

**BEFORE THE  
DEPARTMENT OF NATURAL RESOURCES  
STATE OF MISSOURI**

**IN THE MATTER OF:**

Crescent Farms Golf Club  
Wastewater Treatment Facility

**SERVE:**

Crescent Farms Golf Club, Owner  
Crescent Farms Golf Club LLC

No. 2012-WPCB-1173

**ABATEMENT ORDER ON CONSENT**

**I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS**

The issuance of this Abatement Order on Consent (AOC) number 2012-WPCB-1173 by the Missouri Department of Natural Resources (Department) is a formal administrative action by the State of Missouri and is being issued because the wastewater treatment facility (facility) serving the Crescent Farms Golf Club is in violation of the Missouri Clean Water Law (Law) and its implementing regulations. This AOC is issued under the authorities of Sections 640.130, 640.131, 644.056 and 644.079, RSMo. Failure to comply with this AOC is, by itself, a violation of the Law. Litigation may occur without further notice if there is not compliance with the requirements of this AOC. This AOC does not constitute a waiver or a modification of any requirements of the Law, or its implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve the Crescent Farms Golf Club LLC of liability for, or preclude the Department from, initiating a judicial enforcement action to recover civil penalties for any, including future, violations of the Law and the violations cited in this AOC, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

**II. FINDINGS OF FACT**

A. Crescent Farms Golf Club wastewater treatment facility (facility) treats domestic wastewater generated by the Crescent Farms Golf Club which is a membership

sports and recreation establishment located at 745 Lewis Road in Crescent and is owned by Crescent Farms Golf Club LLC (Owner). The Owner is a company in good standing registered with the Missouri Secretary of State. The Crescent Farms Golf Club is managed by Walter Golf Management. The facility consists of an extended aeration, a sand filter, an aerated sludge holding tank, and ultraviolet disinfection. The facility has a population design equivalent of 35, a design flow of 2,500 gallons per day, and an actual flow of 150 gallons per day. The facility is located in the NE ¼, NE ¼, NE ¼, Section 30, Township 44N, and Range 4E of Saint Louis County. Treated effluent discharges to the unnamed tributary to Meramec River pursuant to Missouri State Operating Permit (permit) number MO-0098124.

- B. The unnamed tributary to Meramec River and Meramec River are waters of the state as defined by Section 644.016(26) RSMo.
- C. On September 28, 2007, the Department issued permit number MO-0098124 to the Owner for the facility serving the Crescent Farms Club. Permit number MO-0098124 requires that the Owner sample and chemically analyze the effluent discharge from the facility and submit the results to the Department on a quarterly Discharge Monitoring Report (DMR) on or before the 28<sup>th</sup> day of the month following the reporting period. Pursuant to "Part I, Section A.1" Standard Conditions of permit number MO-0098124, the Owner is required to take a representative sample of effluent discharge for chemical analysis if there is a discharge at any time during the reporting period.
- D. Since the 3<sup>rd</sup> Quarter of 2007, the Owner failed to submit complete and timely DMRs as required by permit number MO-0098124.

### III. CONCLUSIONS OF LAW

Violations of the Law and its implementing regulations alleged herein and found to have been committed by the Owner at the facility are as follows:

1. Failing to submit complete and timely DMRs as required in Part "A" of permit number MO-0098124 in violation of Section 644.0761.1 RSMo and 10 CSR 20-7.015(9)(A).

### IV. AGREEMENT

- A. The Department and the Owner desire to amicably resolve all claims that might be brought against the Owner for the violations alleged above in Section III, Conclusions of Law, without the Owner admitting the validity or accuracy of such claims.
- B. The provisions of this AOC shall apply to and be binding upon the parties executing this AOC, their successors, assigns, agents, subsidiaries, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through, or for the parties. Any changes in ownership or corporate

Provided Owner is compliant for such two (2) year period of time, then the \$5,250.00 referenced shall be fully forgiven.

status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of the Owner under this AOC. If the Owner sells or otherwise transfers the facility, then the Owner shall cause as a condition of such sale or transfer that the buyer will assume the obligations of the Owner under this AOC in writing. In such event, the Owner shall provide thirty (30) days prior written notice of such assumption to the Department.

3-27-12

C. The Owner, in compromise and satisfaction of the Department claims relating to the above-referenced violations, agrees, without admitting liability or fault, to pay a civil penalty in the amount of six thousand nine hundred fifty-seven dollars and zero cents (\$6,957.00). The Department and the Owner further agree that five thousand two hundred fifty dollars and zero cents (\$5,250.00) of the civil penalty shall be suspended for a period of two (2) years on the condition that the Owner does not violate the Law and its implementing regulations or the terms of this AOC. The payment shall be in the form of a certified check or cashier's check made payable to "The Saint Louis County Treasurer, as custodian of the Saint Louis County School Fund." On February 16, 2012, the Department received check 152754 in the amount of one thousand seven hundred seven dollars and zero cents (\$1,707.00). The signed copies of the AOC shall be delivered to:

