(a) if to Seller, (i) to the City of Eureka, Attn: Mayor, 100 City Hall Dr., P.O. Box 125, Eureka, MO 63025 (sflower@eureka.mo.us) and (ii) with a copy to Kathy Butler, Eureka City Attorney, 123 South Central Avenue, P.O. Box 286, Eureka, Missouri 63025 (klblaw@sbcglobal.net) or

(b) if to Missouri-American, (i) to Missouri-American Water Company, 727 Craig Road, St. Louis, Missouri 63141, Attn: Deborah Dewey, President, (ii) with a copy to Missouri-American Water Company, 727 Craig Road, St. Louis, Missouri 63141, Attn: Timothy Luft (tim.luft@amwater.com) and a copy to Bryan Cave Leighton Paisner LLP, 211 N. Broadway, Suite 3600, St. Louis, MO 63102, Attn: Ryan Davis (rsdavis@bclplaw.com), or to such other address as any Party hereto may designate by notice to the other Parties in accordance with the terms of this Section.

9.9 Severability. This Agreement shall be deemed severable; the invalidity or unenforceability of any term or provision of this Agreement shall not affect the validity or enforceability of this Agreement or of any other term hereof, which shall remain in full force and effect, for so long as the economic or legal substance of the Contemplated Transactions is not affected in any manner materially adverse to any Party.

9.10 Specific Performance and Injunctive Relief; Remedies. The Parties hereto recognize that if any or all of them fail to perform, observe or discharge any of their respective obligations under this Agreement, a remedy at law may not provide adequate relief to the other Parties hereto. Therefore, in addition to any other remedy provided for in this Agreement or under applicable Law, any Party hereto may demand specific performance of this Agreement, and such Party shall be entitled to temporary and permanent injunctive relief, in a court of competent jurisdiction at any time when any of the other Parties hereto fail to comply with any of the provisions of this Agreement applicable to such Party. To the extent permitted by applicable Law, all Parties hereto hereby irrevocably waive any defense based on the adequacy of a remedy at law which might be asserted as a bar to such Party's remedy of specific performance or injunctive relief. Except as otherwise provided herein, all rights and remedies of the parties under this Agreement are cumulative and without prejudice to any other rights or remedies under Law. Nothing contained herein shall be construed as limiting the Parties' rights to redress for fraud.

9.11 No Third-Party Beneficiary. This Agreement is solely for the benefit of the Parties hereto and their respective successors and permitted assigns (and those Persons entitled to recover under the indemnity provisions hereof), and no other Person (other than those Persons entitled to recover under the indemnity provisions hereof) has any right, title, priority or interest under this Agreement or the existence of this Agreement.

9.12 Waiver of Compliance; Consents. Any failure of a Party to comply with any obligation, covenant, agreement or condition herein may be waived by the other Party only by a written instrument signed by the Party granting such waiver, but such waiver or failure to insist upon strict compliance with such obligation, covenant, agreement or condition shall not operate as a waiver of, or estoppel with respect to, any subsequent or other failure. Whenever this Agreement requires or permits Consent by or on behalf of any Party hereto, such Consent shall be given in writing in a manner consistent with the requirements for a waiver of compliance as set forth in this Section 9.12.

9.13 Jurisdiction; Venue; Consent to Service of Process. Each of the Parties irrevocably and unconditionally submits to the non-exclusive jurisdiction of the St. Louis County Court in St. Louis, Missouri or, if such court will not accept jurisdiction, the Supreme Court of the State of Missouri or any court of competent civil jurisdiction sitting in St. Louis, Missouri. In any action, suit or other Proceeding, each of the Parties irrevocably and unconditionally waives and agrees not to assert by way of motion, as a defense or otherwise any claims that it is not subject to the jurisdiction of the above courts, that such action or suit is brought in an inconvenient forum or that the venue of such action, suit or other Proceeding is improper. Each of the Parties also hereby agrees that any final and unappealable judgment against a Party in connection with any action, suit or other Proceeding shall be conclusive and binding on such Party and that such award

or judgment may be enforced in any court of competent jurisdiction, either within or outside of the United States. Each Party irrevocably consents to service of process in the manner provided for the giving of notices pursuant to Section 9.8. Nothing in this Section 9.13 shall affect the right of any Party to serve process in any other manner permitted under applicable Law.

[Remainder of page intentionally left blank; signature page attached.]

