

Project WIN

Waterway Improvements Now



MSD's Amended Consent Decree

Wet Weather Team Meeting #22 December 4, 2008



Amended Consent Decree Overview

- Released for public comment - December 1
- Comment period closes - December 31
- MSD has not been at liberty to share negotiation details
- Draft IOAP reflects Amended Consent Decree capital requirements



Background to the Complaint

- 2005 Consent Decree did not explicitly provide “injunctive relief” for all of MSD’s WWTPs
- Focuses on “on-going” violations since the date of entry of the 2005 Consent Decree (August 12, 2005)



Why A Consent Decree Amendment?

Six “Claims for Relief”

Jeffersontown WWTP “Blending” Resolution

- Failure to comply with bypass prohibition
- Failure to properly operate wastewater treatment systems

KPDES Permit Exceedances

- Failure to comply with effluent parameters (Fecal Coliform, TSS, CBOD)

Operational Record-Keeping and Reporting

- Failure to monitor/maintain records for WWTP flows
- Failure to report bypasses/blending
- Failure to comply with Section 308 information requests



Why A Consent Decree Amendment?

“Claims for Relief”

Capital Program

Jeffersontown WWTP “Blending” Resolution

- Failure to comply with bypass prohibition
- Failure to properly operate wastewater treatment systems

KPDES Permit Exceedances

- Failure to comply with effluent parameters (Fecal Coliform, TSS, CBOD)



What Changed in the Amended Consent Decree?

Interim Milestones for Expansion, Enhancement and/or Elimination of several WWTP by Dec 2015

Jeffersontown WWTP Blending Elimination

- 3 options
- Decision by March 31, 2010
- New Connections limited to two conditions
 - 5 previously approved entities (Exhibit E)
 - New properties that both remove dry weather flow and 3:1 offset both WWTPs

5 Prospect WWTP Eliminations

- Flows routed to the Hite Creek WWTP
- Elimination plan by March 31, 2009

Upgrade several other WWTPs to improve performance

- Low-cost enhancements by December 31, 2011



Why A Consent Decree Amendment?

“Claims for Relief”

Operational Program

Operational Record-Keeping and Reporting

- Failure to monitor/maintain records for WWTP flows
- Failure to report bypasses/blending
- Failure to comply with Section 308 information requests



What Changed in the Amended Consent Decree?

Operational Enhancements at WWTPs to Improve Performance, Record-keeping, Reporting & Permit Compliance

1. Monitoring, Recording-Keeping and Reporting Program
 - Electronic capture, archiving and display of flow data
 - “Blending” occurrences reported to regulators and public
2. Jeffersontown WWTP Process Control Program
 - Wet Weather Standard Operating Procedure
 - Maximizing flow through secondary treatment prior to blending



What Changed in the Amended Consent Decree?

Operational Enhancements at WWTPs to Improve Performance, Record-keeping, Reporting & Permit Compliance

3. Comprehensive Performance Evaluations and Associated Correction Program
 - Operational enhancements by December 31, 2011
4. Interim Phosphorous Removal for Prospect Plants
 - Installation of chemical feed equipment by April 30, 2009
 - New effluent discharge limits effective October 31, 2010



Amended Consent Decree: Penalties

- \$230,000 Civil Penalty
- \$400,000 SEP focused on stream restoration



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