



Roll Call Number

10-461

Agenda Item Number

39

Date March 22, 2010

**APPROVAL OF CONSENT ORDER, JUDGMENT AND DECREE BETWEEN THE
STATE OF IOWA AND THE CITY OF DES MOINES AND DES MOINES
METROPOLITAN WASTEWATER RECLAMATION AUTHORITY**

WHEREAS, on August 15, 2006 the Iowa Environmental Protection Commission and Iowa Department of Natural Resources (IDNR) referred the Des Moines Metropolitan Wastewater Reclamation Authority (WRA) and the City of Des Moines (CITY) to the Office of the Iowa Attorney General for an enforcement action pertaining to alleged violations relating to the violation of nine minimum controls required to reduce combined sewer overflows which result in discharges allegedly in violation of the Iowa Code; and

WHEREAS, the WRA and CITY retained Hall & Associates to assist and represent the two entities with regard to the alleged violations and in negotiations with IDNR and the Iowa Attorney General's Office; and

WHEREAS, following three years of discussions and negotiations with the Iowa Attorney General's Office and the IDNR, negotiations have concluded as to a proposed Consent Order, Judgment and Decree; and

WHEREAS, the WRA and CITY are being asked to approve the Consent Order, Judgment and Decree between the State of Iowa, ex rel., IDNR and the CITY and WRA; and

WHEREAS, the WRA approved the Consent Order, Judgment and Decree on March 16, 2010, subject to the City of Des Moines also approving it; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Des Moines, Iowa that the Consent Order, Judgment and Decree between the State of Iowa, ex rel., Iowa Department of Natural Resources and the City of Des Moines and Des Moines Metropolitan Wastewater Reclamation Authority is hereby approved and the Mayor and Deputy City Attorney are hereby authorized and directed to execute the Consent Order, Judgment and Decree on behalf of the City and that half of the costs of the action as determined by the Court are authorized to be paid.



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-2-

BE IT FURTHER RESOLVED that changes may be made to the settlement, including the Permit and the Consent Order, Judgment and Decree that are satisfactory to the Public Works Director and legal counsel.

(Council Communication No.10- 165)

Moved by Coleman to adopt.

Approved as to Form:

Kathleen Vanderpool

Kathleen Vanderpool
Deputy City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE	✓			
COLEMAN	✓			
GRIESS	✓			
HENSLEY	✓			
MAHAFFEY	✓			
MEYER	✓			
MOORE	✓			
TOTAL	7			

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

T. M. Franklin
Mayor

Diane Rauh
City Clerk