

Exhibit No.: \_\_\_\_\_  
Issue(s): DNR Regulations and Violations  
Warren County Water and Sewer-Sewer System  
Witness/Type of Exhibit: Mueller/Surrebuttal  
Sponsoring Party: Public Counsel  
Case No.: WC-2002-155

**SURREBUTTAL TESTIMONY**

**OF**

**PAUL E. MUELLER**

Submitted on Behalf of the Office of the Public Counsel

**OFFICE OF THE PUBLIC COUNSEL**

v.

**WARREN COUNTY WATER & SEWER COMPANY  
AND GARY L. SMITH**

**Case No. WC-2002-155  
(Consolidated with SC-2002-160)**

April 24 , 2002

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

Office of the Public Counsel,  
Complainant,

v.

Warren County Water and Sewer  
Company and Gary L. Smith,  
Respondents.

Case No. WC-2002-155

**AFFIDAVIT OF PAUL E. MUELLER**


STATE OF MISSOURI )  
 ) ss  
COUNTY OF ST. LOUIS )

Paul E. Mueller, of lawful age and being first duly sworn, deposes and states:

1. My name is Paul E. Mueller. I am employed with Missouri Department of Natural Resource.
2. Attached hereto and made a part hereof for all purposes is my surrebuttal testimony consisting of pages 1 through 30.
3. I hereby swear and affirm that my statements contained in the attached testimony are true and correct to the best of my knowledge and belief.

  
Paul E. Mueller

Subscribed and sworn to me this 23 day of April 2002.

  
Notary Public

My commission expires May 1, 2005

DIANA L. O'BRIEN  
Notary Public - Notary Seal  
STATE OF MISSOURI  
Lincoln County  
My Commission Expires: May 1, 2005

STATE OF MISSOURI

PUBLIC SERVICE COMMISSION

OFFICE OF THE PUBLIC COUNSEL

vs.

WARREN COUNTY WATER & SEWER COMPANY  
and GARY L. SMITH

No. WC-2002155

SURREBUTTAL DEPOSITION OF PAUL E. MUELLER,  
produced, sworn and examined on behalf of the Office of  
the Public Counsel on April 3, 2002, between the hours of  
eight o'clock in the forenoon and six o'clock in the  
afternoon of that day at the Department of Natural  
Resources, 9200 Watson Road, St. Louis, Missouri, before  
JANINA A. JAEGER, a Registered Professional Reporter and a  
Notary Public.

A P P E A R A N C E S

The Office of the Public Counsel was  
represented by M. RUTH O'NEILL, Assistant Public Counsel,  
Office of the Public Counsel, Department of Economic  
Development, State of Missouri, 200 Madison Street, Suite  
650, Jefferson City, Missouri 65102.

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PAUL E. MUELLER,

being produced, sworn and examined on behalf of the Office  
of Public Counsel, deposes and says:

DIRECT EXAMINATION

QUESTIONS BY MS. O'NEILL:

Q. Could you please state your name?

A. Paul Eric Mueller.

Q. How are you employed?

A. I work for the Missouri Department of Natural  
Resources.

Q. How long have you been employed by Missouri  
Department of Natural Resources?

A. Since 1993.

Q. And could you tell me your education and  
training for the position that you have right now?

A. I have a Bachelor of Science degree in  
Biology, and I'm certified as a water and waste water  
operator in the State of Missouri, numerous training I  
have taken both in environmental and in enforcement  
actions.

Q. What are your current duties with DNR?

A. I work in the water pollution control  
program, public drinking water program, and solid waste  
program in investigation of complaints and in routine  
inspections.

1 Q. In performing your duties with DNR, are you  
2 familiar with the operation of Warren County Water and  
3 Sewer Company?

4 A. Yes, I am.

5 Q. Can you describe to me how you became aware  
6 of this company?

7 A. I originally became aware of it in discussions  
8 with other inspectors in our office.

9 Q. Please describe your duties related to this  
10 company?

11 A. I have been assigned to be the inspector for  
12 the site. August of 2000 I began working with Warren  
13 County Water and Sewer.

14 Q. When you say working with Warren County Water  
15 and Sewer, what does that entail?

16 A. Doing the routine inspection of the complaint  
17 investigations of the site and facilities.

18 Q. How often, on average, do you go to the  
19 Warren County Water and Sewer Company's territory?

20 A. When we don't have any problems, about once a  
21 year. When I've got some problems out there that I'm  
22 watching, maybe on a monthly basis, or active spill  
23 occurring, weekly.

24 Q. Since you have taken over working with the  
25 Warren County Water and Sewer company, have you been at

1 the site more often than annually?

2 A. Yes.

3 Q. About how often, on average, have you been  
4 out to that area?

5 A. Since January I was out there about weekly  
6 monitoring lift stations.

7 Q. When you are working on information regarding  
8 this company, do you have contact with the company's  
9 customers?

10 A. When they call me to complain, yes.

11 Q. In the case of Warren County Water and Sewer  
12 Company, have you had calls from customers complaining?

13 A. Yes, we have.

14 Q. Would you describe the number of calls you  
15 get as average, more than average, or less than average of  
16 the typical companies that you work with?

17 A. More than average.

18 Q. And about how many water and/or sewer  
19 companies do you work with currently?

20 A. I have about fifty facilities assigned to me.

21 Q. Okay. Do you also have contact with the  
22 company or company management with Warren County Water and  
23 Sewer Company?

24 A. I do when I set up an inspection, we would  
25 set up a time to meet, otherwise correspondence is the

1       only time I have talked to Mr. Smith, the owner of the  
2       company.

3               Q.     And Mr. Smith, the owner of the company, that  
4       is Gary Smith?

5               A.     Yes.

6               Q.     When you go out to the site where Warren  
7       County Water and Sewer operates, what types of things do  
8       you do?

9               A.     In the last year I have mostly did complaint  
10      investigations and sample collections.

11              Q.     And what types of samples do you collect?

12              A.     I have collected both grab samples from the  
13      waste water treatment plants or from bypasses, and I have  
14      also collected composite samples from the waste water  
15      treatment plants.

16              Q.     Describe what a grab sample is for me?

17              A.     A grab sample is a one liter bottle that we  
18      collect at one specific time. Then we consider that a  
19      sample at that specific time.

20              Q.     And could you describe a composite sample?

21              A.     A composite sample, we set up a machine that  
22      collects small samples over a twenty-four hour period to  
23      give us one composite sample for testing.

24              Q.     Are grab samples or composite samples both  
25      tested?



1 A. Yes.

2 Q. Do you do that testing, or does someone else  
3 do that?

4 A. The samples are sent through proper chain of  
5 custody to the Environmental Services Program Lab in  
6 Jefferson City.

