



City of Columbia

701 East Broadway, Columbia, Missouri 65201

Department Source: City Utilities - Solid Waste

To: City Council

From: City Manager & Staff

Council Meeting Date: July 18, 2016

Re: Authorizing Approval of an Administrative Order on Consent and Consent Agreement/Final Order with the United States Environmental Protection Agency

Executive Summary

Staff has prepared for Council consideration an ordinance authorizing the City Manager to execute two agreements with the United States Environmental Protection Agency (EPA) related to storm water discharge violations at the City of Columbia's Sanitary Landfill. The first agreement is the Administrative Order on Consent and the second is the Consent Agreement/Final Order.

Discussion

The City of Columbia and the EPA have reached a proposed resolution in regard to allegations of storm water effluent limit permit violations from December 2011 to March of 2016 at the sanitary landfill. The City landfill is required to comply with the Clean Water Act under its industrial storm water permit. The type of specific allegations were for Total Suspended Solids, Iron Recoverable, Chemical Oxygen Demand, Biochemical Oxygen Demand and one for Oil and Grease. The settlement will be accomplished by two documents for Council consideration. The first is the Administrative Order on Consent and the second is the Consent Agreement/Final Order.

The City and EPA have worked in a collaborative effort to develop an acceptable Supplemental Environmental Project (SEP) that both partially offsets the civil penalty in this case, and allows for the creation of a wetland that will benefit the public good. The wetland will serve as an additional level of containment and treatment for discharges from the permitted outfalls by reducing the flow and discharge of potential pollutants from the landfill into Hinkson Creek. The wetland project is expected to cost a minimum of \$475,000.00. The civil penalty is \$54,396.00 for a total cost of \$529,396.00. The wetland project is required to be completed within three (3) years. The City expects to maintain the wetland in perpetuity and would be obligated to do so for five (5) years. The City must meet all obligations to avoid potential stipulated penalties and the wetland project is intended to be constructed in conjunction with the Upper Hinkson Creek sewer project. The City will give appropriate acknowledgement of this SEP as being required due to enforcement actions by the EPA.

The City has taking many steps to address the permit issues and prevent future exceedances under its industrial storm water permit. The majority of the violations were due to suspended solids and total recoverable iron. Attached is an Erosion Control Action Plan developed to identify appropriate Best Management Practices to put in place to minimize the potential for exceeding permit limits in the future. In addition, the City's permit is currently in the process



of being renewed and the new limit for iron will be increased to account for natural background levels of iron, greatly reducing the potential for future violations.

Fiscal Impact

Short-Term Impact: The penalty associated with the agreements totals \$54,396.00 and will be paid with funds in the FY16 operating budget. The wetland supplemental environmental project is expected to cost at least \$475,000.00. A portion of the funds has previously been appropriated and an additional \$300,000.00 will be appropriated with the FY17 budget.

Long-Term Impact: Long term operating costs associated with the wetlands is not anticipated to significantly impact the annual operating budget for the landfill

Vision & Strategic Plan Impact

Vision Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Strategic Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not Applicable, Tertiary Impact: Not Applicable

Comprehensive Plan Impacts:

Primary Impact: Not Applicable, Secondary Impact: Not applicable, Tertiary Impact: Not Applicable

Legislative History

Date	Action
None	None

Suggested Council Action

Staff recommends approving the ordinance authorizing the City Manager to execute these agreements with the United States Environmental Protection Agency.