

**FILED<sup>3</sup>**  
SEP 26 2001  
Missouri Public  
Service Commission

Exhibit No.: \_\_\_\_\_

Issue(s): Clean Water Act Violation;  
DNR Violations;  
Customer Services;  
and Water Storage Tank

Witness // Type of Exhibit: Bolin/Direct  
Sponsoring Party: Public Counsel  
Case No.: WC-2002-155

## **DIRECT TESTIMONY**

**OF**

**KIMBERLY K. BOLIN**

Submitted on Behalf of the Office of the Public Counsel

**OFFICE OF THE PUBLIC COUNSEL**

**v.**

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

Case No. WC-2002-155

September 26, 2001

My Commission expires May 3, 2005.

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**DIRECT TESTIMONY  
OF  
KIMBERLY K.BOLIN**

**OFFICE OF THE PUBLIC COUNSEL  
V.  
WARREN COUNTY WATER AND SEWER  
GARY L. SMITH**

**CASE NO. WC-2002-155**

1 **Q. PLEASE STATE YOUR NAME AND ADDRESS.**

2 A. Kimberly Bolin, P.O. Box 7800, Jefferson City, Missouri 65102.

3 **Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT CAPACITY?**

4 A. I am employed by the Office of the Public Counsel of the State of Missouri (OPC or Public  
5 Counsel) as a Public Utility Accountant.

6 **Q. PLEASE DESCRIBE YOUR EDUCATIONAL BACKGROUND.**

7 A. I graduated from Central Missouri State University in Warrensburg, Missouri, with a Bachelor of  
8 Science in Business Administration, major in Accounting, in May, 1993.

9 **Q. WHAT IS THE NATURE OF YOUR CURRENT DUTIES WITH THE OFFICE OF**  
10 **THE PUBLIC COUNSEL?**

11 A. Under the direction of the Chief Public Utility Accountant, I am responsible for performing audits  
12 and examinations of the books and records of public utilities operating within the state of Missouri.

13 **Q. HAVE YOU PREVIOUSLY TESTIFIED BEFORE THE MISSOURI PUBLIC**  
14 **SERVICE COMMISSION?**

15 A. Yes. Please refer to Schedule KKB-1, attached to this direct testimony, for a listing of cases in  
16 which I have previously submitted testimony.

1 Q. WHAT IS THE PURPOSE OF YOUR DIRECT TESTIMONY?

2 A. My direct testimony provides evidence that the Missouri Public Service Commission should appoint  
3 a receiver to administer Warren County Water and Sewer. The Office of Public Counsel believes  
4 Mr. Gary Smith (owner of Warren County Water and Sewer) is incapable of providing safe and  
5 adequate water and sewer service and that the Commission should appoint a receiver to administer  
6 the system. If the Commission does not wish to appoint a receiver, an alternative would be  
7 revoking Warren County Water and Sewer's certificate of convenience and necessity to provide  
8 service in an area near Foristell in Warren County, Missouri and conditional certificates of  
9 convenience and necessity to provide services to undeveloped areas of Warren, Lincoln and St.  
10 Charles Counties in Missouri. Unfortunately, this could leave the residents without water and/or  
11 sewer service.

12 CLEAN WATER ACT VIOLATION

13 Q. DID THE ENVIRONMENTAL PROTECTION AGENCY RECENTLY CHARGE MR.  
14 SMITH WITH A FELONY VIOLATION OF THE CLEAN WATER ACT?

15 A. Yes, The EPA charged Mr. Smith with a felony violation of the clean water act and Mr. Smith has  
16 plead guilty to unlawfully discharging or causing the discharge of pollutant into the Incline Village  
17 Lake, a water of the United States, during the period of April 17, 2001 to April 25, 2001. (See  
18 attached Schedule KKB- 2)

19 Q. DID THE EPA WARN MR. SMITH THAT HE WAS IN VIOLATION OF THE  
20 CLEAN WATER ACT?

1 A. Yes, An agent from the EPA visited Mr. Smith on or about April 18, 2001 was told that his sewage  
2 lines were discharging pollutant into Incline Village Lake. Mr. Smith was told of the source and  
3 nature of the discharge and that his conduct was illegal. Agents of the EPA – Criminal Investigation  
4 Division, visited Mr. Smith again on April 23, 2001. Mr. Smith was still allowing raw sewage to  
5 discharge into Incline Village Lake. The agents told Mr. Smith to immediately stop discharging the  
6 sewage into the lake or criminal prosecution would be recommended to the United States Attorney.  
7 Mr. Smith declined to immediately stop the pollution, stating that he had other priorities.

8 **Q. HAS MR. SMITH BEEN SENTENCED IN THAT CASE?**

9 A. No, however according to the plea agreement Mr. Smith could receive 0 – 6 months imprisonment.  
10 The sentencing date is set for November 9, 2001.

11 **Q. IF MR. SMITH IS IMPRISONED, HOW WILL HIS INCARCERATION EFFECT**  
12 **THE COMPANY?**

13 A. The systems will be effectively abandoned because no one will be available to operate the systems.

14 **Q. IF MR. SMITH IS NOT IMPRISONED, SHOULD THE COMMISSION BE**  
15 **CONCERNED ABOUT THE STATUS OF THIS COMPANY AND ITS SYSTEMS?**

16 A. Yes. The Company's poor service is an on-going problem. The Company has been described by  
17 the Department of Natural Resources as a small company with chronic problems. The Company is  
18 in need of a new storage tank. The Company has been aware of the need for the tank and water  
19 pressure problem since 1996, but has failed to do construct a new tank. The failure to construct the  
20 tank is additional evidence that this company cannot or will not provide safe and adequate service.