7 Q. And that lab is part of DNR; is that correct?

8 A. Yes, it is.

9 Q. How often, since you started to work with  
10 this company, have you obtained samples?

11 A. I have collected samples from the waste water  
12 treatment facilities twice.

13 Q. Are you aware of whether or not other waste  
14 water samples have also been taken during the time that  
15 you have had this company?

16 A. I'm not aware of any for sure.

17 Q. Have you requested that the company provide  
18 waste water samples?

19 A. They are required by the permit to submit  
20 monthly samples from each plant.

21 Q. And what is the company's compliance record  
22 on that monthly sample requirement?

23 A. Plant No. 1 in 2000 had violations of eight  
24 of the twelve months, and Plant No. 2 had twelve  
25 violations in the year 2001.

1 Q. Have you found it necessary to remind Mr.  
2 Smith that his company's samples are due?

3 A. Yes. There has been several monitoring  
4 violations that sample results were missing, or partial  
5 data was missing, and letters have been sent out from the  
6 St. Louis Regional Office to remind him of this, and ask  
7 for those results to be submitted.

8 Q. Do you know whether or not he has complied  
9 with those requests?

10 A. Partially.

11 Q. You described several violations in the last  
12 twelve months. Does DNR notify the company of those  
13 violations when they are found to occur?

14 A. Yes. A letter from the Waste Water Section  
15 Chief will be sent from the department office letting them  
16 know they are in violation and to correct the problems  
17 with the facility.

18 Q. What action has DNR taken with the company as  
19 a result of these violations?

20 A. The St. Louis regional office requested  
21 enforcement action from the water pollution control  
22 program.

23 Q. And did you make that request yourself?

24 A. I drafted the memo for it, but it went out  
25 under the regional director's signature.

1 Q. And when those requests are made, where do  
2 they go?

3 A. They go to the Water Pollution Control  
4 Program in the Department of Natural Resources in  
5 Jefferson City. It goes to the Enforcement Section.

6 Q. Are you aware of whether any of the  
7 information regarding violations by this company also went  
8 to the Environmental Protection Agency?

9 A. Some of the notices of violation were copied  
10 to the Environmental Protection Agency.

11 Q. Did you participate in any investigation, or  
12 assist the EPA with any investigation regarding this  
13 company and Mr. Smith?

14 A. Yes.

15 Q. Can you describe what your part was in that  
16 investigation?

17 A. In April of 2001 I was informed of a waste  
18 water bypass that I needed to investigate at the site.  
19 When I did get to the failing lift station, the manhole  
20 running over, EPA personnel were also at the site. I  
21 believe they collected samples, and I also collected a  
22 sample and sent in.

23 In January of this year I was also  
24 investigating another complaint of another lift station  
25 failing. I notified St. Louis Regional Office staff and

1       Public Service Commission, and I believe Public Service  
2       Commission is who notified the Environmental Protection  
3       Agency of that, and I did have some conversations with Vic  
4       Muschler of the Environmental Protection Agency in January  
5       after that notification.

6               Q.     Was Mr. Smith aware of that violation?

7               A.     Yes.

8               Q.     Is that because your department sent him a  
9       notice of that violation?

10              A.     Upon my initial investigation of the site the  
11       pumps were turned off and electrical components were  
12       missing, so I'm confident that Mr. Smith also knew of the  
13       problem with the lift station because work had been done  
14       on it. I did follow up with a written notice of violation  
15       that was sent to Mr. Smith to officially notify him that  
16       the department knew.

17              Q.     I'm going to show you what is marked as  
18       Attachment 2-1 to the rebuttal testimony of Steve Loethen,  
19       and ask you if you recognize that?

20              A.     Yes, I do.

21              Q.     What is that document?

22              A.     It's a memo that I put together summarizing  
23       my investigations, phone calls, and conversations that I  
24       had concerning the Shady Oak's lift station.

25              Q.     And have you worked with Steve Loethen from

1 the Public Service Commission in connection with that  
2 matter?

3 A. Yes, I have.

4 Q. Prior to the incident in January of 2002 that  
5 is documented in that memo, had you, or has DNR, to your  
6 knowledge, attempted to assist this company in improving  
7 the quality of its effluent discharges?

8 A. Our water specialist, Jack Baker, has been  
9 out and visited with Mr. Smith and worked with him and  
10 offered additional assistance.

11 Q. How has Mr. Smith responded to that offer?

12 A. I'm unaware of how much work he has done with  
13 Mr. Baker.

14 Q. Do you know whether there has been any  
15 positive result from that offer of assistance?

16 A. Records indicate that the plants effluent has  
17 degraded in the last year, so at this time I feel that  
18 there has not been much progress in making the plants  
19 operate better.

20 Q. I'm showing you what is marked as Exhibit No.  
21 2 with today's date on it. Do you recognize what this  
22 document is?

23 A. Yes, I do.

24 Q. And this is an attachment to the testimony of  
25 Vic Muschler. How do you recognize what this is?

1           A.     This is a cover letter that I drafted for our  
2 regional director that was sent to Mr. Smith notifying him  
3 of the bypass that occurred in January of 2002.

4           Q.     And attached to that letter, are there some  
5 results of some testing and some other items?

6           A.     This particular letter has just a notice of  
7 violation. There was a follow-up letter to this that has  
8 the sample results in it after I received them back from  
9 the lab.

10                   (Whereupon, Office of the Public Counsel's  
11 Exhibit No. 1 was marked.)

12                   BY MS. O'NEILL:

13           Q.     Showing you what has been marked as Exhibit  
14 1, can you tell me what that document is?

15           A.     This is another cover letter that I drafted  
16 for the regional director to send to Mr. Smith. This  
17 particular one is notifying him that the sample results  
18 had been obtained from our Environmental Services Lab, and  
19 the results were far in excess of the permitted discharge  
20 limits.

21           Q.     What is the date of that letter?

22           A.     January 30, 2002.

23           Q.     And attached to that letter are there some  
24 documents?

25           A.     The official lab report from the

1 Environmental Services Program.

2 Q. What does that reveal?

3 A. Can you repeat question?

4 Q. What does that lab result reveal?

5 A. The lab results show the nonfilterable  
6 residue at 112 milligrams per liter, and the biochemical  
7 oxygen demand at 359 milligrams per liter.

8 Q. And are those levels excessive of what is  
9 allowed?

10 A. Far in excess. This plant that this waste  
11 water goes to has limits of 30 on the nonfilterable  
12 residue and 30 on the biochemical oxygen demand.

13 Q. Do you know whether this was a brief problem  
14 for this lift station, or whether or not it was ongoing  
15 for a period of time?

