

ANNUAL CONSENT DECREE
PROGRESS REPORT
FY 2018



One Donham Plaza
Middletown, OH 45042

July 31, 2018

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1. INTRODUCTION AND PURPOSE

On April 12, 2018 (Effective Date), the U.S. District Court for the Southern District of Ohio entered a Consent Decree (CD) between the City of Middletown, the United States America and the State of Ohio (Ohio) to address alleged violations of the Clean Water Act (CWA).

This annual Progress Report is submitted pursuant to Section VII of the CD. Middletown has prepared this report in accordance with the requirements set forth in Paragraph 31 of the CD in order to apprise U.S. EPA and Ohio EPA of the work and activities undertaken by Middletown from the Effective Date of the CD through June 30, 2018 (the “reporting period”).

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2. COMPLIANCE DEADLINES AND MILESTONES

The following table summarizes the CD milestones and requirements during the reporting period and the status of Middletown's activities to address such milestones and requirements.

Table 2-1. Consent Decree Milestones		
Consent Decree Submittal	CD Para.	Status
Payment of civil penalty to U.S. (\$27,500)	21	Complete
Payment of civil penalty to State (\$27,500)	22	Complete
Post copy of final CD to Middletown's website	32.b	Complete
Establish electronic notification program for CSOs, SSOs, and Unauthorized Releases	32.c	Complete
Begin Planning/Design for Bulls Run to Sunset Park CSO Project	Appx C	In progress
Begin Planning/Design for Lakeside Redirect CSO Project	Appx C	In progress
Begin Condition Assessment for sewer pipe rehabilitation and replacement	Appx C	In Progress
Supplemental Environmental Project: <ul style="list-style-type: none"> • Submittal of Pre-Construction Notification to Corps; • Preparation and submittal of QHEI to Ohio EPA; • Confirmation of NWP 38 authorization by Corps and receipt of all other necessary approvals from Ohio EPA; • Finalization of all necessary contract and purchase orders with contractors and suppliers; and • Initial field work (on-site mobilization and bank clearing through completion of initial field work) 	Appx D	Complete

3. ANNUAL PROJECT AND ACTIVITY UPDATE

3.1 Payment of Civil Penalty to U.S. and State

On April 16, 2018, in accordance with Paragraph 21 of the CD, Middletown paid the United States a civil penalty in the amount of \$27,500 by FedWire Electronic Funds Transfer to the U.S. Department of Justice. Confirmation of this payment is documented by an April 16, 2018 letter from the City's legal counsel (attached as Exhibit A hereto).

On April 19, 2018, in accordance with Paragraph 22 of the CD, Middletown paid the State a civil penalty in the amount of \$27,500 via check. Confirmation of this payment is documented by an April 19, 2018 letter from the City's Public Works & Utilities Director, Scott Tadych (attached as Exhibit B hereto).

3.2 Public Notification

In accordance with Paragraph 32 under Section VII., the City of Middletown has established a discoverable website dedicated to posting Progress Reports (see Figure 3-1 below). The webpage can be found on the City of Middletown's Public Works page and at: <https://www.cityofmiddletown.org/484/Long-Term-Control-Plan>

