



ATTORNEYS AND  
COUNSELORS AT LAW

JEREMIAH FINNEGAN, P.C.  
STUART W. CONRAD  
C. EDWARD PETERSON\*

DAVID L. WOODSMALL\*

\*ALSO ADMITTED IN KANSAS

FILED  
December 12, 2007  
Data Center  
Missouri Public  
Service Commission

3100 BROADWAY - SUITE 1209  
KANSAS CITY, MISSOURI 64111  
(816) 753-1122 FAX: (816) 756-0373  
WWW.FCPLAW.COM

428 EAST CAPITOL AVENUE - SUITE 300  
JEFFERSON CITY, MISSOURI 65101  
(573) 635-2700 FAX: (573) 635-6998

December 10, 2007

Ms. Cully Dale  
Secretary/Chief Regulatory Law Judge  
Missouri Public Service Commission  
P.O. Box 360  
Jefferson City, MO 65102

**RE: Case No. SA-2005-0297 - Timber Creek Sewer Company  
Documents to be filed in the Case File Pursuant to Ordered: 5 & 6 of the  
Report and Order dated January 5, 2006.**

Dear Ms. Dale:

Pursuant to Ordered: 5 of the Report and Order issued in the above-named case by the Commission on January 5, 2006, I am enclosing for filing in the case file the attached Missouri State Operating Permit for the sewer system constructed to serve the Oakbrook Subdivision in Clay County. I previously sent you the Construction Permit for the sewer system on December 5, 2005. Hence, we are now in compliance with Ordered: 5.

Also pursuant to Ordered: 6 of said Report and Order, enclosed for filing in the case file is a copy of the Warranty Deed filed with the Clay County Recorder, in which the Developer, 136th Street Properties, L.L.C. conveyed clear title to the collection and treatment facilities and the land upon which the treatment facilities are located, and that easements for the operation and maintenance of the collection system have been provided to Timber Creek by the Developer. With this filing, Timber Creek is now in compliance with Ordered: 6.

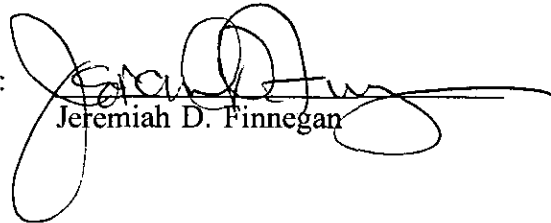
Ms. Cully Dale  
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At this time, Timber Creek is ready to serve the Oakbrook Subdivision as it is developed and already has a couple of customers to serve.

Very truly yours,

FINNEGAN, CONRAD & PETERSON, L.C.

By:



Jeremiah D. Finnegan

JDF:ach  
Enclosures

cc: Willis Sherry  
Office of the Public Counsel  
Keith Krueger

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, 92<sup>nd</sup> Congress) as amended,

Permit No. MO-0131971

Owner: Timber Creek Sewer Company  
Address: PO Box 511, Platte City, MO 64079

Continuing Authority: Same as above  
Address: Same as above

Facility Name: Oakbrook Wastewater Treatment Plant  
Address: 12624 NE 136<sup>th</sup> Street, Kearney, MO 64060

Legal Description: SW ¼, SE ¼, Sec. 7, T52N, R31W, Clay County  
Latitude/Longitude: +391942/-09425220

Receiving Stream: Unnamed Tributary to Fishing River (U)  
First Classified Stream and ID: Fishing River (C)(00394)  
USGS Basin & Sub-watershed No.: (10300101-060004)

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

**FACILITY DESCRIPTION**

Outfall #001 – Subdivision - SIC #4952

Grit chamber/splitter box/aeration tanks/clarifiers/aerobic digesters/ultra-violet disinfection/sludge disposal by contract hauler.

Design population equivalent is 300.

Design flow is 30,000 gallons per day.

Actual flow is N/A gallons per day.

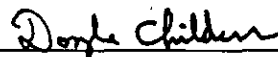
Design sludge production is 8.4 dry tons per year.

Actual sludge production is N/A dry tons per year.

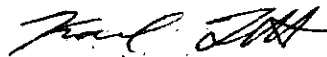
Operator certification required level is a B.

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 644.051.6 of the Law.

July 13, 2007  
Effective Date

  
Doyle Childers, Director, Department of Natural Resources  
Executive Secretary, Clean Water Commission

July 12, 2012  
Expiration Date  
MO 780-0041 (10-93)

  
Karl Fett, Regional Director, Department of Natural Resources

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

PERMIT NUMBER MO-0131971

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 upon issuance and remain in effect until expiration of the permit. Such discharges shall be controlled, limited and monitored by the permittee as specified below:

OUTFALL NUMBER AND EFFLUENT PARAMETER(S)	UNITS	FINAL EFFLUENT LIMITATIONS			MONITORING REQUIREMENTS	
		DAILY MAXIMUM	WEEKLY AVERAGE	MONTHLY AVERAGE	MEASUREMENT FREQUENCY	SAMPLE TYPE
<u>Outfall #001</u>						
Flow	MGD	*		*	once/quarter**	24 hr. total
Biochemical Oxygen Demand***	mg/L		45	30	once/quarter**	composite
Total Suspended Solids***	mg/L		45	30	once/quarter**	composite
pH - Units	SU	****		****	once/quarter**	grab
Temperature	°C	*		*	once/quarter**	grab
Ammonia as N (May 1 - Oct. 31) (Nov. 1 - April 30)	mg/L				once/quarter**	grab
		3.7		1.9		
		7.5		3.7		
Fecal Coliform	#/100mL	1000		400	once/quarter**	grab

MONITORING REPORTS SHALL BE SUBMITTED QUARTERLY; THE FIRST REPORT IS DUE October 28, 2007. THERE SHALL BE NO DISCHARGE OF FLOATING SOLIDS OR VISIBLE FOAM IN OTHER THAN TRACE AMOUNTS.