Bobbie Pennington  
Water Protection Program  
Missouri Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

- D. The Owner shall submit to the Department all missing DMRs. If the Owner is not able to submit the missing DMRs, the Owner shall submit to the Department a written response explaining why the Owner is not able to submit the DMRs.
- E. The Owner shall submit to the Department complete and timely DMRs on or before the 28<sup>th</sup> day of the month following the reporting period as required by "Part I, Section A.1" Standard Conditions of permit number MO-0098124.
- F. Should the Owner fail to meet the terms of this AOC, including the requirements set out in paragraphs D through E, the Owner shall pay stipulated penalties in the following amount:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$500.00 per day
31 to 90 days	\$1,000.00 per day
91 days and above	\$2,500.00 per day

Stipulated penalties will be paid in the form of a certified or cashier's check made payable to "The Saint Louis County Treasurer, as custodian of the Saint Louis County School Fund." Any such stipulated penalty shall be paid within ten (10) days of demand by the Department and shall be delivered to:

Accounting Program  
Missouri Department of Natural Resources  
P.O. Box 477  
Jefferson City, MO 65102-0176

- G. The stipulated penalty provided for in this AOC shall be in addition to any other rights, remedies or sanction available to the Department for the Owner violation of this AOC or applicable law.
- H. No portion of the civil penalty or stipulated penalties paid pursuant to this AOC may be used to reduce the Owner's federal or state tax obligation.
- I. Nothing in this AOC forgives the Owner from future non-compliance with the laws of the State of Missouri, nor requires the Department or State of Missouri to forego pursuing by any legal means any noncompliance with the laws of the State of Missouri.
- J. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they express or implied, oral or written, except those expressly set forth herein. The terms of this AOC supersede all previous memoranda or understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.
- K. By signing this AOC, all signatories assert that they have read and understood the terms of this AOC, and that they have the authority to sign this AOC on behalf of their respective party.
- L. The effective date of the AOC shall be the date the Department signs the Agreement. The Department shall send a fully executed copy of this AOC to the Owner for its records.
- M. The Owner shall comply with the Law, Chapter 644, RSMo and its implementing regulations at all times in the future.

V. RIGHT OF APPEAL

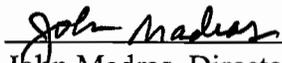
By signing this AOC, The Owner consents to and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC pursuant to Sections 621.250, 640.010, 640.013, 644.056, 644.079, and 644.145, RSMo, and 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), the Missouri Constitution, or any other source of law.

VI. CORRESPONDENCE AND DOCUMENTATION

Correspondence or documentation with regard to conditions outlined in this AOC shall be directed to:

Missouri Department of Natural Resources  
Water Protection Program  
Compliance and Enforcement Section  
P.O. Box 176  
Jefferson City, MO 65102-0176

Agreed to and Ordered this 5th day of April, 2012

  
\_\_\_\_\_  
John Madras, Director  
Water Protection Program  
Missouri Department of Natural Resources

Agreed to and Ordered this 27 day of March, 2012

  
\_\_\_\_\_  
Michael J. Roberts  
Crescent Farms Golf Club LLC

Copies of the foregoing served by certified mail to:

Michael J. Roberts  
Crescent Farms Golf Club  
1650 Des Peres Road Suite 303  
Saint Louis, MO 63131

CERTIFIED MAIL

on this 9th day of April, 2012

- c. Ms. Diane Huffman  
Chief, NPDES and Facilities Management Branch  
Water, Wetlands, and Pesticides Division  
U.S. Environmental Protection Agency, Region VII  
901 North Fifth Street  
Kansas City, KS 66101

Saint Louis Regional Office  
7545 S. Lindbergh, Suite 210  
St. Louis, MO 63125

Mr. Refaat Mefrakis, Chief  
NPDES Permits & Engineering Section  
Water Protection Program  
Department of Natural Resources  
P.O. Box 176  
Jefferson City, MO 65102-0176

Dr. Samuel M. Hunter, Chair  
Missouri Clean Water Commission  
P O Box 984  
216 Tanner Street  
Sikeston, MO 63801

Mr. Ben A. "Todd" Parnell, III, Vice Chair  
Missouri Clean Water Commission  
Drury University  
900 N. Benton  
Springfield, MO 65802

Mr. John Cowherd, Commissioner  
Missouri Clean Water Commission  
1303 Deer Lane  
Mount Vernon, MO 65712

Mr. Buddy Bennett, Commissioner  
Missouri Clean Water Commission  
7361 Summer Azure Lane  
Higginsville, Missouri 64037

Mr. Samuel D. Leake, Commissioner  
Missouri Clean Water Commission  
41690 Harrison Trail  
Perry, MO 63462

Ms. Wallis Warren, Commissioner  
Missouri Clean Water Commission  
2671 Jefferiesburg Road  
Beaufort, MO 63013

Mr. Dennis Wood, Commissioner  
Missouri Clean Water Commission

P.O. Box 112  
284 Lillian Lane  
Kimberling City, MO 65686