

Missouri Clean Water Commission Meeting
Department of Natural Resources
Lewis and Clark State Office Building
LaCharrette/Nightingale Creek Conference Rooms
1101 Riverside Drive
Jefferson City, Missouri

January 12, 2011

Mapaville Meadows #1 Wastewater Treatment Facility
Jefferson County, MO-0081906

Background: Mapaville Meadows #1 Subdivision (Subdivision) is located in Jefferson County and consists of nine (9) single family homes, which are served by an extended aeration unit with a sludge holding tank. In January 2007, the Missouri Department of Natural Resources (Department) re-issued Missouri State Operating Permit (MSOP) No. MO-0081906 to the Mapaville Meadows Homeowners' Association #1 (the Association), that included a Schedule of Compliance (SOC) requiring the permittee to submit proper documentation of the homeowners' association to the Department to show that it complies with the requirements of 10 CSR 20-6.010 (3) 5, by June 30, 2007, and complete the necessary repairs to enable the wastewater treatment facility to comply with final permitted limitations. The Association failed to meet the requirements of the SOC contained in the operating permit and were not established as a valid continuing authority until June 7, 2010.

Since July 2008, the Department has conducted three (3) complaint investigations of the wastewater treatment facility (WWTF) serving the Subdivision. During these investigations, staff documented that the WWTF was not being properly operated and maintained, as staff observed sludge deposits and bloodworms in the receiving stream. Department records also indicate that the effluent discharging from the WWTF has periodically failed to comply with its permitted limitations for Biochemical Oxygen Demand and/or Total Suspended Solids. The Association has been pumping and hauling the wastewater to prevent discharges which do not comply with the WWTF's permitted limitations.

Issue: Since April 2010, the Department has sent several letters and spoke with Ms. Cathy Green Trustee, on the telephone in an attempt to resolve past violations of the Missouri Clean Water Law (MCWL) and its implementing regulations through an out-of-court Settlement Agreement. The Department has also sent several revised draft Settlement Agreements to the Association for execution. To date, the Department and the Association have not been able to reach an Agreement. In addition, several homeowners in the subdivision refuse to pay additional monies for the civil penalty and the trustee is having difficulty in obtaining the funds for the civil penalty to resolve past violations.

Recommended Action: The Water Protection Program recommends that the Commission refer the Association and any and all other responsible parties, including individual homeowners in the Subdivision, to the Attorney General's Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.

Suggested Motion Language: “I move that the Commission refer the Association and any and all other responsible parties, including individual homeowners in the Subdivision, to the Attorney General’s Office for appropriate legal action in order to compel compliance, pursue a civil penalty, and/or seek any other appropriate form of relief.”

List of Attachment: Case Summary Information Form