DNR VIOLATIONS

1  
2 **Q. HAS THE DEPARTMENT OF NATURAL RESOURCES ISSUED NOTICES OF**  
3 **VIOLATION OR NON-COMPLAANCE AGAINST THE COMPANY?**

4 A. Yes, the Department of Natural Resources has issued notices of violation against Warren County  
5 Water and Sewer Company six times over the past five years. The Company exceeded effluent  
6 limitations ten times from November 1994 to February 2001. The Company has consistently been  
7 untimely in submitting monitoring reports to the DNR. In the calendar year 2000, the Company did  
8 not timely submit monthly reports for the months of January, March , April and December.  
9 Attached as Schedule KKB- 3 is a copy of these violations and correspondence between the  
10 Company and DNR.

11 **Q. DO THE DNR RECORDS YOU HAVE REVIEWED AND ATTACHED TO YOUR**  
12 **TESTIMONY, ADDRESS VIOLATIONS RELATED TO BOTH WATER AND SEWER**  
13 **SERVICE?**

14 A. Yes.

15 **Q. DO YOU BELIEVE DNR RECORDS ESTABLISH THAT THIS COMPANY HAS**  
16 **ONGOING PROBLEMS WHICH AFFECT ITS ABILITY TO PROVIDE SAFE AND**  
17 **ADEQUATE SERVICE?**

18 A. Yes.  
19  
20

CUSTOMER SERVICE

Q. DOES PUBLIC COUNSEL HAVE OTHER CONCERNS WITH THE COMPANY'S  
POOR AND INADEQUATE SERVICE?

A. Yes. Following the Company's initial customer notice sent August 1, 2001 stating the is seeking a rate increase, Public Counsel has received 3 written complaints and 10 telephone calls regarding Warren County Water and Sewer's poor service. The following is a list of complaints voiced by the customers of Warren County Water and Sewer:

- Water has a bad color and smell (3 complaints)
- Clothes have been ruined (bleached out) (5 complaints)
- Sewer smells (6 complaints)
- Complain to Mr. Smith, but does not fix the problem (3 complaints)
- Has no or little water pressure (6 complaints)]
- Has seen raw sewage dumping into the lake (3 complaints)
- Had no water for over 8 hours (1 complaint)
- Mr. Smith never reads meter only estimates usage (2 complaints)
- Mr. Smith will not return phone calls (1 complaint)
- Mr. Smith was intoxicated while on customer's property (1 complaint)
- Repair trenches were left open (3 complaints)

Attached to my testimony as Schedule KKB-4 are copies of the letters our office has received in opposition to Warren County Water and Sewer Company increasing rates. Currently the Company



(in another procedure) has requested an annual increases of \$5,000 for water service and \$25,000 for sewer service.

**WATER STORAGE TANK**

**Q. HAS THE COMPANY GAINED CUSTOMERS SINCE 1996?**

A. Yes. The Company provides water to 155 homes which have come on line since 1996. According to the Preliminary Engineering Report for Water Facility Study which MECO Engineering Company, Inc. performed for Warren County Water and Sewer Company, the Company provided water service to approximately 170 homes in September 1996. The Water Facility Study is attached as Schedule KKB-5. According the Company's Annual Report filed with the Commission for the year ending December 31, 2000, the Company currently lists approximately 325 residential customers.

**Q. WHAT WAS THE RECOMMENDATION MADE BY MECO ENGINEERING COMPANY IN REGARDS TO A WATER STORAGE TANK?**

A. MECO Engineering recommended that the Company "actively pursue obtaining elevated storage facilities to replace the existing inadequate standpipe storage tank. Based on a maximum day usage of 236,250 gallons (design year), the recommended minimum storage requirements would be a capacity of 250,000 gallons of 1-day water supply at peak demand. Given the current water demand, topography of the developed area, and phased future growth, it is felt the most cost efficient approach is to implement additional storage on an as needed and near future basis The existing needs warrant the construction of a 100,000 gallon elevated water tower immediately.

1 The remainder of the necessary water storage facilities should be constructed in phases as the need  
2 is incurred." (Emphasis added) (Water Facility Study, pg. 11)

3 **Q. DID THE DEPARTMENT OF NATURAL RESOURCES AGREE THE MECO**  
4 **ENGINEERING'S RECOMMENDATION?**

5 A. Yes. A letter from DNR to Mr. Smith recommends that he proceed as quickly as possible with the  
6 plans for additional storage for the water system. (See Schedule KKB-6)

7 **Q. DID THE MISSOURI PUBLIC SERVICE COMMISSION STAFF RECOMMEND**  
8 **THAT A WATER STORAGE TANK WAS NEEDED ALSO?**

9 A. Yes. In Case No. WA-96-229, Staff witness James A. Merciel Jr. states,

10 Q. Would construction of the proposed storage tank solve capacity and pressure  
11 concerns with this water system?

12 A. Yes. A recommendation in an engineering report prepared for Smith/Incline is  
13 for the high water level of the proposed tank to be approximately seventy (70) feet  
14 higher than that of the existing standpipe. This elevation difference would add  
15 some thirty (30) pounds per square inch (psi) of pressure, which would result in a  
16 pressure increase for all customers. Presently, customers near the well and tank,  
17 located at a high elevation, often have less than the minimum required pressure of  
18 twenty (20) psi. Pressure is not currently a problem at lower elevations. In fact,  
19 with increased pressure some customers may wish to install pressure reducers in  
20 their house plumbing.

