create a computerized digital mapping system for each Sewerbasin. The mapping system will include, and have the ability to display, the Highway 80 Trunk Line, all Gravity Sewer Lines, Force Mains, Pump Stations, manholes, siphons, WWTP locations, and outfall locations, but will not be required to include Private Laterals. The mapping system will be able to store, update, and display information to aid City personnel in improving future hydraulic modeling efforts, the Sanitary Sewer Evaluation Survey and the proper operation and maintenance of the Sewer System.

(c) The methodologies and procedures the City will implement for assessing the capacity of the WCTS in areas with known capacity-related SSOs. The assessment shall consist of installing sufficient flow and rainfall monitoring equipment throughout the WCTS to identify surcharged conditions in gravity pipes and manholes and the corresponding rainfall duration and intensity. This assessment will allow for a technically sound evaluation and identification of Sewerbasins and sub-basins that will be included in Sewer Groups 1 and 2 for further evaluation and rehabilitation.

(d) The methodology and criteria for prioritizing Sewerbasins. The criteria for prioritizing Sewerbasins will include, at a minimum, the following:

- (i) the severity of the estimated I/I in the Sewerbasins;
- (ii) the frequency, volume and location of capacity-related and non-O&M-related SSOs in the Sewerbasins;

- (iii) relative potential impact of SSOs in the Sewerbasins to human health and the environment;
- (iv) the estimated age of Gravity Sewer Lines within each Sewerbasin;
- (v) the pipe material used within each Sewerbasin; and
- (vi) any ongoing rehabilitation or corrective action work in the Sewerbasins, including detailed information on the current status and completion dates for such work.

(4) Sewerbasin Prioritization Report. Within thirty-six (36) Months after EPA approval of the Sewerbasin Prioritization Work Plan, the City will submit to EPA for review and approval a Sewerbasin Prioritization Report setting forth the results and conclusions from the implementation of the Sewerbasin Prioritization Work Plan. The Sewerbasin Prioritization Report will include, at a minimum, the following:

(a) The results of flow and rainfall monitoring conducted pursuant to the Sewerbasin Prioritization Work Plan and estimates of the severity of I/I within each Sewerbasin.

(b) The computerized digital map of the Sewer System (based on available information at the time).

(c) The results of applying to each Sewerbasin the prioritization criteria approved in the Prioritization Work Plan.

(d) An organization of the Sewerbasins (other than those areas included in the Highway 80 Trunk Line) into three (3) Sewer Groups, based upon the criteria set forth in Paragraph 20.3, with the most critical being included in Sewer Group 1. Sewer Groups 1 and 2 will include all areas with known capacity-related and non-O&M-related SSOs, and Sewer Group 3 will contain areas that will be addressed by the City's CMOM programs. The division of Sewerbasins into Sewer Groups 1 and 2 will be based on the degree of remedial action needed to eliminate SSOs and remediate the WCTS to prevent SSOs. Upon approval by EPA of the Prioritization Report, the City will evaluate the Sewerbasins in Sewer Groups 1 and 2 in accordance with the Sewerbasin Prioritization Report as approved by EPA in accordance with Paragraph 20.b(5) below.

(5) Sewer Group Evaluation Plan. Within twelve (12) Months after EPA approval of the Sewerbasin Prioritization Report, the City shall submit to EPA for review and approval a Sewer Group Evaluation Plan the City will

implement for the Sewerbasins in Sewer Groups 1 and 2 pursuant to the schedule set forth in the approved Prioritization Report. The Sewer Group Evaluation Plan will require the City to evaluate the WCTS within the Sewerbasins to support the development of the Sewer Group Evaluation Report and Rehabilitation Plan, as provided in Paragraph 20.b(6), below, and the identification of rehabilitative and corrective actions to meet the objective of this Consent Decree to eliminate all SSOs and remediate the WCTS to prevent SSOs. The City's evaluation of the Sewerbasins shall include (and the Sewer Group Evaluation Plan shall describe) the following requirements:

