

Effluent from the WWTF discharges to a tributary of Little Cedar Creek, pursuant to conditions and requirements of Missouri State Operating Permit (MSOP) No. MO-0106887.

- B. Little Cedar Creek 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.
- D. On January 8, 2010, the Department reissued MSOP No. MO-0106887, which expired on January 7, 2014. The MSOP requires Mr. Bechtold to sample the effluent discharged from Outfall No. 001 and chemically analyze the effluent sample for the water contaminants listed in Part “A” at least once a quarter. The MSOP also requires the effluent to comply with the permitted effluent limitations contained in Part “A” and requires the results of the analysis to be submitted to the Department on quarterly Discharge Monitoring Reports (DMRs) by the 28th day of the month following the monitoring period.
- E. MSOP No. MO-0106887 also contains a Schedule of Compliance (SOC) that required Mr. Bechtold to complete upgrades to the facility to comply with final effluent limitations for Ammonia as Nitrogen by January 8, 2013.
- F. Monthly DMRs submitted to the Department document that the effluent discharged from the WWTF failed to comply with its permitted effluent limitations for Ammonia as Nitrogen during the first quarter of 2014.
- G. On April 1, 2014, Department staff conducted an inspection of the WWTF. During the inspection, staff observed that the outfall was not marked in the field. As part of the inspection, staff reviewed the Department’s file for this WWTF and found that Mr. Bechtold had failed to submit a construction permit application for upgrades to comply with the final limitations for Ammonia as Nitrogen and failed to submit annual sludge reports for the WWTF since 2009. The DMRs indicated the effluent had exceeded its monthly average for Ammonia as Nitrogen during the first quarter of 2014 and samples analyzed for Biochemical Oxygen Demand and Total Suspended Solids were collected by grab as composed to composite sampling, which is required by MSOP No. MO-0106887.
- H. Due to the violations found during the April 1, 2014, inspection, the Department issued Notice of Violation No. NER2014040714385268 to Mr. Bechtold on April 24, 2014, for violations of the MCWL. The inspection report also required Mr. Bechtold to coordinate with the Water Pollution Control Branch’ Compliance and Enforcement Section to address the required actions.
- I. Section 644.076.1, RSMo, makes it unlawful to violate the MCWL and regulations promulgated pursuant thereto and establishes civil penalties of up to \$10,000.00 per day per violation.

III. CITATIONS AND CONCLUSIONS OF LAW

Violations of the MCWL and its implementing regulations alleged herein ^{LJB} and found to have been committed by Mr. Bechtold are as follows:

- A. Failed to submit engineering plans and a construction permit application for meeting final effluent limitations for Ammonia as Nitrogen by January 8, 2013, as required in Part "B", Standard Conditions, and Part "D", SOC of MSOP No. MO-0106887, in violation of Section 644.076.1, RSMo and 10 CSR 20-6.010(7)(A).
- B. Failed to comply with effluent limitations contained in Part "A" of MSOP No. MO-0106887, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.
- C. Caused pollution of a tributary of Little Cedar Creek, 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 644.051.1(1) and 644.076.1, RSMo.
- D. Failed to submit annual Form S-Domestic Sludge Reporting forms, as required by the Standard Conditions of MSOP No. MO-0106887, in violation of Section 644.076.1, RSMo.
- E. Failed to conduct composite sampling for Biochemical Oxygen Demand and Total Suspended Solids, as required by Table "A" Effluent Limitations and Monitoring Requirements of MSOP No. MO-0106887, in violation of Section 644.076.1, RSMo.
- F. Failed to clearly mark the outfall in the field, as required by Special Conditions of MSOP No. MO-0106887, in violation of Section 644.076.1, RSMo.