21 In addition to resolving a pressure problem, the 100,000 gallon volume of water  
22 in storage will exceed the one-day average usage amount as specified in a design  
23 guide published by the Missouri Department of Natural Resources (DNR). The  
24 present customer level is approximately 170 customers, and it is my estimate that  
25 the proposed storage tank will be adequate to serve approximately 320 customers.  
26 If the growth rate is 20 customer per year, then this will be adequate through the  
27 year 2004. At that time, depending on actual growth and actual usage, it may be  
28 necessary to consider constructing another tank and perhaps another well."  
29

1 Q. HAS THE COMPANY BUILT A WATER STORAGE TANK SINCE THIS REPORT?

2 A. No, the storage tank has not been built even though the Company has added over 150 customers to  
3 its system. In fact according to Mr. Merciel's testimony the Company should have already built the  
4 storage tank and the Company should be planning on building a second storage tank.

5 Q. HAS THE PUBLIC COUNSEL BEEN PROVIDED WITH ANY DESIGN OR  
6 ENGINEERING DOCUMENTS OR A COPY OF A CONTRACT TO CONSTRUCT A  
7 NEW WATER STORAGE TANK?

8 A. No.

9 Q. IF THE COMMISSION FINDS THAT THE COMPANY'S REGULATORY  
10 VIOLATIONS AND SERVICE PROBLEMS ARE SEVERE ENOUGH TO REQUIRE  
11 THAT A RECEIVER BE APPOINTED, DO YOU KNOW WHETHER A QUALIFIED  
12 RECEIVER IS AVAILABLE?

13 A. Yes. On August 23, 2001, member of the Incline Village Board of Trustees sent a letter to the  
14 Office of the Public Counsel. That letter was received September 4, 2001 and is attached to this  
15 testimony as schedule KKB-7. In that letter, the trustees state that they would agree to be named as  
16 a receiver for the Company, and may be willing to purchase the Company in the alternative. The  
17 trustees state that they have a qualified operator available with the technical skills to operate the  
18 system.

19 Q. DOES THIS CONCLUDE YOUR DIRECT TESTIMONY?

20 A. Yes.

**CASE PARTICIPATION**  
**OF**  
**KIMBERLY K. BOLIN**

<u>Company Name</u>	<u>Case Number</u>
St. Louis County Water Company	WR-95-145
Missouri-American Water Company	WR-95-205
Steelville Telephone Company	TR-96-123
St. Louis Water Company	WR-96-263
Imperial Utility Corporation	SR-96-427
Missouri-American Water Company	WA-97-45
Associated Natural Gas Company	GR-97-272
St. Louis County Water Company	WR-97-382
Union Electric Company	GR-97-393
Gascony Water Company, Inc.	WA-97-510
Missouri Gas Energy	GR-98-140
Laclede Gas Company	GR-98-374
St. Joseph Light & Power	ER-99-247
	GR-99-246
	HR-99-245
Laclede Gas Company	GR-99-315
Missouri-American Water Company	WR-2000-281
St. Louis County Water Company	WR-2000-844
Osage Water Company	SR-2000-556
	WR-2000-557
Empire District Electric Company	ER-2001-299
Gateway Pipeline Company	GM-2001-585



Lett Smith, who is the owner and operator of the Warren County Sewage and Water Company, was specifically told that his sewage lines were discharging pollutants, to wit: untreated sewage into the Incline Village Lake. This specific knowledge of the pollution event was personally provided to the defendant, Gary Lett Smith, when he was visited at his place of business by agents of the Environmental Protection Agency - Criminal Investigation Division. The defendant was told the specific source of the discharge (a manhole located near his lower section lift station #1); the nature of the pollutants (raw sewage); that this discharge was flowing into the Incline Village Lake, which was identified to him at that time as a water of the United States; and, that this sewage discharge into the Incline Village Lake was not covered by his Missouri Department of Natural Resources Permit and, therefore, his conduct was illegal. This illegal discharge of pollutants continued unabated until April 23, 2001.

On April 23, 2001, the defendant, Gary Lett Smith, was again visited by agents of the Environmental Protection Agency - Criminal Investigation Division. He was told that the pollution violations outlined for him on April 18, 2001, were continuing; that the pollution events from April 17, 2001 to April 23, 2001 were criminal violations of the Clean Water Act; and, unless he stopped the illegal discharge of raw sewage to the Incline Village Lake immediately, a criminal prosecution would be recommended to the United States Attorney. The defendant declined to immediately stop the pollution, stating that he had other priorities. This Indictment ensued. The defendant had the leaking manhole repaired on April 24, 2001.

