

**BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES**

**In the Matter of:** )  
 )  
**Ms. Jennifer Ferrell** )  
**d/b/a Oakwood Mobile Home Park** )  
**6235 Mid Rivers Mall Dr.** ) **Order No. 2014-WPCB-1302**  
**St. Charles, MO 63304** )  
 )  
**Proceeding under the** )  
**Missouri Clean Water Law** )

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**NOTICE AND ORDER TO ABATE VIOLATIONS**

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RETURN RECEIPT REQUESTED

TO: Ms. Jennifer Ferrell  
Oakwood Mobile Home Park  
6235 Mid Rivers Mall Dr.  
St. Charles, MO 63304

You are hereby notified that on this date the Missouri Department of Natural Resources has issued this Notice and Order to Abate Violations to Ms. Jennifer Ferrell, d/b/a Oakwood Mobile Home Park (MHP), under the Missouri Clean Water Law (MCW), Chapter 644 of the Revised Statutes of Missouri (RSMo), specifically Sections 644.056 and 644.079 RSMo.

Failure to comply with this order is, by itself, a violation of the MCWL under Section 644.076 RSMo. Continued non-compliance may result in the Department pursuing legal action for injunctive relief, additional penalties of up to \$10,000.00 per day for each day or part thereof of non-compliance, attorney fees and costs, and/or any other remedy authorized by law, including but not limited to sections 644.056, 644.076, 644.079, and/or 644.096 RSMo.

## **FINDINGS OF FACT**

1. Jennifer Ferrell owns and operates a wastewater treatment facility (WWTF) located at the Oakwood MHP located in the Northwest ¼, Section 5, Township 49 North, Range 1 West, in Troy, Lincoln County, Missouri. The WWTF which receives wastewater generated from approximately nine connections, consists of a septic tank followed by a one cell lagoon. The WWTF has a design population equivalent of 11, a design flow of 1,100 gallons per day, and an actual flow of 0. Effluent discharges to a tributary to Lead Creek pursuant to the conditions and requirements of Missouri State Operating Permit (MSOP) No. MO-0118087.

2. Lead Creek and its tributaries are waters of the state as the term is defined by Section 644.016(27) RSMo.

3. Domestic wastewater is a water contaminant as the term is defined in Section 644.016(24), RSMo.

4. The MSOP was issued to Ms. Ferrell on April 17, 2009, and expired by its own terms on April 16, 2014. The MSOP required Ms. Ferrell to sample the effluent discharged from Outfall No. 001 and chemically analyze the effluent sample for the water contaminants listed in Part "A" once every quarter. The MSOP also requires the effluent to comply with the limitations contained in Part "A" and requires the results of the analysis to be submitted to the Department each quarter by the 28<sup>th</sup> day of the month following the reporting period.

5. The final effluent limitations require effluent that is discharged from Outfall No. 001 to comply with a monthly average of 45 milligrams per liter (mg/L) for Biochemical Oxygen Demand, and 80 mg/L for Total Suspended Solids. The MSOP required Ms. Ferrell to include this data in Discharge Monitoring Reports (DMRs) and submit the DMRs to the Department each quarter by the 28<sup>th</sup> day of the month following the reporting period.

6. The MSOP included interim and final effluent limitations for Fecal Coliform, and final effluent limitations for Total Residual Chlorine, and a Schedule of Compliance (SOC) for Ms. Ferrell to complete improvements to the WWTF that would enable the effluent to comply with the final limitations by March 31, 2012 or eliminate the discharge.

7. As of the date of this order, the Department has not received an engineering report or closure application to either upgrade the WWTF to comply with the final effluent limits as specified in the MSOP or close the WWTF.

8. On February 21, 2014, the Department received a completed Application for an Operating Permit for Domestic or Municipal Wastewater less than or equal to one hundred thousand gallons per day signed by Ms. Ferrell requesting to renew MSOP No. MO-0118087 to Oakwood MHP.

9. On April 16, 2014, the Department conducted a compliance inspection at the WWTF. During the inspection, Department staff observed that all the residential units in the MHP were unoccupied and the drinking water well was disconnected from the electricity and its distribution system. Department staff further observed that the blowers had been removed from the septic tank that precedes the lagoon.

10. On June 30, 2014, the Department issued Notice of Violation No. 3424 to Ms. Ferrell for failing to submit timely accurate and complete DMRs and failing to operate and maintain the WWTF to comply with the MCWL; and failing to comply with the SOC contained in the MSOP.