(a) Sanitary Sewer Evaluation Survey. The Sewer Group Evaluation Plan shall provide for the City to characterize the WCTS and to identify means to eliminate SSOs by conducting a Sanitary Sewer Evaluation Survey for the Sewerbasins in Sewer Groups 1 and 2. The Sanitary Sewer Evaluation Survey component of the Sewer Group Evaluation Plan shall include the following:

(i) the criteria that the City will use for establishing the location of additional flow and rainfall monitoring equipment installation for evaluations of the Sewerbasins, if needed, and for determining whether the City will install the flow and rainfall monitoring equipment either permanently or temporarily, in order to adequately characterize flow in the Sewerbasins;

(ii) a map showing the location of each permanent and temporary flow and rainfall monitoring site established in the WCTS;

(iii) a description of the data management system that will organize, analyze, and report flow and rainfall data collected from the WCTS;

(iv) a description of the quality assurance and quality control program the City will follow to ensure the accuracy and reliability of flow and rainfall data collected from the WCTS;

(v) procedures to identify and evaluate I/I in the Sewerbasins;

(vi) an approach to dry weather monitoring to characterize base flows and wet weather monitoring following events of sufficient duration and intensity to characterize peak flows;

(vii) techniques for reducing Infiltration;

(viii) a program to eliminate sources of I/I (including legal mechanisms and enforcement programs);

(ix) a program to identify and eliminate cross connections between the WCTS and the City's municipal separate storm sewer system;

(x) methodologies to evaluate the success of items (v) through (ix) above;

(xi) a review of the legal authority in the current sewer use ordinance to require that the owner of an illegal stormwater connection to the WCTS take all appropriate steps necessary to eliminate the connection;

(xii) if the review of the legal authority indicates a need to amend the legal authority in order to assume better control over illegal stormwater connections to the WCTS, the Plan shall include the proposed revisions to the ordinance with a schedule for proposing the draft ordinance to the City Council for adoption;

(xiii) decision-making criteria, procedures, and protocols for prioritization of the evaluation and rehabilitation of Gravity Sewer Lines and associated manholes;

(xiv) decision-making criteria, procedures, and protocols to determine the need for, and the conduct of, internal condition inspection of Gravity Sewer Lines and associated manholes;

(xv) decision-making criteria, procedures, and protocols used to determine the need for, and the conduct of, smoke testing;

(xvi) decision-making criteria, procedures, and protocols used to determine the need for, and the conduct of, dye testing; and

(xvii) decision-making criteria, procedures, and protocols used to determine the need for, and the conduct of, point repair(s), lining or line replacement.

(b) Pump Station Evaluations. The Sewer Group Evaluation Plan shall provide for the City to evaluate the design capacity, current effective capacity, equipment condition, and operational redundancy in its Pump Stations in each Sewerbasin. This evaluation shall include, at a minimum, the following criteria:

- (i) adequacy of station capacity;
 - (ii) critical response time, defined as the time interval between activation of the high wet well level alarm and the first SSO, under peak flow conditions;
 - (iii) adequacy of station condition, based upon both physical inspection and any available operating and mechanical failure history during at least the three (3) years preceding the Effective Date of the Consent Decree;
 - (iv) adequacy of station design and equipment, including redundancy of pumps and electrical power supply (including whether emergency or back-up power is available on a portable or fixed basis), and other equipment installed, based upon the most current edition of MDEQ's Guidance for the Design of Publicly Owned Wastewater Facilities;
 - (v) ability of maintenance personnel to take corrective action within the critical response time calculated for each Pump Station; and
 - (vi) process for setting Pump Station rehabilitation priorities, expeditious rehabilitation schedules and an inventory of ongoing Pump Station rehabilitation, including identification of the rehabilitation techniques to be used, and an analysis of the effectiveness of completed rehabilitation.
- (6) Sewer Group Evaluation Report and Rehabilitation Plan. Within twelve (12) Months after completion of the evaluation of the Sewerbasins as described in the Sewer Group Evaluation Plan, the City will submit to EPA for review and approval a Sewer Group Evaluation Report and Rehabilitation Plan that will provide a plan for the rehabilitation of the Sewer Groups, including proposed rehabilitation and corrective actions to meet the objective of this Consent Decree to eliminate all SSOs and remediate the WCTS to prevent SSOs, and schedules for such proposed rehabilitation and corrective actions. Upon approval by EPA, the City will implement the remedial measures in the approved Sewer Group Evaluation Report and Rehabilitation Plan in accordance with the approved schedule:

