

A Victory for Voluntary Compliance by the City of Lane



A local contractor and city council member used his equipment to reshape the eroded vertical edge of the berms.

In January of 2011, as a water and wastewater (w/ww) inspector with the Kansas Department of Health and Environment (KDHE) in the northeast District Office (NEDO), I was tasked to perform an inspection of the city of Lane wastewater treatment lagoon. During that inspection, it was noted that while the lagoon system was generally meeting permit effluent limits, it needed serious maintenance as the lagoon berms had eroded and needed to be repaired. Lane is located in Franklin County in east-central Kansas.

Even as a KDHE water and wastewater inspector, my goal was to help systems achieve voluntary compliance. Information, technical assistance and cooperation are needed to help achieve voluntary compliance with federal and state laws and rules. Telling someone what to do just because of a regulation requirement was never easy for me to do. It was preferable for the city to see the need for the improvements and thus voluntarily comply with my recommendations. With this type of compliance, the city must take the initiative to spend the time and usually money to correct the issues. That's not often an easy sell, especially when money is limited and the wastewater lagoons are usually out of sight and generally out of mind.

In my follow-up inspection report, I strongly worded the recommendations that the maintenance issue would become deficiencies in future inspections if not corrected.

Fast forward to January 2019.

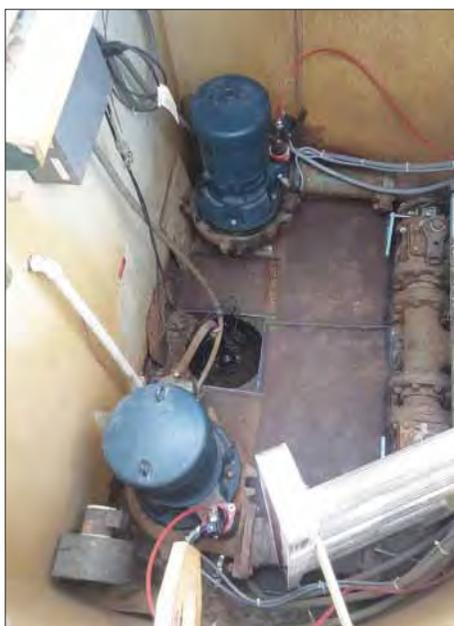
Now, as an employee of KRWA, I was providing wastewater technical assistance to the city with ammonia variance documentation. During this

time, I was contacted by a current KDHE w/ww inspector out of the NEDO, Hanna Lewis. I was a member of the interview committee when KDHE hired Ms. Lewis. Now she is requesting assistance to get the city into compliance with issues noted during her inspection in June of 2017. During her inspection she placed the city out of compliance with the National Pollution Discharge Elimination System (NPDES) permit because of deteriorating lagoon berms and a dilapidated pumping station. In 2018, in order to get the city into compliance, Ms. Lewis sent additional letters requesting appropriate action.

Ms. Lewis noted that the city had the same operations and maintenance issues that I had previously noted and the city had done minimal if any corrective actions to the eroding berms. My standard mode of operation was to work with the city providing Technical Assistance to achieve compliance voluntarily, preferring that over imposing the use of regulations.

Around the same time as the request for Technical Assistance to get the city back into compliance, the wastewater lagoon permit was about to expire. With a permit renewal being drafted by KDHE in Topeka, I suspected that the new permit would have some type of Schedule of Compliance (SOC), rightfully so, within the permit requiring action by the city for maintenance issues.

While working for KRWA and providing technical assistance to the city I thought the city was actually coming together, and rather than trying to figure out what minimum action could be done to buy time, the council was buying into this "voluntary compliance".



The steel floor of the lift station was cut out and replaced with thick steel and welded into place.

When I spoke with Ms. Lewis about the permit renewal, she said she understood that then KDHE staff member Rod Geisler had already planned to put a SOC in the new permit. The SOC will likely require the city to hire an engineer to review the system and make a plan and schedule for improvements to be made. Essentially, this would cost the city money in engineering fees for maintenance items the city could have and should have been doing as described in multiple regulatory letters without the need for an outline or plan from an engineer.

I attended a city council meeting to explain to the council that KDHE would most likely have a SOC that required the city to hire an engineer. I explained that KDHE would put this in the permit due to the city showing no effort or even acknowledging the letters or inspection reports.