16 A. I was aware of it occurring for more than a  
17 week.

18 Q. When did you first become aware of it, if you  
19 can recall?

20 A. My memo, if I can have that and look at that?

21 Q. Okay.

22 A. January 14th I was called, and a complaint  
23 filed with my office.

24 Q. When you received that complaint, what did  
25 you do?

1           A.     I needed to be in the area that day anyway,  
2           so I did a surveillance of the Shady Oak's lift station.

3           Q.     Let me show you what is attached to the  
4           supplemental direct testimony of Barbara Meisenheimer.  
5           It's Attachment BAM-2, page 4, and ask you if you  
6           recognize that?

7           A.     That appears to be the Shady Oak's lift  
8           station.

9           Q.     And does it appear that it is fuller than one  
10          would expect the lift station to be?

11          A.     Yes. At the level that the waste water is in  
12          that lift station, it is six inches below the lid, and  
13          there should be an alarm and light going off at that  
14          height.

15          Q.     Would you say that is slightly or greatly  
16          higher than the level should be of the waste in that lift  
17          station?

18          A.     Yes, it's quite a bit higher. The department  
19          does require that the lift station have a twenty-four hour  
20          holding capacity in reserve for when the pumps do fail,  
21          and this has already used up that holding capacity.

22          Q.     If this station was operational, would you  
23          expect to see anywhere near this level?

24          A.     No. I would expect to see it three or four  
25          feet lower than this.



1 Q. Did you also take photographs out at the area  
2 of this lift station?

3 A. Yes, I did.

4 Q. And did you provide those, copies of those  
5 photographs to the Office of the Public Counsel?

6 A. Yes, I did.

7 Q. And I'll show you what is attached to the  
8 supplemental direct testimony of Kimberly Bolin, Schedule  
9 KKB-10. I was wondering if you could look at those  
10 photographs and tell me whether or not you took those  
11 photos?

12 A. They appear to be copies of photos that I  
13 took.

14 Q. And are there dates also on those, on the  
15 sheets that have those photographs?

16 A. Yes, there is, January 15th and January 22nd.

17 Q. Do those correspond with the dates that you  
18 took photographs in regard to this investigation?

19 A. Yes, they do.

20 Q. Are those accurate copies of the photographs  
21 that you took?

22 A. Yes.

23 Q. Again, KKB-10.1, is that the inside of the  
24 lift station?

25 A. Yes. That is the inside of the Shady Oak's

1 lift station.

2 Q. Is this in similar condition to the  
3 photograph that I showed you just previously?

4 A. Yes, it is.

5 Q. Do you know whether or not those were taken  
6 on the same date?

7 A. I don't know for sure when the other one was  
8 taken.

9 Q. To your knowledge, they were not taken at the  
10 exact same time?

11 A. No. I was at the site investigating by  
12 myself.

13 Q. Okay. Showing you what is attached to Miss  
14 Bolin's testimony, Schedule KKB-10.2, can you describe  
15 what is in that paragraph?

16 A. This is a photo that I took of the Shady  
17 Oak's lift station's control panel. It's showing that the  
18 switches are off on the control panel, and that there are  
19 some electrical capacitors missing.

20 Q. Why is that significant?

21 A. It indicates that both pumps are unoperational  
22 in the lift stations.

23 Q. The fact that it's in the off position, what  
24 does that indicate to you?

25 A. It indicates that somebody in Warren County

1 Water and Sewer knew that the lift station had some  
2 problems.

3 Q. Showing you Schedule KKB-10.3, please  
4 describe this?

5 A. This is a photo on the north side of the  
6 Shady Oak's lift station showing the pool and flow of  
7 waste water from the lift station wet well.

8 Q. And that went out onto the ground?

9 A. This went out onto the ground and flowed into  
10 a shallow ditch which went to a wet weather branch of Big  
11 Creek.

12 Q. And Big Creek is a flowing water of the  
13 United States?

14 A. Yes, it is.

15 Q. KKB-10.4, please describe this?

16 A. This is the first manhole to the west of the  
17 Shady Oak's lift station. It's showing a flow of waste  
18 water from the manhole.

19 Q. If the lift station was operating properly,  
20 would you expect to see this sort of flow from this  
21 manhole?

22 A. No. There would be no flow from the manhole.

23 Q. Does this discharge indicate anything to you  
24 about the operation of the system in this location?

25 A. It indicates that there is a problem

1       downstream at the manhole.

2               Q.     And is that lift station downstream of the  
3       manhole full?

4               A.     That would be the Shady Oak's lift station  
5       which previous photographs show that it was inoperational.  
6       These pictures were probably taken within ten minutes of  
7       each other.

8               Q.     Okay. KKB-10.5, please describe that?

9               A.     This is a photograph that I took  
10       approximately ten feet east of the west manhole. There is  
11       a waste water flow coming up from the ground, indicating  
12       that there is a broken pipe.

13              Q.     And KKB-10.6, please describe this photo?

14              A.     This, again, is a photo of waste water coming  
15       from the manhole west of the Shady Oak's lift station.

16              Q.     Same manhole?

17              A.     Same manhole, yes.

18              Q.     I'll show you Schedule KKB-10.7.

19              A.     It's a closer picture of the same manhole,  
20       the same angle as the previous picture.

21              Q.     And there is quite a bit of water on the  
22       ground there?

23              A.     There is water, solids, plastics. All can be  
24       observed in this picture.

25              Q.     Does this all appear to be waste from the

1 lift station?

2 A. This all appears to be components of waste  
3 water.

4 Q. I'm showing you Schedule KKB-10.8. Could you  
5 describe this picture?

6 A. This is a flow of waste water that is coming  
7 from the manhole, and also from the, bubbling up from the  
8 ground. It's just to the north of the manhole.

9 Q. Is this water also trickling down into that  
10 ditch and going into the river?

11 A. Yes, it is.

12 Q. I'm showing you KKB-10.9. Please describe  
13 what is in this photo?

14 A. This photo is further downstream of the  
15 manhole where it's showing additional flow and the start  
16 formation of a ditch.

17 Q. Is this water flowing into the river as well,  
18 eventually?

19 A. Yes. This will all flow into waters of the  
20 state.

21 Q. KKB-10.10, is this a similar photograph?

22 A. Yes, this is a similar photograph  
23 approximately a hundred yards downstream.

24 Q. Schedule KKB-10.11, would you describe what  
25 is in this photograph?

1                   A.     It's a photograph of the electric meter at  
2                   the lift station. I was documenting the hours on the  
3                   meter.

4                   Q.     And what date did you take that photograph?

5                   A.     On January 15th.

6                   Q.     Of 2002?

7                   A.     Of 2002, yes.

8                   Q.     I show you KKB-10.12. Please describe what  
9                   is in this photograph?

10                  A.     It's a photograph one week later on January  
11                  22nd of the lift station's meter. The meter, electric  
12                  meter has not moved.