- (a) The Sewer Group Evaluation Report portion of this submittal shall include the following:
 - (i) a thorough analysis of historical and current flow monitoring, inspection, rainfall and other data, including data collected during the evaluation of the Sewerbasins within the

Sewer Group;

(ii) identification of I/I contributing to SSOs and/or Prohibited Bypasses at the WWTP;

(iii) identification of sources of I/I contributing to SSOs and/or Prohibited Bypasses at the WWTP within each Sewerbasin, if identifiable, by manhole/line segment, street address, type (Infiltration or Inflow), source (e.g., "wall leakage");

(iv) identification of cross-connections between the WCTS and the City's municipal separate storm sewer system;

(v) identification and quantification of SSOs, including all potential SSOs identified pursuant to implementation of the Prioritization Work Plan and the Sewer Group Evaluation Plan

(vi) a summary of permanent and temporary sewer flow monitoring points in the WCTS (including a certification of the monitoring methodology used and the data collected;

(vii) identification of portions of the WCTS within each Sewerbasin within the Sewer Group in which physical degradation is causing or contributing to SSOs;

(viii) results of average and peak daily dry and wet weather flow measurements;

(ix) a determination of maximum Infiltration rates during periods of high ground water (in gpd/inch diameter-mile);

(x) a determination of maximum hourly I/I rates during wet weather for various storm durations and intensities;

(xi) a determination of peaking factors for each Sewerbasin within the Sewer Group (the ratio of measured peak flow to average dry weather flow as measured through the duration of the evaluation);

(xii) a summary of flow monitoring activities, to include, at a minimum, a map showing the delineation of each Sewerbasin within the Sewer Group, location and type of each flow meter, problems encountered and deviations from the Prioritization Work Plan and Sewer Group Evaluation Plan, and a description of flow monitor calibration activities, including any scatter graphs and

calibration and verification graphs;

(xiii) a summary of field investigative activities performed to include, at a minimum: type of activity; number of activities performed (e.g., “100 out of 500 manholes inspected in Sewerbasin XX”), observations made under each activity (inspection procedure), and summaries of the results;

(xiv) a summary of the structural defects identified in the WCTS to include, at a minimum: number of each type of defect by line segment, manhole number or street address;

(xv) information regarding the Pump Station evaluation as required by Paragraph 20.b(5)(b) above;

(xvi) a summary of any capital projects implemented since commencement of the Sewer Group Evaluation Plan.

(b) The Sewer Group Rehabilitation Plan shall include the following:

(i) identification of specific measures and schedules that, when implemented, will result in adequate capacity in the WCTS within each Sewerbasin, for Sewer Groups 1 and 2, to collect, convey and treat anticipated peak flows, without SSOs or Prohibited Bypasses at the WWTP;

(ii) identification of the degree to which sources of I/I will be removed, and the degree to which I/I removal is expected to alleviate capacity constraints, and propose specific remedial measures and schedules that will address those capacity limitations not expected to be addressed by I/I removal (anticipated I/I removal rates used in the development of the Rehabilitation Plan shall reflect current industry practice);

(iii) identification of specific remedial measures and schedules to address capacity limitations that may also include increases in Pump Station and sewer line capacity, construction of storage or equalization basin facilities, or increases in WWTP capacity;

(iv) identification of all measures and schedules necessary to eliminate identified cross-connections between the WCTS and the City's municipal separate storm sewer system;

(v) identification of all measures and schedules necessary to eliminate all SSOs caused by physical degradation of sewers, inadequate Pump Station capacities, or inadequate Pump Station reliability;

(vi) prioritized schedules for remedial measures based upon relative likely human health and environmental impact risks, SSO frequencies, and SSO volumes;

(vii) a description of the methodology used to apply the prioritization factors in Paragraph 20.b.6(b)(vi) above;

(viii) estimated capital, operations and maintenance, and year-specific present value costs for each identified remedial measure in consistent, year-specific dollars;

(ix) identification of the estimated dates for construction commencement and construction completion for each measure proposed; and

(x) an expeditious schedule that shows how the design, construction, and placement in service of all proposed measures for Sewerbasins in Group 1 will be completed within one hundred and forty-four months (144) months after the Effective Date of this Consent Decree how proposed measures for Sewerbasins in Group 2 will be completed within two hundred and sixteen (216) Months after the Effective Date of this Consent Decree.