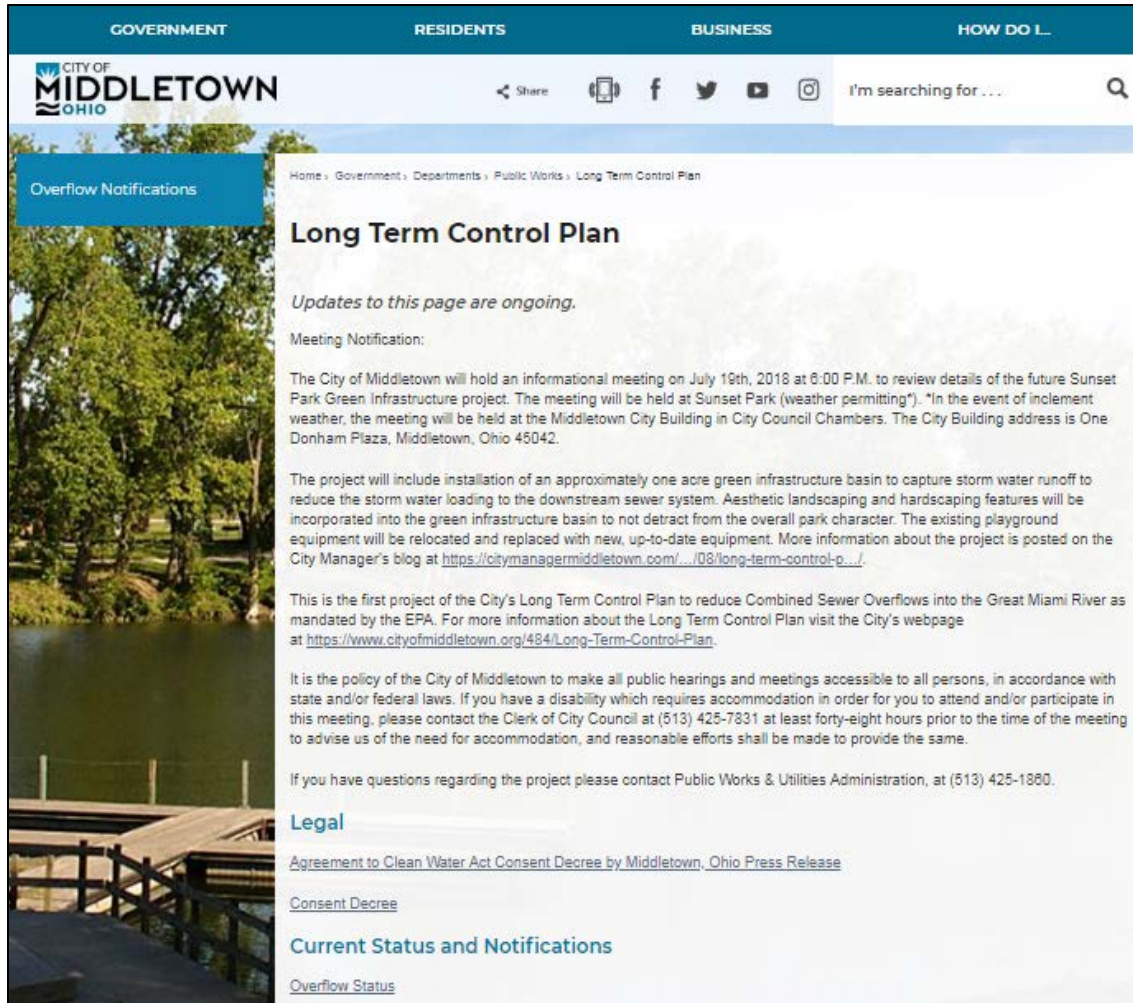


Figure 3-1 Long Term Control Plan Webpage

The website provides an overview of current project status, communication from the City Manager, and pursuant to Paragraph 32.b. of Section VII, a copy of the final CD. Progress Reports will be added to the website and retained for two years.

Overflow status is updated and maintained on the Long Term Control Plan website and members of the general public are able to sign-up for email notifications. Overflow notifications are displayed as three levels: No Overflow Level, Pre-Overflow Level, and Overflow Level. The levels are displayed using stop light colors with descriptions of each level provided on the webpage. Overflow levels are monitored through Middletown's SCADA system at the wastewater treatment plant (WWTP) and webpage notifications are updated by operators as the status changes.

3.3 Bulls Run to Sunset Park GI Project

In accordance with the Appendix C of the CD, Middletown has begun planning and design of the Bulls Run to Sunset GI Project. The project involves redirecting storm water flow from the combined sewer system to a detention basin and allowing that flow to enter the combined system once hydraulic capacity is available in the system. The preliminary sizing for the detention pond is approximate 1 MG.

Planning for the project has been underway for some time and design for the project began in April of 2018. Final design is anticipated to be completed by October 31, 2018. The start date for design was delayed due to

the time required for the Court to enter the CD, which may impact other project schedule milestones as well. Middletown and their design consultant have made a good faith effort to advance the project and complete the project within a reasonable time-frame given the Effective Date of the CD.

