



July 26, 2022

VIA E-MAIL OR REGULAR U.S. MAIL

Martha Sexton  
Ohio Attorney General's Office  
Environmental Enforcement Section  
Public Protection Division  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215

L. Scott Helkowski  
Ohio Attorney General's Office  
Environmental Enforcement Section  
30 East Broad Street, 25<sup>th</sup> Floor  
Columbus, OH 43215  
[lawrence.helkowski@ohioattorneygeneral.gov](mailto:lawrence.helkowski@ohioattorneygeneral.gov)

EES Case Management Unit  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Ben Franklin Station  
Washington, D.C. 20044-7611  
[eescdcopy.enrd@usdoj.gov](mailto:eescdcopy.enrd@usdoj.gov)

Erin Sherer  
Manager, NPDES and Pretreatment  
Ohio EPA – DSW  
Lazarus Government Center  
50 W. Town St., Suite 700  
P.O. Box 1049  
Columbus, OH 43216-1049

[r5weca@epa.gov](mailto:r5weca@epa.gov)

U.S. Environmental Protection Agency

**Re: Middletown Transmittal Letter for Annual Progress Report pursuant to Consent Decree in United States, et al., v. City of Middletown, Case No. 1:18-cv-00090-SJD (S.D. Ohio entered 4/12/18)**  
**CDCS No. 2018A34763**  
**DOJ Case No. 90-5-1-1-08978**

Dear Ms. Sexton:

In accordance with Paragraph 31 of the above-referenced Consent Decree, enclosed is the annual progress report for 2022.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.



Sincerely,

Nakita Lancaster, P. E.  
Assistant Public Works & Utilities Director – City of Middletown

Enclosures:  
Annual Consent Decree Progress Report FY 2022

ANNUAL CONSENT DECREE  
PROGRESS REPORT  
FY 2022

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One Donham Plaza  
Middletown, OH 45042

July 26, 2022



Middletown has prepared the following Annual Consent Decree Progress Report in accordance with Section VII, Paragraph 31 of the Consent Decree. Pursuant to Paragraph 36, the following statement certifies that the information contained within this document is true, accurate, and complete:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

**City of Middletown**

Signed: *Nakita Lancaster*

Printed Name: Nakita Lancaster

Title: Assistant Public Works & Utilities Director

Date: 7/26/2022

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## ANNUAL REPORT FY 2022

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### 1. INTRODUCTION AND PURPOSE

On April 12, 2018 (Effective Date), the U.S. District Court for the Southern District of Ohio entered a Consent Decree (CD) between the City of Middletown, the United States America and the State of Ohio (Ohio) to address alleged violations of the Clean Water Act (CWA).

This annual Progress Report is submitted pursuant to Section VII of the CD. Middletown has prepared this report in accordance with the requirements set forth in Paragraph 31 of the CD in order to apprise U.S. EPA and Ohio EPA of the work and activities undertaken by Middletown from the July 1, 2021 through June 30, 2022 (the “reporting period”).

## ANNUAL REPORT FY 2022

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### 2. COMPLIANCE DEADLINES AND MILESTONES

The following table summarizes the CD milestones and requirements during the reporting period and the status of Middletown's activities to address such milestones and requirements.

Table 2-1. Consent Decree Milestones		
Consent Decree Submittal	CD Para.	Status
Planning/Design for Bulls Run to Sunset Park CSO Project	Appx C	Complete
Construction for Bulls Run to Sunset Park CSO Project	Appx C	Complete
Construction for Lakeside Redirect CSO Project	Appx C	Complete
Condition Assessment for sewer pipe rehabilitation and replacement	Appx C	In Progress
Downtown CSO Storage Basin	Appx C	In Progress

### 3. ANNUAL PROJECT AND ACTIVITY UPDATE

#### 3.1 Lakeside Redirect Project

In accordance with Appendix C of the CD, Middletown completed design for the Lakeside Redirect Project in November 2020. The project involves redirecting storm flow from the Lakeside Basin to the Hydraulic Canal via a 10 MGD stormwater pump station. Flow in excess of 10 MGD will overflow at a new diversion structure and return to the combined sewer.