Inevitably during council meetings, one or more council members will question why KDHE is “picking on our city”. There was a lot of telling evidence to show that in fact, the city had multiple letters and requests for voluntary compliance but only did the bare minimum or nothing to resolve the issues.

I told the council that they have all but ignored the KDHE inspectors’ letters. “You have been doing this since 2011!” With my 2011 inspection letter in hand, I flipped a page or two and said, “Let me see who was this inspector.... Here it is... some guy named Jason Solomon. That’s me!”

Until the permit SOC news I had been making progress with the city. But now any money we were trying to save would have to go to unnecessary engineering fees for re-design and submitting a plan.

After so many years of lackadaisical efforts to improve the lagoon system or stabilize the lagoon berms, it seemed like the city was actually wanting to move forward. I had been in contact with Rod Geisler several times about the city. I reached out to Rod one last time. He said we could talk at our bi-annual KDHE/KRWA TA meeting in a couple of weeks.



Soil was hauled in to finish the inside of the berm to a 3:1 slope as outlined in KDHE’s minimum design criteria.

During the meeting we discussed the items on the set agenda; the final item to be discussed was the city in question.

I somewhat pleaded with Rod that the city just began having faith in the KDHE inspection and compliance system and wanted to comply. Rod looked at me and said, “Will you put KRWA’s name on it that the city will comply with the SOC?”

This was the first time I felt my neck getting tighter and I felt flushed and nervous as to what I should say. Was it my place to speak for KRWA? When I began work at KRWA I asked a lot of questions about what I could or shouldn’t do. I

remembered Elmer answering most of the time, “If you think you need to, then do it.” Without much more thought I said to Rod, “Yes, we can.”

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Rod pulled the permit that was on the 30-day public notice and sent the re-submitted permit with KRWA listed in the SOC of the NPDES permit as follows:

The permit effective dates:

This permit is effective December 1, 2019, supersedes the previously issued water pollution control permit M-MC19-0001, and expires November 31, 2024.

B. SCHEDULE OF COMPLIANCE

1. Permittee shall complete repairs and rehabilitation measures as needed to resolve the "O&M" issues as identified in the letters dated July 18, 2017 and May 31, 2018, as provided by the KDHE Northeast District Office. The Kansas Rural Water Association (KRWA) has agreed to assist in the completion of the required work which includes:

1. Repair of the wet well for the sewage pumping station.
2. Rehabilitation of the sewage pumping station.
3. Adding riprap erosion protection to all interior dikes of cell 1 and cell 2 of the lagoon wastewater treatment system.

2. Permittee in conjunction with KRWA will provide quarterly reports of progress to KDHE, including "before and after" photos of repairs and rehabilitation. The first quarterly report is due December 15, 2019. Subsequent quarterly reports are due by no later than March 15, June 15, September 15, and December 15, until all work is completed.



The lift station was equipped with new equipment and painted.

I made it very clear to the city that KDHE would not allow them to operate in the status quo as they had been. I also explained the potential engineering cost that was part of the original SOC.

That got the council's attention. A couple of go-getters in the town started working at the lagoons on their own. A local contractor took his skid steer over to the lagoons and began remaking the 3:1 slope of the eroded berms. Soil would need to be added in some areas to prepare the bed for the riprap. The local contractor called me a couple of times and I met

him on site to go over the expectations and the details of the riprap size and grade of the lagoon berms. Within a week, the lagoons looked better than they probably had since they were built new.

Most SOC's are generally set to be completed in the five-year permit cycle. The city of Lane and I were able to complete this in less than a year of the permit cycle. The retired Mr. Rod Geisler and Shelly Shores-Miller should be commended for allowing the city one last chance for "voluntary compliance" and putting the faith in KRWA to get the issue resolved.

I consider this a victory for both the city and KDHE. It may have taken ten years and the threat of hiring an engineer. Instead, "voluntary compliance" was achieved.

KRWA is interested to help any community attain compliance in the most efficient manner possible. Send an email to jason@krwa.net, or contact the KRWA office or any other staff member. Help will be on its way.



All three cells of the Lane wastewater lagoon system have been riprapped and the middle berm was widened for easier access for maintenance.

Jason Solomon works primarily as a wastewater tech at KRWA. He previously was District Environmental Administrator at the Kansas Department of Health and Environment southeast Kansas office in Chanute, Kansas.



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