4. **ELEMENTS OF THE OFFENSE:** The defendant fully understands that the elements of the crime with which he has been charged and which he admits committing are as follows: 1. On or about the date charged in the indictment the defendant discharged a pollutant into

a water; 2. The pollutant was discharged from a point source; 3. The water was a water of the United States; 4. The discharge was unpermitted; and 5. The defendant did so knowingly.

5. **PENALTIES:** The defendant fully understands that the maximum possible penalties provided by law are as follows: Count I (33 USC § 1319(c)(2)) a fine of not more than \$250,000 or imprisonment of not more than 3 years or both, and a 1 year period of supervised release. The defendant understands that this offense is subject to the provisions and guidelines of the "Sentencing Reform Act of 1984", Title 18, U.S.C., Sections 3661 et. seq. and Title 28, U.S.C., Section 994. The defendant understands that the Court may impose a term of "supervised release" to follow incarceration as per Title 18, U.S.C., Section 3583 (Sentencing Guidelines, Chap. 5, Part D), that violation of the terms of the supervised release resulting in revocation may require the defendant to serve a term of imprisonment equal to the length of the term of supervised release, but not greater than the term set forth in Title 18, U.S.C., Section 3583(e)(3), without credit for the time served post-release, and that parole has been abolished. The defendant further acknowledges that this offense is subject to the provisions and guidelines of the "Criminal Fines Improvement Act of 1987" (re: Special assessment, fines and restitution) and that the Court is required to impose a mandatory assessment of \$100.00 per count for a total of \$100.00, which the defendant agrees to pay at the time of his sentencing. Defendant acknowledges that upon entering his plea of guilty as contemplated in this Agreement, he may be subject to mandatory detention pursuant to the provisions of Title 18, U.S.C., Section 3143.

6. **WAIVER OF APPEAL:** The defendant has been fully apprized of his right to appeal by his attorney and fully understands that he has a right to appeal his sentence under Title 18, U.S.C., Section 3742. In the event the District Court accepts the plea agreement in this case,

defendant understands that as part of this agreement, both the defendant and the Government hereby mutually agree to waive all rights to appeal whatever sentence is imposed, including any issues that relate to the establishment of the Guideline range, reserving only the right to appeal from an upward or downward departure from the Guideline range that is established at sentencing. In this regard, the parties expressly acknowledge that no agreement has been reached as to issues pertinent to the Guideline calculation, except as found in this section of the Stipulation. These issues are left for the District Court's determination; the District Court's decision shall not be subject to appeal. The defendant states that he is fully satisfied with the representation he has received from his counsel, that they have discussed the government's case, possible defenses and defense witnesses, and that his counsel has completely and satisfactorily explored all areas which the defendant has requested relative to the government's case and his defense, and in light of this, the defendant further agrees to waive all rights to contest the conviction or sentence, except for grounds of prosecutorial misconduct or ineffective assistance of counsel, in any post-conviction proceeding, including one pursuant to Title 28, U.S.C., Section 2255.

7. **SENTENCING GUIDELINES:** The parties suggest that the following Guideline may be applicable:

- A) Base Offense Level [Environmental Offenses].....+6  
[Mishandling of Other Environmental  
Pollutants § 2Q1.3]
- B) Specific Offense Characteristics.....+4  
[Discharge of a pollutant 2Q1.3(b)(1)(B)]  
[Discharge without a permit 2Q1.3(4)].....+4
- C) Acceptance of Responsibility [3E1.1(a)].....-2



D) Application Notes:

The parties agree that, based upon the facts of this case, the following downward departure may apply:

[For Specific Offense Characteristic (b)(1)(B)  
Quantity and nature of the pollutant: Note 4].....-2

[For Specific Offense Characteristic (b)(4)  
Quantity and nature of the pollutant: Note 7].....-2

Total Offense Level.....8

Assuming a criminal history category of 1, and an offense level of 8, the Sentencing Guideline range would be 0-6 months imprisonment. Should the defendant have a countable criminal history, the range of imprisonment may be higher.

The parties based upon the factors of this case, specifically agree that the adjustments contained in Chapter Three of the Sentencing Guidelines, except for Section 3E1.1(a), do not apply in this case.

The parties state that they have reviewed the Guidelines levels and calculations agreed upon herein, and are satisfied that those levels and calculations fairly and accurately set forth both the agreement of the parties and the Guidelines levels and calculations which the parties believe the Court should use in determining the defendant's sentence. The parties acknowledge that the Guidelines levels and calculations set forth herein represent a portion of the agreement between the parties which lead to this plea, and that each party has a right to rely upon, and hold the other party to this agreement at the time of sentencing. If either party later contends that the facts agreed to in this Stipulation disagree with the Guidelines levels and calculations to which the parties have agreed both parties understand that it will be the Guidelines levels and calculations agreed upon herein

which will govern, unless the opposing party consents to the change. The parties further agree that neither party shall request a departure pursuant to Chapter 4 or 5 of the Guidelines unless that departure or facts which support that departure have been addressed by the parties before this Stipulation is signed, or is made with the consent of both parties.

3. DEFENDANT'S PENDING PERMIT RENEWALS: The United States is aware that the defendant, Gary Lett Smith, has permit and license renewals pending with the Missouri Department of Natural Resources. It also understands that it is the intention of the Missouri Department of Natural Resources to issue those Permits and Licenses, upon payment of the applicable fees by the defendant. The United States agrees not to oppose those renewals.

