

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

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DAS ACCOUNTING

IN THE MATTER OF:

City of Sedalia,
Sedalia North Wastewater Treatment Facility

SERVE:

The Honorable Elaine Horn, Mayor
City of Sedalia

No. 2013-WPCB-1189

ABATEMENT ORDER ON CONSENT

I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS

The issuing of this Abatement Order on Consent (AOC) number 2013-WPCB-1214, by the Missouri Department of Natural Resources, is a formal administrative action by the State of Missouri and is being issued because the Sedalia North wastewater treatment facility is in violation of the Missouri Clean Water Law (MCWL). 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 MCWL Section 644.076.1, RSMo. Litigation may occur without further administrative 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 for the MCWL, or its implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve the City of Sedalia of liability for, or preclude the Department from, initiating an administrative or judicial enforcement action to recover civil penalties for any future violations of the MCWL, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

II. FINDINGS OF FACT

- A. The Sedalia North Wastewater Treatment Facility and the collection system are owned and operated by the city. The facility is located in the SW ¼, SW ¼, Section 28, Township 46 North, Range 21 West, in Pettis County. The city discharges effluent from the facility to Sewer Branch pursuant to the requirements and conditions of Missouri State Operating Permit (MSOP) number MO-0023027.
- B. Sewer Branch and its tributaries are waters of the state as the term is defined by Section 644.016 (27), RSMo.
- C. Domestic wastewater is a water contaminant as the term is defined in Section 644.016(24), RSMo.

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- D. On December 28, 2011, Mr. Mark Grose, a wastewater operator for the city, noticed foam in a manhole and in Sewer Branch during an inspection of the collection system serving the facility. The collection system was being evaluated by a private contractor for damaged or clogged lines. On December 30, 2011, Mr. Grose reported the foam in the creek to the facility and identified the source as a discharge channel from the stormwater outfall near Hubbard Park. Mr. Grose observed several dead fish in the stormwater discharge channel. The discharge channel drains to Sewer Branch between Missouri Avenue (upstream) and Grand Avenue (downstream). Shortly after the fish kill was reported to the facility, Mr. Phil Webster, from the City, called the Department of Natural Resources' Kansas City Regional Office (KCRO) to report a fish kill
- E. On December 30, 2011, at approximately 12:00 pm, Department inspectors from the KCRO and investigators from the Missouri Department of Conservation (MDC) arrived to investigate the fish kill. The Department inspectors observed several dead fish in a pool at the lower end of the discharge channel and noted that the water in the pool was clear but there was an accumulation of algae and greyish solids. The Department inspectors observed the water in Sewer Branch upstream of the confluence of the discharge channel was clear and there were no signs of streambed degradation. The Department inspectors did not observe any evidence of a chemical discharge and determined the source of impairment was likely from the stormwater outfall or Sanitary Sewer Overflows (SSOs) from nearby manholes.
- F. The Department inspector observed several sewer mains and two manholes directly adjacent to the east and west of the discharge channel. Mr. Webster informed the Department inspector that there had not been any reports of SSOs from these locations since August 2011. The inspector observed evidence that the east side manhole had previously discharged to Sewer Branch upstream of the confluence with the discharge channel. The Department inspector also observed evidence that the west side manhole had recently overflowed into the discharge channel just above the pool where the dead fish were observed. The soil around the west manhole was damp and there was visible discoloration of algae on a concrete pad where the overflow entered the discharge channel. The inspector noted water was approximately three (3) feet from the top of the west manhole. The contractor that was inspecting the collection system informed inspectors that they installed a muni-ball which restricted flow and caused high water levels in the manhole.
- G. On January, 4, 2012, Mr. Webster sent the KCRO a report which served as the five (5) day written notification of the fish kill. In the report, Mr. Webster stated he did not know what caused the fish kill but speculated it was likely due to raw sewage entering the discharge channel. The report also stated that the contractor observed several dead fish in Sewer Branch on December 29, 2011, and white foam had discharged from the stormwater outfall. The report indicated that there may be a cross connection between the sanitary sewer collection system and the stormwater collection system which caused white foam and other pollutants to discharge from the stormwater outfall.

