

**BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES**

|                                             |   |                                |
|---------------------------------------------|---|--------------------------------|
| <b>In the Matter of:</b>                    | ) |                                |
|                                             | ) |                                |
| <b>City of Anniston</b>                     | ) |                                |
|                                             | ) | <b>Order No. PDWB-2026-234</b> |
|                                             | ) |                                |
| <b>Proceeding under Sections 640.100 to</b> | ) |                                |
| <b>640.140, RSMo</b>                        | ) |                                |

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**ADMINISTRATIVE ORDER ON CONSENT**

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**NOTICE TO RECIPIENTS OF ADMINISTRATIVE ORDERS**

The issuance of Administrative Order on Consent No. PDWB-2026-234 (Order) by the Missouri Department of Natural Resources (Department) is a formal administrative action by the State of Missouri and is being issued because the Department alleges that the City of Anniston (the Respondent) is in violation of the Missouri Safe Drinking Water Law, Sections 640.100 to 640.140, Revised Statutes of Missouri (RSMo), and its implementing regulations, 10 CSR 60 (MSDWL&R). This Order is issued pursuant to Sections 640.130.3 and 640.131, RSMo. Failure to comply with this Order is, by itself, a violation of the MSDWL&R that may trigger penalties and other forms of relief pursuant to Sections 640.130 and 640.131, RSMo.

## **FINDINGS OF FACT**

1. The City of Anniston is a fourth-class city with a population of approximately 175 residents. On April 2, 2024, the majority of persons voting on the question of disincorporation voted to dissolve the City of Anniston. Per Section 79.490, RSMo, the county governing body shall disincorporate the city in accordance with the terms of Chapter 79, RSMo. The City still exists for purposes of winding down its affairs and when doing so it acts through a validly appointed trustee. *See* Sections 79.490-79.540, RSMo. The Mississippi County Commission is the governing body for Mississippi County.

2. On June 4, 2024, the Mississippi County Commission appointed Travis Elliott as the trustee for the City of Anniston, in accordance with Section 79.510, RSMo.

3. The City of Anniston owns and operates a community public water system (System) as defined by 10 CSR 60-2.015(2)(C)12 and 10 CSR 60-2.015(2)(P)8 and is the supplier of water, as defined by 10 CSR 60-2.015(2)(S)12, in that the City of Anniston exercises the day-to-day control over and management of the System. This System, known as Anniston PWS, MO4010018, is located at 305 Terry Drive, Anniston, Mississippi County, Missouri, and is classified as a level 1 distribution system (DS) that operates year-round. This System serves purchased water to approximately 90 service connections through a distribution system to an estimated 175 people. The System consists of one storage tank and a distribution system.

4. The City of Anniston does not add any chemical disinfectant to treat the water purchased from East Prairie PWS, MO1010342, which uses gaseous chlorine as a chemical disinfectant to ensure the inactivation and removal of pathogenic organisms.

5. Storage is provided by a 50,000-gallon storage tank.

6. On August 29, 2023, the Department issued a report to the City of Anniston following a routine inspection conducted August 1, 2023. The report noted three significant deficiencies for failing to have a properly certified chief operator, failing to maintain adequate records, and having known potential cross-connections in the distribution system. The report also noted two unsatisfactory findings due to no contingency plan for a backup operator and no bacteriological site sampling plan. The Department emailed the Respondent copies of the inspection report on April 18 and 23, October 7 and 30, and November 27, 2024.

7. On November 3, 2023, the Department issued a Notice of Violation (NOV) to the City of Anniston for failing to consult with the Department regarding appropriate corrective action of the significant deficiencies identified in the August 29, 2023, inspection report.

8. On February 2, 2024, the Department issued an NOV to the City of Anniston for failing to correct the significant deficiencies or enter into a corrective action plan to return to compliance. To date, the Respondent has not corrected all the significant deficiencies.

9. On April 29, 2024, the Department issued an NOV to the City of Anniston for failing to notify customers of the failure to correct the significant deficiency identified in the August 29, 2023, inspection report. The Department emailed the Respondent copies of the NOV and public notification form on April 23, July 25, October 7, November 27, and December 19, 2024. To date, the Respondent has not submitted the public notification certification.

10. The Respondent has a permit to dispense (PTD) water to the public. The Respondent obtained its permit to dispense on March 10, 1970.

11. This Order is necessary to compel compliance with the MSDWL&R and to prevent or eliminate threats to human health and the environment.

## **STATEMENT OF VIOLATIONS**

The Department finds that the following violations of the MSDWL&R, Chapter 640, RSMo, have occurred, thereby subjecting the Respondent to penalties as set forth in Section 640.130 and 640.131, RSMo:

12. The Respondent failed to obtain the services of a chief operator certified at the System's level or higher, in violation of 10 CSR 60-14.010(4)(A)1.

13. The Respondent failed to develop a contingency plan for a properly certified backup operator, in violation of 10 CSR 60-14.010(4)(A)6.

