*COMMONWEALTH of VIRGINIA*

*DEPARTMENT OF ENVIRONMENTAL QUALITY*
*Street address:* 629 East Main Street, Richmond, Virginia 23219
*Mailing address:* P.O. Box 1105, Richmond, Virginia 23218
www.deq.virginia.gov

Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

(804) 698-4000
1-800-592-5482

# STATE WATER CONTROL BOARD
# ENFORCEMENT ACTION - ORDER BY CONSENT
# ISSUED TO
## the cities of CHESAPEAKE, HAMPTON, NEWPORT NEWS, NORFOLK, POQUOSON, PORTSMOUTH, SUFFOLK, VIRGINIA BEACH, and WILLIAMSBURG; the counties of GLOUCESTER, ISLE OF WIGHT, and YORK; the JAMES CITY SERVICE AUTHORITY; and the town of SMITHFIELD

## SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the cities of Chesapeake, Hampton, Newport News, Norfolk, Poquoson, Portsmouth, Suffolk, Virginia Beach, and Williamsburg; the counties of Gloucester, Isle of Wight, and York; the James City Service Authority; and the town of Smithfield (the "Localities" collectively or "Locality" separately) for the purpose of resolving certain violations of the State Water Control Law and the applicable regulation and to supersede and cancel those certain Orders by Consent between the Board, the Hampton Roads Sanitation District (HRSD) and the Localities.

## SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.

2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Discharge" means discharge of a pollutant. 9 VAC 25-31-10

5. "Discharge of a pollutant" when used with reference to the requirements of the VPDES permit program means:

    (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or

    (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

6. "HRSD" means the Hampton Roads Sanitation District, a political subdivision created by a 1940 Act of the General Assembly of Virginia and charged with the responsibility to provide sewage treatment services for the communities in the Hampton Roads metropolitan area. HRSD is a "person" within the meaning of Va. Code §62.1-44.3.

7. "MOM" means management, operations, and maintenance.

8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.

9. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water. 9 VAC 25-31-10

10. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3

11. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*

12. "Sanitary sewer collection system" or "Facility" means those sewer assets individually owned by a Locality.

13. "Significant Defect" means a physical condition in the sanitary sewer collection system, including (i) existing or imminent structural failures, cave-ins, and similar defects and (ii) significant sources of inflow and infiltration (including but not limited to missing and/or damaged public clean-outs, missing manhole inserts, direct storm water connections, and unsealed manhole pipe penetrations).

14. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.

15. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3

16. "STP" means sewage treatment plant.

17. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.

18. "Va. Code" means the Code of Virginia (1950), as amended.

19. "VAC" means the Virginia Administrative Code.

20. "VPDES" means Virginia Pollutant Discharge Elimination System.

**SECTION C: Findings of Fact and Conclusions of Law**

1. HRSD owns and operates an interceptor sewer system, which includes both gravity and force mains, and nine (9) STPs, which serve the Hampton Roads area (HRSD System). Discharges of treated wastewater from the STPs into State waters are regulated by VPDES permits issued by the Board.

2. The Localities individually own and operate sanitary sewer collection systems which collect sewage within their individual jurisdictional boundaries and deliver it to the HRSD System for treatment.

3. Due to pipe breaks, electrical outages, infiltration and inflow, insufficient capacity in the collection, interceptor and treatment systems, and other factors, untreated sewage has been and is being discharged from various locations in the individual sanitary sewer collection systems of the Localities and HRSD to various state waters in the area. The low-lying nature of the Hampton Roads region and corresponding high groundwater table, together with periodic widespread flooding in the region's urbanized areas, are significant factors contributing to the discharge of untreated sewage.

4. Infiltration and inflow due to system age, damage by contractors working in public rights-of-way, grease, and limited root intrusion problems have historically resulted in instances of backups, malfunction or rupture, resulting in overflows of untreated sewage from various locations in the Norfolk sanitary sewer collection system and the HRSD System.

