



Rocky Fork, pursuant to conditions and requirements of Missouri State Operating Permit (MSOP) No. MO-0085782.

- B. Rocky Fork 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 June 21, 2011, the department reissued MSOP No. MO-0085782, which is set to expire on June 20, 2016. The MSOP requires Mr. Krehbiel 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 28<sup>th</sup> day of the month following the monitoring period.
- E. MSOP No. MO-0085782 also contains a Schedule of Compliance (SOC) that required Mr. Krehbiel to complete upgrades to the WWTF to comply with final effluent limitations for E. coli by December 31, 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 Biochemical Oxygen Demand during the first quarter of 2014.
- G. On January 3, 2013, department staff conducted an inspection of the WWTF. During the inspection, staff observed the following conditions: the WWTF did not have an all-weather access road; the aerator was not in operation; erosion of the lagoon berms and deep-rooted vegetation growing on the berms. Staff further observed that the WWTF did not have a sign marking the outfall or proper warning signs posted on the perimeter fence. Staff noted a strong sulfuric odor by the outfall and found the vegetation below the outfall is covered with hydrogen sulfide bacteria. As part of this inspection, staff reviewed the department’s file for this facility and found that Mr. Krehbiel failed to submit a construction permit application and an activity schedule by June 21, 2012, for installing disinfection, as required by MSOP No. MO-0085782.
- H. Due to the violations found during the January 3, 2013, inspection, the department issued a Letter of Warning (LOW) to Mr. Krehbiel on February 25, 2013, for violations of the MCWL.
- I. On August 13, 2013, the department conducted an inspection of the WWTF. During the inspection, staff observed the aerator was not working. Department staff further observed the following conditions: deep-rooted vegetation on the lagoon berms; no all-weather access road; erosion damage on inner berm slopes; the lagoon was 100 percent covered in duckweed; and trash in the lagoon. Staff found that the WWTF did not have a sign to mark the outfall or warning signs posted on the perimeter fence and noted a sulfuric odor at the outfall location.

As part of this inspection, department staff reviewed the department's file for this WWTF and found that Mr. Krehbiel failed to submit a construction permit application and an activity schedule for installing disinfection.

- J. Due to the violations observed during the August 13, 2013, inspection, the department issued Notice of Violation (NOV) No. NER2013081409393474 to Mr. Krehbiel on August 22, 2013. The inspection report associated with the NOV required Mr. Krehbiel to submit a written response to the department by September 12, 2013, describing actions taken or that would be taken to correct the unsatisfactory features listed in the inspection report. The inspection report also required Mr. Krehbiel to coordinate with the Water Pollution Control Branch's Compliance and Enforcement Section to address the required actions.
- K. 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 and found to have been committed by Mr. Krehbiel are as follows:

- A. Failed to submit a construction permit application and an activity schedule toward meeting disinfection requirements by June 21, 2012, as required in Part "B", Standard Conditions, and Part "D", SOC of MSOP No. MO-0085782, in violation of Section 644.076.1, RSMo and 10 CSR 20-6.010(7)(A).
- B. Failed to clearly mark the outfall in the field, as required by Special Conditions of MSOP No. MO-0085782, in violation of Section 644.076.1, RSMo.
- C. Failed to provide proper warning signs on all sides of the perimeter fence, in violation of 10 CSR 20-8.020(11)(C)11.G.
- D. Failed to provide an all-weather access road from a public right-of-way to the WWTF, in violation of 10 CSR 20-8.020(11)(A)2.
- E. Failed to operate and maintain WWTF to comply with MCWL and applicable permit conditions, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.
- F. Failed to maintain the inner berms of the lagoon to be no less than a three-to-one (3:1) slope, in violation of 10 CSR 8.020(13)(A)3.C.
- G. Failed to remove deep-rooted vegetation growing on lagoon berms, in violation of 10 CSR 8.020(13)(A)3.G.