11. Sections 644.051.1(3), RSMo, make it unlawful to discharge any water contaminants into any waters of the state which exceed effluent regulations or permit provisions

as established by the Missouri Clean Water Commission or required by any federal water pollution control act.

12. Section 644.076.1, RSMo, and 10 CSR-6.010(7)(A) makes it unlawful for any person to build, erect, alter, replace, operate, use or maintain any water contaminant or point source in this state that is subject to standards, rules or regulations promulgated pursuant to the provisions of sections 644.006 to 644.141 unless such person complies with the Standard Conditions and Compliance Schedules of the MSOP.

13. Section 644.076.1, RSMo, make it unlawful for any person to cause or permit any discharge of water contaminants from any water contaminant or point source located in Missouri in violation of sections 644.006 to 644.141, or any standard, rule or regulation promulgated by the Missouri Clean Water Commission.

14. This order is necessary to compel compliance and/or to prevent or eliminate threats to human health or the environment.

### **STATEMENT OF VIOLATIONS**

Jennifer Ferrell has violated the MCWL and its implementing regulations as follows:

15. Failed to submit complete, timely and accurate DMRs as required in Part “A” of the MSOP in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.

16. Failed to upgrade the WWTF as required in Part “B”, Standard Conditions, and Part “D”, SOC, of the MSOP in violation of Section 644.076.1, RSMo, and 10 CSR-6.010(7)(A).

17. Failed to operate and maintain WWTF to comply with the MCWL and applicable MSOP conditions in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

## CORRECTIVE ACTIONS

18. Pursuant to section 644.056 RSMo, the Department hereby orders Ms. Ferrell to cease all discharges from the WWTF and pump and haul wastewater from the WWTF to a permitted WWTF with the capacity to treat the wastewater. Ms. Ferrell is ordered to continue pumping and hauling wastewater, as necessary, to prevent any overflows or discharges of sewage to waters of the state until a wastewater collection and treatment system approved by the Department has been constructed for Oakwood MHP or the WWTF is closed according to a Department approved closure plan. Additionally, Ms. Ferrell is ordered to maintain pumping and hauling receipts and make these receipts available to the Department by the 10<sup>th</sup> day of the month following the month that the receipts are written. The receipts shall include the date that the wastewater was pumped; number of gallons pumped; the name of the wastewater hauler and the permitted facility accepting the wastewater. If the WWTF produces no discharge, then Ms. Ferrell shall submit photographs sufficient to prove the absence of discharge and a signed statement attesting to the absence of discharge in lieu of pumping and hauling receipts. If the Department determines that the photographs are insufficient to verify the absence of discharge, then the Department shall notify Ms. Ferrell of such and she shall pump and haul as necessary until sufficient evidence of no discharge, as determined by the Department, is provided to the Department.

19. Ms. Ferrell is ordered to complete the corrective action in either Subparagraph A or B. All required reports, plans and specifications shall be prepared and sealed by a professional engineer licensed to practice in the state of Missouri and developed pursuant to the requirements of 10 CSR 20-8.020:

A. Replacement of WWTF

- i. Within 60 days of the effective date of this order, submit to the Department for review and comment a complete Antidegradation submittal prepared pursuant to the applicable Antidegradation Rule and Implementation Procedure for the state of Missouri. The Antidegradation submittal must include a Division of Geology and Land Survey Geohydrologic Evaluation that has been completed less than one year before the Antidegradation submittal.
- ii. Within 15 days receipt of Department comments on the Antidegradation submittal, respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the Antidegradation submittal.
- iii. Within 60 days of Department approval of the Antidegradation Review, submit to the Department for review and approval a complete application for an MSOP with applicable fee and an engineering report. The engineering report shall include wastewater treatment options and recommendations for a new WWTF for the Oakwood MHP so that effluent from the WWTF will comply with the MCWLand its implementing regulations. The engineering report must also include a lagoon closure plan for the existing WWTF that complies with Standard Conditions for National Pollutant Discharge Elimination System (NPDES) Permits, Part III, Section I, Closure Requirements.