(7) Rehabilitation Report for each Sewer Group. Within twelve (12) Months after completion of all remedial measures set forth in a Rehabilitation Plan for either Sewer Group 1 or 2, the City shall submit to EPA for review and approval a Rehabilitation Report summarizing the implementation of the Rehabilitation Plan for each Sewer Group. The summary shall address all Sewerbasins within each Sewer Group and shall include, at a minimum, the following:

(a) Identification of specific measures taken to achieve, and an analysis of whether such measures resulted in, adequate capacity in the WCTS within each Sewerbasin to collect, convey and treat anticipated peak flows, without SSOs in the WCTS or Prohibited Bypasses at the WWTP;

(b) An analysis of the degree to which sources of I/I were removed, and the degree to which I/I removal alleviated capacity constraints; and

(c) Identification of all measures taken to eliminate, and an analysis of whether such measures resulted in the elimination of, identified cross-connections and SSOs caused by physical degradation of sewers, inadequate Pump Station capacities, or inadequate Pump Station reliability.

(8) Chronic SSO Advanced Remote Monitoring Program.

(a) Within twelve (12) Months after the Effective Date of this Consent Decree, the City shall submit to the EPA for review and approval a list of SSO locations in the WCTS that have experienced more than one (1) wet-weather capacity-related SSO in the previous twelve (12)-month period (Chronic SSO List). The City shall designate on the Chronic SSO List the SSO locations for which it proposes to install and maintain manhole surcharge detecting remote monitoring devices in accordance with the provisions of this Paragraph.

(b) Within eighteen (18) Months after the Effective Date of this Consent Decree, the City shall submit to the EPA for review and approval an updated Chronic SSO List. For those SSO locations where the City has not proposed to install remote monitoring devices, the City shall include along with and as a part of the updated Chronic SSO List Deliverable a demonstration that such remote devices are not necessary because either the City has a definitive, detailed plan and expeditious deadline for remediating the cause of the SSO at that location, the SSOs at that location were the result of an extraordinary rain event beyond the design conditions of the system such as a hurricane or tropical storm, or two (2) or more SSO locations are related in such a manner that a single remote monitoring device can provide the required real-time alert for likely SSOs at the multiple locations. The updated Chronic SSO List Deliverable shall also include a description of the thresholds (Thresholds) to be established for the remote monitoring devices that will trigger real-time alerts of a likely SSO event or events. The City shall install and maintain manhole surcharge detecting remote monitoring devices at the SSO locations so designated on the updated Chronic SSO List in accordance with the provisions of this Paragraph within six (6) Months of the EPA's approval of the updated Chronic SSO List.

(i) The remote monitoring devices shall monitor sewer surcharge levels and shall be designed to send to the City real-time alerts of a likely SSO event or events when the Thresholds specified by the City are attained and/or exceeded, thereby improving the City's responsiveness to SSOs and sewer operations with the goal of preventing SSOs from occurring at these SSO locations.

(ii) The City shall expeditiously inspect a SSO location after a remote monitoring device indicates that the applicable Threshold has been attained and/or exceeded for that SSO location. The City shall keep records with respect to all remote monitoring devices and SSO locations for a period of at least five (5) years. The City shall report all surcharge conditions identified by the remote monitoring devices in the Semi-Annual Reports pursuant to Paragraph 26.a of this Consent Decree. The City shall report all SSOs discovered pursuant to the remote monitoring devices in accordance with the NPDES Permits, the Sewer Overflow Response Plan, and the Semi-Annual and Annual Reports pursuant to Paragraphs 26.a and 26.b of this Consent Decree.