This project was substantially complete on December 6, 2021.

#### 3.2 Condition Assessment

In accordance with Section IV of CD, Middletown is working towards the Performance Criteria outlined in Paragraph 17. Middletown has completed a Condition Assessment Plan for the sanitary and combined sewer systems. Middletown prioritized the inspection of the sanitary and combined sewer systems based on the overall risk score to include pipes that were within 30 years of their remaining useful life. The prioritization was used to develop a schedule to complete inspection of 706,813 LF of pipe by December 31, 2022.

In 2021, Middletown entered into a contract with RedZone Robotics to conduct the condition assessment. RedZone Robotics has completed inspections of approximately 547,000 LF of pipe. RedZone is continuing to revisit pipes that were difficult to reach during the initial phase of their inspection program.

During the inspection effort, pipes were identified that could not be inspected due to high levels of debris. The City has engaged a separate contractor to conduct a follow up cleaning contract to address these pipes. This contract includes approximately 125,000 LF of pipe. This effort is ongoing.

As the inspection data are currently being reviewed, the City has identified projects for rehab and replacement that will occur in 2022. We are continuing to review data and develop a more comprehensive rehab and replacement plan by the end of the year.

In 2021, the City lined approximately 800 LF of the North Interceptor.

#### 3.3 Downtown CSO Storage Basin

In accordance with Appendix C of the CD, Middletown has commenced with the design of the Downtown CSO Storage Basin. The City has selected the progressive design-build delivery method to complete the project. Procurement began in 2021 and contract award was completed in June 2022.



## PROGRESS REPORT FY 2022

### 4. SYSTEM PERFORMANCE DURING 2022

#### 4.1 NPDES Permit Violations

During the reporting period, from July 1, 2021 to June 30, 2022, there were seven (7) water in basements (WIBs) that were reported. Roots and debris along with severe weather were identified as the cause for the basement backups. The City has cleaned the sewers that contributed to the basement backups and is working on cleaning and inspected additional sewers to prevent future backups. There were no other NPDES Permit violations.

#### 4.2 CSOs and Dry Weather Overflows

During the reporting period, from July 1, 2021 to June 30, 2022, there were no dry weather overflows, Discharges from Outfall 002, nor unpermitted discharges.

Known combined sewer overflow (CSO) events that occurred during the reporting period are summarized in Table 4-1.

Table 4-1: CSO Summary									
Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9 <sup>th</sup> Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
7/1/2021	Volume (MG)				0.002			0.02	
	Duration (minutes)				10			50	
7/5/2021	Volume (MG)		0.17						
	Duration (minutes)		5						
7/8/2021	Volume (MG)		0.09	0.03	0.37		0.004	0.79	
	Duration (minutes)		180	25	55		10	120	
7/10/2021	Volume (MG)	0.24	0.12	0.27	0.55			1.25	
	Duration (minutes)	80	75	45	65			240	
7/11/2021	Volume (MG)		0.09	0.0001	0.16			0.59	
	Duration (minutes)		240	5	100			450	
7/12/2021	Volume (MG)	0.22	0.28	0.30	0.58		0.07	2.27	
	Duration (minutes)	75	175	45	105		25	275	
7/13/2021	Volume (MG)	0.09	0.28	0.11	1.17		0.01	4.68	
	Duration (minutes)	155	200	125	310		5	915	
7/14/2021	Volume (MG)							0.25	
	Duration (minutes)							580	
7/16/2021	Volume (MG)	0.55	0.49	0.84	2.25		0.06	9.29	
	Duration (minutes)	215	310	170	320		20	425	
7/17/2021	Volume (MG)	0.22	0.64	0.18	1.50		0.01	20.63	