14. The Respondent failed to keep adequate records of microbiological analyses, chemical analyses, and prior written reports relating to sanitary surveys, in violation of 10 CSR 60-9.010.

15. The Respondent failed to investigate known potential cross connections in the distribution system, in violation of 10 CSR 60-11.010(2).

16. The Respondent failed to consult with the Department regarding the appropriate corrective action within 30 days of receiving notice from the Department of a drinking water significant deficiency, in violation of 10 CSR 60-4.025(4)(A)4.

17. The Respondent failed to correct a significant deficiency or enter into a corrective action plan to return to compliance within 120 days of being notified of a significant deficiency, in violation of 10 CSR 60-4.025(5)(A).

18. The Respondent failed to develop a written bacteriological sampling site plan, in violation of 10 CSR 60-4.022(3)(A).

19. The Respondent failed to develop and deliver the calendar year 2023 Consumer Confidence Report, in violation of 10 CSR 60-8.030(1).

20. The Respondent failed to notify the affected public within 30 days of learning of a Tier 2 violation, in violation of 10 CSR 60-8.010(3)(B)1.

### **AGREEMENT FOR CORRECTIVE ACTIONS**

21. The Department and the Respondent desire to amicably resolve all claims that might be brought against the Respondent for the violations alleged above. The parties voluntarily enter this Order and understand and agree that neither the payment of any sum of money nor the execution of this Order by the parties will constitute or be construed as an admission of any wrongdoing or liability whatsoever by any party. Pursuant to Section 640.130.3, RSMo, the Department hereby orders the Respondent, and the Respondent agrees, that the Respondent, acting through its Trustee Travis Elliott, will complete each of the following corrective actions:

**A. Corrective Action 1** - Within 30 days of the effective date of this Order, the Respondent is ordered and agrees to develop policies and procedures to maintain public water system records in accordance with the requirements of 10 CSR 60-9.010 and send written verification to the Department for review.

**B. Corrective Action 2** - Within 60 days of the effective date of this Order, the Respondent is ordered and agrees to develop a cross-connection control program in compliance with 10 CSR 60-11.010 and send written verification to the Department for review. This program must include provisions to require, at a minimum, backflow prevention assemblies to protect the System from actual or potential backflow hazards; backflow prevention assemblies be inspected and tested by a certified backflow prevention assembly tester; procedures to identify the annual anniversary date for backflow prevention assembly inspections and tests, and notification to customers and the Department if an inspection or test report is not received within 60 days of the anniversary date; procedures to notify the Department within 48 hours of a potential cross-

connection problem which results in contamination to the System; and records of initial inspection, testing, and repair of backflow prevention assemblies be created and retained for five years. The cross-connection control plan shall also contain provisions to remove the water meter or otherwise sever the customer service line from the System when the Respondent has knowledge that the customer is causing or maintaining an unprotected cross-connection, the Respondent has knowledge the customer is failing to correct violations of the cross-connection control program, or the Respondent is ordered to do so by the Department.

**C. Corrective Action 3** - For all violations, the Respondent is ordered and agrees to perform public notice in accordance with the requirements of 10 CSR 60-8.010 and certify completion of public notice in accordance with the requirements of 10 CSR 60-7.010(9). The Respondent may obtain public notice forms by contacting the Public Notice Coordinator at Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102; by phone at 573-526-0425; or by email at [dwppublicnotice@dnr.mo.gov](mailto:dwppublicnotice@dnr.mo.gov).

**D. Corrective Action 4** – Within 180 days of the effective date of this Order, the Respondent shall have entered into an agreement for the sale of the System or have identified a specific entity to which the System will be transferred. If the sales transfer does not occur within the designated timeframe in the agreement, including the time needed to obtain any necessary permits and approvals required to close the transfer, then within 60 days of any breach or termination of the sales agreement, or other timeframe as determined by the Department and upon at least 30 days' notice to the Respondent, the Respondent is ordered and agrees to provide documentation to the Department demonstrating that the continuing operating authority has the necessary technical, managerial, and financial capability for the proper management, operation,

replacement, maintenance, and modernization of the public water system. As part of this documentation, the Respondent shall fill out and submit the Technical, Managerial and Financial Checklist form attached hereto as Exhibit A. The Department will grant a reasonable extension of these deadlines if the Respondent demonstrates that it has a plan to establish a long-term solution by transferring ownership of the System or is creating a permanent organization that will become the continuing operating authority for the System.

**E. Corrective Action 5** – The Respondent is ordered and agrees to respond to any request from the Department for additional information or changes to the documents submitted for Corrective Actions 1 through 4 within 30 days of receiving the request.

#### **PENALTY**

22. Should the Respondent fail to meet the deadlines outlined in this Order or in any Department approved schedule of compliance developed pursuant to this Order, the Respondent agrees and is ordered to pay stipulated penalties in the amount \$100 per day of noncompliance. Stipulated penalties shall begin to accrue the day after performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of this Order.

