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INTERPRETATION PROGRAM

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

IN THE MATTER OF:

City of Versailles
Wastewater Treatment Plant

No. 2014-WPCB-1289

SERVE:

The Honorable Terry L. Silvey, Mayor
City of Versailles

ABATEMENT ORDER ON CONSENT

- I.** Upon the effective date of Abatement Order on Consent (AOC) No. 2014-WPCB-1289, AOC No. 2014-WPCB-1289 will supersede AOC No. 2011-WPCB-1111 issued on August 24, 2011. AOC No. 2011-WPCB-1111 is now null and void and of no further force of effect.

II. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS

The issuance of this Abatement Order on Consent (AOC) No. 2014-WPCB- 1289 by the Missouri Department of Natural Resources is a formal administrative action by the State of Missouri and is being issued because the wastewater treatment facility and collection system serving the city of Versailles 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 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 liability for, or preclude the Department from, initiating a judicial enforcement action to recover civil penalties for any future, violations of the MCWL, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

III. FINDINGS OF FACT

- A. The city is a fourth class municipality with a population of approximately 2,565 residents. The City owns and operates a wastewater treatment facility for the biological treatment of wastewater. The facility is located in the NE ¼, SE ¼, Section 36, T43N, R18W, in Morgan County and operates pursuant to Missouri State Operating Permit (MSOP) number MO-0094927. Outfall number 001 consists of an oxidation ditch, a peak flow clarifier and a sludge storage lagoon for the biological treatment of wastewater. Sludge from the lagoon is land applied. The design population equivalent is 5,500, the design average daily flow is 550,000 gallons per day (gpd), and the actual flow is 300,000 gpd. Outfall number 002 consists of a single cell lagoon used for inflow and infiltration. The design flow is 150,000 gpd and actual flow is dependent upon rainfall. The collection system consists of approximately seven (7) to fifteen (15) miles of sewer line and five (5) lift stations. The receiving stream for the facility is a tributary to Straight Fork.
- B. Straight Fork was on the 2002 303(d) list for Volatile Suspended Solids (VSS). Straight Fork is listed on the 2008 303 (d) list for Chloride and Low Dissolved Oxygen.
- C. Straight Fork and its tributaries are waters of the state as the term is defined by Section 644.016 (27) RSMo.
- D. Domestic wastewater is a water contaminant as the term is defined in Section 644.016 (24).
- E. On September 18, 2006, the Department re-issued MSOP number MO-0094927 to the City, which expired on September 17, 2011. This operating permit included a Schedule of Compliance (SOC) requiring the City to submit to the Department an engineering report prepared by a professional engineer, plans and specifications for upgrades to the facility, and a completed construction permit application by April 30, 2007. The SOC required the City to complete Department-approved upgrades to the facility by August 1, 2011, to enable the facility's effluent to comply with the permit's final effluent limitations for Total Suspended Solids (TSS), Total Recoverable Zinc, Total Recoverable Chromium III, Total Recoverable Chromium VI, Ammonia as Nitrogen, Oil and Grease, and Chloride. Additionally, MSOP number MO-0094927 included a second SOC requiring the City to submit a completed construction permit application and plans and specifications for disinfection equipment, and to complete construction of the disinfection equipment by August 1, 2011, to enable the facility to comply with final effluent limitations for Fecal Coliform. The final effluent limitations are as follows:

<u>Parameter</u>	<u>Units</u>	<u>Daily Max</u>	<u>Weekly Average</u>	<u>Monthly Average</u>
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Biochemical Oxygen Demand	mg/L		45	30
TSS	mg/L		30	15
Fecal Coliform	#/100 ml	1000		400
Zinc	mg/L	0.17		0.084
Chromium III	mg/L	0.20		0.098
Chromium VI	mg/L	0.015		0.0076
Chloride	mg/L	376		188
Ammonia as N				
Jun 1 – Aug 31	mg/L	3.2		1.6
Sept 1 – Nov 30	mg/L	6.8		3.4
Dec 1 – Feb 29	mg/L	7.5		3.8
Mar 1 – May 31	mg/L	6.8		3.4
O&G	mg/L	15		10