- H. On February 22, 2012, the KCRO issued the city Notice of Violation (NOV) number KC2012012409213104 for discharging contaminated water without a MSOP, causing pollution to waters of the state, and discharging water contaminants into waters of the state that reduced the quality of such waters below the general Water Quality Standards.
- I. As a result of the above investigation, the State incurred costs for staff time in the amount of one thousand six hundred seventy-four dollars and seventy cents (\$1,674.70).
- J. Section 644.096, RSMo, authorizes the State, or any political subdivision or agency, to recover actual damages, including all costs and expenses necessary to establish or collect any sums under Section 644.006 to 644.141, RSMo, and the costs and expenses of restoring any waters of the State to their condition as they existed before the violation, sustained by the State because of the violation.
- K. Pursuant to Section 644.145 RSMo, the Department's Affordability Finding addressing the obligations included within this AOC is attached hereto as Exhibit 1.

III. CITATIONS AND CONCLUSIONS OF LAW

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

- 1. On or about December 30, 2011, operated, used, or maintained a water contaminant source – discharge of contaminated wastewater- which discharged to Sewer Branch, waters of the state, without a MSOP, in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1) and (5)(A);
- 2. Caused pollution of Sewer Branch, waters of the state, or placed or caused or permitted to be placed, water contaminants in a location where they are reasonably certain to cause pollution of waters of the state, in violation of Sections 644.076.1, RSMo, and 10 CSR 20-7.031; and
- 3. Discharged water contaminants into waters of the state which reduced the quality of such waters below the general Water Quality Standards established by the Missouri Clean Water Commission, in violation of Sections 644.051.1(2) and 644.076.1, RSMo, and 10 CSR 20-7.031.

IV. AGREEMENT

- A. The Department and the city desire to amicably resolve all claims that may be brought against the city for violations alleged above in Section III, Citations and Conclusions of Law, without the city admitting to 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

status, including but not limited to any transfer of assets or real or personal property, shall not affect the responsibilities of the city under this AOC.

- C. The city 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 one thousand dollars and zero cents (\$1,000.00). The payment shall be in the form of a certified check or cashier's check made payable to "Pettis County Treasurer, as custodian of the Pettis County School Fund." The check in the amount of one thousand dollars and zero cents (\$1,000.00) is due and payable upon execution of this AOC by the city. The check and signed copies of the AOC shall be delivered to:

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

- D. The city agrees to pay the state's investigative costs in the amount one thousand six hundred seventy-four dollars and seventy cents (\$1,674.70) in the form of a certified check or cashier's check made payable to the "State of Missouri." The check in the amount of one thousand six hundred seventy-four dollars and seventy cents (\$1,674.70) is due and payable upon execution of this AOC. The check shall be delivered to:

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

- E. The city shall notify the Department within twenty-four (24) hours of becoming aware of any SSO or bypass from the City's collection system and submit a final report in writing within five (5) days of the SSO or bypass
- F. The city agrees to complete the Supplement Environmental Project (SEP) Plan attached to this AOC as Attachment A which is hereby incorporated by reference, and which further describes the city's future efforts to clean up and restore the riparian corridor of Sewer Branch (also known as the Pearl River). The Department and the city agree that the SEP Plan is intended to secure significant environmental protection and improvements, which are not otherwise required by the MCWL. The following terms and conditions apply to the SEP Plan described in Attachment A.

1. The city shall complete the SEP pursuant to the Plan and schedule set forth in the SEP Plan.

2. The city shall spend at least \$31,183 implementing the SEP identified in the SEP Plan. No part of this expenditure shall include federal or state funds, including federal or state low interest loans, contracts, or grants. The city shall include documentation of expenditures made in connection with the SEP as part of the SEP Completion Report required in paragraph IV. F.5.
3. The city hereby certifies that it is not required to perform or develop this SEP by any federal, state, or local law or regulation; nor is the city required to perform or develop this SEP by agreement, grant, or injunctive relief in any other case.
4. SEP progress reports. Beginning with the first full year after the commencement of the implementation of the SEP Plan, and continuing every year thereafter until the SEP is completed, the city shall provide the Department an update on the SEP Plan implementation progress and those actions taken to complete the SEP in the preceding year, the actions planned to implement the SEP in the forthcoming year, any current foreseeable delays in implementing the SEP, the action being taken to address such delays, and an itemized account of the cost expended for the preceding period and to date.
5. The city shall submit to the Department a SEP Completion Report for the project described in Attachment A no later than one hundred and twenty (120) days from the date of completion. The SEP Completion Report shall contain the following information: (1) a detailed description of the SEP as implemented; (2) itemized cost; (3) an acknowledgement that the SEP has been fully implemented in accordance with the SEP Plan and the Provisions of the AOC; and (4) a summary of the environmental or public health benefits from implementing the SEP.
6. In the event the Department rejects a SEP Completion Report as required above, the city shall submit a revised completion report within thirty (30) days of the receipt from the Department's rejection letter. Should the city fail to submit a SEP Completion Report within 30 days, then the city shall be subject to pay a stipulated penalty of \$500 per day, until an acceptable SEP Completion Report is submitted to the Department.
7. Expenditure of Less than Total SEP Amount. If the total amount expended on implementing the SEP is less than \$31,183, then the city shall apply the amount of the differences towards extending the service to the public described in the SEP Plan and Document its application of these funds to the Department in writing.

