

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
)
 City of St. Joseph)
)
) **Order No. 2019-WPCB-1568**
)
 Proceeding under the)
 Missouri Clean Water Law)

ABATEMENT ORDER ON CONSENT

NOTICE TO RECIPIENTS OF ABATEMENT ORDERS ON CONSENT

The issuing of this Abatement Order on Consent (AOC) No. 2019-WPCB-1568, by the Missouri Department of Natural Resources (Department), is a formal administrative action by the State of Missouri and is being issued because the Department alleges the City of St. Joseph (City) violated the Missouri Clean Water Law (MCWL). This AOC is issued under the authorities of Sections 640.130, 640.131, 644.056 and 644.079, RSMo. Failure to comply with this AOC is, by itself, a violation of the MCWL Section 644.076.1, RSMo. Additional enforcement action may occur without further administrative notice if there is noncompliance with the requirements of this AOC. This AOC does not constitute a waiver or a modification of any requirements for the MCWL, or its implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve the City of liability for, or preclude the Department from, initiating an administrative or judicial enforcement action to recover penalties for any future violations of the MCWL, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

FINDINGS OF FACT

1. The City owns and operates St. Joseph Sanitary Landfill (Landfill). The Landfill occupies approximately 89 acres and accepts primarily municipal solid waste for disposal in active landfill cells, although industrial waste is also accepted. On-site operations include disposal of solid waste, white goods, and tires; recycling and composting of yard waste; and maintenance and construction on three closed landfills. Stormwater discharges through six outfalls to tributaries to Pigeon Creek pursuant to the conditions and requirements of Missouri State Operating Permit No. MO-0109878 (Permit). The Department reissued the Permit on May 1, 2017, which is set to expire by its own terms on June 30, 2020.

2. Pigeon Creek and its tributaries are waters of the state as the term is defined by Section 644.016(27), RSMo.

3. Biochemical Oxygen Demand, Chemical Oxygen Demand, Oil & Grease, pH, Settleable Solids, Total Dissolved Solids, Total Suspended Solids, Aluminum, Arsenic, Chromium (III), Chromium (VI), Copper, Iron, Lead, Manganese, Selenium, Zinc, Ammonia as Nitrogen, Benzene, Ethylbenzene, Naphthalene, Chloride, Sulfate, Fluoride, Phenol, and Nitrogen are water contaminants as the term is defined in Section 644.016(24), RSMo.

4. The Permit requires stormwater discharges from the Outfall Nos. 001, 002, 003, 005, and 006 to be sampled and analyzed for the water contaminants listed in Permit each quarter. The results of the samples are required to be submitted to the Department on quarterly Discharge Monitoring Reports (DMRs).

5. On June 16, 2015, a routine compliance inspection was conducted at the Landfill. During the inspection, Department staff documented that the facility failed to: i) comply with permitted effluent limitations; ii) provide proof of training to staff; iii) prevent spillage of fluids

from vehicle maintenance and fueling; iv) clearly mark an outfall; and, v) and prevent pollution of a tributary to Pigeon Creek. As a result of the violations, the Department issued the City Notice of Violation (NOV) No. KC2015061814192041 on August 18, 2015, for violations found during the inspection. The NOV required the City to provide a written response explaining what actions the City has taken to correct the violations noted in the inspection report by September 18, 2015.

6. On September 21, 2015, the Department received notice from the City that many of the unsatisfactory features had been addressed. In response to the unsatisfactory feature for effluent exceedances, the City explained that a new Erosion Control Plan, prepared by Blackstone Environmental, would be implemented. The City provided a copy of the Erosion Control Plan dated September 17, 2015.

7. On May 18, 2016, an inspection was conducted at the Landfill pursuant to Missouri Solid Waste Management Law, Chapter 260, RSMo, and its implementing regulations. During the inspection, Department staff documented that the facility: i) failed to provide adequate cover; and ii) was not incorporating waste into the working face.

8. On July 26, 2016, an inspection was conducted at the Landfill pursuant to Missouri Solid Waste Management Law, Chapter 260, RSMo, and its implementing regulations. During the inspection, Department staff documented that the facility failed to provide adequate vegetative cover.

9. Effluent discharged from the Landfill's outfalls failed to comply with effluent limitations contained in the Permit. See Exhibit A of this AOC below for a detailed list of effluent violations.