23. Stipulated penalties shall be paid in the form of a certified or cashier's check made payable to Mississippi County Treasurer, as custodian of the Mississippi County School Fund. Any such stipulated penalty shall be paid within ten business 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, for forwarding to the Mississippi County

Treasurer. Each payment shall refer to AOC No. PDWB-2026-234 in the memo line of the check.

24. The stipulated penalties provided for in this Order do not limit the Department's rights or any other available remedies, where a violation of this Order also constitutes a violation of a statute or regulation; however, where a violation of this Order for which stipulated penalties are provided is also a violation of a statute or regulation, the Respondent may be allowed a credit, dollar for dollar, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

#### **OTHER PROVISIONS**

25. This Order shall remain in effect until all corrective actions have been completed or upon written notice of the Department after the Respondent has permanently relinquished its ownership of the System by transferring it to an entity capable of bringing the System into and maintaining compliance with the MSDWL&R.

26. The Department and the Respondent agree that this Order resolves only the specific violations described herein that this Order shall not be construed as a waiver or a modification of any requirements of the MSDWL&R or any other source of law. This Order does not resolve any future violations of this Order or any law or regulation. Consistent with 10 CSR 60-6.070(5), this Order shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

27. The terms stated herein constitute the entire and exclusive agreement of the parties with respect to the matters described herein. The terms of this Order supersede all previous notes, conversations, and agreements, whether express or implied. Any modification of this Order shall be in writing. No changes, alterations, modifications, or qualifications to the terms herein shall be

made or be binding unless in writing and signed by the Department. The Respondent may submit a written request to the Department for an extension of time or other modification to this Order. The request must include appropriate justification and documentation.

28. This Order shall apply to and be binding upon the Respondent, and any of the Respondent's agents, subsidiaries, successors, assigns, affiliates, or lessees, including the officers, agents, servants, corporations, and any persons acting under, through or for the Respondent. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not relieve the Respondent of their obligation to comply with this Order. Notwithstanding the foregoing, this Order shall not apply to or be binding upon any regulated utility that acquires the assets of the System, including the System as a whole.

29. The requirement of the Respondent to comply with the terms of this Order is not conditioned on the receipt of any federal, state, or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any application for the same unless such application is subject to review by the Department and the Department is the cause of said delay. Application for construction grants or state revolving loan funds, or any other grants or loans, or delay caused by inadequate facility planning or plans and specifications on the part of the Respondent shall not be cause for extension of this Order.

30. For any plan or submittal from the Respondent that is required by this Order and subject to Department approval under this Order, the Department may approve, disapprove, require revisions, or otherwise modify any such plan or submittal. Any such Department decision shall be conveyed in writing to the Respondent. Disapproval may result in further Orders or pursuit of other forms of relief by the Department. If the Department approves or modifies in

writing such plan or submittal, it shall become enforceable pursuant to this Order, and the Respondent shall commence work and implement such approved or modified plan in accordance with the schedule and provisions contained therein.

31. Consistent with Section 640.115.1, RSMo, and 10 CSR 60-3.020(4)(A), the Respondent shall notify the Department in writing by certified mail at least 90 days prior to transfer of ownership or operation of the system or transfer of ownership of the real property upon which the system is situated.

32. The parties understand this Order will be a public record pursuant to Chapter 610, RSMo.

33. The Respondent agrees to comply with the MSDWL&R at all times in the future. Nothing in this Order forgives the Respondent for any future noncompliance with the laws of the State of Missouri, and the Department expressly reserves the right to address future noncompliance in any manner authorized by law.

34. This Order shall be governed by and construed in accordance with the laws of the State of Missouri.

35. All signatories to this Order acknowledge that they have thoroughly read and reviewed the terms and provisions of this Order and are familiar with the same, that the terms and provisions contained herein are clearly understood by them and have been fully consented to by them.

#### **CORRESPONDENCE AND DOCUMENTATION**

36. All correspondence, submissions, and documentation with regard to this Order, except as otherwise specified, shall be directed to the following person, subject to change upon written notification from either party:

For the Department:

Jackie Johnson  
Water Protection Program Public Drinking Water Branch  
Compliance and Enforcement Section P.O. Box 176  
Jefferson City, MO 65102-0176

For the Respondent:

Travis Elliott  
2808 South Ingram Mill Road A 104  
Springfield, MO 65804

**WAIVER OF RIGHT OF APPEAL**

By signing this Order, the Respondent waives any right to appeal this Order pursuant to Sections 621.250, 640.010, 640.130, 640.131, or Chapter 536, RSMo; the Missouri Constitution; or any other source of law. This Order will become final and fully enforceable upon the date of the Department's signature.

**SIGNATURE AUTHORITY FOR AOC No. PDWB-2026-234**

Agreed to this 15<sup>TH</sup> day of May, 2026

Travis A. Elliott, Trustee

Travis Elliott, as Trustee for the City of Anniston  
Anniston PWS  
Public Water System ID Number MO4010018

Agreed to and Ordered on this 21 day of May, 2026

Heather Peters

DEPARTMENT OF NATURAL RESOURCES  
Heather Peters, Director  
Water Protection Program