

**Memorandum of Understanding Between
The Kansas Department of Health and Environment and the City of Lawrence, Kansas
Lawrence, Kansas Integrated Wastewater Plan**

Purpose

The purpose of this Memorandum of Understanding ("MOU") between the Kansas Department of Health and Environment (KDHE) and the City of Lawrence, Kansas ("Lawrence") (collectively, the "Parties") is to acknowledge and agree upon an Integrated Municipal Stormwater and Wastewater Planning document for wastewater and stormwater system improvements with implementation timelines.

Background

On June 5, 2012, EPA published its *Integrated Municipal Stormwater and Wastewater Planning Approach Framework* ("Framework")¹. The stated purpose of the Framework is to "assist municipalities on their critical paths to achieving the human health and water quality objectives of the Clean Water Act by identifying efficiencies in implementing requirements that arise from distinct wastewater and stormwater programs, including how to best prioritize capital investments."

Lawrence has recently completed a *Wastewater Facility Master Plan* ("Plan")² looking at future wastewater needs, prioritizing the needs, and projecting the cost for funding the needed system-wide improvements (Attachment 2). The Plan contains all components required for an "Integrated Plan" and is hereby adopted as the initial Integrated Plan and the core document for future modifications.

Crosswalk

To more easily identify the portions of the Plan that tie in to the Framework elements, the following table and descriptive text identify and *crosswalk* those elements.

Framework Element	Plan Link/Other Documentation	Comment
1. A description of the water quality, human health and regulatory issues to be addressed in the plan.	1. SSO Potential – Pg. 2-29 2. Nutrient reduction – Wakarusa Plant – Pg. 3-11 3. Nutrient Reduction – KSR Plant – Pg. 3-12	The nutrient reduction facility permit for the new Wakarusa treatment plant is already issued, therefore, there is not much discussion of the need for nutrient reduction.
2. A description of existing wastewater and/or stormwater systems under consideration and summary information describing the systems' current performance.	1. Technical Memo 2 – Sewer System – Pg. 2-1 2. Technical Memo 3 – Wastewater Treatment – Pg. 3-1	

¹ *Integrated Municipal Stormwater and Wastewater Planning Approach Framework* (accessed April 4, 2013); available from http://www.epa.gov/npdes/pubs/integrated_planning_framework.pdf.

² *Report on Wastewater Facilities Master Plan City of Lawrence, KS, Project 54793, 2012* (accessed April 4, 2013); available from <http://lawrenceks.org/assets/utilities/ReportFinal.pdf>.

Framework Element	Plan Link/Other Documentation	Comment
3. A process which opens and maintains channels of communication with relevant community stakeholders in order to give full consideration of the views of others in the planning process and during implementation of the plan.	See attached web notices regarding the Plan. (Attachments 3 and 4)	Lawrence tailors stakeholder involvement to fit the project through announcements of public hearings using the Lawrence's website, direct mailing, or other types of venues.
4. A process for identifying, evaluating, and selecting alternatives and proposing implementation schedules, including the financial aspects of the plan.	Technical Memo 5 – Pg 5-1	<p>Technical Memo 5 lays out the project prioritization, costs, and schedules. [An abbreviated schedule is included as Attachment 1 to this document]</p> <p>In addition, Lawrence performed a complete financial analysis of the plan titled "<i>Water and Wastewater Capital Improvement Plan Options and Revenue Requirements November 15, 2012</i>" (Attachment 5). The funding plan and user rate increase package was approved the Lawrence City Commission March 12, 2013. See Attachment 6 for Council agenda and minutes.</p>
5. As the projects identified in the plan are being implemented, a process for evaluating the performance of projects identified in a plan, which may include evaluation of monitoring data, information developed by pilot studies and other studies and other relevant information.	NPDES Permits	Permits will carry a provision for a review of progress and performance each year. The permits will also carry reopener clauses to address unanticipated issues requiring modification of the implementation schedule.
6. Improvements to the Plan	NPDES Permits	The NPDES permits will carry provisions for evaluating and modifying the plan at each five year renewal.

Implementation

While the Framework focuses on enforceable schedules in permits or enforcement orders/decrees, the Framework allows for incorporation of an Integrated Plan into an NPDES permit. The Lawrence Integrated Plan will be referenced in both the Lawrence Kansas River and Wakarusa NPDES permits ("Permits") upon re-issuance. Further, the Permits will contain reopener provisions to amend the Plan, as well as provisions for Lawrence to provide annual updates on Plan progress made during the current year and planned for the next year.

Agreement

The Parties enter into this MOU to provide Lawrence assurance that KDHE agrees with the intent of Lawrence to pursue wastewater upgrades as provided in the Plan to the Lawrence sewer system and wastewater treatment plants.

Agreement to and compliance with this MOU does not remove any obligations of Lawrence to comply with the Clean Water Act ("CWA") and applicable state law, nor does it lower existing regulatory or permitting standards, but rather recognizes the flexibilities in the CWA for the appropriate sequencing and scheduling of work.

Attachment 1 reflects the Parties' best estimate for improvement projects and start of design or construction. The Parties recognize that specific improvement projects and projected start dates may change as circumstances change (growth, regulatory, reliability, etc.). The Parties agree to amend the Plan as warranted by significant changes in circumstances. Significant changes may include financial or technical changes that may be cause for amending implementation.

Entry into Force

The MOU will become effective and enforceable upon signature by the Parties.

Duration and Amendment of the MOU

The MOU is effective and enforceable for an initial period of 20 years, and may be renewed or amended by mutual agreement in writing between the Parties.

Termination

Each Party shall have the right to terminate the MOU by giving six months' written notice in writing to the other Party at any time. If the MOU is terminated by either Party, steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress pursuant to the MOU, Plan or the Permits.

Authority

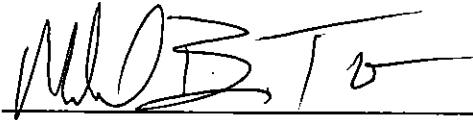
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Each Party has full knowledge of and has consented to this MOU, and represents and warrants that each person who signs this MOU on its behalf is duly authorized to execute this MOU on behalf of the respective Party and legally bind the Party represented to this MOU.

Signatures



Michael B. Tate PE, Director

Bureau of Water

Kansas Department of Health and Environment

Date: 1/21/14



David L. Corliss

City Manager

City of Lawrence, Kansas

Date: 1/30/2014