5. Section 62.1-44.5.A of the Code and the Regulation at 9 VAC 25-31-50.A prohibit the discharge of sewage to state waters except as authorized by a permit issued by the Board. The Board has not issued the Localities permits authorizing said discharges of untreated sewage. Accordingly, the Board finds that the Localities have violated Va. Code § 62.1-44.5.A and 9 VAC 25-31-50.A.

6. Notwithstanding the foregoing, the City of Norfolk entered into two Orders by Consent with HRSD and the Board effective December 17, 2001 and March 17, 2005. The 2001 Consent Order comprehensively addressed sanitary sewer overflows by requiring development of collection system plans, expenditure of $13.5 million on capital improvements and system operation, and completion of a Sanitary Sewer Evaluation Survey and a gravity line inspection program in the City of Norfolk. The 2005 Consent Order required HRSD and Norfolk to, among other things, address wet weather issues in the City of Norfolk with a Long Term Control Plan requiring a minimum annual investment in sewer infrastructure. Norfolk has invested over $100 million in the Norfolk System and is in compliance with the prior Consent Orders.

7. To address the unpermitted discharge of sewage due to wet weather occurrences, the Board entered into an Order by Consent with HRSD and the Localities (excluding Norfolk) effective September 26, 2007. This Order by Consent, as amended, requires that HRSD and the Localities (excluding Norfolk) jointly develop a Regional Wet Weather Management Plan ("RWWMP") that identifies, quantifies, prioritizes, and proposes a schedule for implementing regional sewer system enhancements among other things.

8. To address regional wet weather sewer capacity requirements, on February 23, 2010, HRSD, DEQ, and the United States Environmental Protection Agency entered into a Federal Consent Decree. The Federal Consent Decree requires, among other things, that HRSD work in consultation with the Localities (excluding Norfolk) to develop a RWWMP that will ensure adequate wet weather sewer capacity in HRSD's portion of the regional sewer system.

9. During the ongoing planning for the RWWMP, HRSD and the Localities researched the most cost effective and practical means for development and implementation of the RWWMP. The studies resulted in unanimous support of an alternate regionalization approach whereby HRSD would take responsibility for regional wet weather capacity. Under this approach, HRSD will assume sole responsibility for drafting, funding, and implementing the RWWMP without assuming ownership of Locality sewer system assets. The approach was formally adopted by all the Localities and HRSD through a regional Memorandum of Agreement dated March 10, 2014. The Memorandum of Agreement creates mutually enforceable obligations by and between HRSD and each of the Localities to facilitate the agreed-upon regionalization approach. The Memorandum of Agreement and HRSD's Federal Consent Decree work in conjunction with this Order by Consent to form a coordinated regional approach to providing and maintaining regional wet weather capacity.

10. On August 26, 2014, the United States Environmental Protection Agency amended the Federal Consent Decree to reflect the alternate regionalization plan specifying HRSD's responsibility to develop, fund and implement the RWWMP.

11. As the responsibility for the RWWMP has been transferred to HRSD solely, the RWWMP requirements and conditions contained in the Order by Consent, as amended, are no longer applicable to the Localities.

12. Proper management, operation, and maintenance of sanitary sewer infrastructure must continue to be conducted by Localities to prevent dry weather unpermitted sanitary sewer overflows and to ensure compliance with the referenced statutory and regulatory provisions. Under their 2001 and 2005 Consent Orders, Norfolk developed a collection system (i.e. a MOM) plan, which was accepted by DEQ and implemented. Pursuant to the 2007 Order by Consent, the Localities (excluding Norfolk) developed MOM plans for DEQ approval and implementation. This order serves to formalize the Localities' commitment to continue to implement and follow their accepted and/or approved, individual MOM programs.

**SECTION D: Agreement and Order**

By virtue of the authority granted it in Va. Code § 62.1-44.15, the Board orders each Locality, and each Locality agrees from the effective date of this Order forward, to implement a MOM program designed to maintain and operate Locality-owned collection system assets in accordance with industry-accepted practices relating to sewer inspection, evaluation and repair of Significant Defects (not scheduled to be addressed by the RWWMP and excluding those for which HRSD is responsible pursuant to the Federal Consent Decree as amended) and that at minimum includes the parameters described in Appendix A of this Order. The MOM program must document the MOM program elements used to manage each Locality's sewer system and minimize unpermitted sanitary sewer overflows. The MOM program shall include a sanitary sewer overflow response plan and quantifiable parameters for assessing program implementation. Throughout the life of the MOM program, a meaningful set of enforceable quantitative performance measures must be maintained. Performance assessment measures may be added, deleted, and/or modified if such revision results in a better assessment of the performance and effectiveness of the MOM program.

