

TB Resolution # _____ : Approving the proposed Consent Order and Authorizing the City of Ithaca to execute the Consent Order

Whereas, the Ithaca Area Wastewater Treatment Facility (“IAWTF”) is owned and operated by the City of Ithaca, Town of Ithaca, and Town of Dryden (“Municipal Owners”), with oversight provided through the Special Joint Committee (“SJC”) composed of representatives from the three Municipal Owners; and

Whereas, as a result of the New York State Department of Environmental Conservation’s (“DEC’s”) August 31, 2017 inspection of the IAWTF, the DEC identified certain aboveground storage tank violations and proposed a Consent Order, which includes a \$9,800 payable penalty and a \$2,500 suspended penalty; and

Whereas, counsel for the IAWTF and the City of Ithaca have reviewed the Consent Order, and the SJC at its meeting on November 8, 2017 consulted with IAWTF staff regarding future preventative measures, and passed a resolution recommending that the Municipal Owners approve the execution of the same; now, therefore, be it

Resolved, that the Town Board of the Town of Dryden approves the proposed Consent Order and authorizes the City of Ithaca to execute the Consent Order through its designated signatory on behalf of the Municipal Owners.

Memo

FROM: Ithaca Area Wastewater Treatment Facility

RE: Consent Order

DEC Chemical Bulk Storage/Petroleum Bulk Storage Inspection, 31 AUG 2017:

The NY State DEC inspected the IAWWTF on 31 AUG 2017 for compliance with Chemical Bulk Storage/Petroleum Bulk Storage requirements. On 5 SEP 2017, the IAWWTF received Notice of Violations as a result of the inspection. In summary, the violations involved: an accumulation of condensation in a tank top sump; failure to inspect tanks and document inspections as required; failure to register 2 newer chemical tanks; inadequate hazard posting/signage. On 5 OCT 2017 IAWWTF personnel and a city attorney attended a pre-hearing settlement conference with the DEC in Syracuse; all violations had been addressed, corrected and documented by this date, (most corrected within 5 days of the Notice of Violation), with the exception of a re-inspection of 2 large 10,000 gallon tanks that need professional engineering inspection services by an outside contractor to meet DEC requirements.

IAWWTF is being fined \$9,800 for the violations. The total fine could have been more than twice that amount, but some leniency was granted due to prompt attention/corrective actions taken, unfamiliarity with requirements and previous findings by recently appointed Chief Operator, as well as a waiver on a portion of the fine pending tank re-inspections in a timely fashion. None of the violations involved any type of discharge to the environment or environmental impact. IAWWTF has taken steps to ensure that repeat findings of this nature are reduced/eliminated.

Submitted by CJ Kilgore, Chief Operator, IAWWTF