(iii) If the City elects to monitor multiple SSO locations through a single remote monitoring device, the City shall expeditiously inspect all such related SSO locations when the applicable remote monitoring device indicates that the specified Thresholds have been attained and/or exceeded. The City shall also evaluate the benefits of this technology and other remote wastewater detection technologies for continued use within the WCTS to increase efficiency in SSO prevention/response and to enhance hydraulic modeling efforts.

(iv) One (1) year after the EPA's approval of the updated Chronic SSO List referred to in Paragraph 20.b(8)(b) above and each year thereafter, the City shall submit to the EPA for review and approval an annual update to the Chronic SSO List that provides for the following:

(v) The identification of additional SSO locations in the WCTS that experienced more than one (1) wet-weather capacity-related SSO in the previous twelve (12) month period. The City shall designate on the updated Chronic SSO List which of these new SSO locations where it proposes to install and maintain manhole and/or sewer surcharge level remote monitoring devices in accordance with the provisions of this Paragraph. For those new SSO locations not so designated, the City shall include along with and as a part of the updated Chronic SSO List a demonstration that such remote devices are not necessary because either the City has a definitive, detailed plan and expeditious deadline for remediating the cause of the SSO at that location, the SSOs at that location were the result of an extraordinary rain event beyond the design condition of the system such as a hurricane or tropical storm, or two (2) or more SSO locations are related in such a manner that a single remote monitoring device can provide the required real-time alert for likely SSOs at the multiple locations. The City shall then install and maintain manhole surcharge-detecting remote

monitoring devices at such new SSO locations within six (6) Months after the EPA's approval of the updated Chronic SSO List.

(vi) If applicable, a demonstration that remote monitoring devices at a particular SSO location(s) on the Chronic SSO List should be removed from the list because the cause of the SSO at the particular location(s) has been appropriately remediated and such location(s) has not experienced more than one (1) wet-weather capacity-related SSO in the previous twelve (12)-Month period.

(vii) If applicable, a demonstration that, as an alternative to placing a remote monitor at each SSO location on the Chronic SSO list as otherwise required by this Paragraph, remote monitoring devices should be removed because two (2) or more SSO locations are related in such a manner that a single remote monitoring device can provide the required real-time alert for likely SSOs at the multiple SSO locations.

21. Capacity, Management, Operations and Maintenance Programs. The City shall develop and implement the Capacity, Management, Operations and Maintenance ("CMOM") programs as provided below. All CMOM programs shall be developed in accordance with EPA Region 4 CMOM guidance, attached hereto and incorporated herein as Appendix B. The City shall ensure that each CMOM program has a written, defined purpose; a written, defined goal; is documented in writing with specific detail; is implemented by trained personnel; has established performance measures; and has written procedures for periodic review. The Parties recognize that the City may need or want to revise the CMOM Programs set forth below during the term of this Consent Decree. Such revisions shall not be considered modifications to the Consent Decree for purposes of Section XIX (Modification). The City must obtain EPA's prior written approval of any revision to the substance of any CMOM Program required by this Consent Decree and shall place copies of any such revised Program in the PDR in accordance with the provisions of Section XIX. The City may revise the form of any CMOM Program required by this Consent Decree without EPA's approval and shall provide a copy of any revised Program to EPA and MDEQ, and place a copy of any such revised Program in the PDR within fourteen (14) Days after making such revision.

a. Sewer Overflow Response Plan ("SORP"). Within six (6) Months after the Effective Date of this Consent Decree, the City shall submit to EPA for review and approval a SORP that will establish timely and effective methods and means of responding to, cleaning up, and/or minimizing the impact of SSOs; timely reporting of the location, volume, cause, impact, and other pertinent SSO information to the appropriate regulatory agencies; and timely and effective notification of SSOs to potentially impacted public. At minimum, the SORP shall include and provide for the following:

(1) Within twenty-four (24) hours of the time the City first becomes aware of a SSO to waters of the United States or the State or of a SSO that will

endanger public health or the environment, the City shall provide in an oral report to MDEQ the location of the SSO by street address or any other appropriate method (i.e., latitude-longitude). The oral report shall be given to MDEQ's Environmental Compliance and Enforcement Division's Municipal and Private Facilities Branch by calling (601) 961-5171.