- F. Monthly Discharge Monitoring Reports (DMRs) submitted to the Department document that the effluent discharged from the city's facility failed to comply with the applicable permitted effluent limitations for Fecal Coliform during the months of August, September, and October 2011; April, May, June, July, August, September, October 2012; and June and July 2013.
- G. Monthly DMRs submitted to the Department document that the effluent discharged from the city's facility failed to comply with the applicable permitted limitations for Chloride during the months of June, July, August, September, October, November, and December 2011; March, April, May, June, July, August, October, and November 2012; January, February, and July 2013.
- H. Monthly DMRs submitted to the Department document that the effluent discharged from the city's facility failed to comply with the applicable permitted limitations for TSS during the months of March 2011; December 2012; and July 2013.
- I. Monthly DMRs submitted to the Department document that the effluent discharged from the city's facility failed to comply with the applicable permitted limitations for Total Recoverable Zinc during the months of December 2011; January, March, July, November, and December 2012.
- J. On December 11, 2006, the U.S. Environmental Protection Agency (EPA) approved the "permit in lieu of the Total Maximum Daily Load (TMDL). On September 28, 2007, the Department sent correspondence to EPA explaining that the Department re-issued the permit to the City on September 18, 2006, which included limits to ensure the stream's water quality standards will be met, specifically, the MSOP included Water quality-based effluent limits for chloride. Finally, the Department stated that it submitted the city's MSOP to EPA for concurrence that the permit will serve in lieu of a TMDL.

- K. On October 20, 2008, the Department issued a construction permit to the City for disinfection equipment, and this construction permit expired on October 18, 2010. The city did not complete construction of the disinfection equipment.
- L. On May 5, 2009, Department staff conducted an investigation of the City's collection system in response to a citizen complaint reporting that sewage was discharging from manholes and backing up in the basement of a home. During this inspection, staff observed sewage remnants and toiletries in a ditch next to a manhole.
- M. On June 8, 2009, the Department sent correspondence to the City explaining that bypasses of sewage from manholes and sewage backups in homes are considered sanitary sewer overflows (SSOs), and all flows entering the collection system must be transported to the facility for complete treatment. This letter further stated that the City must develop and submit an Inflow and Infiltration (I/I) Assessment and Reduction Plan and an Inspection and Maintenance Program to the Department for review and approval.
- N. On February 24, 2010, Department staff conducted a routine inspection at the facility. Staff reviewed the facility's file and found that the Discharge Monitoring Reports (DMRs) submitted for March 2009 through January 2010 indicated that the effluent discharging from the facility exceeded the permit limitation for Chloride every month. The DMRs also indicated that the City failed to conduct all the required operational control testing for influent TSS, and that the City had repeatedly exceeded the 2.5 peak to average daily flow threshold at the facility. Department staff further reviewed the City's laboratory procedures and documented that the City was not conducting Quality Assurance/Quality Control analysis for pH and Dissolved Oxygen materials, as required by MSOP Standard Conditions Part I, Section A. During the inspection, Department staff collected a sample of effluent discharging from Outfall number 001. Analytical sample results indicated a Chloride concentration of 192 milligrams per liter (mg/L).
- O. On May 4, 2010, the Department issued a Letter of Warning (LOW) to the City for violations documented during the February 24, 2010, inspection. The LOW required the City to complete the following: update the laboratory procedures to comply with MSOP Standard Conditions; develop an educational program to inform users of the City's collection system about illegal connections; increase the City's efforts to locate and repair sources of I/I in the collection system; and submit an I/I Assessment and Reduction Plan and an Inspection and Maintenance Repair Program to the Department by August 31, 2010.
- P. On June 15, 2010, the Department received correspondence from Mr. Ralph Gaw , attorney with Gaw & Teeple, P.C. representing the City, in response to the Department's May 4, 2010, LOW. In this correspondence, Mr. Gaw explained that the City identified the sources of Chloride to the collection system, representatives for

the facilities contributing Chloride initiated actions to significantly reduce the Chloride contaminations, and the City initiated actions to insure that laboratory and operating tests were being performed according to the MSOP Standard Conditions. In addition, Mr. Gaw stated that the City was in the process of retaining a contractor to televise a portion of their sewer lines to determine which collection lines require repair or replacement, the City plans to evaluate an 18 inch sewer line which may be inhibiting the influent flow to the treatment plant, and the City conducted smoke tests in the past to locate illegal sewer connections.

- Q. On June 17, 2010, the Department sent correspondence to the City informing them that wet weather discharges from Outfall number 002 will no longer be authorized under MSOP number MO-0094927.
- R. From February 2, 2008, to September 25, 2010, the City experienced 91 SSOs within its collection system and several bypasses of partially treated wastewater at the facility. Eighty-seven (87) of the SSOs coincided with rain events and four (4) SSOs occurred during dry weather.
- S. As a result of the above investigations, the Department incurred costs for staff time and sample analysis in the amount of one thousand eight hundred four dollars and nineteen cents (\$1,804.19).