13                  Q.     And why is it significant that the meter has  
14                  not moved?

15                  A.     It's an indication that the waste water pumps  
16                  have not pumped in a week's time.

17                  Q.     I show you KKB-10.13. Please describe what  
18                  is in this picture?

19                  A.     It's a photo on January 22nd of the manhole,  
20                  first manhole west of the lift station showing a large  
21                  flow of waste water coming out of the top of the manhole.

22                  Q.     The same manhole as before?

23                  A.     Yes.

24                  Q.     Schedule KKB-10.14, please describe this  
25                  photograph?

1           A.     Similar photo to the first photograph, a  
2           little bit closer and at a different angle, showing a pool  
3           of water on the ground. This was also taken on January  
4           22nd.

5           Q.     And was this flow of water also going into  
6           the ditch and eventually into the river?

7           A.     Yes.

8           Q.     Schedule KKB-10.15, please describe what is  
9           in this photograph?

10          A.     This is a photo of the first manhole west of  
11          the Shady Oak's lift station. It shows the manhole with  
12          solids around it and pools of water in the foreground.

13          Q.     And, again, this is the water that we have  
14          just described as eventually flowing down into the river?

15          A.     Yes.

16          Q.     And is Schedule KKB-10.16 another view of  
17          that same manhole on January 22nd?

18          A.     Yes.

19          Q.     Still water flowing out?

20          A.     Yes. You can see the flow from the top lid.

21          Q.     So you know that on January 14th you received  
22          the complaint. On January 15th you saw this flow and this  
23          backup, and you saw it again on January 22nd; is that  
24          correct?

25          A.     Yes.

1 Q. Based on the fact that the electric meter  
2 numbers had not changed, do you believe that this had been  
3 an ongoing problem between, at least, the 15th and 22nd of  
4 January?

5 A. I first saw the flow on the 14th, and I did  
6 see it was still occurring on the 22nd, yes.

7 (Whereupon, Office of the Public Counsel's  
8 Exhibit No. 2 was marked.)

9 BY MS. O'NEILL:

10 Q. I show you what has been marked as Exhibit 2  
11 and ask you whether you recognize that document?

12 A. Yes, I do.

13 Q. What is that?

14 A. It's a cover letter for a notice of violation  
15 that I drafted for the regional director on March 5th.

16 Q. Is that also directed to Mr. Smith?

17 A. Yes, it is.

18 Q. Does it also relate to Warren County Water  
19 and Sewer Company?

20 A. Yes.

21 Q. What caused you to draft that letter?

22 A. I set up composite samplers at both Warren  
23 County Water and Sewer waste water treatment plants, and  
24 the sample results were in violation of their permit  
25 limits.



1 Q. And are the results of that analysis attached  
2 to that letter?

3 A. Yes, they are.

4 Q. And what did the analyses of those composite  
5 samples reveal?

6 A. Plat No. 1 had a biochemical oxygen demand of  
7 ninety-seven, and a nonfilterable residue of eighty-four.

8 Q. And were those both in violation of their  
9 limits?

10 A. Yes. The limit is thirty for that plant.

11 Q. How about Plant No. 2?

12 A. The biochemical oxygen demand was twenty-five  
13 milligrams per liter, and the limit for that plant is  
14 twenty, and the nonfilterable residue was twenty-seven and  
15 the limit for that plant is twenty.

16 Q. So that plant also was in violation on both  
17 of those?

18 A. Yes.

19 Q. Are you aware of whether or not you received  
20 any response from Mr. Smith or the company as a result of  
21 that letter?

22 A. No. I received no responses.

23 Q. We have discussed primarily waste water  
24 issues related to Warren County Water and Sewer Company.  
25 Is there another employee of DNR that deals with drinking

1 water issues with this company?

2 A. Dan Daugherty at the St. Louis regional  
3 office is the water unit chief, and he works with drinking  
4 water issues at Warren County Water and Sewer.

5 Q. Would he have further information regarding  
6 drinking water issues with this company?

7 A. Yes, he would.

8 Q. In regard to this violation in January, you  
9 indicated earlier that you provided some information  
10 regarding that to the EPA; is that correct?

11 A. Yes.

12 Q. And did you also provide information to the  
13 federal district court in St. Louis?

14 A. I did not directly, no.

15 Q. Do you know whether or not your information  
16 was used by the federal court at the probation violation  
17 hearing?

18 A. Yes.

19 Q. Were you present at that hearing?

20 A. Yes, I was.

21 Q. And was your agency cooperating with the EPA  
22 in that case?

23 A. Yes, we were.

24 Q. Are you continuing to cooperate with the EPA  
25 regarding that case?

1           A.     We provide them with information if we find  
2           additional violations.

3           Q.     Is there anything else about your  
4           investigation of Mr. Smith that you would like to add at  
5           this time?

6           A.     Not that I can think of at this time.

7           MS. O'NEILL: Thank you.

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SIGNATURE PAGE

(This is the signature page to the deposition  
of Paul E. Mueller, taken on April 3, 2002, Office of the  
Public Counsel vs. Warren County Water and Sewer Company.)



Paul E. Mueller

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_, A.D., 2002.

My commission expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public, within and  
for the State of Missouri

Please return original transcript to:

M. Ruth O'Neill  
Assistant Public Counsel  
Office of the Public Counsel  
Department of Economic Development  
200 Madison Street, Suite 650  
Jefferson City, Missouri 65102

NOTARIAL CERTIFICATE

STATE OF MISSOURI                    )  
  )  SS.  
COUNTY OF ST. CHARLES            )

I, JANINA A. JAEGER, a Registered Professional Reporter and a duly commissioned Notary Public within and for the State of Missouri, do hereby certify that there came before me at the Department of Natural Resources, 9200 Watson Road, St. Louis, Missouri,

PAUL E. MUELLER,

who was by me first duly sworn to testify to the truth and nothing but the truth of all knowledge touching and concerning the matters in controversy in this cause; that the witness was thereupon carefully examined under oath and said examination was reduced to writing by me; that the signature of the witness was not waived; and that this deposition is a true and correct record of the testimony given by the witness.

I further certify that I am neither attorney nor counsel for nor related nor employed by any of the parties to the action in which this deposition is taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 9th day of April, 2002.

My commission expires April 1, 2004.