Table 4-1: CSO Summary

Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9 <sup>th</sup> Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)	175	995	135	480		10	1440	
7/18/2021	Volume (MG)		0.05					0.58	
	Duration (minutes)		180					1440	
7/19/2021	Volume (MG)		0.17					0.12	
	Duration (minutes)		5					595	
7/25/2021	Volume (MG)	0.03	0.19	0.10	0.30		0.05	0.66	
	Duration (minutes)	45	40	35	60		10	75	
8/3/2021	Volume (MG)		0.17						
	Duration (minutes)		5						
8/4/2021	Volume (MG)		0.17						
	Duration (minutes)		5						
8/9/2021	Volume (MG)		0.18					0.001	
	Duration (minutes)		35					5	
8/10/2021	Volume (MG)		0.34						
	Duration (minutes)		10						
8/11/2021	Volume (MG)		0.17						
	Duration (minutes)		5						
8/12/2021	Volume (MG)	0.09	0.10	0.09	0.27			0.77	
	Duration (minutes)	65	70	50	65			120	
8/16/2021	Volume (MG)	1.68	1.15	2.37	0.96		0.04	0.69	
	Duration (minutes)	100	315	70	85		10	300	
8/17/2021	Volume (MG)		0.18		0.08			0.67	
	Duration (minutes)		530		35			60	
8/19/2021	Volume (MG)	0.79	0.16	0.26	0.55			1.30	
	Duration (minutes)	130	105	90	140			235	
8/20/2021	Volume (MG)	0.04	0.18	0.01					
	Duration (minutes)	50	85	25					
8/21/2021	Volume (MG)		0.07						
	Duration (minutes)		230						
8/22/2021	Volume (MG)		0.05						
	Duration (minutes)		165						
8/26/2021	Volume (MG)	0.09	0.10	0.05	0.14		0.00	2.26	
	Duration (minutes)	75	75	40	60		10	270	
8/27/2021	Volume (MG)	0.51	0.19	1.18	1.83		0.08	5.82	
	Duration (minutes)	95	95	65	100		20	320	
8/28/2021	Volume (MG)							0.13	
	Duration (minutes)							355	
8/30/2021	Volume (MG)				0.02			0.67	

Table 4-1: CSO Summary									
Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9th Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)				20			285	
8/31/2021	Volume (MG)	0.16	0.25	0.22	1.08		0.04	5.31	
	Duration (minutes)	150	165	105	180		15	320	
9/1/2021	Volume (MG)							0.62	
	Duration (minutes)							395	
9/15/2021	Volume (MG)		0.01					0.001	
	Duration (minutes)		25					30	
9/20/2021	Volume (MG)	0.23	0.22	0.29	0.66	0.31	0.03	2.51	
	Duration (minutes)	140	135	75	130	50	10	425	
9/21/2021	Volume (MG)		0.01		0.02			0.17	
	Duration (minutes)		25		40			370	
9/22/2021	Volume (MG)		0.08		0.230			1.12	
	Duration (minutes)		190		175			510	
10/8/2021	Volume (MG)	0.10	0.63	0.19	0.62	0.28		4.71	
	Duration (minutes)	70	15	65	80	55		180	
10/11/2021	Volume (MG)		0.34						
	Duration (minutes)		5						
10/16/2021	Volume (MG)	0.04	0.08	0.04	0.26	0.08		1.97	
	Duration (minutes)	55	300	40	90	40		95	
10/17/2021	Volume (MG)		0.17						
	Duration (minutes)		5						
10/24/2021	Volume (MG)	0.04	0.06	0.02	0.18	0.04		0.64	
	Duration (minutes)	55	80	30	70	35		70	
10/25/2021	Volume (MG)		0.02	0.001	0.07			0.19	
	Duration (minutes)		40	10	40			30	
10/28/2021	Volume (MG)	0.03	0.045	0.00	0.15	0.01		0.42	
	Duration (minutes)	50	120	10	90	20		70	
10/29/2021	Volume (MG)							0.01	
	Duration (minutes)							20	
11/11/2021	Volume (MG)	0.07	0.076	0.03	0.3837	0.07		1.94	
	Duration (minutes)	95	190	35	205	45		175	
11/12/2021	Volume (MG)							0.01	
	Duration (minutes)							15	
11/18/2021	Volume (MG)	0.06	0.05		0.24	0.001		1.08	
	Duration (minutes)	85	155		165	15		90	
11/19/2021	Volume (MG)			0.22					
	Duration (minutes)			10				0	
11/21/2021	Volume (MG)		0.01		0.06			1.30	