10. The Department has not received a DMR for all outfalls for the third quarter of 2016 as required by the Permit.

11. On or about March 9, 2017, the Department issued Referral NOV No. KC150022 to the City for violations of permitted effluent limitations documented during a Department staff file review.

12. On October 26, 2017, and April 23, 2018, the Department received stormwater monitoring progress reports which outlined the efforts the City has taken to achieve compliance through improvements to stormwater ponds and the installation of erosion control features such as terraces and riprap lined let downs. The reports also detailed effluent limitation violations for all outfalls.

13. On November 19, 2018, the Department received an electronic mail correspondence from the City noting that work and modifications to Detention Ponds 5 and 6 are complete; Detention Pond 2 will be complete by August 1, 2019; the remaining terrace work of the Landfill that have reached trash grade will be 95 percent complete by October 31, 2019, with the remaining 5 percent to be added as new lifts are completed; reseeding will continue in the remaining, unestablished areas; a new Detention Pond is to replace Detention Ponds 1 and 3; Detention Pond 3 diversion work and new Detention Pond construction will be completed by September 1, 2019; and Detention Pond 1 diversion and pond removal will occur within 180 days after Department approval.

14. Section 644.076.1, RSMo, makes it unlawful to violate the MCWL and regulations promulgated pursuant thereto and establishes administrative penalties of up to \$10,000 per day per violation.

STATEMENT OF VIOLATIONS

The City has violated the MCWL and its implementing regulations as follows:

15. Failed to comply with the permitted effluent limitations contained in Part "A" of the Permit, in violation of Sections 644.051.1(3) 644.076.1, RSMo, and regulation 10 CSR 20-6.200(6)(D)1; and

16. Caused pollution of a tributary to Pigeon Creek, waters of the state, or placed or caused or permitted to be placed water contaminants, in locations where they were reasonably certain to cause pollution of waters of the state, in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

AGREEMENT

17. The Department and the City desire to amicably resolve all claims that may be brought against the City for violations alleged above in Statement of Violations. The City neither admits nor denies the validity of the legal conclusions stated or the stated facts underlying such conclusions in paragraphs five through sixteen above.

18. The provisions of this AOC shall apply to and be binding upon the parties executing this AOC, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of the City under this AOC.

19. Sections 644.076.1 and 644.079, RSMo, authorize the imposition of penalties for violations of the MCWL and establish monetary penalties of up to \$10,000 per day per

violation. The penalty contained in this AOC was calculated using the Penalty Assessment Protocol described in 10 CSR 20-3.010.

20. The City, in compromise and satisfaction of the Department's claims relating to the above-referenced violations, agrees, without admitting liability or fault, to pay an administrative penalty in the amount of \$67,000, which shall be divided into two payments of \$33,500 each. The first payment shall be due on December 1, 2019, and the second payment shall be due on June, 1, 2020. The payments shall be in the form of a check made payable to the "Buchanan County Treasurer, as custodian of the Buchanan County School Fund." The two payments of \$33,500 are due and payable as per the scheduled due dates upon execution of this AOC by the City. The checks shall be delivered to:

Accounting Program
Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477

21. The City is ordered and agrees to immediately establish a designated sampling point, preferably with an installed weir for each outfall, either above or below each Detention Pond. Samples shall not be collected from inside the Ponds. Samples shall be collected in the same location for each Pond every time a sample is required to be collected. A sample collection plan and guidance must be included in the City's Operations and Maintenance (O&M) manual to ensure all staff obtain consistent, quality samples.

22. Within 30 days of the effective date of this AOC, the City is ordered and agrees to submit to the Department the existing O&M manual developed by a qualified consulting firm. The manual should cover all aspects of the landfill currently in operation, including but not limited to, a schedule and procedure for clearing sediment ponds on a routine basis; establish a plan for water retention in the Ponds including how often discharges will be allowed and under

what conditions; establish a plan for the cleanout of sediment runoff in drainage ditches and how often the cleanouts will occur; define the discrete sampling locations for each Pond and the methods of sample collection and preservation; and any emergency procedures that may be required to ensure compliance with MCWL. The manual shall be updated as needed when best management practices are added or improved. Should the above listed detail be included in another document (e.g., the City's Storm Water Pollution Prevention Plan), the City shall ensure all the required details are included and reference the document in the City's O&M manual to link it with the appropriate document.