8. Any reports submitted to the Department pursuant to this paragraph shall reference this AOC and shall be transmitted to both:

Paul Dickerson, Section Chief
Water Pollution Compliance and Enforcement Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

and

Andrea Collier, Director
Kansas City Regional Office
Missouri Department of Natural Resources
500 NE Colbern Rd.
Lee's Summit, MO 64086-4710

- G. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, the city shall notify the Department by telephone or electronic mail i) identifying the deadline that will not be completed; ii) identifying the reason for failing to meet the deadline; and iii) proposing an extension to the deadline. Within five (5) days of notifying the Department, the city shall submit to the Department for review and approval a written request containing the same basic provisions of i, ii, and iii listed above. The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of the city's right to request an extension and may be grounds for the Department to deny the city an extension.
- H. Should the city fail to meet the terms of this AOC, including the deadlines for completion of construction set out in paragraphs E and F, the city shall be subject to 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 "Pettis County Treasurer, as custodian of the Pettis 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

- I. Nothing in this AOC forgives the city 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 for any noncompliance with the laws of the State of Missouri. 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.
- J. 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.
- K. The effective date of the AOC shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to the city for its records.
- L. The city shall comply with the MCWL, Chapter 644, RSMo and its implementing regulations at all times in the future.

V. FINDING OF AFFORDABILITY

Pursuant to Section 644.145, the Department's Affordability Finding, which addresses the obligations included within this Order, based upon the city's cost estimate of \$0.00, is attached hereto as Exhibit 1. This Affordability Finding does not address future improvements that may necessary to comply with the MCWL or its implementing regulations. The city agrees to provide any such additional information requested by the Department as is reasonably necessary to assist in developing any required Affordability Finding in the future.

VI. RIGHT OF APPEAL

By signing this AOC number 2013-WPCB-1189, the city consents to its terms 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, 644.056.3, 644.079.2, Chapter 536 RSMo, 644.145, RSMo, 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:

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

Agreed to and Ordered this 13th day of June, 2013

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

Agreed to and Ordered this 23rd day of May, 2013

Elaine Horn
The Honorable Elaine Horn, Mayor
City of Sedalia

Copies of the foregoing served by certified mail to:

CERTIFIED MAIL:

The Honorable Elaine Horn, Mayor
City of Sedalia
P.O. Box 1707
Sedalia, MO 65301

c: Ms. Diane Huffman
Chief, NPDES and Facilities Management Branch
Water, Wetlands, and Pesticides Division
U.S. Environmental Protection Agency, Region VII
11201 Renner Blvd
Lenexa, KS 66219

Mr. Chris Wieberg, Chief
Operating Permits Section
Water Protection Program
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Mr. Andrea Collier, Director
Kansas City Regional Office
Missouri Department of Natural Resources
500 NE Colbern Rd.
Lee's Summit, MO 64086

Ms. Janet Pointer, Accounting Specialist
Accounting Program
Missouri Department of Natural Resources
P.O. Box 477
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. 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

Mr. Buddy Bennett, Commissioner
Missouri Clean Water Commission
1922 N Main Street
Higginsville, MO 64037-1527



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Missouri Department of Natural Resources
Water Protection Program
Affordability Determination and Finding
(In accordance with RSMo 644.145)

Sedalia North Wastewater Treatment Facility

MSOP number MO-0023027

Pettis County

Section 644.145 RSMo requires DNR to make a “finding of affordability” when “issuing permits under” or “enforcing provisions of” state or federal clean water laws “pertaining to any portion of a combined or separate sanitary sewer system or publicly-owned treatment works.”