REQUIREMENTS OF AOC No. 2011-WPCB-1111

- T. AOC No. 2011-WPCB-1111 required the City to pay the state's investigative costs in the amount of one thousand eight hundred four dollars and nineteen cents (\$1,804.19). On October 13, 2011, the Department received a cashier's check in the amount of one thousand eight hundred four dollars and nineteen cents (\$1,804.19) made payable to the "State of Missouri" from the city as payment for the Department's investigative costs.
- U. AOC No. 2011-WPCB-1111 required the City to pay a civil penalty in the amount of ten thousand dollars and no cents (\$10,000.00). On October 13, 2011, the Department received a cashier's check in the amount of ten thousand dollars and no cents (\$10,000.00) made payable to the "Morgan County Treasurer, as custodian of the Morgan County School Fund" from the city for payment of a civil penalty to resolve the past violations of the MCWL and its implementing regulations.
- V. AOC No. 2011-WPCB-1111 required the City to submit a complete application for a construction permit for upgrades to the facility. On September 20, 2012, the City submitted a complete application for a construction permit to the Department, and on March 12, 2013, the Department issued Construction Permit No. CP0001395 to the City for upgrades to the enable the effluent to comply with all interim and final

effluent limitations contained in the MSOP. Specifically, the construction permit included installation of the following components: new headworks structure; anoxic basin; submergence rotor; secondary clarifier; sludge pump; ultraviolet disinfection system; and bubble diffusion aeration system.

- W. AOC No. 2011-WPCB-1111 required the City to submit a complete application to renew MSOP No. MO-0094927. On November 18, 2011, the Department received a renewal application for the MSOP from the City, and on August 1, 2013, the Department re-issued the MSOP to the City, attached hereto as Exhibit 1. The 2013 MSOP includes interim and final effluent limitations for Biochemical Oxygen Demand (BOD) and TSS, and a schedule of compliance to comply with final limitations for BOD (weekly average 15 mg/L, monthly average of 10 mg/L) and TSS (weekly average of 20 mg/L, monthly average of 10 mg/L) within eighteen (18) months of the Department's issuance of the construction permit (October 1, 2014). The MSOP also included interim and final effluent limitations for ammonia (April 1-September 30 daily max 7.1 mg/L, Monthly average 2.4 mg/L; and October 1 through March 31, daily maximum 12.0 mg/L, Monthly average of 2.6 mg/L). In addition, the MSOP included a schedule for the city to complete improvements to comply with final limits for E. coli by January 1, 2014.
- X. AOC No. 2011-WPCB-1111 required the City to develop a description of a written or electronic Tracking and Management System that documents information regarding Sanitary Sewer Overflow (SSO) events, bypasses and basement backups collected by the City (Tracking System) and submit the Tracking System to the Department for review and approval. On February 22, 2012, the Department received the City's Tracking System from HDR Engineering, Inc. (HDR), and on February 27, 2012, the Department sent correspondence to the City approving the Tracking System.
- Y. AOC No. 2011-WPCB-1111 required the City to submit to the Department for review and approval, a work plan developed by a professional engineer registered in the State of Missouri, to perform a Sewer System Evaluation Survey (Survey) of the City's collection system. On February 22, 2012, the Department received a work plan from HDR Engineering for performing the Survey, and on May 7, 2012, the Department sent correspondence to the City approving the Survey Work Plan.
- Z. AOC No. 2011-WPCB-1111 required the City to complete the Survey (referenced in paragraph X from above) and on January 3, 2014, the Department received the results of the Survey from HDR. On February 4, 2014, the Department sent correspondence to the City approving the results of the Survey.
- AA. AOC No. 2011-WPCB-1111 required the City to develop and submit to the Department, a Capacity, Management, Operation, and Maintenance Program (CMOM) for the City's wastewater collection and treatment system. On January 3, 2014, the Department received the City's CMOM from HDR, and the Department is

currently in the process of reviewing the CMOM.