IV. AGREEMENT

- A. The Department and Mr. Bechtold desire to amicably resolve all claims that may be brought against Mr. Bechtold for violations alleged above in Section III, Citations and Conclusions of Law, without Mr. Bechtold 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 Mr. Bechtold under this AOC.
- C. Mr. Bechtold, 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 (\$3000.00). Payment shall be in the form of a certified check or cashier's check made payable to "Boone County Treasurer, as

custodian of the Boone County School Fund". The check in the amount \$3000.00 is due and payable upon execution of this AOC by Mr. Bechtold. The check and signed copy of the AOC shall be delivered to:

Accounting Program
Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477

- D. In the period of time from the effective date of this AOC until recommended upgrades for the WWTF are completed, Mr. Bechtold shall operate and maintain the existing WWTF at all times in compliance with the conditions and requirements of MSOP No. MO-0106887 which expired on January 7, 2014. All units or components of the existing WWTF shall be maintained in an operable condition, even if this requires the purchase and installation of new parts or equipment and the repair of the WWTF.
- E. Within 30 days of the effective date of this AOC, Mr. Bechtold agrees to submit the annual sludge reports for the years 2010, 2011, 2012, and 2013 to the Department. In the event the sludge reports are not available, Mr. Bechtold shall submit written correspondence to the Department explaining why the reports are unavailable.
- F. Within 60 days of the effective date of this AOC, Mr. Bechtold agrees to submit to the Department for review and approval an engineering report, prepared by a professional engineer licensed to practice in the state of Missouri evaluating the WWTF and its ability to comply with the applicable effluent limitations, including but not limited to, Ammonia as Nitrogen and E. coli. and all conditions and requirements of its MSOP and 10 CSR 20-8.020, Although not required at this time, the report may also include alternatives that will result in compliance with the final effluent limitations for Ammonia as Nitrogen based on the U.S. Environmental Protection Agency's April 2013 Aquatic Life Ambient Water Quality Criteria for Ammonia-Freshwater. The engineering report shall identify alternatives to upgrade, replace, or eliminate the WWTF that will result in compliance with all effluent limitations contained in MSOP No. MO-0106887. If applicable, Mr. Bechtold agrees to also submit a complete antidegradation submittal pursuant to the Missouri Antidegradation Rule and Implementation Procedure; and use these evaluations to recommend one of the alternatives that will result in compliance with the MCWL and its implementing regulations. The engineering report shall be developed in accordance with Missouri Clean Water Regulation 10 CSR 20-8.
- G. Within 15 days of receipt of Department comments on the engineering report or antidegradation submittal, Mr. Bechtold agrees to respond to the Department in writing addressing all Department comments on the engineering report or antidegradation submittal to the Department's satisfaction.

- H. If the Department approved alternative is to upgrade or replace the WWTF, Mr. Bechtold agrees to submit to the Department for review and approval, a complete application for a construction permit, plans, and specifications sealed by a professional engineer licensed to practice in the state of Missouri and the applicable permit fee for the improvements recommended in the Department approved engineering report. The plans and specifications shall be developed in accordance with 10 CSR 20-8. Mr. Bechtold agrees to submit the application for a construction permit and if applicable, supporting documents to the Department within 45 days of the date the Department approves the engineering report. Pursuant 10 CSR 20-6.010(3) the construction permit application shall identify the higher preference continuing authority for the WWTF, or include a letter from the higher continuing authority waiving its preferential authority.
- I. If the Department approved alternative is connection to an area-wide wastewater treatment and collection system, Mr. Bechtold agrees to complete construction of a sewer extension by April 1, 2015. The sewer extension shall be designed and sealed by a professional engineer registered in the state of Missouri in accordance with 10 CSR 20 Chapter 8 and shall be constructed in accordance with the registered professional engineer's designs and plans. If the sewer extension and collection system will be greater than or equal to 1000 feet in length and will include more than two lift stations, Mr. Bechtold agrees to submit to the Department a complete application for a construction permit including the plans and specifications sealed by a professional engineer and the applicable fee for the sewer extension. Prior to beginning construction of the sewer extension, Mr. Bechtold agrees to obtain all necessary easements, approval from the municipality accepting the connection, and if applicable, a construction permit from the Department. If a construction permit is not required for the sewer extension, Mr. Bechtold agrees to submit to the Department, a copy of the plans and specifications sealed by a professional engineer licensed to practice in the state of Missouri within 30 days prior to beginning construction of the sewer extension.
- J. If the existing WWTF is to be abandoned, Mr. Bechtold agrees to submit a closure plan developed in accordance with Standard Conditions, Part III, Section H, to the Department for approval on or before April 1, 2015. If the existing WWTF will be incorporated in the new Department approved WWTF, a closure plan will not be required.
- K. Within 15 days of receipt of Department comments on the closure plan, Mr. Bechtold agrees to respond in writing to the Department addressing all Department comments on the closure plan to the Department's satisfaction.
- L. Within 180 days of the date the Department issues a construction permit for WWTF upgrades, or approves the plans and specifications for sewer extension to connect to an area-wide sewer authority system, Mr. Bechtold agrees to complete construction pursuant to the Department approved plans and specifications and achieve compliance with all applicable permitted effluent limitations or divert the flow from Chalet Park to the area-wide sewer system.