## B. STANDARD CONDITIONS

IN ADDITION TO SPECIFIED CONDITIONS STATED HEREIN, THIS PERMIT IS SUBJECT TO THE ATTACHED Parts I & III STANDARD CONDITIONS DATED October 1, 1980 and August 15, 1994, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.

MO 780-0010 (8/91)

## A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS (continued)

- \* Monitoring requirement only.
- \*\* Sample once per quarter in the months of January through March, April through June, July through September, and October through December. Reports shall be submitted by the 28<sup>th</sup> day of the following months April, July, October, and January.
- \*\*\* This facility is required to meet a removal efficiency of 85% or more.
- \*\*\*\* pH is measured in pH units and is not to be averaged. The pH is limited to the range of 6.0-9.0 pH units.

Note 1 - The Monthly Average Limit for Fecal coliform is expressed as a geometric mean. Final limitations and monitoring requirements for Fecal Coliform are applicable only during the recreational season from April 1 through October 31.

## C. SPECIAL CONDITIONS

1. This permit may be reopened and modified, or alternatively revoked and reissued, to:
  - (a) 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 Clean Water Act, 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) Incorporate new or modified effluent limitations or other conditions, if the result of a waste load allocation study, toxicity test or other information indicates changes are necessary to assure compliance with Missouri's Water Quality Standards.
  - (c) Incorporate new or modified effluent limitations or other conditions if, as the result of a watershed analysis, a Total Maximum Daily Load (TMDL) limitation is developed for the receiving waters which are currently included in Missouri's list of waters of the state not fully achieving the state's water quality standards, also called the 303(d) list.

The permit as modified or reissued under this paragraph shall also contain any other requirements of the Clean Water Act then applicable.

## WARRANTY DEED

This indenture made on this 5<sup>th</sup> day of December, 2007, by and between 136<sup>TH</sup> STREET PROPERTIES, L. L. C., a Missouri Limited Liability Company, grantor, for and in consideration of the sum of Ten Dollars and other valuable considerations does by these presents, GRANT, BARGAIN AND SELL, Convey and Confirm unto TIMBER CREEK SEWER COMPANY, Grantee, whose mailing address is: P.O. BOX 511, PLATTE CITY, MO 64079, its successors and assigns the following land situate in Clay County, Missouri, to-wit:

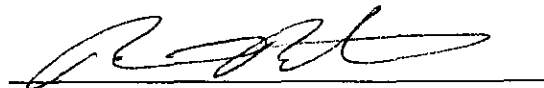
Tract C, OAKBROOK FIRST PLAT, a subdivision of land in Clay County, Missouri, according to the recorded plat thereof.

Subject to easements, restrictions, covenants and reservations of record, if any.

To Have and To Hold the premises aforesaid with all singular, the rights, privileges, appurtenances and immunities thereto belonging or in any wise appertaining unto said Grantee and unto its successors and assigns forever; said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee of the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear from any encumbrance done or suffered by it or those under whom it claims, and that it will warrant and defend the title to said premises unto said Grantee and unto its successors and assigns forever, against the lawful claims and demands of all persons whomsoever.

Witness the hand of said Grantor this 5<sup>th</sup> day of December, 2007.

136<sup>TH</sup> STREET PROPERTIES, L. L. C.

  
\_\_\_\_\_  
Brian Burton, Manager

State of MISSOURI  
County of CLAY

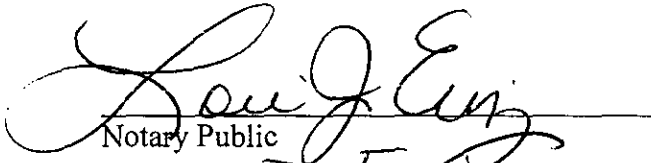
On this 5 day of Dec., 2007, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Brian Burton, to me personally known, who being by me duly sworn, did say that he is the Manager of 136<sup>TH</sup> STREET PROPERTIES, L.L.C., a Missouri Limited Liability Company, and that said instrument was signed on behalf of said Limited Liability Company, and said Brian Burton, acknowledged said instrument to be the free act and deed of said Limited Liability Company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal at my office in CLAY COUNTY, Missouri, the day and year last above written.

My term expires:

3/20/2010

LORI J. EWING  
Notary Public- Notary Seal  
STATE OF MISSOURI  
Clay County  
My Commission Expires March 20, 2010  
Commission #06397868

  
Notary Public  
Lori J. Ewing