(2) Within five (5) Days of the time the City first becomes aware of a SSO to waters of the United States or the State or of a SSO that will endanger public health or the environment, the City shall also provide a written report to MDEQ for the SSO. The City shall maintain a copy of any written reports prepared pursuant to this Paragraph for a period of not less than five (5) years from the date of the SSO. The written report shall contain the following:

- (a) The location of the SSO by street address, or any other appropriate method (i.e., latitude-longitude);
- (b) The estimated date and time when the SSO began and stopped, or if it is still an active SSO, the anticipated time to stop the SSO;
- (c) The steps taken to respond to the SSO;
- (d) The name of the receiving water, if applicable;
- (e) An estimate of the volume (in gallons) of sewage spilled;
- (f) A description of the WCTS component from which the SSO was released (such as manhole, crack in pipe, Pump Station wet well or constructed overflow pipe);
- (g) Subject to available information, an estimate of the SSO's impact on public health and to water quality in the receiving water body;
- (h) The cause or suspected cause of the SSO;
- (i) The date of the last SSO at the same point;
- (j) The steps taken or to be taken to reduce, prevent, or eliminate, reoccurrence of the SSO;
- (k) A list of all notifications to the public and other agencies or departments; and
- (l) The steps taken or to be taken to clean up any surfaces that have been in contact and/or contaminated by the SSO.

(3) The City shall maintain for all SSOs for a period of not less than five (5) years from the date of the SSO all records documenting the steps that have been and will be taken to prevent the SSO from recurring, including work order records associated with investigation and repair activities related to the SSO. The City shall also maintain for a period of not less than five (5) years from the date of the SSO a list and description of complaints from customers or others regarding the SSO.

(4) The SORP shall provide procedures for responding to all SSOs to minimize the environmental impact and potential human health risk of SSOs. Such response procedures shall consist of:

(a) A detailed description of the actions the City will undertake to immediately provide notice to the public (through the local news media or other means including signs or barricades to restrict access) of a SSO;

(b) A detailed description of the actions the City will undertake to provide notice to appropriate federal, state or local agencies/authorities;

(c) A detailed plan (including the development of response standard operating procedures) to minimize the volume of untreated wastewater transmitted to the portion of the WCTS where SSOs occur to minimize overflow volumes;

(d) A description of the City's planned responses to Building Backups, including the timeframe for responses and the measures to be taken to clean up Building Backups, including procedures necessary to disinfect and/or remove items potentially contaminated by Building Backups such as wet vacuuming or other removal of spillage, wiping floors and walls with cleaning solution and disinfectant, flushing out and disinfecting plumbing fixtures, carpet cleaning and/or replacement and other appropriate measures to disinfect and/or remove items potentially contaminated by Building Backups; and a description of the City's follow-up process to insure adequacy of cleanup;

(e) A detailed plan of the resources to be used to correct or repair the condition causing or contributing to the SSO;

(f) A detailed plan to ensure the preparedness, including response training of City employees and personnel of other affected agencies, necessary for the effective implementation of the SORP in the event of a SSO and establishing procedures and providing adequate training to response personnel for estimating SSO volumes;

(g) A list of those SSO locations within the area of the WCTS served by each Pump Station that have been recorded as overflowing more than once within the previous twelve (12) Month period and SSO locations where an SSO is likely to occur first in the event of a Pump Station failure; and

(h) Pump Station emergency bypass/pump-around strategies, and procedures.

b. Emergency Response Plan (“ERP”). Within twelve (12) Months after the Effective Date of this Consent Decree, the City shall submit to EPA for review and approval an Emergency Response Plan. The Plan shall address both routine and catastrophic emergencies. Routine emergencies include such situations as overflowing manholes, line breaks, localized electrical failure and pump station outages. Catastrophic emergencies include floods, tornados, earthquakes or other natural events, serious chemical spills and widespread electrical failure. The Plan shall address areas of vulnerability and determine the effect of such a failure to operations, equipment and public safety and health based upon such factors as topography, weather, sewer system size, and other site-specific factors. The Plan shall include standard forms. The ERP shall include a schedule providing for full implementation within twelve (12) Months of EPA program approval. The Plan shall have the following components:

(1) The WWTP component of the Emergency Response Plan shall establish standard operating procedures for use in emergency situations, including changes in process controls.