23. Within 90 days of the effective date of this AOC, the City is ordered and agrees to submit to the Department for review and approval, a secondary plan to reduce or eliminate sediment runoff in the event the vegetative cover does not successfully grow.

24. Work began on or around March 1, 2018 on new Detention Pond to replace Detention Ponds 1 and 3. The City is ordered and agrees to complete the diversion of Detention Pond 1 diversion within 180 days after the Department approves the Permit modification. The City further agrees and is ordered to complete work on Pond 2 by August 1, 2019, and the diversion of Pond 3 shall be completed by September 1, 2019.

25. As soon as practicable after the diversion of Detention Ponds 1 and 3 is complete, the City is ordered and agrees to complete removal of Detention Ponds 1 and 3.

26. On or before October 31, 2019, the City is ordered and agrees to complete the remaining terrace work on areas of the Landfill that have reached trash grade, with the exception of repairs and modifications as needed and new terraces added by the City as new lifts are completed.

27. On or before December 31, 2020, the City is ordered and agrees to submit to the Department for review, a report compiling DMR data from the previous four quarters and evaluating the performance of the Landfill's Best Management Practices (BMPs). For those parameters still in non-compliance, the City is ordered and agrees to submit to the Department for review and approval, an amendment to the Erosion Control Plan recommending new or improved BMPs with a schedule for installation. Upon approval by the Department, the schedule will become legally binding as a part of this AOC.

28. Within 30 days of completing construction of the improvements, the City is ordered and agrees to submit a plan for reseeding areas without vegetative cover and areas disturbed by construction of improvements.

29. Until such time that vegetation on the Landfill is fully established, the City is ordered and agrees to continue to reseed any remaining unestablished areas.

30. Within 30 days of completing construction of the improvements, the City shall submit an updated Operations and Maintenance manual.

31. Within 365 days of completing construction of the improvements, including any improvements required under paragraph 27, the City shall achieve compliance with the final effluent limitations contained in Part "A" of the Permit.

SUBMISSIONS

32. All other documentation submitted to the Department for compliance with this AOC shall be submitted within the timeframes specified to:

Ms. Erin Meyer Heidolph
Department of Natural Resources
Water Protection Program
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

OTHER PROVISIONS

33. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, the City shall notify the Department by telephone or electronic mail: i) identifying the deadline that will not be completed; ii) identifying the reason for failing to meet the deadline; and iii) proposing an extension to the deadline.

Within five days of notifying the Department, the City shall submit to the Department for review and approval a written request containing the same basic provisions of i, ii, and iii listed above.

The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of the City's right to request an extension and may be grounds for the Department to deny the City an extension.

34. Should the City fail to meet the terms of this AOC, including the deadlines set out in Paragraphs 20 through 31 the City shall be subject to pay stipulated penalties in the following amount:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$100 per day
31 to 90 days	\$250 per day
91 days and above	\$500 per day

Stipulated penalties will be paid in the form of check made payable to "Buchanan County Treasurer, as custodian of the Buchanan County School Fund." Any such stipulated penalty shall be paid within ten days of demand by the Department and shall be delivered to:

Accounting Program
Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477

35. If the Department demands payment of stipulated penalties in excess of \$10,000 during any six month period, the City may respond by proposing a Supplemental Environmental

Project. The Department agrees to consider any such request in good faith, but is not required to accept such proposal.

36. Compliance with this AOC resolves only the specific violations described herein, and this AOC shall not be construed as a waiver or modification or any other requirements of the MCWL and regulations, or any other source of law. Nor does this AOC resolve any future violations of this AOC or any law or regulation. Consistent with 10 CSR 20-3.010(5), this AOC shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

37. If the City submits an appropriately documented request for modification at least 30 days prior to an affected compliance date herein, and the Department does not act on such request for modification prior to the affected compliance date, then stipulated penalties shall not accrue for the City's failure to satisfy the compliance date prior to the Department's approval or disapproval.

38. Nothing in this AOC forgives the City from future non-compliance with the laws of the State of Missouri, nor requires the Department or State of Missouri to forego pursuing by any legal means any non-compliance with the laws of the State of Missouri. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they express or implied, oral or written, except those expressly set forth herein. The terms of this AOC supersede all previous memoranda or understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.