### IV. AGREEMENT

- A. The department and Mr. Krehbiel desire to amicably resolve all claims that may be brought against Mr. Krehbiel for violations alleged above in Section III, Citations and Conclusions of Law, without Mr. Krehbiel 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. Krehbiel under this AOC.
- C. Mr. Krehbiel, 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 \$3,500.00. 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 of \$3,500.00 is due and payable upon execution of this AOC by Mr. Krehbiel. 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 65102-0176

- D. In the period of time from the effective date of this AOC until recommended upgrades for the WWTF are completed, Mr. Krehbiel shall operate and maintain the existing WWTF at all times in compliance with the conditions and requirements of MSOP No. MO-0085782. 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. Mr. Krehbiel shall further monitor the lagoon berms and take appropriate actions to prevent a discharge from occurring until the lagoon is properly upgraded and the berm damage is repaired or until the lagoon is properly closed.
- E. Mr. Krehbiel agrees to prevent a discharge from the lagoon between the months of April 1 and October 31 or until department approved upgrades are complete that will enable the effluent to comply with the final effluent limitations for E. coli. Mr. Krehbiel agrees to pump and haul the wastewater from the lagoon to a permitted WWTF with the capacity to treat the wastewater. Mr. Krehbiel shall continue pumping and hauling wastewater as necessary, to prevent any discharge from the lagoon. Mr. Krehbiel shall maintain pumping and hauling receipts and submit copies of the receipts to the department each month. The records shall be submitted to the department by the tenth day of the following month and include the date the wastewater was pumped; number of gallons pumped; and the name of the wastewater hauler and the name of the permitted WWTF accepting the wastewater.
- F. Within 45 days of the effective date of this AOC, Mr. Krehbiel shall complete the following: i) clearly mark the outfall location; ii) repair or replace the aerator so it is functioning properly; and provide appropriate permanent signs along the

perimeter of the lagoon to designate the nature of the WWTF and advise against trespassing.

- G. Within 60 days of the effective date of this AOC, Mr. Krehbiel 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 E. coli. and all conditions and requirements of its MSOP and 10 CSR 20-8.020, including constructing an all-weather access road and assuring the berm damage is properly repaired. 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-0085782. If applicable, Mr. Krehbiel 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.
- H. Within 15 days of receipt of department comments on the engineering report or antidegradation submittal, Mr. Krehbiel agrees to respond to the department in writing addressing all department comments on the engineering report or antidegradation submittal to the department's satisfaction.
- I. If the department approved alternative is to upgrade or replace the WWTF, Mr. Krehbiel 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. Krehbiel 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.
- J. If the department approved alternative is connection to an area-wide wastewater treatment and collection system, Mr. Krehbiel agrees to complete construction of a sewer extension by September 30, 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. Krehbiel 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. Krehbiel 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. Krehbiel 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.

- K. If the existing WWTF is to be abandoned, Mr. Krehbiel agrees to submit a closure plan developed in accordance with Standard Conditions, Part III, Section I, to the department for approval on or before May 31, 2015. If the existing WWTF will be incorporated in the new department approved WWTF, a closure plan will not be required.
- L. Within 15 days of receipt of department comments on the closure plan, Mr. Krehbiel agrees to respond in writing to the department addressing all department comments on the construction permit application, plans and specifications to the department's satisfaction.
- M. 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. Krehbiel 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 the MHP to the area-wide sewer system.
- N. Within 15 days of completion of construction activities, Mr. Krehbiel 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 modified MSOP, including applicable fee.
- O. 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. Krehbiel agrees to: i) complete closure of the lagoon 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 lagoon was closed pursuant to the closure plan approved by the department. In the event the wastewater flow from the MHP is connected to an area-wide sewer system, Mr. Krehbiel agrees to submit an application to terminate MSOP No.

MO-0085782 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..

- P. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed on time, Mr. Krehbiel 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. Krehbiel 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 Mr. Krehbiel's right to request an extension and may be grounds for the department to deny him an extension.
- Q. Nothing in this AOC forgives Mr. Krehbiel 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.
- E. 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.
- F. 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. Krehbiel for his records.
- G. Mr. Krehbiel agrees to comply with the terms and conditions of its 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-1299, Mr. Krehbiel 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:

Mr. Peter Burch  
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 14<sup>th</sup> day of May, 201~~4~~<sup>5</sup>



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

Agreed to and Ordered this 30 day of April, 2014



Mr. Edward Krehbiel, Owner  
Gaslight Park Mobile Home Park

Copies of the foregoing served by certified mail to:

Mr. Edward Krehbiel, Owner                      CERTIFIED MAIL #  
Gaslight Park Mobile Home Park  
1825 Ridgemont  
Columbia, MO 65203

- 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