9. **FINES, RESTITUTION & COSTS:** The defendant understands that the Court may impose a fine, restitution (in addition to or in lieu of any penalty authorized by law), costs of incarceration, and costs of supervision. The defendant agrees that any fine or restitution imposed by the Court will be due and payable immediately. The defendant agrees to provide full restitution as ordered by the Court to all victims of all charges in the Indictment, without regard to the count or counts to which the defendant has agreed to plead guilty. Defendant consents to the release of his Personal Financial Statement (Probation Form 48A) by the U.S. Probation Office to the office of the United States Attorney, and agrees to provide complete, truthful and accurate information on this Form.

The defendant hereby stipulates that any fine or restitution obligation imposed by the Court is not dischargeable in any case commenced by the defendant or the defendant's creditors pursuant to the Bankruptcy Code. The defendant agrees not to attempt to avoid paying any fine or restitution imposed by the Court through any proceeding pursuant to the United States Bankruptcy Code, and

stipulates that enforcement of any fine or restitution obligation by the United States or a victim is not barred or affected by the automatic stay provisions of the United States Bankruptcy Code (Title 11, U.S.C., Section 362).

The defendant's waivers and stipulations or agreements set forth herein are made in exchange for the United States' concessions set forth in this plea agreement.

10. THE DEFENDANT'S RIGHTS: The defendant has been fully apprized of his constitutional rights by his attorney, and understands that he has an absolute right to plead not guilty to the charge; that he has the right to file pre-trial motions, including those to suppress evidence against him; that he has the right to be tried by a jury in a public and speedy trial; that at such trial he would be presumed innocent and that he has the right to require the government to prove the entire case against him beyond a reasonable doubt; that he has the right not to testify against himself or be compelled to incriminate himself, and that he has the right to confront and cross-examine the witnesses against him and to present witnesses on his own behalf. The defendant further understands that by this guilty plea, he expressly waives all the rights set forth in this paragraph. Defendant's attorney has explained these rights to him and the consequences of his waiver of those rights. Defendant acknowledges that as a result of his guilty plea no trial will, in fact, occur and that the only action remaining to be taken in this case is the imposition of the sentence.

11. **PRESENTENCE REPORT:** As to the sentence to be imposed upon the defendant, pursuant to Rule 32(c)(3)(A), Fed.R.Crim.P., each party has the right to comment on the report of defendant's presentence investigation and the right to introduce testimony or other information relating to any factual inaccuracies contained in the report. The parties reserve the right to comment on the application and calculation of the sentencing guidelines to the offense to which defendant will

plead guilty and to allocation at the time of sentencing regarding the appropriate sentence to be imposed. Each party also reserves the right to bring any misstatements of fact concerning this matter made either by the other party or on that party's behalf, to the attention of the Court at the time of sentencing.

12. **THE JUDGE IS NOT A PARTY TO THE AGREEMENT:** It is understood by the parties that the sentencing judge is neither a party to nor bound by this agreement and is free to impose a sentence up to the maximum penalties as set forth in this Stipulation. Furthermore, this agreement constitutes the entire agreement between the defendant and the United States, and no other promises or inducements have been made, directly or indirectly, by any agent of the United States, including any Department of Justice attorney, concerning any plea to be entered in this case. In addition, the defendant states that no person has, directly or indirectly, threatened or coerced him to do or refrain from doing anything in connection with any aspect of this case, including entering a plea of guilty.

SO STIPULATED:

8-14-01  
Date

8-16-01  
Date

8-16-01  
Date

Patrick M. Flachs by SEH  
PATRICK M. FLACHS  
Assistant United States Attorney

GARY LEWIS SMITH  
Defendant

LEE LAWLESS  
Assistant Federal Public Defender  
1010 Market Street, Suite 200  
St. Louis, Missouri 63101

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DATE: June 6, 2001  
TO: Kevin Mohammadi, WPCP Enforcement  
FROM: Mohamad Alhalabi, Regional Director

COPY

ENFORCEMENT ACTION REQUEST

Division of Environmental Quality

The St. Louis Regional Office is requesting enforcement action by the Water Pollution Control Program on Warren County Water and Sewer Co., Gary Smith, President.

1. Brief description of violation.

- Discharging pollutants in amounts or concentrations exceeding those specified in the regulations.
- Caused or permitted the bypass of wastewater, and failed to report the bypass to the department.
- Placed water contaminates where they would be reasonably certain to enter waters of the state, by pumping lift stations to the environment.
- Facility failed to comply with effluent limits contained in Part A of State Operating Permit MO-0098817 for months of June, August, September, October, November and December 1999.
- Facility failed to comply with effluent limits contained in Part A of State Operating Permit for months of July, September, and November 1999.
- Facility failed to submit monthly Discharge Monitoring Reports as required contained in Part A of State Operating Permits MO-0098817 and MO-0100358 for months of March 1999, January and March 2000.
- Failed to have duplicate operational blowers and motors.
- Failed to have proper backflow prevention at treatment plants
- Failed to conduct required operational monitoring.