Description:

The City of Sedalia is served by three wastewater treatment facilities: Sedalia Central, Sedalia North, and Sedalia Southwest. The three facilities serve a population of approximately 21,387 people¹. The city’s Sedalia North facility was referred to enforcement for a Sanitary Sewer Overflow (SSO) which resulted in a fish kill in Sewer Branch Creek. The city currently has a fully executed Abatement Order on Consent (AOC) with the Department, which requires the city to conduct an Inflow and Infiltration (I/I) study and develop and implement an I/I plan to reduce SSOs from the city’s collection system.

Residential Connections: 8,532²

Commercial Connections: 3,005²

Total Connections: 11,537²

New Permit Requirements or Requirements Now Being Enforced:

The AOC that is being negotiated between the Department and the city will require the city to pay a civil penalty, damages, and investigative costs for the fish kill. The AOC will not require the city to complete any upgrades to its facility or collection system.

Range of Anticipated Costs Associated with Complying with Requirements:

The AOC will not cause the city to incur any expenses for upgrades.

¹ 2010 U.S. Census, U.S. Census Bureau

² MDNR Sewer Connections 2011, Fee Tracking System

(1) A community's financial capability and ability to raise or secure necessary funding (examine key indicators of the communities ability to raise funds);

Current User Rates Per Year³ \$333.00

Rate Capacity or Pay as You Go Option:

Municipal Bond Rating⁴ (if applicable): A⁺

Bonding Capacity⁵: \$48,122,869

(General Obligation Bond capacity allowed by constitution:
cities=up to 20% of taxable tangible property
sewer districts=up to 5% of taxable tangible property)

Current outstanding debt⁶: \$70,811,891

(2) Affordability of pollution control options for the individuals or households of the community;

Current annual operating costs⁴ (exclude depreciation): \$2,113,699

Current per year user rate³: \$333.00

Estimated capital cost of pollution control options: N/A

Annual cost of additional⁴ (operating costs and debt service): \$4,643,601

Estimated resulting user rate per year³: \$333.00

Adjusted Median Household Income⁷: \$33,823

Usage Rates as a percent of Median Household Income⁸: 0.98

(Rate/MHI)

³ City of Sedalia, Water Department, Billing Clerk – Trisha Hesley. (\$ (3.95 per 1000 gallons * 5)+\$8.00)*12months = \$333.00 per year

⁴ City of Sedalia Financial Manager – Pam Burlingame

⁵ City of Sedalia 2011 Audit Report, Page 73: http://www.cityofsedalia.com/filestorage/202/270/4206/Audit_-_FY2011.pdf

⁶ City of Sedalia 2011 Audit Report, Page 11: http://www.cityofsedalia.com/filestorage/202/270/4206/Audit_-_FY2011.pdf

⁷ Median Household Income data from American Community Survey – Median income in the past 12 months – <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

Note: The median household income is adjusted for inflation according to the method suggested in the EPA CSO guidance for financial capability assessment and schedule development (<http://www.epa.gov/npdes/pubs/csofc.pdf>)

⁸ Rate / MHI: (\$333 / \$33,823) *100 = 0.98

	Financial Impact	Residential Indicator (Usage Rate as a percent of Median Household Income)
<input checked="" type="checkbox"/>	Low	Less than 1% MHI
<input type="checkbox"/>	Medium	Between 1% and 2% MHI
<input type="checkbox"/>	High	Greater than 2% MHI, Unknown

(3) An evaluation of the overall costs and environmental benefits of the control technologies;

None Noted

(4) An inclusion of ways to reduce economic impacts on distressed populations in the community, including but not limited to low and fixed income populations. This requirement includes but is not limited to:

The Department and the city have negotiated a \$1,000 civil penalty to resolve the violations of the Missouri Clean Water Law and the city will be required to pay \$1,6740.70 for the State's costs involved in investigating the SSOs. The AOC will also provide the city with an opportunity to perform a Supplemental Environmental Project (SEP) to offset a portion of the civil penalty. The city has proposed to spend approximately \$31,183 on the SEP to restore and enhance the riparian corridor of the Pearl River.

