

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

May 4, 2011

Mark Twain Landing LLC
Ralls County, MO-0103675

Background: Mark Twain Landing LLC (the Landing) owns and operates Mark Twain Landing, a water theme park that includes tent and recreational vehicle (RV) campgrounds with shower houses, about 18 cabins, convenience store, restaurant, commercial laundry and two single-family residences which are located in Ralls County, Missouri. The Landing also operates a no discharge wastewater treatment facility (WWTF) pursuant to Missouri State Operating Permit # MO-0103675 that serves its business as well as providing wastewater treatment through contractual agreements to the 68 unit Harbor Town Condominiums, the Harbor Town Clubhouse, the 40 unit Harbor Town Inn, ten Harbor Town Patio Homes, the 45 unit RV site known as HTR Development and the 48 unit two bedroom Pine Lake Condo Association.

Between October 30, 2007, and October 8, 2010, the Department conducted five (5) inspections of the Landing's WWTF that resulted in the issuance of two (2) Letters of Warning and three (3) Notices of Violation. During the three (3) most recent inspections, staff observed bypassing of partially treated wastewater from the Landing's WWTF to waters of the state; the cause of each bypass occurrence was due to a failure in a different part of the wastewater treatment or land application system and the discharged wastewater enters waters of the state less than a half mile upstream of Mark Twain Lake.

Issue: Between October 30, 2007, and October 8, 2010, the Department conducted five (5) inspections of the Landing's WWTF that resulted in the issuance of two (2) Letters of Warning and three (3) Notices of Violation. During the three (3) most recent inspections, staff observed bypassing of partially treated wastewater from the Landing's WWTF to waters of the state; the cause of each bypass occurrence was due to a failure in a different part of the wastewater treatment or land application system and the discharged wastewater enters waters of the state less than a half mile upstream of Mark Twain Lake. The Department has attempted to settle past violations through an out of court agreement. The Department sent letters and spoke with the general manager of the Landing several times 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 Agreement. To date, the Department and the Landing have not been able to reach an Agreement.

Recommended Action: The Water Protection Program recommends that the Commission refer this matter 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 this matter 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 Attachments: Case Summary Information Form

MISSOURI DEPARTMENT OF NATURAL RESOURCES

Case Summary Information

Case Name: Mark Twain Landing Wastewater Treatment Facility (WWTF)

Facility name(s) – List all current names of responsible parties (owner/operator) for actions at this site):

Mark Twain Landing LLC

Facility address, including county, and contact information:

Rita Owens, General Manager
Mark Twain Landing
42819 Landing Lane
Monroe City, MO 63456
573 735-9422
Ralls County

Program(s): Water Protection

Program Contact(s)/Regional Contact(s), with phone numbers:

Mary Ann Redden, WPP, 573 522-4018
Jamie Shinn, NERO, 417 891-4337

Description of Facility and Situation:

Wastewater collected in an aerated basin and pumped via a manually activated pump to a one-cell holding basin. The wastewater in the holding basin is land applied to maintain the basin as a no-discharge facility. Several bypasses have occurred due to overflow of the aerated basin because it is not equipped with any overflow control devices. Other bypasses have occurred due to run off of irrigated wastewater from the land application field and from sludge and wastewater discharging from parts of the system no longer in use but not properly taken out of service.

Responsible Party(s) (specify owner, operator, other [etc.]) and contact information if different from above:

Mark Twain Landing, LLC

Organizer: Bruce A. Bryant

213 N. Friendswood Dr.
Friendswood, TX 77546

Registered Agent: Robert D. Yaquinto

15875 Interurban Road
Platte City, MO 64079

Law(s), Regulation(s) and Permit Conditions Violated:

1. **On May 5, July 8, September 19 and October 8, 2010**, operated, used or maintained a water contaminant source from an unpermitted outfall, which intermittently discharges to an unnamed tributary to Mark Twain Lake, waters of the state, without a MSOP in violation of Sections 644.051.2 and 644.076.1, RSMo, and 10 CSR 20-6.010(1)(A) and (5)(A);

