

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

In the Matter the Joint Application of R.D. Sewer)
Company, L.L.C. and the Staff of the Missouri)
Public Service Commission for an Order)
Authorizing Stoddard County Sewer Co., Inc., to Transfer)
Its Assets to R.D. Sewer, L.L.C., and for an Interim)
Rate Increase)
Case No. SO-2008-0289

**MISSOURI DEPARTMENT OF NATURAL RESOURCES'
STATEMENT OF COMPLIANCE FOR
STODDARD COUNTY SEWER CO., INC.**

Stoddard County Sewer Co., Inc. (Stoddard County Sewer) has a history of chronic noncompliance with the Missouri Clean Water Law, its implementing regulations, and Missouri State Operating Permit (MSOP) No. MO-0096881. Based on Department inspections, Stoddard County Sewer's Wastewater Treatment Plant (WWTP) has been poorly operated and maintained. Department inspectors have also concluded that the WWTP has exceeded the original design capacity and will have to be upgraded, replaced, or eliminated. Department staff also documented several bypasses of raw sewage from Stoddard County Sewer's wastewater collection system that were not reported to the Department by Stoddard County Sewer. The wastewater collection system will also need to be evaluated by an engineer and deficiencies corrected to eliminate bypasses.

The Department is not aware of any steps Stoddard County Sewer has taken to come into compliance with the Missouri Clean Water Law, its implementing regulations, or MSOP No. MO-0096881. It is the Department's understanding that Mr. Roger Owens has been operating Stoddard County Sewer's WWTP and has submitted monthly discharge monitoring reports to the department pursuant to the MSOP No. MO-0096881. It is also important to note that MSOP No. MO-0096881 expired by its own terms on June 15, 1999 and due to compliance and ownership issues has not been able to renew Stoddard County Sewer's MSOP.

The Department finds Stoddard County Sewer to be in significant non-compliance of the Missouri Clean Water Law its implementing regulation and MSOP No. MO-0096881 based upon the following:

Notice of Violation #17390 SE – July 30, 1998

- Failed to submit timely discharge monitoring reports as required in part "A" of MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1
- 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.

- 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.
- Failed to submit annual sludge reports as required by the standard conditions of MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo.

Notice of Violation #17514 SE – May 17, 1999

- Failed to submit timely discharge monitoring reports as required in part "A" of MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo, and 10 CSR 20-7.015(9)(A)1.
- 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.
- 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.
- Failed to submit annual sludge reports as required by the standard conditions of MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo.
- Failed to retain a certified operator to supervise the operation and maintenance of the wastewater treatment facility in violation of Section 644.076.1, RSMo, and 10 CSR 20-9.020(2)(B) and (D).
- Failed to comply with the effluent limits contained in Part "A" of MSOP No. MO-0096881 in violation of Sections 644.051.1(3) and 644.076.1, RSMo.
- Placed or caused or permitted to be placed water contaminant in a location where they are reasonably certain to cause pollution of waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo.
- On April 26, 1999, operated, used or maintained a water contaminant source a bypass from a collection pipe which discharged to 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).

Notice of Violation #17819 SE – February 19, 2003

- Failed to comply with the effluent limits contained in Part "A" of MSOP No. MO-0096881, during the month of December 2002, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #17602 SE – June 9, 2003

- Failed to comply with the effluent limits contained in Part "A" of MSOP No. MO-0096881, during the months of January, February, and March 2003, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #17945 SE – August 26, 2003

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the month of April 2003, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18112 SE – June 8, 2004

- Failed to prevent a bypass as required by the Standard Conditions Part I MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo
- Failed to notify the department of a bypass as required by the Standard Conditions Part I MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo
- 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.
- Placed or caused or permitted to be placed water contaminant in a location where they are reasonably certain to cause pollution of waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

Notice of Violation #18151 SE – January 27, 2005

- Failed to prevent a bypass as required by the Standard Conditions Part I MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo
- Failed to notify the department of a bypass as required by the Standard Conditions Part I MSOP No. MO-0096881 in violation of Section 644.076.1, RSMo
- 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.
- Placed or caused or permitted to be placed water contaminant in a location where they are reasonably certain to cause pollution of waters of the state in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

Notice of Violation #18172 SE – March 8, 2005

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of January, March, April, May, June, July, September, October, November, and December 2004, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18199 SE – June 15, 2005

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of January, February, and March 2005, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18210 SE – September 6, 2005

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of April, May and June 2005, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18361 SE – November 23, 2005

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of July, August and September 2005, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18385 SE – January 30, 2006

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of October, November and December 2005, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Notice of Violation #18399 SE – September 28, 2007

- Failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of December 2006, January, February, March, April, May and June 2007, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Monthly Discharge Monitoring Reports submitted to the Department pursuant to MSOP No. MO-0096881 document that Stoddard County Sewer Co., Inc. has failed to comply with the effluent limits contained in Part “A” of MSOP No. MO-0096881, during the months of December 2007 and January and February 2008, in violation of Sections 644.051.1(3) and 644.076.1, RSMo.

Respectfully submitted,



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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this pleading was sent electronically and mailed on April 21, 2008 by U.S. Mail to the following:

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