Janina A. Jaeger  
Notary Public, within and  
for the State of Missouri

WITNESS: PAUL E. MUELLER

In Re: Office of the Public Counsel vs.  
Warren County Water and Sewer Company  
and Gary L. Smith  
April 3, 2002

DEPOSITION CORRECTION SHEET

UPON READING THE DEPOSITION AND BEFORE SUBSCRIBING  
THERE TO, THE DEPONENT INDICATED THE FOLLOWING CHANGES  
SHOULD BE MADE:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

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Page Line Should read:

Reason assigned for change:

Page Line Should read:

Reason assigned for change:

*No  
corrections*



Deponent

CONCANNON & JAEGER

705 Olive Street  
Suite 604  
St. Louis, Missouri 63101  
(314) 421-1000

April 10, 2002

Re: Office of the Public Counsel  
vs.

Warren County Water and Sewer Company  
and Gary L. Smith

Mr. Paul E. Mueller  
Environmental Specialist  
Missouri Department of Natural Resources  
678 Hwy. 147  
Troy, Missouri 63379

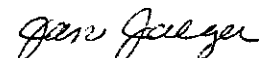
Dear Mr. Mueller:

Enclosed please find the original copy of your deposition,  
given on April 3, 2002, along with the original Signature  
Page and Deposition Correction Sheet.

Please read your deposition at your earliest possible  
convenience, making any changes you feel necessary.  
Please reflect each change on the DEPOSITION CORRECTION  
SHEET, together with your reason for changing it. After  
you have finished reading your deposition, sign the  
Deposition Correction Sheet and the original SIGNATURE  
PAGE in the presence of a notary public, have the notary  
notarize the SIGNATURE PAGE, and mail the transcript to M.  
Ruth O'Neill, Assistant Public Counsel, Office of the  
Public Counsel, Department of Economic Development, 200  
Madison Street, Suite 650, Jefferson City, Missouri 65102.

I hope that you will find this method of reading your  
deposition more convenient than coming to my office to  
read the original transcript. If you have any questions,  
please call me at the above phone number.

Yours truly,



Shorthand Reporter

Warren County (WPCP)  
Warren County Water & Sewer  
MO0098817

Surrebuttal Testimony of  
Paul E. Mueller  
WC-2002-155

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Bob Holden, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office  
9200 Watson Road, Suite 201  
(314) 301-7600  
FAX (314) 301-7607

January 30, 2002

CERTIFIED MAIL: 7001 0360 0002 1791 8799  
RETURN RECEIPT REQUESTED

Mr. Gary Smith  
Warren County Water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348

Dear Mr. Smith:

On January 15, 2002, a grab sample was collected of the effluent from the bypassing of the Shady Oaks lift station. A letter notifying you of this bypass was sent to you on January 15, 2002. The effluent sample has been analyzed and a copy of the analytical report dated January 24, 2002 is enclosed.

The results in the attached report show the effluent was not in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling. Specifically, the Biochemical Oxygen Demand (BOD) was 359 mg/l, exceeding the monthly average limit of 30 mg/L and the Non-filterable Residue (NFR) was 112 mg/l, exceeding the monthly average limit of 30 mg/L.

Discharging pollutants in amounts or concentrations exceeding those specified in the regulations is a violation of the Missouri Clean Water Law RSMO 1986 Sec. 644.051.1(3) and Sec. 644.76.1. Notice of Violation (NOV) # 0977SL is hereby issued for the violations noted above. If you have not already done so, immediately repair the lift station.

There are over 40 homes in the Shady Oaks Development with an average of 250 gallons per day of wastewater from each home there will be over 10,000 gallons per day of untreated waster discharging to waters of the state. Be advised that enforcement action has been requested from the Water Pollution Control Program's Enforcement Section, which may include assessment of a penalty to compel compliance.

Sincerely,

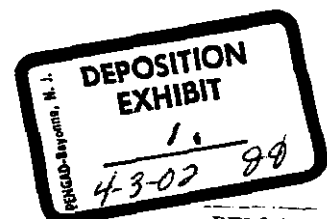
ST. LOUIS REGIONAL OFFICE

  
Mohamad Alhalabi, P.E.  
Regional Director

MA/PEM/ka

Enclosure

c: WPCP, Enforcement  
Warren County Office of Environmental Sanitation  
Lincoln County Office of Environmental Sanitation  
Steve Loethen, Public Service Commission







MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
**NOTICE OF VIOLATION**

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER

**0977 SL**

DATE AND TIME ISSUED

**January 30, 2002**

☐ A.M.  
☐ P.M.

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

**Warren County Water & Sewer**

**Shady Oaks Lift Station**

**SW 1/4, Sec. 36, T48N, R1W**

MAILING ADDRESS

**1248 Mimosa Court**

CITY

**Foristell**

STATE

**MO**

ZIP CODE

**63348**

NAME OF OWNER OR MANAGER

**Mr. Gary Smith**

TITLE OF OWNER OR MANAGER

**Owner/President**

LAW, REGULATION OR PERMIT VIOLATED

**Missouri Clean Water Law (Chapter 644 RSMo 1986) Sec. 644.051.1.(3) and 644.076.1**

**Missouri Clean Water Commission Regulation 10 CSR 20-7.015(8)(B)**

NATURE OF VIOLATION

DATE(S):

TIME(S):

**Discharging water contaminants into waters of the State that do not meet the Water  
Quality Standards.**

SIGNATURE (PERSON RECEIVING NOTICE)

**BY CERTIFIED MAIL**

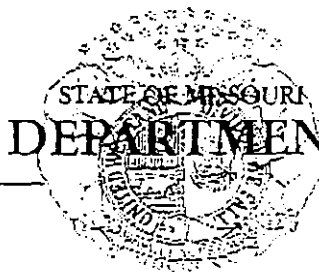
TITLE OR POSITION

SIGNATURE (PERSON ISSUING NOTICE)

**Paul E. Mueller**

TITLE OR POSITION/DNR REGION

**Environmental Specialist/SLRO**



# DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahood, Director

DIVISION OF ENVIRONMENTAL QUALITY

P.O. Box 176 Jefferson City, MO 65102-0176

## ENVIRONMENTAL SERVICES PROGRAM

### RESULTS OF SAMPLE ANALYSES

Sample Number: 0212951  
Lab Number: 02-D98

Reported To: PAUL E. MUELLER  
Affiliation: SLRO  
LDPR/Job-Project: QECMT/

Report Date: 1/24/02  
Date Collected: 1/15/02  
Date Received: 1/16/02

Sample Collected by: PAUL E. MUELLER, SLRO  
Facility Identification: MO-0098817  
Sampling Location: WARREN CO. WATER & SEWER  
Sample Description: SHADY OAKS PEM MANHOLE OVERFLOW  
County: LINCOLN

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	112	mg/L	1/22/02	160.2
Biochemical Oxygen Demand	359	mg/L	1/22/02	405.1

The analysis of this sample was performed in accordance with procedures approved or recognized by the U.S. Environmental Protection Agency.