3.4 Lakeside Redirect Project

In accordance with Appendix C of the CD, Middletown has begun planning for the Lakeside Redirect Project. The project involves redirecting an area with separate storm sewer to the Hydraulic Canal. Currently, the City of Middletown is in the process of verifying the connectivity of the separate storm sewer with the combined system to ensure proper sizing of the related pump station and conveyance pipe. Design will commence once the sewer network verification is complete.

3.5 Condition Assessment

In accordance with Section IV of CD, Middletown is working towards the Performance Criteria outlined in Paragraph 17. Prior to entry of the CD, Middletown had been actively rehabilitating portions of the North Interceptor. Middletown has continued to prioritize condition assessment and completing the rehabilitation of the remaining segments of the North Interceptor in order to address the poor condition of the North Interceptor. Bid packages have been prepared for 792 feet of 48-54” diameter sewer with the remaining 2,500 feet to be cleaned and televised in 2018 in preparation for rehabilitation. Condition assessment of the remainder of the system will commence after this North Interceptor rehabilitation is completed.

3.6 Supplemental Environmental Project

Middletown has completed Tasks 1-5 for the Supplemental Environmental Project (“SEP”) set forth under Appendix D of the CD:

Task	Description
1. Submittal of Pre-Construction Notification to Corps	Required to obtain authorization under NWP 38
2. Preparation and submittal of QHEI to Ohio EPA	Required for project approval
3. Confirmation of NWP 38 authorization by Corps and receipt of all other necessary approvals from Ohio EPA	Required for project start
4. Finalization of all necessary contract and purchase orders with contractors and suppliers	Required for project authorization
5. Initial Field Work (on-site mobilization and bank clearing through completion of initial field work)	Conduct of capping and associated initial field work

The documentation demonstrating completion of these tasks is attached as Exhibit C hereto, and includes the following:

- Middletown’s NWP 38 Pre-Construction Notification to the Corps, dated Oct. 13, 2017 (Ex. C-1);
- Middletown’s NWP 38 Addendum to the Corps, dated March 2, 2018 (Ex. C-2);
- Middletown’s QHEI submittal to Ohio EPA, dated Dec. 27, 2017 (Ex. C-3);
- The Corps’ NWP 38 Verification Letter, dated April 4, 2018 (Ex. C-4); and
- Ohio EPA’s correspondence verifying that the SEP meets the 401 WQC for the NWP 38, dated April 19, 2018 (Ex. C-5);
- Middletown Ordinance No. 02018-11 authorizing contract with Environmental Management Specialist, Inc. (EME) to complete SEP, dated April 17, 2018 (Ex. C-6);
- Executed EME SEP contract proposal, dated April 23, 2018 (Ex. C-7); and

- Executed Corps' Certification of Completion, dated June 4, 2018 (Ex. C-8).
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4. SYSTEM PERFORMANCE DURING 2018

4.1 NPDES Permit Violations

During the reporting period, from the CD Effective Date to June 30, 2018, there were no NPDES Permit Violations.

4.2 CSOs and Dry Weather Overflows

During the reporting period, from the CD Effective Date to June 30, 2018, there were no known Dry Weather Overflows, Discharges from Outfall 002, nor Unpermitted Discharges.

Known combined sewer overflow (CSO) events that occurred during the reporting period are summarized in Table 4-1.

Table 4-1. Summary of all CSOs

Date		15 th Ave	Lafayette	14 th Ave	Verity PKWY	9th Ave	2 nd Ave	Bulls Run	Lakeside
4/15/2018	Duration (HH:MM)	0:10	3:40	3:40		3:40	3:30	3:40	
	Volume (MG)	0.002	0.093	0.8258		0.663	0.096	0.542	
4/23/2018	Duration (HH:MM)		0:10	0:10		0:10		0:10	
	Volume (MG)		0.004	0.01		0.003		0.025	
5/4/2018	Duration (HH:MM)		1:00	0:13			1:00		
	Volume (MG)		0.025	0.008			0.0292		
5/6/2018	Duration (HH:MM)	0:12	1:00	1:00			0:45		
	Volume (MG)	0.003	0.025	0.2286			0.0091		
5/15/2018	Duration (HH:MM)	0:15	1:00	0:55		1:00		0:50	
	Volume (MG)	0.003	0.025	0.135		0.19508		0.26785	
5/16/2018	Duration (HH:MM)	0:20	1:40	1:00		1:32	0:20	1:40	
	Volume (MG)	0.0212	0.042	0.5418		0.51789	0.004	1.22433	