The Board and the Localities understand and agree that the requirements in this Order are the individual obligations of each party named in the Order, and no party shall be liable for noncompliance of another party with the requirements of this Order. Further the Board and the Localities understand and agree that this Order supersedes and terminates the Order by Consent issued by the Board on September 26, 2007, December 17, 2001 and March 17, 2005.

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of the Localities for good cause shown by the Localities, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.

2. This Order addresses and resolves all system overflows and releases from the sewer systems owned by the Localities and known or reported to the DEQ up to the date of execution of this Order by the Localities. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (a) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (b) seeking subsequent remediation of the facility; or (c) taking subsequent action to enforce the Order.

3. For purposes of this Order and subsequent actions with respect to this Order only, the Localities admit to the jurisdictional allegations, and agree not to contest, but neither admit nor deny the findings of fact and conclusions of law in this Order.

4. The Localities consent to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. The Localities declare they have received fair and due process under the Administrative Process Act and the State Water Control Law and waive the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by any Locality to comply with its respective individual obligations under the terms of this Order shall constitute a violation of an order of the Board by the party who fails to comply. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority. The Localities do not waive any rights or objections they may have in any enforcement action by other federal, state, or local authorities arising out of the same or similar facts to those recited in this Order.

7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.

8. The Localities shall be responsible for failure to comply with their individual obligations under this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond their control and not due to a lack of good faith or diligence on their part. The Locality claiming this defense shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. The Locality shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

a. the reasons for the delay or noncompliance;

b. the projected duration of any such delay or noncompliance;

c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

9. Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

10. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

11. This Order shall become effective upon execution by both the Director or his designee and the Localities.

12. This Order shall continue in effect until:

    a. The Director or his designee terminates the Order after the Localities have completed all of the requirements of the Order;

    b. The Localities petition the Director or his designee to terminate the Order after they have completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

    c. The Director or Board terminates the Order in his or its sole discretion upon thirty (30) days' written notice to the Localities.

13. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve each Locality from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

14. The undersigned representative of each Locality certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind the Locality to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of the Locality.

15. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order; and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

By their signatures below, the Localities voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 19 day of December, 2014.

Maria Nold, Regional Director
Department of Environmental Quality

----------(Remainder of Page Intentionally Blank)----------

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/22/14 By: _____
City Manager

Commonwealth of Virginia
City of Chesapeake

The foregoing instrument was acknowledged before me this 22 day of October 2014 by James E. Baker, City Manager, on behalf of the City of Chesapeake.

Wanda B. Futrell
Notary Public

My commission expires: 30 September 2015

Wanda B. Futrell
Commonwealth of Virginia
Notary Public
ID #188712

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/23/14

By: Mary B Bunting
City Manager/ Authorized Designee

Commonwealth of Virginia
City of Hampton

The foregoing instrument was acknowledged before me this ~~22nd~~ 23rd day of October, 2014, by Mary B Bunting, City Manager ~~or Authorized Designee~~, on behalf of the City of Hampton. She/~~He~~ is known to me personally.

Donna L Hodges
Notary Public

Donna L. Hodges
Commonwealth of Virginia
Notary Public
Commission No. 7123061
My Commission Expires 7/31/2015

My commission expires: July 31, 2015

Registration No. 7123061

CITY OF HAMPTON
OFFICE OF THE CITY ATTORNEY
Approved as to legal form and sufficiency
Date: 10.09.2014
Attorney

ATTEST:

Clerk of Council

The terms and conditions of the Order are voluntarily accepted by:

Date: 10-6-14 By: James M. Bourey
City Manager

Commonwealth of Virginia
City of Newport News

The foregoing instrument was acknowledged before me this 6th day of October by James M. Bourey, City Manager, on behalf of the City of Newport News.