Potentially Distressed Populations	
Unemployment ⁹ for Sedalia, Pettis County 2010	8.7%
Adjusted Median Household Income for Sedalia, Pettis County	\$33,823
Percent Population Growth/Decline ¹⁰ (1990-2010)	+8.0%
Percent of Households in Poverty ¹¹	19.7%

⁹ Unemployment data from Missouri Department of Economic Development (February 2012) – <http://www.missourieconomy.org/pdfs/urel1202.pdf>

¹⁰ 2010 Census Population Data - <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>
2000 Census Population Data - <http://www.census.gov/popest/data/cities/totals/2009/tables/SUB-EST2009-04-29.xls>
1990 Census Population Data – <http://www.census.gov/prod/cen1990/cp1/cp-1-27.pdf>

¹¹ Poverty data – American Community Survey- <http://factfinder2.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>

Opportunity for cost savings or cost avoidance:
None Noted

Opportunity for changes to implementation/compliance schedule:
None Noted

(5) An assessment of other community investments relating to environmental improvements;

None Noted

(6) An assessment of factors set forth in the United States Environmental Protection Agency's guidance, including but not limited to the "Combined Sewer Overflow Guidance for Financial Capability Assessment and Schedule Development" that may ease the cost burdens of implementing wet weather control plans, including but not limited to small system considerations, the attainability of water quality standards, and the development of wet weather standards;

Secondary indicators for consideration

Socioeconomic, Debt and Financial Indicators

Indicators	Strong (3 points)	Mid-Range (2 points)	Weak (1 point)	Score
Bond rating indicator ⁴	Above BBB or Baa	BBB or Baa	Below BBB or Baa	3 A+
Overall net debt ⁶ as a % of full market property value ⁵	Below 2%	2% - 5%	Above 5%	1 (\$70,811,891 (Net Debt)/ \$240,242,972 (Full Market Value) *100 = 29.5%
Unemployment Rate ⁹	>1% below Missouri average	± 1% of Missouri average	>1% above Missouri average	2 8.4% (State Unemployment Rate) - 8.7% (Sedalia's Unemployment Rate) = - 0.3%
Median household income ⁷	More than 25% above Missouri MHI	± 25% of Missouri MHI	More than 25% below Missouri average	2 (((\$33,823 (Sedalia MHI)- \$44,306 (State MHI))/(\$44,306 (State MHI)))*100 = 23.7%

Property tax revenues ¹² as a % of full market property value ⁵	Below 2%	2% - 4%	Above 4%	3 (\$2,007,420/\$240,242,972) *100= 0.83%
Property tax collection rate ⁴	Above 98%	94% - 98%	Below 94%	2 95%

$(3+1+2+2+3+2) / 6 = 2.17$

Average Score for Financial Capability Matrix: 2.17 (Mid-Range)

Residential Indicator (from Criteria #2 above): Low

Financial Capability Matrix

Financial Capability Indicators Score from above ↓	Residential Indicator (User rate as a % of MHI)		
	Low (Below 1%)	Mid-Range (Between 1.0% and 2.0%)	High (Above 2.0%)
Weak (below 1.5)	Medium Burden	High Burden	High Burden
Mid-Range (1.5 – 2.5)	Low Burden	Medium Burden	High Burden
Strong (above 2.5)	Low Burden	Low Burden	Medium Burden

Estimated Financial Burden: Low Burden

(7) An assessment of any other relevant local community economic condition.

Sedalia’s population grew 8% from 1990-2010. In terms of economic strength, Pettis County is about average when compared to other counties in the State. The Percentage of labor force is 5% below the state average, the per capita wealth¹³ is 23% below the state average and the per capita income is 18% below the state average.

In terms of retail sales, Pettis County gains retail customers from surrounding counties and the County residents spend more than the state average on retail goods and services. The buying power index of Pettis County residents is about average when compared to the rest of the regional economy¹⁴.

¹² City of Sedalia 2011 Audit Report, Page 7: http://www.cityofsedalia.com/filestorage/202/270/4206/Audit_-_FY2011.pdf

¹³ Per capita wealth is calculated by taking a sum of appraised value of residential property, mobile homes and motor vehicles and this sum is then divided by County population.

¹⁴ Source: http://www.missourieconomy.org/pdfs/wc_wia_retail_trade_analysis.pdf

Conclusion and Finding

There have been no changes to the AOC as a result of this finding of affordability. The Department's enforcement action will not require the city to upgrade its facilities or collection systems serving the facilities; therefore, the city will not be required to make expenditures associated with the negotiated AOC.