5/17/2018	Duration (HH:MM)		2:00	0:10		1:00	0:10	2:00	
	Volume (MG)		0.051	0.004		0.15992	0.001	1.12338	
5/19/2018	Duration (HH:MM)		0:54			0:30	0:30	0:54	
	Volume (MG)		0.023			0.02498	0.002	0.15192	
5/20/2018	Duration (HH:MM)	1:00	3:00	1:00		2:00	1:00	3:00	
	Volume (MG)	0.0946	0.076	1.1129		1.02044	0.3082	0.79056	
5/21/2018	Duration (HH:MM)		1:05	1:00		1:05		1:05	
	Volume (MG)		0.027	0.0402		0.13992		0.26685	
5/26/2018	Duration (HH:MM)		1:50	0:20		1:50			
	Volume (MG)		0.047	0.0373		0.1889			
5/27/2018	Duration (HH:MM)		0:34	0:35					
	Volume (MG)		0.015	0.0272					
5/30/2018	Duration (HH:MM)	0:15	5:25	3:00		4:50	1:00	5:25	
	Volume (MG)	0.0061	0.138	0.6667		1.42322	0.0705	5.60193	
5/31/2018	Duration (HH:MM)		0:45			0:45	0:10	9:30	
	Volume (MG)		0.019			0.136	0.005	1.405	
6/8/2018	Duration (HH:MM)		0:10				0:10		
	Volume (MG)		0.004				0.001		
6/9/2018	Duration (HH:MM)		1:00	0:10		1:00	0:30		
	Volume (MG)		0.025	0.011		0.162	0.019		
6/12/2018	Duration (HH:MM)	0:17	1:49	1:12		1:49	0:50		0:11
	Volume (MG)	0.007	0.046	0.424		0.775	0.144		0.006
6/16/2018	Duration (HH:MM)		2:46	0:04		0:50	0:27	2:46	
	Volume (MG)		0.045	0.033		0.139	0.016	1.15	

6/21/2016	Duration (HH:MM)		11:08	3:02		10:17	1:00	11:08	0:26
	Volume (MG)		0.283	0.493		1.132	0.015	5.865	0.119
6/26/2018	Duration (HH:MM)		4:56	1:45		2:30		4:56	
	Volume (MG)		0.125	0.175		0.45		1.581	

4.3 Unauthorized Releases

During the reporting period, from the CD Effective Date to June 30, 2018, there were no known Unauthorized Releases.

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5. PLANNED ACTIVITIES FOR 2018-2019

Middletown will be continuing the overall program outlined in the CD in FY 2019. The following subsections provide specifics on this work.

5.1 Bulls Run to Sunset Park GI Project

The Bulls Run to Sunset Park GI Project is currently on schedule to go out for bid on November 1, 2018 with construction to begin after the contract is awarded. Construction will be ongoing in 2019 through the next Progress Report deadline of July 31, 2019.

5.2 Lakeside Redirect Project

As described in Section 3.3, planning for the Lakeside Redirect Project is underway. It is anticipated that design will begin prior to the next Progress Report deadline. Final design is anticipated to be complete at the end of 2019 with construction beginning in 2020.

5.3 Condition Assessment

Middletown is prioritizing the condition assessment and rehabilitation of the North Interceptor and portions of the East End Interceptor where corrugated metal pipe is located and expected to be in poor condition. Addressing the known issues with the large diameter corrugated metal pipe is a priority for Middletown as these large interceptors are relied on heavily for conveyance to the wastewater treatment plant (WWTP). The consequence of failure of the Middletown's main interceptors is extremely high and it is suspected that the assets may require immediate attention prior to the completion of a comprehensive, system-wide condition assessment. A formal, system-wide condition assessment will commence after this work is completed.

5.4 Supplemental Environmental Project

As set forth in Appendix D of the CD, Middletown expects to re-inspect the AquaBlok cap to verify proper setting and submit its SEP Completion Report in FY 2019.