

ORDINANCE NO. 100280

Authorizing the City Manager to execute a consent decree with the United States of America to settle alleged violations of the federal Clean Water Act and provide for a 25-year implementation schedule for the City's Overflow Control Plan.

WHEREAS, the United States Department of Justice, as counsel for the Environmental Protection Agency, alleges that the City has violated the federal Clean Water Act and, as a result of these violations, is requiring the City to implement an Overflow Control Plan ("OCP") which reduces the sewer overflows; and

WHEREAS, the federal government and the City have been negotiating a consent decree which would resolve the alleged Clean Water Act violations and provide, among other things, for (1) an implementation schedule for the City's OCP and (2) a civil penalty and supplemental environmental project to resolve the alleged violations; and

WHEREAS, during these negotiations, the Council's priorities for a twenty-five year schedule, multiple opportunities to pilot and integrate green solutions throughout the OCP, a reasonable civil penalty, and an OCP that reflects our community's priorities have been achieved; and

WHEREAS, tentative agreement has been reached between the City's negotiating team and the federal government which requires that the City execute the proposed consent decree to allow the consent decree to be forwarded to the appropriate official with the Department of Justice for review and approval; and

WHEREAS, the City Council is prepared to authorize execution of the proposed consent decree with its twenty-five year time frame for implementation of the OCP required therein; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF KANSAS CITY:

Section 1. That the City Council authorizes the City Manager, on behalf of Kansas City, to execute the proposed consent decree with a twenty-five year schedule to implement the final sewer Overflow Control Plan and which resolves alleged violations of the federal Clean Water Act.

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Approved as to form and legality:

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Cecilia O'Connor Abbott  
Assistant City Attorney