Jennifer D. Walker
Notary Public

My commission expires: 03/31/2018

ATTEST:

Mabel Washington Jenkins
City Clerk

APPROVED AS TO FORM:

Deputy City Attorney

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/22/14 By: _____
City Manager

Commonwealth of Virginia
City of Norfolk

The foregoing instrument was acknowledged before me this 22 day of Oct. by Marcus Jones City Manager, on behalf of the City of Norfolk.

_____
Notary Public

My commission expires:
4/30/18

TRACEY COX HASICK
NOTARY
7056195
PUBLIC
COMMONWEALTH OF VIRGINIA

**ORIGINAL**

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/15/2014 By: _____
City Manager

Commonwealth of Virginia
City of Poquoson

The foregoing instrument was acknowledged before me this 15th day of Oct 2014 by J. Randall Wheeler, City Manager, on behalf of the City of Poquoson.

_____
Notary Public

My commission expires: 8-31-2016

VICTORIA H. DIGGS
Notary Public
Commonwealth of Virginia
176556
My Commission Expires Aug 31, 2016

The terms and conditions of the Order are voluntarily accepted by:

Date: Oct 22, 2014 By: John L. Rowe
City Manager

Commonwealth of Virginia
City of Portsmouth

The foregoing instrument was acknowledged before me this 22 day of Oct. by John L. Rowe, Jr., City Manager, on behalf of the City of Portsmouth.

Notary Public

My commission expires:

ROSYLEN L. OGLESBY
COMMONWEALTH OF VIRGINIA
Expires
ID#
303104
NOTARY PUBLIC

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/24/14 By: Selena Cuffee-Glenn
City Manager

Commonwealth of Virginia
City of Suffolk

The foregoing instrument was acknowledged before me this 24th day of October by Selena Cuffee-Glenn City Manager, on behalf of the City of Suffolk.

Randah C. Gaitan
Notary Public

My commission expires:

RANDAH C. GAITAN
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7530007
MY COMM. EXPIRES 12/31/16
NOTARY PUBLIC

The terms and conditions of the Order are voluntarily accepted by:

Date: October 8, 2014

By: _____
City Manager

Commonwealth of Virginia
City of Virginia Beach

The foregoing instrument was acknowledged before me this 9th day of Oct by James K. Spore, City Manager, on behalf of the City of Virginia Beach.

_____
Notary Public

My commission expires: 12.31-14
7073053

Sandy Marie Madison
Commonwealth of Virginia
Notary Public
Commission No. 7073053
My Commission Expires 12/31/2014

APPROVED AS TO CONTENT:

_____
Department of Public Utilities

APPROVED AS TO LEGAL SUFFICIENCY:

_____
City Attorney's Office

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/13/2014 By: _____
City Manager

Commonwealth of Virginia
City of Williamsburg

The foregoing instrument was acknowledged before me this 13th day of Oct by Jackson C. Tuttle, City Manager, on behalf of the City of Williamsburg.

GERRY S. WALTON
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7015656
MY COMM. EXPIRES 02/28/2018
NOTARY PUBLIC

_____
Notary Public

My commission expires: 2/28/2018

The terms and conditions of the Order are voluntarily accepted by:

Date: Oct. 10, 2014 By: Brenda G. Garton
County Administrator

Commonwealth of Virginia
County of Gloucester

The foregoing instrument was acknowledged before me this 10th day of October by Brenda G. Garton, County Administrator, on behalf of the County of Gloucester.

Notary Public

My commission expires: 11-30-2018

Brittany Marie Wood
Commonwealth of Virginia
Notary Public
Commission No. 7610646
My Commission Expires 11/30/2018

The terms and conditions of the Order are voluntarily accepted by:

Date: 10-16-14 By: _____
County Administrator

Commonwealth of Virginia
County of Isle of Wight

The foregoing instrument was acknowledged before me this 16th day of October, 2014 by Anne F. Seward County Administrator, on behalf of the County of Isle of Wight.