Earl Pabst, Program Director  
Environmental Services Program  
Air and Land Protection Division

c: CURTIS GATELEY, WPC

PEM-1.3

APPENDIX 7  
DATA INPUT SHEET FOR WQIS  
INSPECTIONS

Facility ID: 1101  
 Permit Number: MO-0098817 Outfall(s): \_\_\_\_\_  
 Facility Name: Warren County Water & Sewer / Shady Oaks Lift Station  
 Legal Description: SW, Sec 36, T48N, R1W River Reach No: \_\_\_\_\_  
 City Name: \_\_\_\_\_ County: Lincoln ROP: SLRD  
 Inspection Date: 1/15/02 WQIS Input Date: \_\_\_\_\_ Inspector: Paul E Mueller

Type of Inspection (check only one):

- CS \_\_\_\_\_ Comprehensive inspection, sample taken (I & E Manual's Class 3 inspection)  
 CE \_\_\_\_\_ Comprehensive inspection, no sample taken (I & E Manual's Class 3 inspection)  
 AI ☒ Abbreviated inspection (I & E Manual's Class 2 inspection)  
 CP \_\_\_\_\_ Inspection or investigation in response to a complaint

INSPECTION DATA (Check all that apply)

CO \_\_\_\_\_ Facility in compliance

NCO \_\_\_\_\_ Facility not in compliance

- NOCP \_\_\_\_\_ No construction permit  
 CTOP \_\_\_\_\_ Certified operator required, but not employed  
 ELV ☒ Facility not meeting effluent limits based on DMRs or recent sampling  
 BYP ☒ Evidence of bypassing at facility or in collection system  
 NOLA \_\_\_\_\_ Class I facility is operating without the required LOA/permit  
 NOPT \_\_\_\_\_ Facility is discharging without a permit (includes land application facilities)  
 SCV \_\_\_\_\_ Schedule of Compliance not being met  
 REV \_\_\_\_\_ Reporting (e.g. DMR) or other standard conditions not being met  
 SDV \_\_\_\_\_ Sludge disposal standard violation  
 SIC ☒ Sludge or solids were observed in creek or around outfall  
 SOP \_\_\_\_\_ Stream has other observable problems due to this discharge  
 SWOP \_\_\_\_\_ No stormwater outfalls permitted

- HBFB \_\_\_\_\_ Holding basin is within one foot of overflow from a no-discharge system  
 LL \_\_\_\_\_ Lagoon is leaking based on geologic evaluation or water balance information  
 LAV \_\_\_\_\_ Wastewater irrigation problems  
 SDP \_\_\_\_\_ Sludge disposal problems  
 PTV \_\_\_\_\_ Pretreatment problems  
 OMP ☒ Operation and maintenance problems  
 SNO \_\_\_\_\_ Stream not observed during inspection  
 OT \_\_\_\_\_ Other (specify)

COMPLIANCE TRACKING (Complete all that apply)

(year / month / day)

NOVR1 ☒ Notice of Violation issued on 02/1/29  
 RRER2 \_\_\_\_\_ Facility owner directed to submit DMRs, engineering report, plans and specs., construction permit, etc. by: 1/1/  
 FRCR3 \_\_\_\_\_ Facility owner directed to return to compliance by 1/1/  
 OTRR4 \_\_\_\_\_ Other; describe below; response date is: 1/1/  
 VIR5 \_\_\_\_\_ Follow-up visit/inspection scheduled for: 1/1/

PEM-1.4

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

CONF. GARY SMITH USE

Postage	\$ 34
Certified Fee	
Return Receipt Fee (Endorsement Required)	3.60
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 394</b>

Postmark  
Here

Sent To  
 Warren Co. Water + Sewer  
 Street, Apt. No.,  
 or PO Box No. 1248 Mimosa Court  
 City, State, ZIP+4 Foristell MO 63348

PS Form 3800, January 2001

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
 OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Mr. Gary Smith  
 Warren Co. Water + Sewer  
 1248 Mimosa Court  
 Foristell, MO 63348

2. Article Number (Copy from service label)

7001 0360 0002 1791 8799

PS Form 3811, July 1999

**COMPLETE THIS SECTION ON DELIVERY**

A. Received by (Please Print Clearly) Gary Smith B. Date of Delivery 2/2/00

C. Signature

X

☐ Agent

☐ Addressee

D. Is delivery address different from item 1?

☐ Yes

☐ No

YES, enter delivery address below:

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

PEM/KA

Domestic Return Receipt

102595-00-M-0952

PEM-1.5

Warren County (WPC)  
Warren County Water & Sewer  
MO0098817 & MO0100358

File

Surrebuttal Testimony of

Paul E. Mueller

WC-2002-155



Bob Holden, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

9200 Watson Road, Suite 201

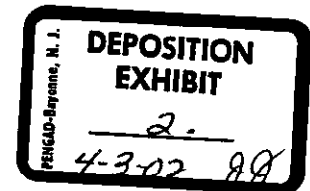
(314) 301-7600

FAX (314) 301-7607

March 5, 2002

CERTIFIED MAIL #7099 3220 0008 0564 6805  
RETURN RECEIPT REQUESTED

Mr. Gary Smith  
Warren County Water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348



Dear Mr. Smith:

On January 22, 2002 and February 7, 2002, Mr. Paul E. Mueller, of the Department of Natural Resources (Department), collected composite samples of the effluent from the Warren County Water and Sewer Company's extended aeration treatment plants serving Incline Village and the Shady Oaks Mobile Home Park. The effluent samples have been analyzed and copies of the analytical reports dated February 1, 2002 and February 15, 2002 are enclosed.

The results in the enclosed reports show that the effluent of the two plants were not in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015(8)(B)1. at the time of sampling. Specifically:

Plant #1 (MO0098817)- the Biochemical Oxygen Demand (BOD) was 97 mg/L, exceeding the monthly average limit of 30 mg/L by 223 percent and the Non-filterable Residue (NFR) was 84 mg/L, exceeding the monthly average limit of 30 mg/L by 180 percent.

Plant #2 (MO0100358)- the Biochemical Oxygen Demand (BOD) was 25 mg/L, exceeding the monthly average limit of 20 mg/L by 25 percent and the Non-filterable Residue (NFR) was 27 mg/L, exceeding the monthly average limit of 20 mg/L by 35 percent.

Discharging pollutants in amounts or concentrations exceeding those specified in the regulations is a violation of the Missouri Clean Water Law (Chap. 644, RSMO 1986 Sec. 644.051.1(3) & 644.076.1. and Missouri Clean Water Commission Regulation 10 CSR 20-7.015(3)(B)&(8)(B).