2. The violations that are documented by this file are as follows:

Missouri Clean Water Law (Chapter 644 RSMo 1986), Subsection 644.051.1.(1), (2) & (3) and Subsection 644.076.1.  
Missouri Clean Water Commission Regulation 10 CSR 20-7.015(8)(B)1  
Missouri Clean Water Commission Regulation 10 CSR 20-7.015(9), (9)(A)1 & (9)(E)1&2  
Missouri Clean Water Commission Regulation 10 CSR 20-8.020(13)(B)6  
Missouri Clean Water Commission Regulation 10 CSR 20-8.020(11)(C)8  
Missouri Clean Water Commission Regulation 10 CSR 20-9.010

3. To settle this issue, it is requested that the following action be taken:

Seek penalties by monetary restitution to the State.

Paul F. Mueller  
Environmental Specialist  
Mohamad Alhalabi  
Regional Director

6/6/01 Technical Review  
Date  
6/6/01 Approval  
Date

Attachments:

X Copy of File

MA/PEM/

c: Dan Schuette, Deputy Director, DEQ

WATER POLLUTION CONTROL PROGRAM  
Clean Water Law Enforcement Priority Ranking

32 TOTAL POINTS

YES ☒ NO

Is this a major or 92-500 facility subject to 90 day formal enforcement action? If yes, the case must be handled in accord with the requirements which relate to this group of facilities.

Case Name Warren County Water & Sewer Co County Warren

Regional Office St. Louis Date of Ranking 6/5/01

1. Classification of water body

- 5 - Losing stream, groundwater, cold water sports fishery stream, outstanding state and national resource water, 11 lake
- 0 - All other waters

0 (Choose only one.)

2. Pollution or Water Quality Standards violations

NOTE: The file must clearly document or substantiate the violation or the facility must be listed in the current version of the Basin Plan Tracking Report, tables 2 or 3, with a water quality impact code of N, P, A, or U before points can be assigned. The tracking report shall be consulted during each case review. This includes impacts on groundwaters. If the file indicates any Water Quality Standards violation not listed in tables 2 or 3, notify the Water Quality Management Section chief of the situation.

- 12 - Discharge has harmful effect on human, animal, or aquatic life (General Criterion 3D), as evidenced by fish kills or contamination of private drinking water, livestock, or wildlife watering supplies, or results in full or partial impairment of any designated beneficial uses presented in the Water Quality Standards (table 2 or 3 listings with Water Quality Impact Code N)
- 8 - Discharge causes a violation of General Criteria 3A, B, C, or any Specific Criteria, or would do so if the effluent regulations did not apply (table 2 or 3 listings with Water Quality Impact Codes P or U)
- 4 - Discharge lowers water quality below the existing water quality levels but does not prevent full maintenance of beneficial uses, table 2 or 3 listings with Water Quality Impact Code A)
- 0 - No apparent impact on watercourse, or a "putting or placing" violation

4 (Choose only one.)

3. Facilities priorities

- 6 - Major discharger, Class I Animal Waste Facility, Pretreatment Industry
- 4 - 92-500 grant funded municipalities
- 2 - Nonmajor or non92-500 municipality; Class II Animal Waste Facility
- 0 - Other

2 (Choose only one.)

4. Frequency of problem

- 12 - Chronic problem from "large" facility
- 8 - Periodic problem from "large" facility
- 5 - Chronic problem from "small" facility
- 2 - Periodic problem from "small" facility
- 0 - No history of problem

5 (Choose only one.)

5. Need to take immediate action

- 12 - Needs immediate action; includes fish kills, spills, and 90 day actions. State reason in space below.
- 6 - Timeliness will prevent exacerbation or proliferation
- 0 - No apparent need to act quickly

0 (Choose only one.)

6. NPDES permit fee

- 10 - \$1500 and above
- 7 - \$ 500 to \$1499
- 4 - \$ 15 to \$ 499
- 0 - No permit fee violation

10 (Choose only one.)

7. NPDES permit and effluent violations

- 8 - NPDES permit is neither in effect nor pending issuance. (If Class I Animal Waste Facility, has neither permit nor LOA.)
- (5) - Permit limit violations, effluent regulation violations if NPDES permit not in effect, or interference or pass through by pretreatment industry
- (3) - Violations of schedule of compliance, standard conditions, or special conditions (includes pretreatment, elimination, reporting requirements, etc.)
- 0 - No permit violations

8 (For multiple violations, circle numbers, total.)  
16 max.





Paul Mueller

05/29/01 03:50 PM

To: kurt Riebeling/SLRO/DEQ/MODNR@MODNR, mohamad Alhalabi/SLRO/DEQ/MODNR,

cc:

Subject: Contact with Senator Ted House's Office

COPY

I have talked to a Vaden at Senator Ted House's Office concerning Gary Smith and Warren County Water and Sewer. A Joseph Mattely from Incline Village, which is served by Warren County Water and Sewer called the senators office, concerned that the wastewater system would not be maintained now that Mr. Smith was arrested by the EPA and entered into rehab.

I told Vaden that I had written a NOV on the 15th and that I was working a request for enforcement that I should finish this week. I told him that I would send Senator House a copy of the NOV. He was going to give my number to Mr. Mattely, so that he can talk to be directly.

When in the area I have been driving through Incline Village and checking the problem spots.