IN WITNESS WHEREOF, the Parties have executed this Asset Purchase Agreement as of the date first set forth above:

Missouri-American Water Company, a Missouri Corporation

By: _____
Deborah Dewey, President

Attest:

_____

City of Eureka, Missouri

By: _____
Sean M. Flower, Mayor

Attest:

_____
Tracy Compise, Asst. City Clerk

STATE OF MISSOURI

DEPARTMENT OF NATURAL RESOURCES

MISSOURI CLEAN WATER COMMISSION

MISSOURI STATE OPERATING PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No.	MO-0039659
Owner:	City of Eureka
Address:	P.O. Box 125, Eureka, MO 63025
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Eureka Wastewater Treatment Facility
Facility Address:	Truitt Drive, Eureka, MO 63025
Legal Description:	See Page 2
UTM Coordinates:	See Page 2
Receiving Stream:	See Page 2
First Classified Stream and ID:	See Page 2
USGS Basin & Sub-watershed No.:	See Page 2

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

See Page 2

This permit authorizes only wastewater discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 621.250 RSMo, Section 640.013 RSMo and Section 644.051.6 of the Law.

June 1, 2018
Effective Date

Edward B. Galbraith, Director, Division of Environmental Quality

September 30, 2022
Expiration Date

Chris Wieberg, Director, Water Protection Program

FACILITY DESCRIPTION (continued):

Outfall #004 – POTW – SIC #4952
The use or operation of this facility shall be by or under the supervision of a Certified C Operator.
Influent lift station / bar screen / three-cell aerated lagoon with fine-bubble air diffusers, Aquamats®, and recirculation pumps / ultraviolet disinfection / effluent pump station / sludge retained in lagoon / facility does not have materials stored or conduct operations in a manner that would cause the discharge of pollutants via stormwater
Design population equivalent is 27,500.
Design flow is 2.8 MGD.
Actual flow is 1.6 MGD.
Design sludge production is 400 dry tons/year.

Legal Description:	Sec. 31, T44N, R4E, St. Louis County
UTM Coordinates:	X= 708568, Y= 4265832
Receiving Stream:	Meramec River (P)
First Classified Stream and ID:	Meramec River (P) (2185) 303(d) List
USGS Basin & Sub-watershed No.:	(07140102-1001)

Permitted Feature #SM1 – Instream Monitoring
Instream monitoring location – Upstream – See Special Condition #24

Classified Stream and ID:	Meramec River (P) (2185) 303(d) List
USGS Basin & Sub-watershed No.:	(07140102-1001)

Permitted Feature #SM2 – Instream Monitoring
Instream monitoring location – Downstream – See Special Condition #24

Classified Stream and ID:	Meramec River (P) (2185) 303(d) List
USGS Basin & Sub-watershed No.:	(07140102-1001)

OUTFALL #004

TABLE A-1.
INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The interim effluent limitations shall become effective on **June 1, 2018** and remain in effect through **September 30, 2022**. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

EFFLUENT PARAMETER(S)	UNITS	INTERIM EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	MGD	*		*	once/week	24 hr. total
Biochemical Oxygen Demand$_5$	mg/L		45	30	once/week	composite**
Total Suspended Solids	mg/L		45	30	once/week	composite**
E. coli (Note 1, Page 5)	#/100mL		630	126	once/week	grab
Ammonia as N	mg/L	*		*	once/week	grab
Oil & Grease	mg/L	15		10	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE JULY 28, 2018. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
Total Phosphorus	mg/L	*		*	once/quarter****	grab
Total Nitrogen	mg/L	*		*	once/quarter****	grab
Cadmium, Total Recoverable	µg/L	*		*	once/quarter****	grab
Chromium III, Total Recoverable	µg/L	*		*	once/quarter****	grab
Chromium VI, Total Dissolved	µg/L	*		*	once/quarter****	grab
Copper, Total Recoverable	µg/L	*		*	once/quarter****	grab
Lead, Total Recoverable	µg/L	*		*	once/quarter****	grab
Nickel, Total Recoverable	µg/L	*		*	once/quarter****	grab
Zinc, Total Recoverable	µg/L	*		*	once/quarter****	grab
MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE OCTOBER 28, 2018.						
EFFLUENT PARAMETER(S)	UNITS	MINIMUM		MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH – Units ***	SU	6.0		9.0	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE JULY 28, 2018.						
INFLUENT PARAMETER(S)			UNITS	MONTHLY AVERAGE MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Biochemical Oxygen Demand$_5$ – Percent Removal (Note 2, Page 5)			%	85	once/month	calculated
Total Suspended Solids – Percent Removal (Note 2, Page 5)			%	85	once/month	calculated
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE JULY 28, 2018.						

* Monitoring requirement only.
** A 24-hour composite sample is composed of 48 aliquots (subsamples) collected at 30 minute intervals by an automatic sampling device.
*** pH is measured in pH units and is not to be averaged.
**** See table on Page 5 for quarterly sampling requirements.