Table 4-1: CSO Summary									
Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9th Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)		55		50			165	
11/25/2021	Volume (MG)							0.08	
	Duration (minutes)							100	
12/6/2021	Volume (MG)	1.60	0.60	2.21	3.23	2.00	0.17	2.23	
	Duration (minutes)	285	290	260	355	275	50	1440	
12/7/2021	Volume (MG)			0.18				0.021	
	Duration (minutes)			25				195	
12/10/2021	Volume (MG)	0.01	0.027	0.000	0.151	0.01		0.85	
	Duration (minutes)	20	75	5	70	30		230	
12/11/2021	Volume (MG)	0.16	0.21	0.12	0.75	0.36	0.06	2.23	
	Duration (minutes)	125	330	70	155	105	25	1440	
12/12/2021	Volume (MG)		0.60					2.23	
	Duration (minutes)		1440					1440	
12/13/2021	Volume (MG)		0.60					0.89	
	Duration (minutes)		525					1000	
12/16/2021	Volume (MG)				0.000002			0.05	
	Duration (minutes)				5			145	
12/17/2021	Volume (MG)		0.01		0.08			0.40	
	Duration (minutes)		45		55			275	
12/18/2021	Volume (MG)							0.02	
	Duration (minutes)							250	
12/25/2021	Volume (MG)	0.10	0.11	0.02	0.33	0.12		2.23	
	Duration (minutes)	95	240	55	135	85		1375	
12/27/2021	Volume (MG)		0.0001					0.0016	
	Duration (minutes)		10					50	
12/28/2021	Volume (MG)		0.02		0.07	0.003		0.76	
	Duration (minutes)		75		50	20		1050	
1/1/2022	Volume (MG)	0.53	0.15	0.00	0.59	0.43		2.57	
	Duration (minutes)	160	345	20	440	190		1041	
1/2/2022	Volume (MG)				0.003			3.55	
	Duration (minutes)				30			1440	
1/3/2022	Volume (MG)							3.55	
	Duration (minutes)							1440	
1/6/2022	Volume (MG)			0.13					
	Duration (minutes)			10					
1/7/2022	Volume (MG)			0.14					
	Duration (minutes)			15					
1/8/2022	Volume (MG)			0.07					