- iv. Within 15 days receipt of Department comments on the engineering report and lagoon closure plan, Ms. Ferrell shall respond to and adequately address, to the Department's satisfaction, all the Department's comments.
- v. Within 30 days of the date the Department approves the engineering report and lagoon closure plan, Ms. Ferrell shall submit to the Department for review and approval, a complete application for a construction permit, including the applicable fee, design summary, plans and specifications signed and sealed by a professional engineer for replacement of the WWTF that will enable the effluent to comply with the MCWLand its implementing regulations.
- vi. Within 15 days receipt of Department comments on the construction permit application, Ms. Ferrell shall respond to and adequately address, to the Department's satisfaction, all of the Department's comments on the construction permit application.
- vii. Within 180 days of issuance of the construction permit, Defendants shall complete construction in accordance with Department-approved plans and specifications in the construction permit; complete closure of the WWTF in accordance with the Department approved closure plan and submit to the Department a complete application requesting issuance of the MSOP. Additionally, Ms. Ferrell shall submit a Statement of Work Completed Form, signed, sealed and dated by a professional engineer registered in the state of Missouri certifying that the project has been completed in accordance with the Department-approved plans and specifications.

viii. Within 30 days of completing construction of the new WWTF, Ms. Ferrell shall achieve compliance with the MCWL and its implementing regulations and effluent limitations contained in Part “A” of the MSOP.

**B. Closure of the WWTF**

- i. Ms. Ferrell shall submit to the Department for review and approval, a closure plan for the WWTF. The closure plan shall comply with Standard Conditions for NPDES Permits, Part III, Section H, Closure Requirements. Additionally, the collection pipes in the MHP must be removed or permanently disabled with a concrete plug.
- ii. Within 15 days of receipt of Department comments on the WWTF closure plan, Ms. Ferrell shall respond to and adequately address, to the Department’s satisfaction, all of the Department’s comments on the closure plan.
- iii. Within 180 days of Department approval of the closure plan, Ms. Ferrell shall complete closure of the WWTF according to the Department-approved closure plan and submit to the Department a written report with photographs documenting that the WWTF has been closed in accordance with the Department-approved closure plan and a completed Form J, Request for Termination of a MSOP.

**SUBMISSIONS**

20. All other documentation submitted to the Department for compliance with this order shall be submitted within the timeframes specified to:

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

### **OTHER PROVISIONS**

21. Any request for an extension of time or to otherwise modify this order will be considered on a case-by-case basis, if Ms. Ferrell makes a written request to the Department within 10 business days of this order, and otherwise provides appropriate justification and/or documentation to the Department in a timely manner. Any modification of this order shall be in writing.

22. Compliance with this order resolves only the specific violations described herein, and this Order shall not be construed as a waiver or modification or any other requirements of the MCWL and regulations, or any other source of law. Nor does this order resolve any future violations of this order or any law or regulation. Consistent with 10 CSR 20-3.010(5), this order shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

23. This order shall apply to and be binding upon Ms. Ferrell and any of her agents, subsidiaries, successors, assigns, affiliates, or lessees, including the officers, agents, servants, corporations and any persons acting under, through, or for Oakwood MHP. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not relieve Ms. Ferrell of her obligation to comply with this order.

24. For any plan or submittal from Ms. Ferrell that is required by this order and subject to Department approval under this order, the Department may approve, disapprove,

require revisions. Any such Department decision shall be conveyed in writing to Ms. Ferrell. Disapproval may result in further orders or pursuit of other forms of relief by the Department. If the Department requires revisions, Ms. Ferrell shall submit a revised version of the plan or submittal within 10 business days after receiving notice of the Department's required revisions, or within such other timeframe as the Department may specify. If the Department approves or modifies in writing such plan or submittal, it shall become enforceable under this order, and Ms. Ferrell shall commence work and implement such approved or modified plan in accordance with the SOC and provisions contained therein.

#### **NOTICE OF APPEAL RIGHTS**

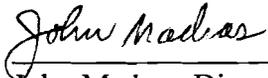
25. If you are adversely affected by this decision, you may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC) pursuant to 10 CSR 20-1.020 and Sections 644.056, 644.079, 640.013, and 621.250, RSMo. To appeal, you must file a petition or notice of appeal with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Any appeal should be directed to:

Administrative Hearing Commission  
Truman State Office Building, Room 640  
301 W. High Street  
P.O. Box 1557  
Jefferson City, Missouri 65102  
phone: 573-751-2422  
fax: 573-751-5018  
website: [www.aa.mo.gov/ahc](http://www.aa.mo.gov/ahc)

**SIGNATURE AUTHORITY**

SO ORDERED this 13<sup>th</sup> day of August, 2014 by:

DEPARTMENT OF NATURAL RESOURCES



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John Madras, Director  
Water Protection Program

c: Ms. Dorothy Franklin, Director, St. Louis Regional Office  
Mr. Chris Wieberg, Water Protection Program  
Mr. Jack McManus, Missouri Attorney General's Office  
Missouri Clean Water Commission