OUTFALL #004

TABLE A-2.
FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on **October 1, 2022** and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Flow	MGD	*		*	once/week	24 hr. total
Biochemical Oxygen Demand$_5$	mg/L		45	30	once/week	composite**
Total Suspended Solids	mg/L		45	30	once/week	composite**
E. coli (Note 1, Page 5)	#/100mL		630	126	once/week	grab
Ammonia as N (Apr 1 – Sep 30) (Oct 1 – Mar 31)	mg/L	* 36.6		* 9.3	once/week	grab
Oil & Grease	mg/L	15		10	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE NOVEMBER 28, 2022. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.						
Total Phosphorus	mg/L	*		*	once/quarter****	grab
Total Nitrogen	mg/L	*		*	once/quarter****	grab
Cadmium, Total Recoverable	µg/L	*		*	once/quarter****	grab
Chromium III, Total Recoverable	µg/L	*		*	once/quarter****	grab
Chromium VI, Total Dissolved	µg/L	*		*	once/quarter****	grab
Copper, Total Recoverable	µg/L	*		*	once/quarter****	grab
Lead, Total Recoverable	µg/L	*		*	once/quarter****	grab
Nickel, Total Recoverable	µg/L	*		*	once/quarter****	grab
Zinc, Total Recoverable	µg/L	*		*	once/quarter****	grab
MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE JANUARY 28, 2023.						

EFFLUENT PARAMETER(S)	UNITS	MINIMUM		MAXIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
pH – Units ***	SU	6.0		9.0	once/month	grab
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE NOVEMBER 28, 2022.						

INFLUENT PARAMETER(S)	UNITS	MONTHLY AVERAGE MINIMUM	MEASUREMENT FREQUENCY	SAMPLE TYPE
Biochemical Oxygen Demand$_5$ – Percent Removal (Note 2, Page 5)	%	85	once/month	calculated
Total Suspended Solids – Percent Removal (Note 2, Page 5)	%	85	once/month	calculated
MONITORING REPORTS SHALL BE SUBMITTED MONTHLY; THE FIRST REPORT IS DUE NOVEMBER 28, 2022.				

* Monitoring requirement only.
** A 24-hour composite sample is composed of 48 aliquots (subsamples) collected at 30 minute intervals by an automatic sampling device.
*** pH is measured in pH units and is not to be averaged.
**** See table on Page 5 for quarterly sampling requirements.

Quarterly Minimum Sampling Requirements			
Quarter	**Months**	**Effluent Parameters**	**Report is Due**
First	January, February, March	Sample at least once during any month of the quarter	April 28th
Second	April, May, June	Sample at least once during any month of the quarter	July 28th
Third	July, August, September	Sample at least once during any month of the quarter	October 28th
Fourth	October, November, December	Sample at least once during any month of the quarter	January 28th

Note 1 - Effluent limitations and monitoring requirements for *E. coli* are applicable only during the recreational season from April 1 through October 31. The Monthly Average Limit for *E. coli* is expressed as a geometric mean. The Weekly Average for *E. coli* will be expressed as a geometric mean if more than one (1) sample is collected during a calendar week (Sunday through Saturday).

Note 2 – Influent sampling is not required when the facility does not discharge effluent during the reporting period. Samples are to be collected prior to any treatment process. Percent Removal is calculated by the following formula: [(Average Influent –Average Effluent) / Average Influent] x 100% = Percent Removal. Influent and effluent samples are to be taken during the same month. The Average Influent and Average Effluent values are to be calculated by adding the respective values together and dividing by the number of samples taken during the month. Influent samples are to be collected as a 24-hour composite sample, composed of 48 aliquots (subsamples) collected at 30 minute intervals by an automatic sampling device.

OUTFALL #004

TABLE A-3.
WHOLE EFFLUENT TOXICITY
FINAL EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

The permittee is authorized to discharge from outfall(s) with serial number(s) as specified in the application for this permit. The final effluent limitations shall become effective on **June 1, 2018** and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Acute Whole Effluent Toxicity (Note 3)	TU_a	*			once/year	composite**
MONITORING REPORTS SHALL BE SUBMITTED ANNUALLY; THE FIRST REPORT IS DUE MAY 28, 2019.						
Chronic Whole Effluent Toxicity (Note 4)	TU_c	*			once/permit cycle	composite**
WET TEST REPORTS SHALL BE SUBMITTED ONCE EVERY 5 YEARS; THE FIRST REPORT IS DUE MAY 28, 2021.						

* Monitoring requirement only.
** A 24-hour composite sample is composed of 48 aliquots (subsamples) collected at 30 minute intervals by an automatic sampling device.