Surveillance of the Shady Oaks Lift Station found that the station was operating; however, only one pump was present. Missouri Clean Water Commission Regulation 10 CSR 20-8.130(4)(C) requires that two pumps be provided. Further, Missouri Clean Water Commission Regulation 10 CSR 20-8.130(8) requires that emergency operation capabilities be provided. No valves were observed for connecting an auxiliary pump, which could be operated by an internal combustion engine.

PEM-2.1

Warren County Water & Sewer (WPC)

March 5, 2002

Page 2

Notice of Violation #0970 SL is hereby issued for the violations noted above. Please take appropriate corrective action to insure protection of the waters of the state. Until these wastewater treatment plants can show compliance with the Missouri Clean Water Law and Regulations, the Department will cease to issue construction permits for wastewater main extensions and you should discontinue allowing additional connections of homes to the wastewater collection system.

Please respond in writing by March 15, 2002 to Mr. Mueller and provide a copy of the response to Mr. Curtis Gateley at Department of Natural Resources, Water Pollution Control Program, P.O. Box 176, Jefferson City, MO 65102-0176. The response must outline actions taken to correct the violations.

Be advised that enforcement action has been requested from the Water Pollution Control Program's Enforcement Section, which may include assessment of a penalty to compel compliance.

Sincerely,

ST. LOUIS REGIONAL OFFICE

ORIGINAL SIGNED BY

MOHAMAD ALHALABI, P.E.

Mohamad Alhalabi, P.E.

Regional Director

*MA/PEM*  
MA/PEM/jh

Enclosures: Sample reports, NOV

c: Curtis Gateley, WPCP  
Steve Loethen, Public Service Commission  
Ruth O'Neal, Office of Public Council  
Warren County Office of Environmental Sanitation  
Warren County Planning and Zoning  
Mr. Paul Jeannot

PEM-2.2



MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
**NOTICE OF VIOLATION**

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER

0970 SL

DATE AND TIME ISSUED

March 5, 2002

☐ A.M.

☐ P.M.

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Warren County Water & Sewer

SW 1/4, Sec 36, T48N, R1W

MAILING ADDRESS

1248 Mimosa Court

CITY

Foristell

STATE

MO

ZIP CODE

63348

NAME OF OWNER OR MANAGER

Mr. Gary Smith

TITLE OF OWNER OR MANAGER

Owner/President

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law (Chapter 644 RSMo 1986) Section 644.051.1(3) & 644.076.1.

Missouri Clean Water Commission Regulation 10 CSR 20-7.015(3)(B)&(8)(B).

Missouri Clean Water Commission Regulation 10 CSR 20-8.130(4)(C).

NATURE OF VIOLATION

DATE(S):

TIME(S):

Discharging water contaminants into waters of the state in excess of the Water Quality Standards.

Failed to have the required two pumps at a lift station.

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

Paul E. Mueller

TITLE OR POSITION

TITLE OR POSITION/DNR REGION

Environmental Specialist/SLRC-CRSC

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director  
DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM

FEB - 7 2002

RESULTS OF SAMPLE ANALYSES

Sample Number: 0212952  
Lab Number: 02-D200

Reported To: PAUL E. MUELLER  
Affiliation: SLRO  
LDPR/Job-Project: QECMT/

Report Date: 2/ 1/02  
Date Collected: 1/23/02  
Date Received: 1/24/02

Sample Collected by: PAUL E. MUELLER, SLRO  
Facility Identification: MO0098817  
Sampling Location: WARREN CO. WATER AND SEWER  
Sample Description: COMPOSITE SAMPLE @ OUTFALL PLANT  
#1  
County: WARREN

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	84	mg/L	1/28/02	160.2
Biochemical Oxygen Demand	97	mg/L	1/29/02	405.1

The analysis of this sample was performed in accordance with procedures approved or recognized by the U.S. Environmental Protection Agency.

*Earl Pabst*

Earl Pabst, Program Director  
Environmental Services Program  
Air and Land Protection Division

c: CURTIS GATELEY, WPC

PEM-2.4



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden, Governor • Stephen M. Mahfood, Director

ENVIRONMENTAL SERVICES PROGRAM

FEB 21 2002

RESULTS OF SAMPLE ANALYSES

Sample Number: 0212953  
Lab Number: 02-D373

Reported To: PAUL E. MUELLER	Report Date: 2/15/02
Affiliation: SLRO	Date Collected: 2/ 7/02
LDPR/Job-Project: QEINS/	Date Received: 2/ 8/02
Sample Collected by: PAUL E. MUELLER, SLRO	
Facility Identification: MO-0100358	
Sampling Location: WARREN CO. SEWER & WATER	
Sample Description: PLANT #2	
County: WARREN	

Analysis Performed	Results	Analyzed	Method
Non-Filterable Residue	27 mg/L	2/11/02	160.2
Biochemical Oxygen Demand	25 mg/L	2/13/02	405.1

The analysis of this sample was performed in accordance with procedures approved or recognized by the U.S. Environmental Protection Agency.

*Earl Pabst*

Earl Pabst, Program Director  
Environmental Services Program  
Air and Land Protection Division

c: CURTIS GATELEY, WPC

PEM-2.5

DATA INPUT SHEET FOR WQIS  
INSPECTIONS

Facility ID: 1101  
 Permit Number: MD-0098817 Outfall(s): 001  
 Facility Name: Warren County Water & Sewer Co. Plant #1  
 Legal Description: \_\_\_\_\_ River Reach No: \_\_\_\_\_  
 City Name: \_\_\_\_\_ County: Warren ROP: SLRO  
 Inspection Date: 1/22/02 WQIS Input Date: \_\_\_\_\_ Inspector: Paul E. Mueller

Type of Inspection (check only one):

- CS \_\_\_\_\_ Comprehensive inspection, sample taken (I & E Manual's Class 3 inspection)  
 CE \_\_\_\_\_ Comprehensive inspection, no sample taken (I & E Manual's Class 3 inspection)  
 AI ☒ Abbreviated inspection (I & E Manual's Class 2 inspection)  
 CP \_\_\_\_\_ Inspection or investigation in response to a complaint

INSPECTION DATA (Check all that apply)