Paul Mueller  
636-528-4779  
Lincoln County Satellite Office  
MODNR

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY

Bob Holden

~~XXXXXXXXXX~~, Governor • Stephen M. Mahfood, Director

St. Louis Regional Office  
10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038  
(314) 301-7100  
FAX (314) 301-7107

April 23, 2001

Warren County Sewer  
P. O. Box 150  
Foristell, MO 63348

Dear Permittee:

RE: STATE OPERATING PERMIT NUMBER MO0098817

After review of your discharge monitoring report(s), it has come to our attention that the effluent limitations in your State Operating Permit have been exceeded. The effluent limitations established in the permit and the values reported in your discharge monitoring report for the period ending February 2001, are as follows:


<u>OUTFALL</u>	<u>MONTH</u>	<u>PARAMETER</u>	<u>PERMIT LIMITATIONS</u>		<u>REPORTED RESULT</u>
01	February	BOD, 5-Day	45.0000	CONC. MAXIM.	42.0000
			30.0000	CONC. AVERA.	42.0000
01	February	Solids, Total Suspended	45.0000	CONC. MAXIM.	63.0000
			30.0000	CONC. AVERA.	63.0000

Exceeding these limitations is a violation of the Missouri Clean Water Commission Regulation 10 CSR 20-7.015 "Effluent Regulations" and State Operating Permit conditions. You are encouraged to take appropriate steps to eliminate this violation.

If there are any questions or comments concerning this letter, please contact me or Paula Couch at (314) 301-7100.

Sincerely,

ST. LOUIS REGIONAL OFFICE

  
Kurt Riebeling, Chief  
Water Section

KR/al

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden  
Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

March 21, 2001

Warren County Sewer  
P. O. Box 150  
Foristell, MO 63348

Dear Permittee:

RE: STATE OPERATING PERMIT NUMBER MO0098817

After review of your discharge monitoring report(s), it has come to our attention that the effluent limitations in your State Operating Permit have been exceeded. The effluent limitations established in the permit and the values reported in your discharge monitoring report for the period ending January 2001, are as follows:

<u>OUTFALL</u>	<u>MONTH</u>	<u>PARAMETER</u>	<u>PERMIT</u> <u>LIMITATIONS</u>		<u>REPORTED</u> <u>RESULT</u>
01	January	BOD, 5-Day	45.0000	CONC. MAXIM.	63.0000
			30.0000	CONC. AVERA.	63.0000
01	January	Solids, Total Suspended	45.0000	CONC. MAXIM.	59.0000
			30.0000	CONC. AVERA.	59.0000

Exceeding these limitations is a violation of the Missouri Clean Water Commission Regulation 10 CSR 20-7.015 "Effluent Regulations" and State Operating Permit conditions. You are encouraged to take appropriate steps to eliminate this violation.

If there are any questions or comments concerning this letter, please contact me or Paula Couch at (314) 301-7100.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Kurt Riebeling, Chief  
Water Section

KR/al

Warren County (WPCP)  
Warren County Sewer TP #2  
MO0100358

COPY



Rob Holden, Governor • Stephen M. Mahfood, Director  
XX XXXXXXXX

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

February 22, 2001

Warren County Sewer  
P. O. Box 150  
Foristell, MO 63348

RE: State Operating Permit Number MO0100358

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending December 2000.

Please be advised that failure to submit the discharge monitoring report constitutes a violation of the permit – a legally binding document enforced by both state and federal laws.

All monitoring information applicable to the permit should be submitted to this office by March 7, 2001. In the absence of such required information, a letter explaining your failure to comply with the monitoring requirements must be sent before the end of the period noted.

If you have any questions, please contact Paula Couch or me at (314) 301-7100. Your cooperation in this matter will be greatly appreciated.

Sincerely,

ST. LOUIS REIGONAL OFFICE

Kurt Riebeling, Chief  
Water Section

KR/al

Page 7

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Bob Holden  
Governor • Stephen M. Mahfood, Director  
xx xxxxxx

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

February 22, 2001

Warren County Sewer  
P. O. Box 150  
Foristell, MO 63348

RE: State Operating Permit Number MO0098817

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending December 2000.

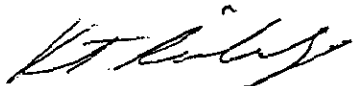
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If you have any questions, please contact Paula Couch or me at (314) 301-7100. Your cooperation in this matter will be greatly appreciated.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Kurt Riebeling, Chief  
Water Section

KR/al

Page 8

COPY



Roger B. Wilson

~~Missouri~~ Governor • Stephen M. Mahfouz, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

November 27, 2000

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

Dear Mr. Smith:

On October 12, 2000, grab samples were collected of the effluent from the extended aeration treatment plants serving Incline Village, Foristell, Missouri.

This sampling was conducted as part of a routine surveillance of the operation and condition of the treatment plants. The effluent samples have been analyzed and copies of the analytical reports dated October 24, 2000, are attached.

At Treatment Plant #1, the attached analysis results 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 analysis result of 42 mg/L for Biochemical Oxygen Demand (BOD) exceeded the monthly average limit of 30 mg/L by 40% and the analysis result of 35 mg/L for Non-filterable Residue (NFR) exceeded the monthly average limit of 30 mg/L by 16.6%.

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)).

However, please note that this citation of violations is based only upon the single grab sample collected at the time of the investigation. Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24-hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day. It is also noted that these samples did not exceed the Weekly Maximum limit of 45 mg/L for both BOD and NFR.