- M. Within 15 days of completion of construction activities, Mr. Bechtold agrees to submit to the Department a Statement of Work Completed Form, signed, sealed, and dated by a professional engineer registered in the state of Missouri certifying that the project was completed in accordance with Department approved plans and specifications and if applicable, a complete application for the reissued MSOP, including applicable fee.
- N. If applicable, within 120 days of diverting the wastewater flow from the WWTF to a Department approved WWTF or an area-wide sewer system, but not before receiving written approval from the Department for the WWTF closure plan, Mr. Bechtold agrees to: i) complete closure of the WWTF pursuant to the closure plan as approved by the Department; ii) stabilize the disturbed area with perennial vegetation with 70 percent fully established plant density over 100 percent of the disturbed area; and iii) submit to the Department a letter certifying that the facility was closed pursuant to the closure plan approved by the Department. In the event the wastewater flow from Chalet Park is connected to an area-wide sewer system, Mr. Bechtold agrees to submit an application to terminate MSOP No. MO-0106887 to the Department at the time the WWTF has been closed in accordance with the Department approved closure plan and the site is stabilized, as referenced in paragraph ii from above.
- O. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed on time, Mr. Bechtold shall notify the Department by telephone or electronic mail, identifying: i) the deadline that will not be completed; ii) the reason for failing to meet the deadline; and iii) a proposed extension to the deadline. Within five days of notifying the Department, Mr. Bechtold shall submit to the Department for review and approval a written request containing the same basic provisions of i, ii, and iii. The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of Mr. Bechtold's right to request an extension and may be grounds for the Department to deny him an extension.
- P. Nothing in this AOC forgives Mr. Bechtold 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 non-compliance 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.
- Q. 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.

R. 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 Mr. Bechtold for his records.

S. Mr. Bechtold agrees to comply with the terms and conditions of his MSOP, the MCWL, and Chapter 644, RSMo and its implementing regulations at all times in the future.

V. RIGHT OF APPEAL

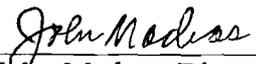
By signing this AOC No. 2014-WPCB-1309, Mr. Bechtold consents to its terms and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, Chapter 536 RSMo, 644.145, RSMo, 10 CSR 20-1.020, 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. Joan Doerhoff
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 1 day of October, 2014



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

Agreed to and Ordered this 10th day of September, 2014



Mr. Robert Bechtold, Owner
Chalet Park

Copies of the foregoing served by certified mail to:

Mr. Robert Bechtold, Owner

CERTIFIED MAIL # 7013 2250 0002 2840 9630

Midway Properties

6401 West Highway 40

Columbia, MO 65202

- c: Ms. Diane Huffman, Environmental Protection Agency
Mr. Chris Wieberg, Chief, Operating Permits Section
Accounting Program
Ms. Irene Crawford, Director, Northeast Regional Office
Missouri Clean Water Commission