Carey Mills Storm
Notary Public

My commission expires: May 31, 2017

CAREY MILLS STORM
NOTARY PUBLIC
REG. #150506
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2017

The terms and conditions of the Order are voluntarily accepted by:

Date: October 22, 2014

By: _____
Interim County Administrator

Commonwealth of Virginia
County of York

The foregoing instrument was acknowledged before me this 22 day of October by 2014, County Administrator, on behalf of the County of York.

_____
Notary Public

My commission expires: 12-31-2016

SARAH A. VANCE
NOTARY PUBLIC
MY COMMISSION NUMBER 176471
COMMONWEALTH OF VIRGINIA

Approved as to form:

_____
County Attorney

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/28/2014 By: M. Douglas Powell
General Manager

Commonwealth of Virginia
James City Service Authority

The foregoing instrument was acknowledged before me this 28 day of OCTOBER by M. DOUGLAS POWELL, General Manager, on behalf of the James City Service Authority.

Anna Eckhardt
Notary Public

My commission expires: 10/31/2017

ANNA ECKHARDT
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7566372
MY COMM. EXPIRES 10/31/2017
NOTARY PUBLIC

The terms and conditions of the Order are voluntarily accepted by:

Date: 10/08/2014 By: _____
Town Manager

Commonwealth of Virginia
Town of Smithfield

The foregoing instrument was acknowledged before me this 8th day of Oct. by Peter M. Stephenson, Town Manager, on behalf of the Town of Smithfield.

LESLEY J. GREER
COMMONWEALTH OF VIRGINIA
REGISTRATION NO. 7137286
MY COMM. EXPIRES 03/31/2016
NOTARY PUBLIC

_____
Notary Public

My commission expires 03-31-2016

# APPENDIX A
# MOM Program

The following are guidelines that provide the minimum components to be included in a MOM Program:

1. Major program goals
    a. Proper management, operation, and maintenance of the collections system over which you have operational control,
    b. Stop/reduce and mitigate the impact of SSO in the portion of the collection system over which you have operational control,
    c. Providing notification to parties with a reasonable potential for exposure to pollutants associated with SSO events.

2. Organization
    a. Administrative and maintenance positions responsible for implementing measures in the MOM program, including lines of authority by organization chart or similar documents
    b. The chain of communication for reporting SSOs

3. Legal Authority (i.e., sewer use ordinances, service agreements or other legally binding documents)
    a. List legal authority to control infiltration and connections from inflow sources
    b. List legal authority that requires that sewers and connections be properly designed and constructed
    c. List legal authority to ensure proper installation, testing, and inspection of new and rehabilitated sewers (collector lines or service laterals)

4. Measures and Activities (address applicable elements and identify the person/position responsible for each element)
    a. Provide adequate maintenance facilities and equipment
    b. Maintenance of a map of the collection system
    c. Management of information and use of timely, relevant information to establish and prioritize appropriate MOM activities and identify and illustrate trend in overflows (frequency and volume)
    d. Routine preventive operation and maintenance activities
    e. Identification and prioritization of structural deficiencies and identification and Implementation of short-term and long-term rehabilitation actions to address deficiencies
    f. Appropriate training on a regular basis
    g. Equipment and replacement parts inventories including identification of critical replacement parts.

5. Design and Performance Provision
    a. Requirements and standards for the installation of new sewers, pumps and other appurtenances, and rehabilitation and repair projects
    b. Procedures and specifications for inspecting and testing the installation of new sewers, pumps, and other appurtenances and for rehabilitation and repair projects

6. Monitoring, Measurement and Program Modifications
    a. Monitor the implementation and, where appropriate, measure the effectiveness of each element of your MOM program
    b. Update program elements as appropriate based on monitoring or performance evaluations

7. Overflow Emergency Response Plan (Plan must identify measures to protect public health and the environment)
    a. Ensure you are made aware of all overflow to the greatest extent possible.
    b. Ensure overflows are appropriately responded to, including reporting requirements
    c. Ensure appropriate immediate notification to the public, health agencies, and other impacted entities (i.e. water suppliers). Identify the public health and other officials who will receive immediate notification.
    d. Provide emergency operations

8. Communications. Communicate on the implementation and performance of the MOM program with interested parties as requested.