Note 3 – The Acute WET test shall be conducted once per year during the 1st, 2nd, and 4th year of the permit cycle. See Special Condition #22 for additional requirements.

Note 4 –The Chronic WET test shall be conducted during the 3rd year of the permit cycle. See Special Condition #23 for additional requirements.

PERMITTED FEATURE SM1***	TABLE B-1. INSTREAM MONITORING REQUIREMENTS UPSTREAM

The monitoring requirements shall become effective on **June 1, 2018** and remain in effect until expiration of the permit. The stream shall be monitored by the permittee as specified below:

PARAMETER(S)	UNITS	MONITORING REQUIREMENTS				
		DAILY MAXIMUM		MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Total Phosphorus	mg/L	*		*	once/quarter**	grab
Total Nitrogen	mg/L	*		*	once/quarter**	grab

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE OCTOBER 28, 2018.

PERMITTED FEATURE SM2***	TABLE B-2. INSTREAM MONITORING REQUIREMENTS DOWNSTREAM

The monitoring requirements shall become effective on **June 1, 2018** and remain in effect until expiration of the permit. The stream shall be monitored by the permittee as specified below:

PARAMETER(S)	UNITS	MONITORING REQUIREMENTS				
		DAILY MAXIMUM		MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
Hardness, Total	mg/L	*		*	once/quarter**	grab

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE OCTOBER 28, 2018.

* Monitoring requirement only.
** See table below for quarterly sampling
*** See Special Condition #24 for additional requirements.

Quarterly Minimum Sampling Requirements			
Quarter	**Months**	**Total Phosphorus, Total Nitrogen, & Total Hardness**	**Report is Due**
First	January, February, March	Sample at least once during any month of the quarter	April 28th
Second	April, May, June	Sample at least once during any month of the quarter	July 28th
Third	July, August, September	Sample at least once during any month of the quarter	October 28th
Fourth	October, November, December	Sample at least once during any month of the quarter	January 28th

C. SCHEDULE OF COMPLIANCE

The permit for this facility issued on October 1, 2016 included new effluent limitations for ammonia, and a 5 year schedule to attain compliance with those final effluent limitations. The City plans to construct a new treatment facility and requested a time extension to the existing schedule; therefore, the schedule of compliance has been established at 6 years. Compliance must be achieved by October 1, 2022.

1. The permittee shall submit an interim progress report detailing progress made and attaining compliance with final effluent every 12 months from October 1, 2016.
2. Compliance with all final effluent limits must be achieved by October 1, 2022.

Please submit progress reports to the Missouri Department of Natural Resources via the Electronic Discharge Monitoring Report (eDMR) Submission System.

D. STANDARD CONDITIONS

In addition to specified conditions stated herein, this permit is subject to the attached Parts I, II, & III standard conditions dated August 1, 2014, May 1, 2013, and March 1, 2015, and hereby incorporated as though fully set forth herein.

E. SPECIAL CONDITIONS

1. Electronic Discharge Monitoring Report (eDMR) Submission System.
   (a) Discharge Monitoring Reporting Requirements. The permittee must electronically submit compliance monitoring data via the eDMR system. In regards to Standard Conditions Part I, Section B, #7, the eDMR system is currently the only Department approved reporting method for this permit.
   (b) Programmatic Reporting Requirements. The following reports (if required by this permit) must be electronically submitted as an attachment to the eDMR system until such a time when the current or a new system is available to allow direct input of the data:
      (1) Collection System Maintenance Annual Reports;
      (2) Schedule of Compliance Progress Reports;
      (3) Sludge/Biosolids Annual Reports;
         i. In addition to the annual Sludge/Biosolids report submitted to the Department, the permittee must submit Sludge/Biosolids Annual Reports electronically using EPA's NPDES Electronic Reporting Tool ("NeT") (https://cdx.epa.gov/).
      (4) Any additional report required by the permit excluding bypass reporting.