- BB. On August 26, 2013, the Department submitted correspondence to EPA proposing to correct the chloride impairment of Straight Fork with a national pollutant discharge elimination system permit in lieu of a TMDL. On December 5, 2013, the Department received correspondence from EPA stating EPA approved the permit in lieu of a TMDL.
- CC. On January 3, 2014, the Department's Compliance and Enforcement Section received correspondence from HDR, explaining that the city is awaiting approval on the plans and specifications from the United States Department of Agriculture-Rural Development (USDA-RD) and anticipates bidding the project in February 2014. In this correspondence, HDR requested an extension to complete the construction from eighteen (18) months of the bid advertising date.
- DD. On January 21, 2014, Department staff met with city personnel, HDR, and RD staff to discuss the status of the improvements to the city's facility and collection system. During this meeting, HDR explained that the city will not be able to complete construction of the upgrades to enable the effluent to comply with final limits for BOD, TSS, ammonia and E coli by September 2014, due to RD delaying the approval of the plans and specifications, and the city will install the disinfection equipment first. In addition, the city explained they have addressed the chlorides in their collection system and have been conducting stream surveys for hardness values of the zinc in anticipation of the Department reconsidering the zinc and the chloride limits during the next permit renewal, based upon these hardness values.
- EE. On February 14, 2014, the Department received correspondence from HDR providing additional information on the request for extension of construction of the project. In this correspondence, HDR explained that HDR submitted plans and specifications to RD on March 22, 2013, and the plans and specifications were not approved until December 23, 2013, which caused a delay in the process. HDR also explained that disinfection improvements will be completed within seven months of the Project Notice to Proceed, which is anticipated to be in May or June 2014. The Department also received separate correspondence on this same day requesting that Construction Permit No. CP0001395 be extended for an 18-month period from the Bid Advertisement Date of February 28, 2014. On March 3, 2014, HDR requested that the bid date be changed from February 28, to March 13, 2014.
- FF. On March 11, 2014, the Department sent correspondence to the city granting an extension of CP No. CP00001395 until August 27, 2015.
- GG. 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.

HH. Section 644.076.1, RSMo, makes it unlawful to violate the MCWL and regulations promulgated pursuant thereto and establishes civil penalties of up to ten thousand dollars (\$10,000.00) per day per violation.

IV. CONCLUSIONS OF LAW

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

1. Placed or caused or permitted to be placed a water contaminant, domestic wastewater, in a location where it is reasonably certain to cause pollution of waters of the state.
2. Failed to prevent a bypass of wastewater from the facility's collection system.
3. Discharged water contaminants into waters of the state which reduced the quality of such waters below the general criteria of the Water Quality Standards established by the Missouri Clean Water Commission.
4. Failed to upgrade facilities as required in Part "B," Standard Conditions and Part "C," SOC, of MSOP number MO-0094927.
5. Failed to comply with the effluent limitations contained in Part "A" of MSOP number MO-0094927.
6. Failed to submit complete DMRs to the Department as required in Part "A" of MSOP number MO-0094927.
7. Failed to carry out the minimum requirements for laboratory testing to ensure adequate wastewater systems in-plant operational control.

V. AGREEMENT

- A. The Department and the City desire to amicably resolve all claims that might be brought against the City for the violations alleged above in Section III, Conclusions of Law, without the City 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 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. Immediately, and until the upgrades are completed to the facility, the City shall comply with all interim effluent limitations in MSOP No. MO-0094927. All units or

components of the existing facility 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 facility.

- D. On or before April 1, 2015, the City agrees to install disinfection equipment and achieve compliance with the final permitted effluent limitations for E. coli.
- E. On or before September 28, 2015, the City agrees to complete construction of the facility upgrades to enable the effluent to comply with all remaining final permitted effluent limitations contained in table A-2 of the 2013 MSOP. No. MO-0094927.
- F. Within thirty (30) days of completion of construction, the city agrees to submit to the Department, a Statement of Work Completed form signed and dated by a professional engineer, certifying that the project has been completed in accordance with the approved plans and specifications. The city further agrees to submit a complete application to modify MSOP No. MO-0094927.
- G. Within sixty (60) days of completing construction of the improvements, the city shall achieve compliance with all the final effluent limitations contained in part "A" of the MSOP, including but not limited to BOD, TSS, Ammonia as Nitrogen, and E. coli.
- H. The City agrees to immediately implement the Tracking System (referenced in Section III, Paragraph X), which was approved by the Department on February 27, 2012.
- I. In the event the Department comments on the CMOM (referenced in Section III, Paragraph AA), the City shall submit a written response to address all Department comments. The written response shall be submitted within thirty (30) days of receipt of Department comments, or within the timeframe specified in the Department's correspondence.
- J. On or before May 14, 2014, the City shall submit to the Department for review and approval, a Capital Improvement Plan (CIP) developed by a professional engineer registered in the State of Missouri which provides a comprehensive summary of the results and recommendations of the Survey, (as referenced in Section III, Paragraphs Y and Z), with approximate costs for corrective action to eliminate I/I and SSOs within the collection system. The CIP shall prioritize improvements based on the Survey and include a schedule with interim milestones and deadlines to complete the CIP. Such a schedule shall include, but not be limited to, submittal of the following documents to the Department for review and approval: engineering reports, plans, and specifications for upgrades to the collection system; construction permit application(s) for repair and/or replacing sewer lines within the collection system; and the appropriate fees. In no event shall the proposed schedule for implementation of the CIP go beyond a deadline of **December 31, 2021**.