39. The City preserves its rights to pursue legal and equitable defenses to enforcement of this AOC. The City further preserves its rights to pursue legal or equitable defenses to any future State enforcement proceedings that do not arise under this AOC.

40. By signing this AOC, all signatories assert that they have read and understood the terms of this AOC, and that they have the authority to sign this AOC on behalf of their respective party.

41. The effective date of the AOC shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to the City for its records.

42. The City shall comply with the MCWL, Chapter 644, RSMo and its implementing regulations at all times in the future.

FORCE MAJEURE

43. A force majeure event, for purposes of this AOC, is any event beyond the control of the City or its contractors which delays or prevents the performance of any obligation under this AOC despite the City's best efforts to fulfill the obligation. For purposes of this paragraph, "best efforts" includes, but may not be limited to, the City anticipating any potential force majeure event and addressing the effects of any such event (a) as it occurs, and (b) after it has occurred, in order to prevent or minimize any resulting impacts or delays to the greatest extent possible. Unanticipated increased costs or expenses associated with implementation of this AOC and changed financial ability shall not, in any event, be considered a force majeure event.

44. If any event occurs or has occurred that may materially delay the performance of any obligation under this AOC in such a manner that the obligation will likely not be completed as required by this AOC, whether or not caused by a force majeure event, the City shall provide notice to the Department verbally or by electronic transmission as soon as possible, but not later than 14 days after the time the City first recognized that the event might cause a material delay. Within 10 days thereafter, the City shall provide, in writing to the Department, an explanation and description of the anticipated duration of any delay, its cause(s), the City's past and proposed actions to prevent

or minimize any delay, a schedule for carrying out those actions, the City's rationale for attributing any delay to a force majeure event, and a statement as to whether, in the opinion of the City, such event may cause or contribute to an endangerment to public health, welfare, or the environment. The City shall include with any notice all available documentation supporting the claim that the delay was attributable to a force majeure. Failure to substantially comply with the above requirements shall preclude the City from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure.

45. If the Department agrees that a force majeure event has occurred, the Department may agree to extend the time for the City to perform the affected requirements for the time necessary to complete those obligations. An extension of time to perform the obligations affected by a force majeure event shall not, by itself, extend the time to perform any other obligation, unless the City demonstrates that another obligation depends upon the obligation delayed due to a force majeure event. Where the Department agrees to an extension of time, such extension shall either be incorporated into an amended Consent Order, or otherwise agreed in writing.

46. If the Department does not agree that a force majeure event has occurred, or does not agree to the extension of time sought by the City, then the Department shall so notify the City, and the Department's position shall be binding.

COST ANALYSIS FOR COMPLIANCE

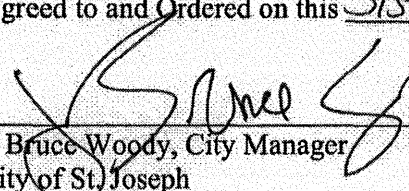
Pursuant to Section 644.145.2(1)(c), the City hereby waives the requirement for the Department to develop a Cost Analysis for Compliance or other finding of affordability with respect to the requirements of this AOC. The City acknowledges that this waiver was not required by the Department as a condition to enter this AOC.

NOTICE OF APPEAL RIGHTS

By signing this AOC, the City consents to its terms and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC, pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, Chapter 536, RSMo, 644.145, RSMo, 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), the Missouri Constitution, or any other source of law.

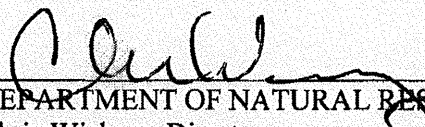
SIGNATORY AUTHORITY

Agreed to and Ordered on this 31st day of October, 2019



J. Bruce Woody, City Manager
City of St. Joseph

Agreed to and so Ordered on this 17th day of November, 2019



DEPARTMENT OF NATURAL RESOURCES
Chris Wieberg, Director
Water Protection Program

c: Ms. Karen Rouse, Director, Kansas City Regional Office
Mr. Bryan Carter, City Attorney, City of St. Joseph
Mr. Andrew Clements, Director of Public Works, City of St. Joseph
General Counsel's Office
Accounting Program

Exhibit A – Effluent violations for the past two years.