      After such a system has been made available by the Department, required data shall be directly input into the system by the next report due date.
   (c) Other actions. The following shall be submitted electronically after such a system has been made available by the Department:
      (1) Notices of Termination (NOTs);
      (2) No Exposure Certifications (NOEs); and
      (3) Bypass reporting, See Special Condition #11 for 24-hr. bypass reporting requirements.
   (d) Electronic Submissions. To access the eDMR system, use the following link in your web browser: https://edmr.dnr.mo.gov/edmr/E2/Shared/Pages/Main/Login.aspx.
   (e) Waivers from Electronic Reporting. The permittee must electronically submit compliance monitoring data and reports unless a waiver is granted by the Department in compliance with 40 CFR Part 127. The permittee may obtain an electronic reporting waiver by first submitting an eDMR Waiver Request Form: http://dnr.mo.gov/forms/780-2692-f.pdf. The Department will either approve or deny this electronic reporting waiver request within 120 calendar days. Only permittees with an approved waiver request may submit monitoring data and reports on paper to the Department for the period that the approved electronic reporting waiver is effective.
2. The full implementation of this operating permit, which includes implementation of any applicable schedules of compliance, shall constitute compliance with all applicable federal and state statutes and regulations in accordance with §644.051.16, RSMo, and the Clean Water Act (CWA) section 402(k); however, this permit may be reopened and modified, or alternatively revoked and reissued:
   (a) To comply with any applicable effluent standard or limitation issued or approved under Sections 301(b)(2)(C) and (D), 304(b)(2), and 307(a)(2) of the CWA, if the effluent standard or limitation so issued or approved:
      (1) contains different conditions or is otherwise more stringent than any effluent limitation in the permit; or
      (2) controls any pollutant not limited in the permit.
   (b) To incorporate an approved pretreatment program pursuant to 40 CFR 403.8(a).

3. All outfalls must be clearly marked in the field. This does not include instream monitoring locations.

4. Permittee will cease discharge by connection to a facility with an area-wide management plan per 10 CSR 20-6.010(3)(B) within 90 days of notice of its availability.

5. Report as no-discharge when a discharge does not occur during the report period. For instream samples, report as "no flow" if no stream flow occurs during the report period.

E. SPECIAL CONDITIONS (continued)

6. Changes in existing pollutants or the addition of new pollutants to the treatment facility

   The permittee must provide adequate notice to the Director of the following:
   (a) Any new introduction of pollutants into the POTW from an indirect discharger which would be subject to section 301 or 306 of CWA if it were directly discharging those pollutants; and
   (b) Any substantial change in the volume or character of pollutants being introduced into that POTW by a source introducing pollutants into the POTW at the time of issuance of the permit.
   (c) For purposes of this paragraph, adequate notice shall include information on;
      (1) the quality and quantity of effluent introduced into the POTW, and
      (2) any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW.

7. Reporting of Non-Detects:
   (a) An analysis conducted by the permittee or their contracted laboratory shall be conducted in such a way that the precision and accuracy of the analyzed result can be enumerated.
   (b) The permittee shall not report a sample result as "Non-Detect" without also reporting the reporting limit of the test. Reporting as "Non Detect" without also including the reporting limit will be considered failure to report, which is a violation of this permit.
   (c) The permittee shall provide the "Non-Detect" sample result using the less than sign and the minimum reporting limit (e.g. <10).
   (d) Where the permit contains a Minimum Level (ML) and the permittee is granted authority in the permit to report zero in lieu of the < ML for a specified parameter (conventional, priority pollutants, metals, etc.), then zero (0) is to be reported for that parameter.
   (e) See Standard Conditions Part I, Section A, #4 regarding proper detection limits used for sample analysis.
   (f) When calculating monthly averages, one-half of the method reporting limit (MRL) should be used instead of a zero. Where all data are below the MRL, the "<MRL" shall be reported as indicated in item (c).

8. It is a violation of the Missouri Clean Water Law to fail to pay fees associated with this permit (644.055 RSMo).

9. The permittee shall comply with any applicable requirements listed in 10 CSR 20-9, unless the facility has received written notification that the Department has approved a modification to the requirements. The monitoring frequencies contained in this permit shall not be construed by the permittee as a modification of the monitoring frequencies listed in 10 CSR 20-9. To request a modification of the operational control testing requirements listed in 10 CSR 20-9, the permittee shall submit a permit modification application and fee to the Department requesting a deviation from the operational control monitoring requirements. If the request is approved, the Department will modify the permit.

10. The permittee shall develop and implement a program for maintenance and repair of the collection system. The recommended guidance is the US EPA's Guide for Evaluating Capacity, Management, Operation, And Maintenance (CMOM) Programs at Sanitary Sewer Collection Systems (Document number EPA 305-B-05-002) or the Departments' CMOM Model located at http://dnr.mo.gov/env/wpp/permits/docs/cmom-template.doc. For additional information regarding the Departments' CMOM Model, see the CMOM Plan Model Guidance document at http://dnr.mo.gov/pubs/pub2574.htm.

    The permittee shall also submit a report via the Electronic Discharge Monitoring Report (eDMR) Submission System annually, by January 28th, for the previous calendar year. The report shall contain the following information:
    (a) A summary of the efforts to locate and eliminate sources of excessive infiltration and inflow into the collection system serving the facility for the previous year.
    (b) A summary of the general maintenance and repairs to the collection system serving the facility for the previous year.
    (c) A summary of any planned maintenance and repairs to the collection system serving the facility for the upcoming calendar year. This list shall include locations (GPS, 911 address, manhole number, etc.) and actions to be taken.