CO \_\_\_\_\_ Facility in compliance

NCO ☒ Facility not in compliance

- NOCF \_\_\_\_\_ No construction permit  
 CTOP \_\_\_\_\_ Certified operator required, but not employed  
 ELV ☒ Facility not meeting effluent limits based on DMRs or recent sampling  
 BYP \_\_\_\_\_ Evidence of bypassing at facility or in collection system  
 NOLA \_\_\_\_\_ Class I facility is operating without the required LOA/permit  
 NOPT \_\_\_\_\_ Facility is discharging without a permit (includes land application facilities)  
 SCV \_\_\_\_\_ Schedule of Compliance not being met  
 REV \_\_\_\_\_ Reporting (e.g. DMR) or other standard conditions not being met  
 SDV \_\_\_\_\_ Sludge disposal standard violation  
 SIC ☒ Sludge or solids were observed in creek or around outfall  
 SOP \_\_\_\_\_ Stream has other observable problems due to this discharge  
 SWOP \_\_\_\_\_ No stormwater outfalls permitted

- HBFB \_\_\_\_\_ Holding basin is within one foot of overflow from a no-discharge system  
 LL \_\_\_\_\_ Lagoon is leaking based on geologic evaluation or water balance information  
 LAV \_\_\_\_\_ Wastewater irrigation problems  
 SDP \_\_\_\_\_ Sludge disposal problems  
 PTV \_\_\_\_\_ Pretreatment problems  
 OMP ☒ Operation and maintenance problems  
 SNO \_\_\_\_\_ Stream not observed during inspection  
 OT \_\_\_\_\_ Other (specify)

COMPLIANCE TRACKING (Complete all that apply)

(year / month / day)

- NOVR1 ☒ Notice of Violation issued on 02/3/5  
 RRER2 \_\_\_\_\_ Facility owner directed to submit DMRs, engineering report, plans and specs., construction permit, etc. by: 1/1/  
 FRCR3 \_\_\_\_\_ Facility owner directed to return to compliance by 1/1/  
 OTRR4 \_\_\_\_\_ Other; describe below; response date is: 1/1/  
 VIR5 \_\_\_\_\_ Follow-up visit/inspection scheduled for: 1/1/

PEM-2.6

DATA INPUT SHEET FOR WQIS  
INSPECTIONS

Facility ID: 1109  
 Permit Number: MO-0100358 Outfall(s): 001  
 Facility Name: Warren County Water & Sewer Co. Plant #2  
 Legal Description: \_\_\_\_\_ River Reach No: \_\_\_\_\_  
 City Name: \_\_\_\_\_ County: Warren ROP: St. Louis  
 Inspection Date: 2/7/02 WQIS Input Date: \_\_\_\_\_ Inspector: Paul E. Murphy

Type of Inspection (check only one):

- CS \_\_\_\_\_ Comprehensive inspection, sample taken (I & E Manual's Class 3 inspection)  
 CE \_\_\_\_\_ Comprehensive inspection, no sample taken (I & E Manual's Class 3 inspection)  
 AI ☒ Abbreviated inspection (I & E Manual's Class 2 inspection)  
 CP \_\_\_\_\_ Inspection or investigation in response to a complaint

INSPECTION DATA (Check all that apply)

- CO \_\_\_\_\_ Facility in compliance  
 NCO ☒ Facility not in compliance

- NOCP \_\_\_\_\_ No construction permit  
 CTOP \_\_\_\_\_ Certified operator required, but not employed  
 ELV ☒ Facility not meeting effluent limits based on DMRs or recent sampling  
 BYP \_\_\_\_\_ Evidence of bypassing at facility or in collection system  
 NOLA \_\_\_\_\_ Class I facility is operating without the required LOA/permit  
 NOPT \_\_\_\_\_ Facility is discharging without a permit (includes land application facilities)  
 SCV \_\_\_\_\_ Schedule of Compliance not being met  
 REV \_\_\_\_\_ Reporting (e.g. DMR) or other standard conditions not being met  
 SDV \_\_\_\_\_ Sludge disposal standard violation  
 SIC ☒ Sludge or solids were observed in creek or around outfall  
 SOP \_\_\_\_\_ Stream has other observable problems due to this discharge  
 SWOP \_\_\_\_\_ No stormwater outfalls permitted

- HBF \_\_\_\_\_ Holding basin is within one foot of overflow from a no-discharge system  
 LL \_\_\_\_\_ Lagoon is leaking based on geologic evaluation or water balance information  
 LAV \_\_\_\_\_ Wastewater irrigation problems  
 SDP \_\_\_\_\_ Sludge disposal problems  
 PTV \_\_\_\_\_ Pretreatment problems  
 OMP \_\_\_\_\_ Operation and maintenance problems  
 SNO \_\_\_\_\_ Stream not observed during inspection  
 OT \_\_\_\_\_ Other (specify)

COMPLIANCE TRACKING (Complete all that apply)

(year / month / day)

- NOVR1 ☒ Notice of Violation issued on 02/3/02  
 RRER2 \_\_\_\_\_ Facility owner directed to submit DMRs, engineering report, plans and specs., construction permit, etc. by: 1/1/02  
 FRER3 \_\_\_\_\_ Facility owner directed to return to compliance by 1/1/02  
 OTRR4 \_\_\_\_\_ Other; describe below; response date is: 1/1/02  
 VIR5 \_\_\_\_\_ Follow-up visit/inspection scheduled for: 1/1/02

PEM-2.7

Is your RETURN ADDRESS completed on the reverse side?

**SENDER:**

- ☐ Complete items 1 and/or 2 for additional services.
- ☐ Complete items 3, 4a, and 4b.
- ☐ Print your name and address on the reverse of this form so that we can return this card to you.
- ☐ Attach this form to the front of the mailpiece, or on the back if space does not permit.
- ☐ Write "Return Receipt Requested" on the mailpiece below the article number.
- ☐ The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- ☐ Addressee's Address
- ☐ Restricted Delivery

3. Article Addressed to:

Mr. Gary Smith  
Warner County Water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348

4a. Article Number  
7099 3220 0008 0564 6805

4b. Service Type

- ☐ Registered
- ☐ Express Mail
- ☒ Return Receipt for Merchandise
- ☒ Certified
- ☐ Insured
- ☐ COD

7. Date of Delivery 3/7

5. Received By: (Print Name)  
Gary Smith

6. Signature (Addressee or Agent)  
*[Signature]*

8. Addressee's Address (Only if requested and fee is paid)  
PEM/jh

PS Form 3811, December 1994

102595-99-9-0223 Domestic Return Receipt

Thank you for using Return Receipt Service.

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**CERTIFIED MAIL RECEIPT**  
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Return Receipt Fee (Endorsement Required)

Restricted Delivery Fee (Endorsement Required)

Total Postage & Fees \$

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Name (Please Print Clearly) (To be completed by mailer)  
Mr. Gary Smith - Warner Co. Water & Sewer  
Street, Apt. No., or PO Box No.  
1248 Mimosa Court  
City, State, ZIP+4  
Foristell, MO 63348

PS Form 3800, July 1999

See Reverse for Instructions