Table 4-1: CSO Summary

Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9 <sup>th</sup> Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)			15				165	
1/9/2022	Volume (MG)	0.32	0.15	0.06	0.99	0.40		3.55	
	Duration (minutes)	205	225	75	255	185		1440	
1/26/2022	Volume (MG)			0.042					
	Duration (minutes)			10					
2/2/2022	Volume (MG)	0.05	0.03		0.33			3.43	
	Duration (minutes)	75	170		275			830	
2/3/2022	Volume (MG)							1.12	
	Duration (minutes)							615	
2/5/2022	Volume (MG)			0.04					
	Duration (minutes)			10					
2/6/2022	Volume (MG)			0.0195					
	Duration (minutes)			5					
2/9/2022	Volume (MG)							0.09	
	Duration (minutes)							170	
2/11/2022	Volume (MG)							0.09	
	Duration (minutes)							225	
2/14/2022	Volume (MG)			0.03					
	Duration (minutes)			5					
2/17/2022	Volume (MG)	24.76	13.66	23.08	11.72	9.83		86.09	
	Duration (minutes)	550	775	610	750	500		1040	
2/18/2022	Volume (MG)	0.45	0.02	2.95	43.89	8.44		273.13	
	Duration (minutes)	20	30	200	1440	335		1440	
2/19/2022	Volume (MG)				6.38			175.63	
	Duration (minutes)				525			1305	
2/20/2022	Volume (MG)							1.37	
	Duration (minutes)							520	
2/22/2022	Volume (MG)	7.16	20.81	1.46	11.83	3.39		122.97	
	Duration (minutes)	375	1000	265	915	305		1260	
2/23/2022	Volume (MG)		28.16		4.84			240.19	
	Duration (minutes)		955		1355			1440	
2/24/2022	Volume (MG)	6.29	3.33	1.01	0.83	3.15		96.03	
	Duration (minutes)	245	390	320	320	255		1380	
2/25/2022	Volume (MG)	6.47	5.86	4.02	0.38	3.82		143.00	
	Duration (minutes)	230	375	260	195	230		1440	
2/26/2022	Volume (MG)							43.52	
	Duration (minutes)							1440	
2/27/2022	Volume (MG)							0.0002	

Table 4-1: CSO Summary

Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9 <sup>th</sup> Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)							10	
3/7/2022	Volume (MG)	2.90	2.22	0.70	22.20	1.99	0.14	25.33	
	Duration (minutes)	370	720	285	1275	360	45	1410	
3/8/2022	Volume (MG)				56.91	16.34		11.56	
	Duration (minutes)				1440	745		1440	
3/9/2022	Volume (MG)				11.39	0.18		8.09	
	Duration (minutes)				645	35		1440	
3/10/2022	Volume (MG)							2.23	
	Duration (minutes)							750	
3/15/2022	Volume (MG)						0.02		
	Duration (minutes)						10		
3/19/2022	Volume (MG)	0.13	0.25	0.05	0.46	0.27	0.04	2.46	
	Duration (minutes)	75	85	50	85	70	10	265	
3/22/2022	Volume (MG)		0.005		0.06			1.10	
	Duration (minutes)		25		45			350	
3/23/2022	Volume (MG)		0.001		0.03			0.58	
	Duration (minutes)		15		30			145	
3/25/2022	Volume (MG)							0.16	
	Duration (minutes)							95	
4/5/2022	Volume (MG)							0.04	
	Duration (minutes)							120	
4/6/2022	Volume (MG)		0.001		0.004			0.12	
	Duration (minutes)		10		15			160	
4/8/2022	Volume (MG)							0.01	
	Duration (minutes)							45	
4/11/2022	Volume (MG)		0.017		0.04			0.88	
	Duration (minutes)		90		35			165	
4/12/2022	Volume (MG)							0.09	
	Duration (minutes)							55	
4/13/2022	Volume (MG)	0.14	0.16	0.06	0.55	0.26	0.05	3.23	
	Duration (minutes)	100	135	90	140	125	10	245	
4/14/2022	Volume (MG)	0.02	1.791	0.00	0.13	0.00		21.46	
	Duration (minutes)	25	370	5	60	10		780	
4/15/2022	Volume (MG)							0.42	
	Duration (minutes)							215	
4/16/2022	Volume (MG)							0.06	
	Duration (minutes)							55	
4/18/2022	Volume (MG)				0.004			0.45	