Attachment A

City of Sedalia

Supplemental Environmental Project (SEP) for Missouri Clean Water Law Violations

The City of Sedalia, agrees to provide at least \$31,183 in expenditures for a voluntary restoration project as their SEP. The voluntary SEP will benefit the environment by removing trash from the Pearl River and establishing and improving the Pearl River's riparian corridor. The city will remove debris from the Pearl River and plant and maintain vegetation to improve the riparian corridor. The city will also provide educational outreach and conduct storm drain stenciling.

The city agrees to complete the items listed below within five (5) years of executing this AOC with the Department of Natural Resources' Water Protection Program. The city shall provide documentation to the Department to demonstrate items/services below have been completed and the required funds are committed and spent.

Supplemental Environmental Project Items:

1. Remove debris and trash from the riparian area of the Pearl River and prepare the area for planting.
2. Plant and maintain native vegetation that improves or establishes a riparian corridor along designated stretch of the Pearl River in Attachment B.
3. Stencil storm drain warnings in areas designated in Attachment B
4. Provide educational information that informs the public of water quality issues in urban settings

SEP Plan

Overview:

The intent of this project is to enhance the riparian corridor of the Pearl River. The SEP will focus on three main areas of concern: debris removal from the riparian area and the river channel; establishing and improving the riparian corridor through native tree and shrub plantings; and storm inlet stenciling. The SEP will also include an education comment to focus community attention to the restoration project.

Project Phases:

The first phase will focus on inventorying existing riparian corridors and urban features along the Pearl River. Areas along the riparian zone will be inspected and prioritized for debris removal,

riparian corridor restoration, and high profile inlet (storm drain) stenciling. Technical guidance during this phase will be provided by Missouri Department of Conservation (MDC) staff.

The second phase will consist of five elements.

1. The first element is riparian area debris removal and is scheduled for the spring and fall of 2013. There are long stretches of riparian area and river channel that are full of trash and debris. The trash and debris will be removed and properly disposed.
2. The second element consists of site prep for establishing and improving riparian corridor plantings and is scheduled for the fall of 2013 and spring 2014. The site prep will focus on four areas along the Pearl River.
3. The third element focuses on storm inlet stenciling around urban features which will be ongoing throughout the entire project 2013 to 2015. The stenciling will feature art work submitted by high school students and area artists at several highly visible storm drains, as well as, stenciling of all remaining storm drains in the watershed. The stenciling will help increase Pearl River awareness among downtown residents and businesses.
4. The fourth element consists of educational programs i.e. mailing, and public informational meetings.
5. Maintain the corridor enhancement long-term by placing a conservation easement on the corridor to ensure that it remains vegetated and is not mowed or developed.

The third phase will be the riparian corridor planting, and it is scheduled for the spring of 2014. Missouri Department of Conservation has agreed to provide tree bars or planters and technical advice for establishing the riparian corridor. This phase will also incorporate the use of mulch for water retention purposes around newly planted seedlings.

The fourth phase will consist of a three year maintenance program for the trees and is scheduled for 2015 through 2017.

SEP Budget:

The city has proposed to spend \$31,183 implementing the SEP. Implementation of the SEP will begin in the spring of 2013 and continue through the third quarter of 2017. A detailed project budget is below.

SEP Progress Reports:

The city shall submit to the Department SEP Progress Reports beginning with the first full year after the commencement of the implementation of the SEP, and continuing annually thereafter until the SEP is completed.

Compliance:

The city's SEP shall be deemed in compliance upon completion of the SEP as set for in the SEP Plan and Section IV. F of the AOC.

To the extent the city is unable to complete the SEP described in the SEP Plan, the city may submit the following request to the Department:

1. The city may request additional time from the Department to complete the above described SEP. Such request shall be made at least sixty days prior to the final complete date of the SEP.
2. The city may propose an alternate SEP proposal and schedule to the Department equal in cost to the difference in the amount the city has expended on the SEP as described above, and the proposed budget of \$31,183. Such a request shall be made at least 180 days prior to the final complete date as set forth above. The Department may approve an alternate SEP proposal and schedule for immediate implementation. If the Department approves an alternate SEP and schedule, the city's compliance shall be evaluated upon completion of the alternate SEP.

SEP Completion Report:

Within one hundred and twenty (120) days after the completion of the SEP, the city shall submit to the Department a SEP Completion Report as set forth in Section IV. F of the AOC.