- K. In the event the Department comments on the CIP, the City shall submit a written response to address all Department comments. The written response shall be submitted within thirty (30) days of receipt of Department comments, or within the timeframe specified in the Department's correspondence.
- L. Immediately upon Department approval, the City shall immediately implement the provisions of the CIP which will become fully enforceable as a condition of compliance with AOC No. 2014-WPCB-1289 and shall be completed on or before December 31, 2021.
- M. Within thirty (30) days of completing all of the activities of the CIP, the City shall submit to the Department a letter certifying that all of the activities detailed in the CIP have been completed as approved by the Department.
- N. The City agrees that its development and implementation of the Survey will be considered as a part of the City's efforts to address eliminating all discharges of effluent from Outfall No. 002 and convert two of its existing cells of peak flow lagoons to peak flow equalization basins by December 31, 2016.
- O. The City shall verbally notify the Department within twenty-four (24) hours from the time the City becomes aware of any discharge from the facility that receives less than secondary treatment, regardless of whether or not the discharge is a violation of the City's MSOP, and each SSO event, with the exception of backups that are contained within a building. The City shall also submit a written report to the Department within five (5) days from the time the City becomes aware of any bypasses or SSOs as described above and report wet weather bypasses and SSOs with its DMRs.
 - i. The written report shall contain the date, time, location, and estimated volume of event, precipitation information (amount and duration), if any, and any additional information the City determines may be helpful in explaining the event and its circumstances or impacts.
 - ii. Reporting required under this Subsection to the Department is in addition to any reporting required by MSOP No. MO-0094927.
- P. The City shall continue to submit to the Department in writing a six (6) month status report on or before the 28th day of April and October every year thereafter until termination of AOC No. 2014-WPCB-1289. The April report shall cover activities that occurred during September, October, November, December, January, February and March; and the October reports shall cover activities that occurred during April, May, June, July, August, and September. The Semi-Annual Reports shall contain a summary of the status and progress of all projects and programs required by AOC No. 2014-WPCB-1289, including, but not limited to:
 - (1) A summary of information collected pursuant to Section 2 of this Appendix, including a tabulation of each SSO, bypass and backup event.
 - (2) A list of all confirmed I/I sources, the date (best estimate) of confirmation,

whether the Inflow source or Infiltration source is on private or public property, and the removal or correction date. If the source has not yet been removed or corrected then include the expected date. If the source is located on private property, identify all actions taken by the City and the date taken to secure the source(s) removal or correction.

- (3) A description of all preventative maintenance activities undertaken by the City. This shall include information identifying specific pipe segments, manholes, pump stations or other structures within the collection system which were inspected, cleaned, repaired or replaced. Where available, maps shall be submitted documenting the information provided in the report.
- (4) The status of implementation of all plans required by the Survey, including a statement as to whether specific schedule milestone dates in the schedules included in each approved plan were met. Upon completion of a specific project in the approved plans, the City shall submit a certification that the specified work has been completed, including the following documentation of the completed work to the Department:
 - (a) For work performed by a private contractor, City personnel shall complete an inspection report for the completed project and the certification by the City's Engineer that the specified work has been completed; and
 - (b) For work performed by City personnel, a copy of the work order for the project verified by the City's Engineer as complete.
- (5) A list of all MSOP violations within the semi-annual reporting period. This tabular listing shall include the date of the violation, the parameter exceeded, the permit limit, the reported amount, and any additional relevant information included in each DMR within the quarter, or on the cover letter for the DMR.

Q. The City shall maintain copies of all written submissions prepared pursuant to this AOC for at least thirty-six (36) months after termination of AOC No. 2014-WPCB-1289.

