



six million gallons of untreated overflow during four or less overflow events in the typical year, and (2) a storage tank at Bissell Point Outfall 052, providing for storage capacity of one million gallons and resulting in no more than 20 million gallons of untreated overflow during four or less overflow events in the typical year. However, the Parties have agreed to replace these two CSO Control Measures with a single storage facility to accommodate overflow from both Bissell Point Outfalls 051 and 052 (hereafter "Proposed Amendment"). This single storage facility will provide expandable storage capacity of 12.5 million gallons and result in no more than 84 million gallons of untreated overflow during four or less overflow events in a typical year. All stored flow will receive secondary treatment at the Bissell Point wastewater treatment plant, as compared to just primary treatment for the flow from Outfall 051 as required under the original Consent Decree. The Critical Milestones for this new CSO Control Measure for Outfalls 051 and 052 will be unchanged and remain with a Bid Year of 2017 and Achievement of Full Operation of December 31, 2020;

**WHEREAS**, the Parties agree that this Proposed Amendment is necessary because recent design-level modeling using additional flow meter data acquired since the completion of the LTCP modeling indicates higher CSO volumes and higher peak flow rates from Outfalls 051 and 052 than was originally modeled in the LTCP, which served as the basis for the selection of the CSO Control Measures for these outfalls in Appendix D of the original Consent Decree;

**WHEREAS**, as a result of the higher flow rates and CSO volumes, the engineering analysis showed that it is now more costly to pump and treat the flow than it is to store the flow from Outfalls 051 and 052. In addition, the Proposed Amendment will result in lower pollutant loadings to Maline Creek and increased operational efficiencies of a below-grade storage facility, as compared to a treatment system;

**WHEREAS**, Paragraph 136 of the Consent Decree provides that the Consent Decree, including any attached appendices, may be modified only by a subsequent written agreement signed by all Parties. Where the modification constitutes a material change to the Consent Decree, the modification shall be effective only upon approval by the Court;

**WHEREAS**, the Parties have agreed, pursuant to Paragraph 136 of the Consent Decree, to this Proposed Amendment to the Consent Decree;

**WHEREAS**, this Proposed Amendment made herein constitutes a material change to the Consent Decree, requiring Court approval under Paragraph 136 of the Consent Decree; and

**WHEREAS**, the Parties recognize, and the Court by entering this Amendment finds, that this Amendment has been negotiated by the Parties at arm's length and in good faith and that this Amendment is fair, reasonable, and in the public interest.

**NOW THEREFORE**, with the consent of the Parties, **IT IS HEREBY ADJUDGED, ORDERED, AND DECREED** as follows:

1. Except as specifically modified herein, all provisions of the Consent Decree entered by the Court on April 27, 2012 (Dkt. # 159) shall remain unchanged and in full force and effect.

2. The CSO Control Measures for Bissell Point Outfalls 051 and 052 as set forth at page 1 of Appendix D of the Consent Decree shall be amended as follows (deletions are indicated in ~~strikeout text~~ and additions are indicated in **bold** and *italicized text*):

<b>CSO Control Measure</b>	<b>Description</b>	<b>Design Criteria</b>	<b>Performance Criteria</b>	<b>Critical Milestones</b>
<del>CSO Treatment Unit at Bissell Point Outfall 051</del>	Enhanced High-Rate Clarification facility	94 MGD capacity providing equivalent of primary clarification, solids/floatables disposal, and disinfection	Reduce overflows to 4 events or less, and 6 million gallons of untreated overflow volume in the typical year <sup>(1)</sup> . <del>Comply with applicable Missouri Operating Permit.</del>	<ul style="list-style-type: none"> <li><del>Bid Year – 2017</del></li> <li><del>Achievement of Full Operation – 12/31/2020</del></li> </ul>
<del>Bissell Point Outfall 052 Storage Tank</del> <b>Local Storage Facility for Bissell Point Outfalls 051 and 052</b>	Local storage facility	Provide storage volume of <del>one</del> <b>12.5</b> million gallons, expandable to accommodate storage requirements, if any, as determined in SSO Control Master Plan	Reduce overflows to 4 events or less, and <del>20</del> <b>84</b> million gallons of untreated overflow volume in the typical year <sup>(1)</sup>	<ul style="list-style-type: none"> <li>Bid Year – 2017</li> <li>Achievement of Full Operation – 12/31/2020</li> </ul>

3. The Figure entitled “Maline Creek CSO Controls” on page 1 of Appendix D shall be replaced with Exhibit A.

4. The following confirming changes to Appendix E, Post-Construction Monitoring Program, shall also be made (deletions are indicated in ~~strikeout text~~ and additions are indicated in **bold** and *italicized text*):

MSD consents to entry of this Amendment as proposed without further notice and agrees not to withdraw from or oppose entry of this Amendment by the Court or to challenge any provision of this Amendment, unless the United States has notified MSD in writing that the United States no longer supports entry of the Amendment.

8. This Amendment to the Consent Decree constitutes the final, complete and exclusive agreement and understanding among the Parties with respect to this Amendment to the Consent Decree, and this Amendment supersedes all prior agreements and understandings, whether oral or written concerning the Amendment embodied herein.

9. This Agreement may be executed in counterparts, and its validity shall not be challenged on that basis.

Dated and entered this \_\_\_ day of \_\_\_\_\_, 2013.

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CAROL E. JACKSON  
UNITED STATES DISTRICT JUDGE  
Eastern District of Missouri  
Eastern Division

The undersigned party hereby consents and certifies that it is authorized to consent to the terms and conditions of this Amendment to Consent Decree in the matter of *United States, et al. v. Metropolitan St. Louis Sewer District*, No. 4:07-cv-01120-CEJ (E.D. Mo.).

FOR THE UNITED STATES OF AMERICA:

Date: 7/3/13



ROBERT G. DREHER  
Acting Assistant Attorney General  
United States Department of Justice  
Environment and Natural Resources Division  
Environmental Enforcement Section

Date: 7/5/2013

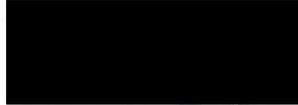


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FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VII:

Date: 6/20/13



DAVID COZADS  
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Date: 6/19/2013



ELIZABETH HUSTON  
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The undersigned party hereby consents and certifies that it is authorized to consent to the terms and conditions of this Amendment to Consent Decree in the matter of *United States, et al. v. Metropolitan St. Louis Sewer District*, No. 4:07-cv-01120-CEJ (E.D. Mo.).

FOR THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OFFICE OF ENFORCEMENT AND COMPLIANCE ASSURANCE:

Date: 6/27/13

[Redacted Signature]

CYNTHIA GILES  
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Office of Enforcement and Compliance Assurance  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
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Date: 6/25/13

[Redacted Signature]

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Date: 6/25/13

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MARK POLLINS  
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Date: 6/25/13

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FOR THE MISSOURI COALITION FOR THE ENVIRONMENT FOUNDATION:

Date: 6/20/2013



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Date: 6/20/13



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The undersigned party hereby consents and certifies that it is authorized to consent to the terms and conditions of this Amendment to Consent Decree in the matter of *United States, et al. v. Metropolitan St. Louis Sewer District*, No. 4:07-cv-01120-CEJ (E.D. Mo.).

FOR THE METROPOLITAN ST. LOUIS SEWER DISTRICT:

Date: 6/21/13



BRIAN L. HOELSCHER  
Executive Director  
Metropolitan St. Louis Sewer District  
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Date: 6/21/13



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