SEP Budget Detail:

Plant Type	Descriptions	Amount	Price	Totals
Sandbar willow	100+	200	\$0.32	\$ 64.00
Witch Hazel	10/40 count (Smaller trees)	50	\$1.00	\$ 50.00
Misc.	Larger trees	20	\$38.00	\$ 760.00
Deciduous Holly (Possumhaw)	10/40 count (Smaller trees)	50	\$1.00	\$ 50.00
Washington Hawthorn	10/40 count (Smaller trees)	50	\$1.00	\$ 50.00
Oak, Swamp White	Larger trees	20	\$53.00	\$ 1,060.00
Dogwood	Larger trees	20	\$53.00	\$ 1,060.00
Washington Hawthorn	10/40 count (Smaller trees)	50	\$1.00	\$ 50.00
Ninebark	Larger trees	100	\$1.00	\$ 100.00
Slender bush clover	10/40 count (Smaller trees)	100	\$1.00	\$ 100.00
Sandbar Willow	100+	500	\$0.32	\$ 160.00
Dogwood Flowering	Larger Trees	40	\$53.00	\$ 2,120.00
Cotton Wood	10/40 count (smaller trees)	50	\$1.00	\$ 50.00
Oak, Swamp White	Larger trees	20	\$53.00	\$ 1,060.00
Dogwood	Larger trees	20	\$53.00	\$ 1,060.00
Washington Hawthorn	10/40 count (Smaller trees)	50	\$1.00	\$ 50.00
Ninebark	Larger trees	100	\$1.00	\$ 100.00
Slender bush clover	10/40 count (Smaller trees)	100	\$1.00	\$ 100.00
			Total	\$ 8,044.00