R. Upon successful completion of all the requirements of AOC No. 2014-WPCB-1289, including reporting requirements as required by Section V, Paragraph P, the City shall submit a report to the Department demonstrating such compliance and implementation of the required actions and request termination of the reporting requirements contained in Section V, Paragraph P. The Department will consider termination of the reporting requirements contained in Section V, Paragraph P, when all actions identified above have been completed and the City demonstrates that it has corrected deficiencies within the physical structures comprising the City's wastewater treatment system, has significantly improved operation and maintenance processes, data collection and utilization, and has eliminated, to the extent feasible, SSOs, bypasses and backups. The reporting requirements of AOC No. 2014-WPCB-1289 shall remain in effect until a written notice of termination is issued by an authorized representative of the Department.

- S. 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.
- T. Should the City fail to meet the terms of this AOC, including the terms set out in Paragraphs C through R, the City 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 "*Morgan County Treasurer, as custodian of the Morgan 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. The stipulated penalty is waived if it cannot acquire sufficient financing or a Force Majeure Event occurs. A Force Majeure Event is defined as an event that is beyond the control of the City, its contractors or any entity controlled by the City that delays or makes impossible the performance of any obligations under this agreement despite the City's best efforts to comply with this agreement. "Best" efforts include anticipating such an event and taking the steps that are within the City's ability to mitigate any delays or harm that may result as far as is possible under the circumstances. Should a Force Majeure Event be anticipated or occur without warning which results in delay or unanticipated harm, then the City shall notify the appropriate then acting state officials by written, facsimile, verbal or electronic delivery as soon as possible, but not later than 24 hours after the time the City becomes aware or should have become aware of the event. The City will then, within seven (7) days, provide in writing, an explanation of the potential delay to the state together with an explanation of its best efforts to prevent or minimize the event's

effects.

- U. 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.
- V. 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.
- W. 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.
- X. The City shall comply with the MCWL, Chapter 644, RSMo, and its implementing regulations at all times in the future.

VI. FINDING OF FINANCIAL AFFORDABILITY

Pursuant to Section 644.145, the Affordability Finding, which addresses the obligations included within this Order through December 31, 2016, based upon the city's cost estimate of \$8,902,000.00 through completion of corrective actions outlined in the city's facility plan and SSES is attached hereto as Exhibit 2. This Affordability Finding does not address future improvements that may be necessary to comply with the MCWL or its implementing regulations. This AOC requires the city to complete the construction of improvements to its existing wastewater treatment facility in accordance with a Department approved facility plan. In addition, the AOC requires the city to complete improvements to its collection system and reduce inflow and infiltration to eliminate SSOs..

VII. RIGHT OF APPEAL

By signing this AOC No. 2014-WPCB-1289, the City waives any right to appeal, seek judicial review, or otherwise challenge this order, pursuant to Sections 621.250, 640.010, 644.056.3, and 644.079.2, RSMo, and 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), and Chapters 536, 640, and 644, RSMo, the Missouri Constitution, or any other source of law. AOC No. 2011-WPCB-1111 will become final and fully enforceable, as provided in Section 644.076, RSMo upon the date the Department signs.

VIII. CORRESPONDENCE AND DOCUMENTATION

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

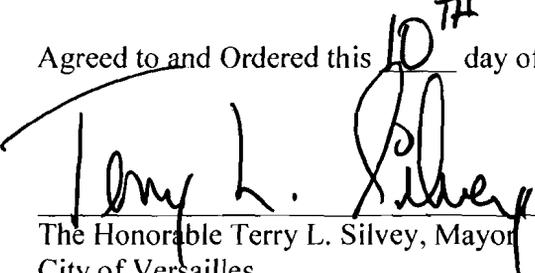
Ms. Joan Doerhoff
Compliance and Enforcement Section
Water Protection Program
Department of Natural Resources
P.O. Box 176
Jefferson City, MO 65102-0176

Agreed to and Ordered this 23rd day of July, 2014



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

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



The Honorable Terry L. Silvey, Mayor
City of Versailles

Copies of the foregoing served by certified mail to:

The Honorable Terry L. Silvey, Mayor
City of Versailles
104 North Fisher Street
Versailles, MO 65084

CERTIFIED MAIL #

c. Mr. Ralph Gaw
Gaw & Teeple, P.C.
P.O. Box 240
Tipton, MO 65081

Ms. Diane Huffman, Environmental Protection Agency
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