

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

IN THE MATTER OF:)	
)	
Trinity Mobile Home Park)	
)	
SERVE:)	No. 2014-WPCB-1308
)	
)	
Mr. Bill Crawford)	
ABC Properties Bloomsdale, LLC)	
4303 U.S. Highway 61)	
Bloomsdale, MO 63012)	

ABATEMENT ORDER ON CONSENT

I. NOTICE TO RECIPIENTS OF ABATEMENT ORDERS

The issuing of this Abatement Order on Consent (AOC) No. 2014-WPCB-1308, by the Department of Natural Resources, is a formal administrative action by the state of Missouri and is being issued because the Trinity Mobile Home Park (MHP) wastewater treatment facility (WWTF) 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 Mr. Bill Crawford 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. Mr. Crawford owns and operates the Trinity MHP, located at Highway 61, near Bloomsdale, Missouri. The wastewater generated by 20 units and one single family residence is treated by a single cell, facultative lagoon located in the NW¼, NE¼, Section 29, Township 39 North, Range 7 East, in St. Genevieve County. Effluent from the lagoon serving the MHP discharges from Outfall No. 001 to a tributary to the South Fork Isle Du Bois Creek, pursuant to the conditions and requirements of Missouri State Operating Permit (MSOP) No. MO-0092118. Department records indicate that the MSOP expired by its own terms on December 6, 2012.
- B. The MSOP, issued to Mr. Crawford by the Department on December 7, 2007, included final effluent limitations for Fecal Coliform and Total Residual Chlorine that

became effective on October 19, 2011. Section D of the MSOP required Mr. Crawford to complete the following: i) submit an engineering report prepared by a licensed professional engineer registered in the state of Missouri by April 30, 2008, describing the current treatment system and listing alternatives for wastewater treatment or show that the existing system will meet the current design and performance standards. ii) if the engineering report indicates upgrades are needed, submit plans and specifications with a construction permit application for review and approval by April 30, 2009. iii) complete upgrades to the WWTF by October 18, 2011.

- C. The MSOP No. MO-0092118 contained interim limits for Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) which remained in effect until October 18, 2011. The MSOP did not contain final limits for BOD and TSS, rather the MSOP indicated that the final limits would be based on a geologic evaluation and a water quality review sheet submitted with the engineering report and the final limits will be public noticed during the construction permitting process.
- D. MSOP No. MO-0092118 requires Mr. Crawford to sample the effluent discharged from Outfall No. 001 and chemically analyze the effluent sample for the water contaminants listed in Part "A" every month. MSOP No. MO-0092118 further requires the effluent to comply with the 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 reporting period.
- E. South Fork Isle Du Bois Creek and its tributaries are waters of the state as the term is defined by Section 644.016 (27), RSMo.
- F. Domestic wastewater is a water contaminant source as the term is defined by section 644.016(24) RSMo.
- G. Quarterly DMRs submitted to the Department document that the effluent discharged from the WWTF failed to comply with the applicable permitted effluent limitations for pH during the first quarter of 2013.
- H. Quarterly DMRs submitted to the Department document that the effluent discharged from the WWTF failed to comply with the applicable permitted effluent limitations for Fecal Coliform during the second quarter of 2012 and second quarter of 2013
- I. Quarterly DMRs submitted to the Department document that the effluent discharged from the WWTF failed to comply with the applicable permitted effluent limitations for TRC during the second quarter of 2013.
- J. On April 23, 2008, the Department received an engineering report, prepared by Fribis Engineering, Inc., recommending design alternatives for the WWTF serving Trinity. On May 13, 2008, the Department sent correspondence to Mr. Jonathan Fribis approving the engineering report which indicated a sand filter with a 7,500 gallon recirculation/dilution tank followed by a tablet chlorination and dechlorination

contact tank in place was the most feasible alternative for the existing single cell lagoon. On April 29, 2009, the Department received plans, specifications, and a construction permit application for Trinity from Fribis Engineering. Subsequent revisions were received by the Department on August 26, and September 14, 2009.

- K. On November 5, 2009, the Department issued Construction Permit No. CP-0000192 to the Crawford's, for a package WWTF that includes primary settling tanks, aerated fixed film media, chlorine contact tank, tablet chlorination and dechlorination.
- L. On January 19, 2011, Department staff conducted a routine compliance inspection of the WWTF serving the MHP. During the inspection staff collected samples and conducted chemical analysis that indicated effluent limits for BOD exceeded average weekly effluent limits of 65 mg/L in compliance with MSOP No. MO-0092118.
- M. On January 19, 2011, the Department sent an inspection report and issued a Letter of Warning to Mr. Crawford. In the report, the Department identified violations found during the inspection and listed important recommendations to be considered.
- N. On September 9, 2011, Department staff conducted an investigation of the WWTF serving the MHP after receiving a call from a concerned party regarding drainage and odor coming from the lagoon. During the inspection, staff observed that there was no odor or discharge from the lagoon, the lagoon was covered in duckweed and that disinfection equipment had not been installed, as required by the Schedule of Compliance (SOC) in MSOP No. MO-0092118.
- O. Based upon the violations found during the September 9, 2011, inspection, the Department sent an inspection report and issued Notice of Violation No. 19030 SE to Mr. Crawford on September 9, 2011. In the inspection report, the Department identified violations found during the inspection and file review, and informed Mr. Crawford he was being referred to the Water Protection Program's Enforcement Section for failure to complete upgrades to the WWTF by October 18, 2011.
- P. On May 17, 2012, the Department received an MSOP renewal application from Mr. Crawford.
- Q. On June 7, 2013, the Department issued MSOP No. MO-0092118 to Mr. Crawford. The MSOP will expire on its own terms March 31, 2017. The MSOP includes final effluent limitations for E. coli, effective immediately, and Ammonia as Nitrogen that becomes effective on July 1, 2017.
- R. On December 21, 2013, the Department received Plans and Specifications, from Fribis Engineering, to the Department for review and approval. On February 24, 2014, the Department received a construction permit application and the appropriate fee for the construction of a Chlorination and Dechlorination system from Mr. Crawford.