11. Bypasses are not authorized at this facility unless they meet the criteria in 40 CFR 122.41(m). If a bypass occurs, the permittee shall report in accordance to 40 CFR 122.41(m)(3), and with Standard Condition Part I, Section B, subsection 2. Bypasses are to be reported to the St. Louis Regional Office during normal business hours or by using the online Sanitary Sewer Overflow/Facility Bypass Application located at: http://dnr.mo.gov/modnrcag/ or the Environmental Emergency Response spill-line at 573-634-2436 outside of normal business hours. Once an electronic reporting system compliant with 40 CFR Part 127, the National Pollutant Discharge Elimination System (NPDES) Electronic Reporting Rule, is available all bypasses must be reported electronically via the new system. Blending, which is the practice of combining a partially-treated wastewater process stream with a fully-treated wastewater process stream prior to discharge, is not considered a form of bypass. If the permittee wishes to utilize blending, the permittee shall file an application to modify this permit to facilitate the inclusion of appropriate monitoring conditions.

E. SPECIAL CONDITIONS (continued)

12. The facility must be sufficiently secured to restrict entry by children, livestock and unauthorized persons as well as to protect the facility from vandalism.

13. At least one gate must be provided to access the wastewater treatment facility and provide for maintenance and mowing. The gate shall remain closed except when temporarily opened by the permittee to access the facility to perform operational monitoring, sampling, maintenance, or mowing. The gates shall also be temporarily opened for inspections by the Department. The gate shall be closed and locked when the facility is not staffed.

14. At least one (1) warning sign shall be placed on each side of the facility enclosure in such positions as to be clearly visible from all directions of approach. There shall also be one (1) sign placed for every five hundred feet (500') (150 m) of the perimeter fence. A sign shall also be placed on each gate. Minimum wording shall be SEWAGE TREATMENT FACILITY—KEEP OUT. Signs shall be made of durable materials with characters at least two inches (2") high and shall be securely fastened to the fence, equipment or other suitable locations.

15. An Operation and Maintenance (O & M) manual shall be maintained by the permittee and made available to the operator. The O & M manual shall include key operating procedures and a brief summary of the operation of the facility.

16. An all-weather access road shall be provided to the treatment facility.

17. The discharge from the wastewater treatment facility shall be conveyed to the receiving stream via a closed pipe or a paved or rip-rapped open channel. Sheet or meandering drainage is not acceptable. The outfall sewer shall be protected against the effects of floodwater, ice or other hazards as to reasonably insure its structural stability and freedom from stoppage. The outfall shall be maintained so that a sample of the effluent can be obtained at a point after the final treatment process and before the discharge mixes with the receiving waters.

18. If the permittee is planning to remove sludge from the lagoon, the permittee shall receive approval from the Department for the method of sludge disposal prior to its removal

19. A minimum of two (2) feet of freeboard must be maintained in each lagoon cell. A lagoon level gauge, which clearly marks the minimum freeboard level, shall be provided in each lagoon cell.

20. The berms of the lagoon(s) shall be mowed and kept free of any deep-rooted vegetation, animal dens, or other potential sources of damage to the berms.

21. The facility shall ensure that adequate provisions are provided to prevent surface water intrusion into the lagoon and to divert stormwater runoff around the lagoon and protect embankments from erosion.

22. Acute Whole Effluent Toxicity (WET) tests shall be conducted as follows:
    (a) Freshwater Species and Test Methods: Species and short-term test methods for estimating the acute toxicity of NPDES effluents are found in the most recent edition of *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* (EPA/821/R-02/012; Table IA, 40 CFR Part 136). The permittee shall concurrently conduct 48-hour, static, non-renewal toxicity tests with the following species:
        - The fathead minnow, *Oncorhynchus mykiss* (Acute Toxicity EPA Test Method 2000.0).
        - The daphnid, *Ceriodaphnia dubia* (Acute Toxicity EPA Test Method 2002.0).
    (b) Chemical and physical analysis of the upstream control sample and effluent sample shall occur immediately upon being received by the laboratory, prior to any manipulation of the effluent sample beyond preservation methods consistent with federal guidelines for WET testing that are required to stabilize the sample during shipping. Where upstream receiving water is not available or known to be toxic, other approved control water may be used.
    (c) Test conditions must meet all test acceptability criteria required by the EPA Method used in the analysis.
    (d) The Allowable Effluent Concentration (AEC) for this facility is 32% with the dilution series being: 100%, 66%, 32%, 16%, and 8%.
    (e) All chemical and physical analysis of the effluent sample performed in conjunction with the WET test shall be performed at the 100% effluent concentration.
    (f) The facility must submit a full laboratory report for all toxicity testing. The report must include a quantification of acute toxic units ($TU_a = 100/LC_{50}$) reported according to the test methods manual chapter on report preparation and test review. The Lethal Concentration 50 Percent (LC_{50}) is the effluent concentration that would cause death in 50 percent of the test organisms at a specific time.