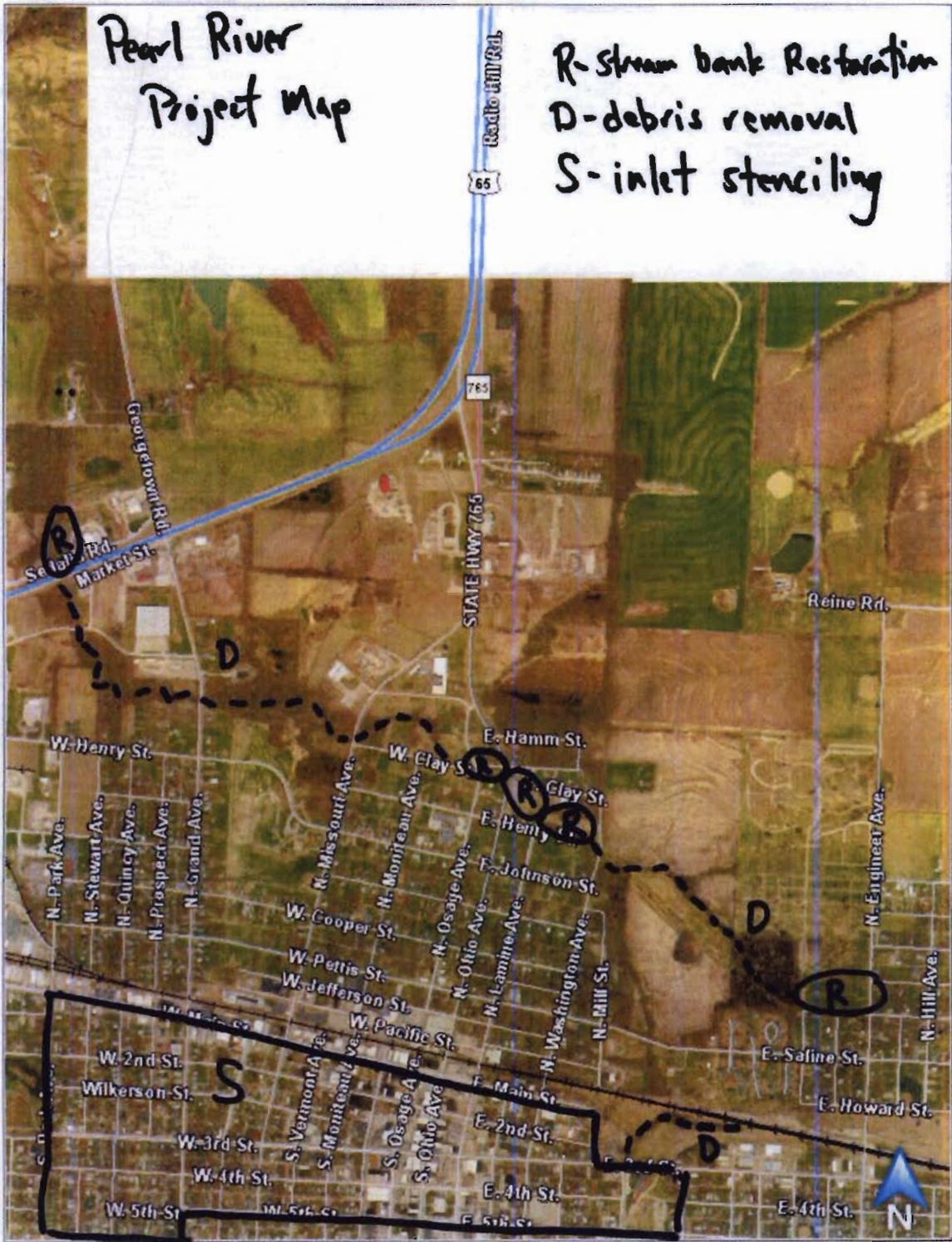
Activity or Product	Tree Number	Descriptions	Amount	Price	Totals
Tree prep. Roundup		2.5 gallons	5	\$ 25.00	\$ 125.00
Tree planting	16 hrs. for 3 Ops.	Equipment	24	\$ 17.00	\$ 408.00
Tree planting	16 hrs. for 1 Sr. Op.	Sr. Equip. Op	8	\$ 20.00	\$ 160.00
Tree prep. Dig hole and plant	16 hrs. for 3 Ops.	Equipment Op.	48	\$ 17.00	\$ 816.00
Tree prep. Dig hole and plant	16 hrs. for 1 Sr. Op.	Sr. Equipment Op.	16	\$ 20.00	\$ 320.00
Compost at bottom	Compost site	Compost (City's)	2	\$ 20.00	\$ 30.00
Woodchips	Mulch	Woodchips (City's)	3	n/a	
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Dumptrucks (2)	80	\$ 35.00	\$ 2,800.00
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Backhoe	40	\$ 35.00	\$ 1,400.00
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Grapple Truck	16	\$ 70.00	\$ 1,120.00
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Skid-Steer Loader	80	\$ 18.00	\$ 1,440.00
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Boom Truck	40	\$ 6.74	\$ 269.60
Site prep. Debris removal (Fall 2013 Oct. to Nov.)	FEMA Rates	Debris Removal	80	\$ 133.65	\$ 10,692.00
Site Prep. (Spring 2014 Mar. to Apr.)	4 hr. for 4 people	Equipment Operators	16	\$ 17.00	\$ 272.00
Roundup (Spring 2014 Mar. to Apr.)		2.5 gallons	2	\$ 25.00	\$ 50.00
Tree planting (Spring 2014 Mar. To Apr.)	24 hrs. for 3 Ops.	Equipment	72	\$ 17.00	\$ 1,224.00
Tree planting (Spring 2014 Mar. To Apr.)	24 hrs. for 1 Sr. Op.	Sr. Equip. Op	24	\$ 20.00	\$ 480.00
Roundup (Spring 2014 Mar. to Apr.)		2.5 gallons	5	\$ 25.00	\$ 125.00
Site Prep. (Spring 2014 Mar. to Apr.)	4 hr. for 4 people	Equipment Operators	16	\$ 17.00	\$ 272.00
Tree planting (Spring 2014 Mar. To Apr.)	16 hrs. for 3 Ops.	Equipment	48	\$ 17.00	\$ 816.00
Tree planting (Spring 2014 Mar. To Apr.)	16 hrs. for 1 Sr. Op.	Sr. Equip. Op	16	\$ 20.00	\$ 320.00
Total					\$ 23,139.60

Tree Budget	\$ 8,044.00
Site Preparation and Debris Removal	\$ 23,139.60
Project Total Budget	\$ 31,183.60

Table 1: Pearl River SEP Implementation Timeline

	2013				2014				2015				2016				2017				
	Q1	Q2	Q3	Q4																	
Project Planning	█				█								█								
Debris Removal			█				█								█						
Site Prep			█																		
Planting										█											
Maintenance																					
Stenciling																					
Education																					

Sedalia, MO



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