- S. On April 18, 2014, the Department issued Mr. Crawford Construction Permit No. CP-0001629 for construction of the Chlorination and Dechlorination system for upgrades to the WWTF.
- T. Section 644.076.1, RSMo makes it unlawful to violate the MCWL and regulations promulgated pursuant there to and establishes civil penalties of up to \$10,000.00 dollars 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. Crawford at the facility are as follows:

1. Failed to comply with the effluent limits contained in Part "A" of MSOP No. MO-0092118, in violation of Sections 644.051.1 (3) and 644.0761., RSMo.
2. 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.
3. Failed to complete upgrades to the WWTF as required in Part "B", Standard Conditions, and Part "D", SOC, of MSOP No. MO-0092118.

IV. AGREEMENT

- A. The Department and Mr. Crawford desire to amicably resolve all claims that may be brought against Mr. Crawford for violations alleged above in Section III, Citations and Conclusions of Law, without Mr. Crawford 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. Crawford under this AOC.
- C. Mr. Crawford, in compromise and satisfaction of the Department's claims, relating to the above-referenced violations, agrees, without admitting liability or fault, to pay a civil penalty in the amount of \$6,000.00. The Department and Mr. Crawford further agree that \$4,000.00 of such civil penalty shall be suspended for a period of two years on the condition that Mr. Crawford does not violate the terms of this AOC. The remaining \$2,000.00 of the civil penalty that is currently imposed shall be paid in four monthly payments of \$500.00, each in the form of a check made payable to, "St. Genevieve County School Treasurer, as custodian of the St. Genevieve County School Fund." The first payment in the amount of \$500.00 is due and payable upon execution of this AOC by Mr. Crawford. The three remaining payments of \$500.00 shall be due and payable on the 1st day of

each succeeding month. The check and signed copies 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 Mr. Crawford shall operate and maintain the existing WWTF at all times in compliance with the conditions and requirements of MSOP No. MO-0092118. 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, or repair of the WWTF.
- E. Within 30 days of completing construction, Mr. Crawford shall submit to the Department a Statement of Work Complete Form, signed, sealed and dated by a professional engineer registered in the state of Missouri certifying that the project is complete and operable in accordance with Department approved plans and specifications, and a complete application with the applicable fee to modify the MSOP.
- F. Within sixty 60 days of completing construction of the improvements, Mr. Crawford shall achieve compliance with the final effluent limitations contained in Part "A" of the MSOP.
- E. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, Mr. Crawford 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 days of notifying the Department, Mr. Crawford 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. Crawford's right to request an extension and may be grounds for the Department to deny Mr. Crawford an extension.
- F. Should Mr. Crawford fail to meet the terms of this AOC, including the deadlines for completion of construction set out in Paragraphs D through F, Mr. Crawford 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	\$50.00 per day
31 to 90 days	\$100.00 per day
91 days and above	\$250.00 per day

Stipulated penalties will be paid in the form of a certified or cashier's check made payable to "St. Genevieve County Treasurer, as custodian of the St. Genevieve County School Fund." Any such stipulated penalty shall be paid within ten days of demand by the Department and shall be delivered to:

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

- G. Nothing in this AOC forgives Mr. Crawford 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.
 - H. 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.
 - I. The effective date of the AOC No. 2014-WPCB-1308 shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to the Crawford's for its records.
 - J. Mr. Crawford shall comply with the MCWL, Chapter 644, RSMo and its implementing regulations at all times in the future.
- V. RIGHT OF APPEAL

By signing this AOC, Mr. Crawford consent 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. Brittnie Brauner
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 21st day of January, ~~2014~~ ²⁰¹⁵

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

Agreed to and Ordered this 6TH day of JANUARY, 2014~~5~~

William Crawford for ABC PROPERTIES BLOOMSDALE LLC.
Bill Crawford, Owner
ABC Properties Bloomsdale, LLC
Trinity Mobile Home Park

Copies of the foregoing served by certified mail to:

- Mr. Bill Crawford, Owner CERTIFIED MAIL:
6659 Creekstone Drive
Barnhart, MO 63012
- c: Ms. Diane Huffman, Environmental Protection Agency
 Mr. Chris Wieberg, Chief, Operating Permits Section
 Accounting Program
 Mr. Jackson Bostic, Director, Southeast Regional Office
 Missouri Clean Water Commission