E. SPECIAL CONDITIONS (continued)

23. Chronic Whole Effluent Toxicity (WET) tests shall be conducted as follows:
    (a) Freshwater Species and Test Methods: Species and short-term test methods for estimating the chronic toxicity of NPDES effluents are found in the most recent edition of *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to Freshwater Organisms (EPA/821/R-02/013; Table IA, 40 CFR Part 136).* The permittee shall concurrently conduct 7-day, static, renewal toxicity tests with the following species:
        - The fathead minnow, *Oncorhynchus mykiss* (Survival and Growth Test Method 1000.0).
        - The daphnid, *Ceriodaphnia dubia* (Survival and Reproduction Test Method 1002.0).
    (b) Chemical and physical analysis of the upstream control sample and effluent sample shall occur immediately upon being received by the laboratory, prior to any manipulation of the effluent sample beyond preservation methods consistent with federal guidelines for WET testing that are required to stabilize the sample during shipping. Where upstream receiving water is not available or known to be toxic, other approved control water may be used.
    (c) Test conditions must meet all test acceptability criteria required by the EPA Method used in the analysis.
    (d) The Allowable Effluent Concentration (AEC) is 4.5%, the dilution series is: 36%, 18%, 9%, 4.5%, and 2.25%.
    (e) All chemical and physical analysis of the effluent sample performed in conjunction with the WET test shall be performed at the 100% effluent concentration.
    (f) The facility must submit a full laboratory report for all toxicity testing. The report must include a quantification of chronic toxic units ($TU_c = 100/IC_{25}$) reported according to the *Methods for Measuring the Chronic Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms* chapter on report preparation and test review. The 25 percent Inhibition Effect Concentration (IC_{25}) is the toxic or effluent concentration that would cause 25 percent reduction in mean young per female or in growth for the test populations.

24. Receiving Water Monitoring Conditions
    (a) In the event that a safe, accessible location is not present at the location(s) listed, a suitable location can be negotiated with the Department. Samples should be taken at least four feet from the bank or from the middle of the stream (whichever is less) and 6-inches below the surface if possible. The upstream receiving water sample should be collected at a point upstream from any influence of the effluent, where the water is visibly flowing down stream.
    (b) When conducting in-stream monitoring, the permittee shall record observations that include: the time of day, weather conditions, unusual stream characteristics (e.g., septic conditions, algae growth, etc.), the stream segment (e.g., riffle, pool or run) from where the sample was collected. These observations shall be submitted with the sample results.
    (c) Samples shall not be collected from areas with especially turbulent flow, still water or from the stream bank, unless these conditions are representative of the stream reach or no other areas are available for sample collection. Sampling should not be made when significant precipitation has occurred recently. The sampling event should be terminated and rescheduled if any of the following conditions occur:
        - If turbidity in the stream increases notably; or
        - If rainfall over the past two weeks exceeds 2.5 inches or exceeds 1 inch in the last 24 hours
    (d) Always use the correct sampling technique and handling procedure specified for the parameter of interest. Please refer to the latest edition of Standard Methods for the Examination of Water and Wastewater for further discussion of proper sampling techniques. All analyses must be conducted in accordance with an approved EPA method. Meters shall be calibrated immediately (within 1 hour) prior to the sampling event.

MISSOURI DEPARTMENT OF NATURAL RESOURCES
FACT SHEET
FOR THE PURPOSE OF RENEWAL
OF
MO-0039659
EUREKA WASTEWATER TREATMENT FACILITY

The Federal Water Pollution Control Act ("Clean Water Act" Section 402 Public Law 92-500 as amended) established the National Pollutant Discharge Elimination System (NPDES) permit program. This program regulates the discharge of pollutants from point sources into the waters of the United States, and the release of stormwater from certain point sources. All such discharges are unlawful without a permit (Section 301 of the "Clean Water Act"). After a permit is obtained, a discharge not in compliance with all permit terms and conditions is unlawful. Missouri State Operating Permits (MSOPs) are issued by the Director of the Missouri Department of Natural Resources (Department) under an approved program, operating in accordance with federal and state laws (Federal "Clean Water Act" and "Missouri Clean Water Law" Section 644 as amended). MSOPs are issued for a period of five (5) years unless otherwise specified.

