

# **Staff Report in Response to Commission Order Establishing a Response Deadline and Directing Filing**

## **PSC Water and Sewer Department**

### **Case No. SA-2010-0096– RDG Development, LLC**

**Prepared by Jerry Scheible, P.E. - Utility Regulatory Engineer**

**March 30, 2010**

#### **BACKGROUND**

On October 23, 2009, Staff filed its *Staff Report and Recommendation (Recommendation)* in the subject case. In that *Recommendation*, Staff recommended, among other things, that the Commission “Requires the Sewer Company to meet the DNR (Missouri Department of Natural Resources) requirement of retaining a certified operator within 90 days of the Commission approval of the CCN.”

On March 24, 2010, Staff filed its *Notice of Satisfaction of Conditions, Request for Clarification, and Withdrawal of Complaint* in which it requests, among other things, that the Commission enter an order clarifying that the condition requiring a certified operator has been satisfied as of March 18, 2010, in that there was no DNR requirement of retention of a certified operator at that time.

#### **STAFF RESPONSE**

DNR oversees both the certification of operating personnel, based upon operation experience, examination and continued education, and the determination of whether a wastewater treatment facility requires the services of certified personnel, and at what level of certification, based upon the number of customers served and the complexity of the treatment facility components. The purpose for the certification of operators, and the requirement that certain facilities must have certified personnel, is to ensure the waters of the state are protected from contamination from unsatisfactory wastewater treatment facility discharges.

Upon further review by Staff, it was determined that the DNR criteria requiring operation by certified personnel in Code of State Regulation 10 CSR 20-9.020 (2)(A) do not apply for this facility. Only those facilities serving population equivalents greater than two hundred (200) or with fifty (50) or more service connections are required by DNR to meet the requirement. The subject facility serves a population equivalent of fifty-nine (59) and currently has thirty-five (35)

**APPENDIX A**

service connections. Although the Regulation does allow that DNR may determine certified personnel are necessary to protect the waters of the state and require such even in those situations normally exempt, DNR has not made such a determination in this case. (The cover page for the facility's current DNR permit (MO-0121274) is included for reference as Attachment 1 of this Report.)

The operational, monitoring and reporting requirements outlined in the current DNR permit remain the same, and are not dependent upon whether a certified operator is required or not. Therefore it is reasonable to include compensation for the operation of the facility as proposed in Staff's original *Recommendation*, as the required duties have not changed.

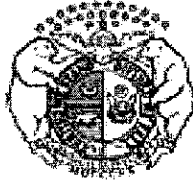
### **SUMMARY OF STAFF'S POSITION**

Staff does not recommend that the Commission maintain the requirement of the subject facility to retain a certified operator. Staff feels that DNR's authority and requirements are sufficient to protect the waters of the state, and the customers of the utility are not being done a disservice by the Commission's withdrawal of the requirement.

#### **List of Attachments**

Attachment 1: DNR Missouri State Operating permit **MO-0121274**

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-0121274
Owner:	Rodney Glenn Construction, Inc.
Address:	5050 County Road 404, Fulton, MO 65251
Continuing Authority:	Same as above
Address:	Same as above
Facility Name:	Greenwood Hills Subdivision
Facility Address:	Silver Drive, Fulton, MO 65251
Legal Description:	NW ¼, NW ¼, SW ¼, Sec. 36, T47N, R10W, Callaway County
Latitude/Longitude:	+3848236/-09200177
Receiving Stream:	Unnamed tributary to Middle River (U)
First Classified Stream and ID:	Middle River (C) (00724)
USGS Basin & Sub-watershed No.:	(10300102-240001)

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 – No Certified Operator Required**

Two-cell lagoon / Sludge is retained in lagoon

Design population equivalent is 59.

Design flow is 5,900 gallons per day.

Actual flow is 5,000 gallons per day.

Design sludge production is .9 dry tons/year.

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.

August 29, 2008

Effective Date

August 28, 2013

Expiration Date  
MO 780-0041 (10-93)

A handwritten signature in black ink, appearing to read "Doyle Childers".

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

Irene Crawford, Director, Northeast Regional Office

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF MISSOURI**

**AFFIDAVIT OF JERRY SCHEIBLE, P.E.**

STATE OF MISSOURI     )

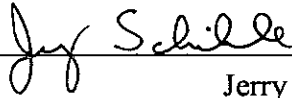
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CASE NO. SA-2010-0096

COUNTY OF COLE     )

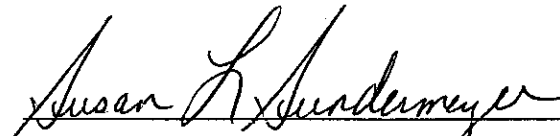
**COMES NOW** Jerry Scheible, being of lawful age, and on his oath states the following:

(1) that he is a Utility Regulatory Engineer in the Missouri Public Service Commission's Water & Sewer Department; (2) that he participated in the preparation of the foregoing *Staff Report*; (3) that he has knowledge of the information presented in the foregoing *Staff Report*; and (4) that the information presented in the foregoing *Staff Report* is true and correct to the best of his knowledge, information and belief.



Jerry Scheible

Subscribed and sworn to before me this 30<sup>th</sup> day of March 2010.

  
Notary Public



SUSAN L. SUNDERMEYER  
My Commission Expires  
September 21, 2010  
Callaway County  
Commission #06942086

My Commission Expires: 9-21-10