<u>Quarter</u>	<u>Parameter</u>	<u>Outfall No.</u>	<u>Unit</u>	<u>Permitted</u>	<u>Reported</u>
3/31/2017	Total Suspended Solids (TSS)	001	mg/L	80	Daily Max. 488
3/31/2017	Chemical Oxygen Demand (COD)	002	mg/L	90	Daily Max. 241
3/31/2017	Copper, total recoverable	002	ug/L	26	Daily Max. 195
3/31/2017	Iron, total recoverable	002	ug/L	1640	Daily Max. 126000
3/31/2017	Settleable Solids (SS)	002	mL/L	1.5	Daily Max. 125
3/31/2017	Total Suspended Solids (TSS)	002	mg/L	80	Daily Max. 4640
3/31/2017	Zinc (Zn), total recoverable	002	ug/L	210	Daily Max. 28800
3/31/2017	Chemical Oxygen Demand (COD)	003	mg/L	90	Daily Max. 107
3/31/2017	Copper, total recoverable	003	ug/L	26	Daily Max. 107
3/31/2017	Iron, total recoverable	003	ug/L	1640	Daily Max. 147000
3/31/2017	Settleable Solids (SS)	003	mL/L	1.5	Daily Max. 150
3/31/2017	Total Suspended Solids (TSS)	003	mg/L	80	Daily Max. 5950
3/31/2017	Zinc (Zn), total recoverable	003	ug/L	210	Daily Max. 642
3/31/2017	Copper, total recoverable	005	ug/L	26	Daily Max. 59.5
3/31/2017	Iron, total recoverable	005	ug/L	1640	Daily Max. 95400
3/31/2017	Total Suspended Solids (TSS)	005	mg/L	80	Daily Max. 980
3/31/2017	Zinc (Zn), total recoverable	005	ug/L	210	Daily Max. 891
3/31/2017	Copper, total recoverable	006	ug/L	26	Daily Max. 34.3
3/31/2017	Iron, total recoverable	006	ug/L	1640	Daily Max. 72100
3/31/2017	Total Suspended Solids (TSS)	006	mg/L	80	Daily Max. 442
3/31/2017	Zinc (Zn), total recoverable	006	ug/L	210	Daily Max. 399

6/30/2017	<u>Chemical Oxygen Demand (COD)</u>	<u>003</u>	<u>mg/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>91.1</u>
6/30/2017	<u>Iron, total recoverable</u>	<u>006</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>6360</u>
9/30/2017	<u>Iron, total recoverable</u>	<u>002</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>29800</u>
9/30/2017	<u>Total Suspended Solids (TSS)</u>	<u>002</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>364</u>
9/30/2017	<u>Iron, total recoverable</u>	<u>003</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>18800</u>
9/30/2017	<u>Total Suspended Solids (TSS)</u>	<u>003</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>349</u>
9/30/2017	<u>Iron, total recoverable</u>	<u>005</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>9870</u>
9/30/2017	<u>Total Suspended Solids (TSS)</u>	<u>005</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>216</u>
9/30/2017	<u>Zinc (Zn), total recoverable</u>	<u>005</u>	<u>ug/L</u>	<u>210</u>	<u>Daily Max.</u>	<u>475</u>
6/30/2018	<u>Chemical Oxygen Demand (COD)</u>	<u>002</u>	<u>mg/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>105</u>
6/30/2018	<u>Iron, total recoverable</u>	<u>002</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>11500</u>
6/30/2018	<u>Total Suspended Solids (TSS)</u>	<u>002</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>111</u>
6/30/2018	<u>Chemical Oxygen Demand (COD)</u>	<u>003</u>	<u>mg/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>128</u>
6/30/2018	<u>Copper, total recoverable</u>	<u>003</u>	<u>ug/L</u>	<u>26</u>	<u>Daily Max.</u>	<u>34.8</u>
6/30/2018	<u>Iron, total recoverable</u>	<u>003</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>50200</u>
6/30/2018	<u>Total Suspended Solids (TSS)</u>	<u>003</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>97</u>
6/30/2018	<u>Chemical Oxygen Demand (COD)</u>	<u>005</u>	<u>mg/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>157</u>
6/30/2018	<u>Iron, total recoverable</u>	<u>005</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>23400</u>
6/30/2018	<u>Total Suspended Solids (TSS)</u>	<u>005</u>	<u>mg/L</u>	<u>80</u>	<u>Daily Max.</u>	<u>90</u>
6/30/2018	<u>Chemical Oxygen Demand (COD)</u>	<u>006</u>	<u>mg/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>114</u>
6/30/2018	<u>Iron, total recoverable</u>	<u>006</u>	<u>ug/L</u>	<u>4000</u>	<u>Daily Max.</u>	<u>27000</u>
12/31/18	<u>Chemical Oxygen Demand (COD)</u>	<u>001</u>	<u>ug/L</u>	<u>90</u>	<u>Daily Max.</u>	<u>212</u>
12/31/18	<u>Copper, total recoverable</u>	<u>001</u>	<u>ug/L</u>	<u>26</u>	<u>Daily Max.</u>	<u>28.5</u>