(2) The WCTS component of the Emergency Response Plan shall establish standard operating procedures for use in emergency operations, including identification of the actions staff should take in the event of emergency situations (specific to the type of emergency that could occur); criteria for initiating and ceasing emergency operations; identification of appropriate repair equipment and sources thereof; and instructions on how to operate equipment and systems during an emergency when they are not functioning as intended but are not fully inoperable.

(3) In addition to the reporting requirements set forth in Section IX (Reporting Requirements), the City shall establish, in coordination with Public Health Authorities:

(a) Criteria to be used as the basis for immediately notifying the public and other impacted entities, such as users with a downstream water intake, of an emergency situation caused by a SSO, Prohibited Bypass, or effluent limit violation;

(b) A list identifying, by name and phone number, all the City staff who are responsible for notifying the public;

(c) A list identifying, by name and phone number, all public contacts, including local media outlets, who must be contacted during an emergency situation;

(d) A list identifying the City staff who are authorized to make public statements during emergency situations; and

(e) Pre-scripted news releases for various types of emergency situations.

(f) In addition to the notification requirements set forth in the NPDES Permits, and the reporting requirements set forth in Section IX (Reporting Requirements), the City shall establish, in coordination with Public Health Authorities:

(i) Criteria to be used as the basis for immediately notifying regulatory authorities, MDEQ, the City and the Public Health Authorities of any emergency situation caused by a SSO, Prohibited Bypass, or effluent limit violation;

(ii) A list identifying, by name, phone number and pager number, all the City staff who are responsible for notifying the regulatory authorities;

(iii) A list identifying, by name and phone number, all officials who must be contacted; and

(iv) Standard reporting forms.

c. Information Management System (“IMS”) Program. Within twenty-four (24) Months after the Effective Date of this Consent Decree, the City shall submit to EPA for review and approval, an IMS Program, as more particularly described below. The IMS Program shall include a schedule providing for full implementation within twenty-four (24) Months of EPA program approval, with the exception of any GIS mapping activity. At a minimum, the IMS Program shall include the following:

(1) A management IMS component to provide City managers with guidance and instruction to adequately evaluate operations, maintenance, customer service, and Sewer System rehabilitation activities so that overall Sewer System performance can be determined and utility planning can be conducted. This IMS component shall utilize management reports and standard management forms.

(2) An operations IMS component to provide City managers and field supervisors with guidance to adequately track scheduled operational activities and to enhance operational performance. This IMS component shall utilize operating reports and standard operation forms used by field personnel and shall provide for field supervisor review.

(3) A maintenance IMS component to provide City managers and field supervisors with guidance to adequately track scheduled maintenance activities and to enhance maintenance performance. This IMS component shall utilize maintenance reports and standard maintenance forms used by field personnel. The system shall provide for field supervisor review.

(4) A description of what information will be fed into the system, how it will be entered and by what means it will be recorded.

(5) A description of the management reports that will be generated from the input data (i.e., work reports), including examples and requirements for review of such reports, including frequency requirements for review of the reports.

(6) A description of the work reports that will be prepared and submitted, including examples and frequency requirements for review of such reports.

(7) Standard forms that will be used by both field personnel and management for the Program, where applicable.

(8) A detailed description of how the records will be maintained.

(9) If computer software will be utilized for information management, a description of the software to be used with cited references for software training and procedures for utilizing the software.

(10) Implementation of a Geographic Information Systems (“GIS”) map of its entire WCTS on or before forty-eight (48) Months after the Effective Date of this Consent Decree. Specifically, the City shall implement improvements to its current GIS as follows:

(a) An updated GIS database to include references to available as-builts and Active As-built Supplemental Information System (“AAS IS”) forms, including new and corrected asset attribute data;

(b) Streamlining of the GIS data entry process for new assets, including electronic as-built data and necessary standards so that all new assets are added to the GIS system within sixty (60) calendar days of their activation in the field;