Table 4-1: CSO Summary

Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9th Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)				25			395	
4/21/2022	Volume (MG)							0.08	
	Duration (minutes)							45	
4/28/2022	Volume (MG)		0.02						
	Duration (minutes)		95						
4/30/2022	Volume (MG)				0.005			0.28	
	Duration (minutes)				20			65	
5/3/2022	Volume (MG)	0.06	0.04	0.01	0.43	0.02		5.56	
	Duration (minutes)	110	135	25	155	40		595	
5/5/2022	Volume (MG)	0.16	0.09	0.10	0.56	0.18		5.18	
	Duration (minutes)	120	100	60	150	75	0	345	
5/6/2022	Volume (MG)	0.77	0.44	2.06	2.41	1.01	0.08	9.81	
	Duration (minutes)	120	155	70	325	105	15	1235	
5/7/2022	Volume (MG)							1.42	
	Duration (minutes)							350	
5/14/2022	Volume (MG)	0.02	0.02		0.04			0.23	
	Duration (minutes)	35	55		45			90	
5/16/2022	Volume (MG)	0.07	0.05	0.01	0.19	0.03		0.89	
	Duration (minutes)	85	80	50	90	55		190	
5/18/2022	Volume (MG)							0.04	
	Duration (minutes)							30	
5/19/2022	Volume (MG)	1.49	0.84	2.44	1.57	0.76	0.06	4.36	
	Duration (minutes)	95	90	75	105	75	10	180	
5/20/2022	Volume (MG)	1.59	1.25	2.72	4.37	1.64	0.08	14.60	
	Duration (minutes)	150	215	160	355	215	15	1365	
5/21/2022	Volume (MG)	0.03	0.05	0.02	0.38	0.10		3.81	
	Duration (minutes)	70	80	40	100	60		1440	
5/22/2022	Volume (MG)							0.43	
	Duration (minutes)							61	
5/26/2022	Volume (MG)		0.05				0.04	1.40	
	Duration (minutes)		45				15	345	
5/27/2022	Volume (MG)		0.20						
	Duration (minutes)		105						
6/1/2022	Volume (MG)	0.15	0.12	0.17	0.36	0.14		2.10	
	Duration (minutes)	110	115	60	75	35		215	
6/2/2022	Volume (MG)		0.02		0.003			1.21	
	Duration (minutes)		55		10			795	
6/6/2022	Volume (MG)	0.02	0.08	0.004	0.20	0.01		1.38	

Table 4-1: CSO Summary									
Date		Lafayette	15 <sup>th</sup> Ave	14 <sup>th</sup> Ave	Verity PKWY	9th Ave	2 <sup>nd</sup> Ave	Bulls Run	Lakeside
	Duration (minutes)	45	150	35	95	25		300	
6/7/2022	Volume (MG)							0.16	
	Duration (minutes)							130	
6/8/2022	Volume (MG)	0.004	0.08	0.004	0.04			0.90	
	Duration (minutes)	15	190	20	40			145	
6/12/2022	Volume (MG)	0.14	0.14	0.13	0.66	0.32	0.03	5.84	
	Duration (minutes)	100	110	90	115	95	20	1380	
6/13/2022	Volume (MG)		2.16	2.04	0.54	1.58	0.27	10.81	
	Duration (minutes)		195	95	65	90	45	745	
6/16/2022	Volume (MG)		0.002						
	Duration (minutes)		40						
6/22/2022	Volume (MG)		0.05						
	Duration (minutes)		165						

### 4.3 Unauthorized Releases

During the reporting period, from July 1, 2021 to June 30, 2022, there were no known Unauthorized Releases.



### 5. PLANNED ACTIVITIES FOR 2022-2023

Middletown will be continuing the overall program outlined in the CD in FY 2023. The following sub-sections provide specifics on this work.

#### **5.1 Condition Assessment**

In accordance with Section IV of CD, Middletown is working towards the Performance Criteria outlined in Paragraph 17 and has completed a Condition Assessment Plan as well as began work on the condition assessment. The condition assessment work is ongoing. As the data are reviewed, the City is developing a rehabilitation and replacement schedule for improvements to the collection system.

#### **5.2 Downtown CSO Storage Basin**

In accordance with Appendix C of the CD, Middletown will continue to progress design of the Downtown CSO Storage Basin in 2022. We anticipate completing design in 2023 and beginning construction the second half of the year.