12/31/18	<u>Iron, total recoverable</u>	001	ug/L	4000	Daily Max.	40200
12/31/18	<u>Total Suspended Solids (TSS)</u>	001	mg/L	80	Daily Max.	657
12/31/18	<u>Iron, total recoverable</u>	002	ug/L	4000	Daily Max.	32000
12/31/18	<u>Total Suspended Solids (TSS)</u>	002	mg/L	80	Daily Max.	305
12/31/18	<u>Chemical Oxygen Demand (COD)</u>	003	ug/L	90	Daily Max.	210
12/31/18	<u>Iron, total recoverable</u>	003	ug/L	4000	Daily Max.	23700
12/31/18	<u>Total Suspended Solids (TSS)</u>	003	mg/L	80	Daily Max.	281
12/31/18	<u>Chemical Oxygen Demand (COD)</u>	005	ug/L	90	Daily Max.	104
12/31/18	<u>Copper, total recoverable</u>	005	ug/L	26	Daily Max.	29.5
12/31/18	<u>Iron, total recoverable</u>	005	ug/L	4000	Daily Max.	38300
12/31/18	<u>Total Suspended Solids (TSS)</u>	005	mg/L	80	Daily Max.	167
12/31/18	<u>Iron, total recoverable</u>	005	ug/L	4000	Daily Max.	13000
3/31/19	<u>Chemical Oxygen Demand (COD)</u>	001	ug/L	90	Daily Max.	128
3/31/19	<u>Iron, total recoverable</u>	001	ug/L	4000	Daily Max.	6340
3/31/19	<u>Total Suspended Solids (TSS)</u>	001	mg/L	80	Daily Max.	101
3/31/19	<u>Iron, total recoverable</u>	002	ug/L	4000	Daily Max.	6960
3/31/19	<u>Chemical Oxygen Demand (COD)</u>	003	ug/L	90	Daily Max.	195
3/31/19	<u>Chemical Oxygen Demand (COD)</u>	005	ug/L	90	Daily Max.	132
6/30/19	<u>Iron, total recoverable</u>	001	ug/L	4000	Daily Max.	7120
6/30/19	<u>Iron, total recoverable</u>	002	ug/L	4000	Daily Max.	7780
6/30/19	<u>Iron, total recoverable</u>	003	ug/L	4000	Daily Max.	7090

10-2-19

NOV 08 2019

Water Protection Program

AN ORDINANCE APPROVING EXECUTION OF AN ABATEMENT ORDER ON CONSENT WITH THE MISSOURI DEPARTMENT OF NATURAL RESOURCES UNDER THE AUTHORITY OF SECTIONS 640.130, 640.131, 644.056 AND 644.079, REVISED STATUTES OF MISSOURI, CONCERNING THE ST. JOSEPH SANITARY LANDFILL'S COMPLIANCE WITH THE MISSOURI CLEAN WATER LAW IN THE OPERATION OF THE LANDFILL.