As per [40 CFR Part 124.8(a)] and [10 CSR 20-6.020(1)(A)2.] a Factsheet shall be prepared to give pertinent information regarding the applicable regulations, rationale for the development of effluent limitations and conditions, and the public participation process for the Missouri State Operating Permit (operating permit) listed below.

A Factsheet is not an enforceable part of an operating permit.

This Factsheet is for a Major.

Part I – Facility Information

Facility Description:
Outfall #004 – POTW – SIC #4952
The use or operation of this facility shall be by or under the supervision of a Certified C Operator.
Influent lift station / bar screen / three-cell aerated lagoon with fine-bubble air diffusers, Aquamats®, and recirculation pumps / ultraviolet disinfection / effluent pump station / sludge retained in lagoon / facility does not have materials stored or conduct operations in a manner that would cause the discharge of pollutants via stormwater
Design population equivalent is 27,500.
Design flow is 2.8 MGD.
Actual flow is 1.6 MGD.
Design sludge production is 400 dry tons/year.

Have any changes occurred at this facility or in the receiving water body that effects effluent limit derivation?
☒ - No.

Application Date: 11/21/2017
Expiration Date: 09/30/2017

OUTFALL(S) TABLE:

OUTFALL	DESIGN FLOW (CFS)	TREATMENT LEVEL	EFFLUENT TYPE
#001	4.34	Secondary	Domestic

Facility Performance History:
This facility was last inspected on September 20, 2017. The inspection showed the following unsatisfactory features:

- Failed to submit an application for renewal of the operating permit at least 180 days before the expiration of the permit
- Failed to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) or apply for No Exposure Certification
- Failure to submit annual report detailing efforts to locate and eliminate sources or excessive inflow and infiltration into the collection system for the previous calendar year by January 28th
- Failure to follow notification of unanticipated bypasses with five day report in accordance with 10 CSR 20-7.015(9)(G)2.B. The end dates of sanitary sewer overflow events which began on April 28, 2017 and December 30, 2015 were not reported.
- Failure to develop and implement a program for the repair and maintenance of the collection system

Comments:
Special conditions were updated to remove the SWPPP special condition as the facility submitted a No Exposure Certification form. Due to comments received by the City on April 4, 2018, special condition #7 has been updated to require "reporting limits" instead of "detection limits". Also, the City plans to construct a new treatment facility and requested a time extension to the existing schedule; therefore, the schedule of compliance has been established at 6 years.

Part II – Operator Certification Requirements

☒ - This facility is required to have a certified operator.

As per [10 CSR 20-6.010(8) Terms and Conditions of a Permit], the permittee shall operate and maintain facilities to comply with the Missouri Clean Water Law and applicable permit conditions and regulations. Operators or supervisors of operations at regulated wastewater treatment facilities shall be certified in accordance with [10 CSR 20-9.020(2)] and any other applicable state law or regulation. As per [10 CSR 20-9.020(2)(A)], requirements for operation by certified personnel shall apply to all wastewater treatment systems, if applicable, as listed below:

Owned or operated by or for a

- ☒ - Municipalities
- ☐ - Federal agency
- ☐ - County
- ☐ - Public Sewer District
- ☐ - State agency
- ☐ - Private Sewer Company regulated by the Public Service Commission
- ☐ - Public Water Supply Districts

Each of the above entities are only applicable if they have a Population Equivalent greater than two hundred (200) or fifty (50) or more service connections.

This facility currently requires an operator with a C Certification Level. Please see **Appendix - Classification Worksheet**. Modifications made to the wastewater treatment facility may cause the classification to be modified.

Operator's Name: David W. Ricks
Certification Number: 10232
Certification Level: B

The listing of the operator above only signifies that staff drafting this operating permit have reviewed appropriate Department records and determined that the name listed on the operating permit application has the correct and applicable Certification Level.

Part III– Operational Control Testing Requirements

Missouri Clean Water Commission regulation 10 CSR 20-9.010 requires certain publically owned treatment works and privately owned facilities regulated by the Public Service Commission to conduct internal operational control monitoring to further ensure proper operation of the facility and to be a safeguard or early warning for potential plant upsets that could affect effluent quality. This requirement is only applicable if the publically owned treatment works and privately owned facilities regulated by the Public Service Commission has a Population Equivalent greater than two hundred (200) or twenty five (25) or more service connections.

10 CSR 20-9.010(3) allows the Department to modify the monitoring frequency required in the rule based upon the Department' judgement of monitoring needs for process control at the specified facility

☒ - As per [10 CSR 20-9.010(4))], the facility is required to conduct operational monitoring.