2. **On May 5, July 8, September 19 and October 8, 2010**, caused pollution of an unnamed tributary to Mark Twain Lake, waters of the state, or placed or caused or permitted to be placed a water contaminant in a location where it is reasonably certain to cause pollution of waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo;
3. **On October 8, 2010**, discharged water contaminants into waters of the state which reduced the quality of such waters below the Water Quality Standards established by the Missouri Clean Water Commission in violation of Sections 644.051.1(2) and 644.076.1, RSMo, and 10 CSR 20-7.031 or applicable subsection of 10 CSR 20-7.031;
4. **Beginning in April 2009 and continuing through September 2010**, failed to submit complete/accurate/timely discharge monitoring reports and the Annual Operations Report as required in part "A" of MSOP number MO-0103675 in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1;
5. **On May 5, July 8, September 19 and October 8, 2010**, failed to comply with the Standard and Special Conditions of the MSOP by failing to operate the facility as a no discharge facility and failure to report all illegal discharges in violation of Section 644.076.1, RSMo; and
6. **On May 5, July 8, September 19 and October 8, 2010**, failed to operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Relief Requested:

Civil action for compliance and penalties (if injunction requested, please provide proposed compliance schedule)

- 1) Within fifteen days (15) of the effective date of a Settlement Agreement, ensure that the security fence around the WWTF is in good repair and that four (4) warning signs are posted, one on each side of the fence;
- 2) Within ninety (90) days of the effective date of the Settlement Agreement, Mark Twain Landing shall submit to the Department for review and approval an Engineering Report (ER) prepared by a professional engineer licensed to practice in the State of Missouri which evaluates all components of the wastewater collection system and treatment facility. The plan shall include a schedule to map the location and describe the structures of the Landing's collection system and all other collection systems whose waste flows to the Landing's WWTF. Additionally, the plan shall evaluate Inflow and Infiltration (I/I) into the entire collection system; prioritize the evaluation of each area of the collection system based upon known problems and include the types of evaluations planned and a schedule for completion for each designated area.

- 3) This evaluation shall include a complete application for a construction permit (CP) if recommended improvements require modification to the WWTF. In addition, the report must also include an assessment of all structural, operational and maintenance problems identified at the plant, including equipment deficiencies, routine maintenance issues and evaluate whether re-aeration is a necessary component in the system;
- 4) Within thirty days (30) of receipt of Department comments on the ER and CP if applied, submit a response in writing to the Department addressing all Department comments on the ER and CP. The ER and/or CP, if applied, shall include a time table for which the proposed work can be completed; and
- 5) Within fifteen (15) days of completing construction, 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 comply with the permit effluent limitations contained in permit number MO-0103675.

Permit(s) Involved, including type and permit number:

Missouri State Operating Permit # MO-0103675

Other Program Involvement (if applicable): none

Other Agency Involvement (if applicable): none

Most Recent Significant Action by Department or Responsible Party:

March 2, 2011 – Letter to Ms. Rita Owens acknowledging the receipt of her correspondence on behalf of Mark Twain Landing and notifying her that the past violations and civil penalty must be addressed.

Penalty Estimate: \$32,997.00 civil penalty and \$1,495.15 investigative costs

Other Significant Aspects of the Case:

CONTACT INFORMATION:

- **Department Staff – inspectors, other field staff, case managers and others involved in developing the referral. Name, position, e-mail address and phone number:**
 - Mary Ann Sutter, 573 522-4018
 - Jamie Shinn, 660 385-8070
 - Daryl McCullough, 660 385-8071

- **Facility Owner(s) – for all defendants, include name, title, physical and mailing addresses and telephone numbers:**

Mark Twain Landing, LLC
Bruce A. Bryant
213 N. Friendswood Dr.
Friendswood, TX 77546

- **Facility Operator(s):**

Rita Owens, General Manager
Mark Twain Landing

Attachments:

- Permit and permit application
- NOVs
- Documentation of any site visits, including Environmental Assistance Visits
- Reports of inspections within last five years
- Penalty and penalty calculation
- All correspondence between Department and defendant
- All emails and phone logs
- Secretary of State information documenting correct name of corporation, form of corporation or fictitious name registration, including information regarding registered agent
- Photographs (color)
- Map of the Site