WHEREAS, the Missouri Clean Water Law requires the St. Joseph Sanitary Landfill (hereinafter, the "Landfill") to have a State Operating Permit (hereinafter, the "Permit") issued by the Missouri Department of Natural Resources for the discharge of stormwater from the Landfill property; and

WHEREAS, the Permit limits discharge of Biochemical Oxygen Demand, Chemical Oxygen Demand, Oil & Grease, pH, Settleable Solids, Total Dissolved Solids, Total Suspended Solids, Aluminum, Arsenic, Chromium (III), Chromium (VI), Copper, Iron, Lead, Manganese, Selenium, Zinc, Ammonia as Nitrogen, Benzene, Ethylbenzene, Naphthalene, Chloride, Sulfate, Fluoride, Phenol, and Nitrogen and requires sampling results to be reported on quarterly discharge monitoring reports; and

WHEREAS, the City initially received notices of violations in 2015 and 2017 and has been working with environmental consultants to implement measures to avoid future violations that can reasonably be avoided; and

WHEREAS, the City has negotiated terms of the attached Abatement Order on Consent to resolve the violations.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ST. JOSEPH, MISSOURI, AS FOLLOWS:

SECTION 1. That the Abatement Order on Consent by and between the City of St. Joseph, Missouri and the Missouri Department of Natural Resources concerning the St. Joseph Sanitary Landfill's compliance with the Missouri Clean Water Law in the operation of the Landfill be, and hereby, is, approved and that a true and accurate copy of said Order is attached hereto and incorporated herein by reference as though fully set out herein.

SECTION 2. That the City Manager or his designee be, and hereby is, authorized to execute an Abatement Order on Consent with the Missouri Department of Natural Resources, in substantially the form as that attached hereto by and on behalf of the City of St. Joseph, Missouri, and is further authorized to sign all necessary documents, amendments, and addenda thereto which may subsequently be required to effectuate the purpose and intent of said Order.

SECTION 3. That the Director of Administrative Services be, and hereby is, authorized to record the expenditure authorized herein in the financial records of the City and to issue a warrant pursuant to the aforesaid contract and to charge \$67,000.00 to the Fiscal Year 2019-2020 Landfill Fund Budget, Account Number 6110-1494 (Missouri DNR Fees) when directed to do so by the Director of Public Works & Transportation.

SECTION 4. That this ordinance shall be in full force and effect from and after date of passage.

Authenticated Copy
of Reso., G.O. S.O. 9648
By Paula Heyde City Clerk
Deputy
Date 10-22-19

Approved as to form:

Jason Cooper
Ast. City Attorney

Passed October 21, 20 19

Attest: Paula Heyde
(SEAL) City Clerk

William Murray
Mayor

Date: September 17, 2019
Type of Document: Ordinance

CITY CLERK

2019 SEP 25 PM 1:56

EXPLANATION TO COUNCIL BILL

ORIGINATING DEPARTMENT: Public Works and Transportation

PURPOSE: To approve execution of an Abatement Order on Consent with the Missouri Department of Natural Resources under the authority of sections 640.130, 640.131, 644.056 And 644.079, Revised Statutes of Missouri, concerning the St. Joseph Sanitary Landfill's compliance with the Missouri Clean Water Law in the operation of the Landfill.

REMARKS: The Missouri Clean Water Law requires the St. Joseph Sanitary Landfill (hereinafter, the "Landfill") to have a State Operating Permit (hereinafter, the "Permit") issued by the Missouri Department of Natural Resources for the discharge of stormwater from the Landfill property. Among other requirements, the Permit limits discharge of Biochemical Oxygen Demand, Chemical Oxygen Demand, Oil & Grease, pH, Settleable Solids, Total Dissolved Solids, Total Suspended Solids, Aluminum, Arsenic, Chromium (III), Chromium (VI), Copper, Iron, Lead, Manganese, Selenium, Zinc, Ammonia as Nitrogen, Benzene, Ethylbenzene, Naphthalene, Chloride, Sulfate, Fluoride, Phenol, and Nitrogen and requires sampling results to be reported on quarterly discharge monitoring reports. The City initially received notices of violations in 2015 and 2017 and has been working with environmental consultants to implement measures to avoid future violations that can reasonably be avoided. To resolve the past violations, the City has negotiated terms of the proposed Abatement Order on Consent.

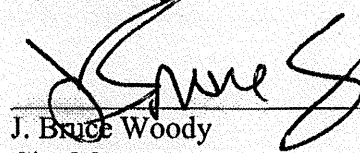
Staff recommends passage of this ordinance.

Submitted by:



Andrew Clements
Director of Public Works & Transportation

Reviewed by:



J. Bruce Woody
City Manager