November 27, 2000

Page 2

At Treatment Plant #2, the attached analysis results of 20 mg/L for Biochemical Oxygen Demand (BOD), and 5 mg/L for Non-Filterable Residue (NFR) show the effluent was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling. The Monthly Average effluent limits for Treatment Plant #2 is 20 mg/L for both BOD and NFR.

Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24-hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

If you have any questions, please contact me at the St. Louis Regional Office at (314) 301-7100.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Daniel Daugherty  
Environmental Specialist

DJD/dr

Enclosure

c: Water Pollution Control Program  
Mr. Mike Potter, DEQ-Administration  
Warren County Health Department  
Warren County Planning & Zoning  
Public Service Commission

bc: Mr. Vic Muschler

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM

RESULTS OF SAMPLE ANALYSES

Sample Number: 0006173  
Lab Number: 00-D3178

Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 4915/3000

Report Date: 10/24/00  
Date Collected: 10/12/00  
Date Received: 10/12/00

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0098817  
Sampling Location: WARREN CO WATER & SEWER CO, WWTP #1  
County: WARREN

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	42	mg/L	10/17/00	160.2
Biochemical Oxygen Demand	35	mg/L	10/18/00	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: MARK OSBORN, WPC



STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Roger B. Wilson, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY

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

ENVIRONMENTAL SERVICES PROGRAM

RESULTS OF SAMPLE ANALYSES

Sample Number: 0006174  
Lab Number: 00-D3179

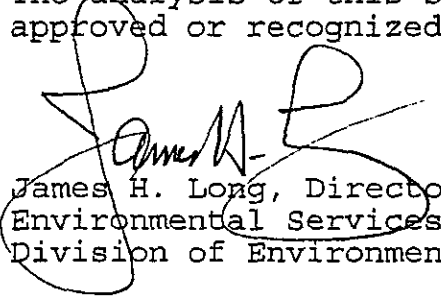
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 4915/3000

Report Date: 10/24/00  
Date Collected: 10/12/00  
Date Received: 10/12/00

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0100358  
Sampling Location: WARREN CO WATER & SEWER CO, WWTP #2  
County: WARREN

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	20	mg/L	10/17/00	160.2
Biochemical Oxygen Demand	5	mg/L	10/18/00	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: MARK OSBORN, WPC



RE: Warren County Sewer & Water - Paul Mueller/SLRO/DEQ/MODNR

"Loethen, Steve"  
<sloethen@mail.state.mo.us>

08/07/00 02:31 PM

To: "Paul Mueller" <nrmuel@mail.dnr.state.mo.us>  
cc: "dan Daugherty" <nrdaugd@mail.dnr.state.mo.us>, "Rochelle Gibson" <nrgibsr@mail.dnr.state.mo.us>, "Tom Siegel" <nrsiegt@mail.dnr.state.mo.us>, "Kurt Riebeling" <nrrieb@mail.dnr.state.mo.us>

Subject: RE: Warren County Sewer & Water

COPY

Paul,

We are going to contact Mr. Smith on this issue. We agree with what you have mentioned in your e-mail. It also states in Warren County Water and Sewer Company's tariff that the Company is responsible for maintenance and replacement of "repairable parts" (pump, motor, floats, valves, alarm). It also states that the company is supposed to do two preventative maintenance checks each the pump unit per year. This is in the tariff that was effective August 22, 1998. Mr. Smith agreed to this tariff and will have to follow it.

Thank you for your help.

Steve Loethen  
MO PSC  
Water and Sewer Dept.

-----Original Message-----

From: Paul Mueller [mailto:nrmuel@mail.dnr.state.mo.us]  
Sent: Monday, August 07, 2000 1:00 PM  
To: Loethen, Steve  
Cc: dan Daugherty; Rochelle Gibson; Tom Siegel; Kurt Riebeling  
Subject: Warren County Sewer & Water

Steve,

Mr. Smith faxed me a copy of his July 30, 2000, letter to the PSC and of Statue 249.1000. Mr. Smith stated that because of 249.1000 he was no longer going to maintain individual sewer systems. The way I read it, Statue 249.1000 only applies to publicly owned sewer treatment works, Warren County Water & Sewer Co. is a private system.

Missouri Clean Water Commission Regulation 10 CSR 20-8.010(9)(D) states that "When pressure sewer systems are utilized, the operating authority shall be responsible for the maintenance and operation of the individual pressurization units." I believe Warren County Water & Sewer Co. should continue to be required to maintain the individual grinder pump stations.

Paul Mueller  
636-528-4779 temp out of service  
636-462-6200  
Lincoln County Satellite Office  
MODNR

1248 MIMOSA COURT  
PO BOX 150  
FORISTELL MO 63348  
(636) 463 1441

## WARREN COUNTY WATER & SEWER CO.

July 30, 2000

SECRETARY  
MISSOURI PUBLIC SERVICE COMMISSION  
POST OFFICE BOX 360  
JEFFERSON CITY, MISSOURI 65102

Re: INDIVIDUAL LIFT STATIONS

Dear Sir:

For approximately ten years this company has been objecting to Tariffs which purport to require this Company to maintain individual sewer systems. Further we have attempted to obtain, to no avail, rate relief in the event we should be required to maintain such systems. The Commission has never given us money by which we can maintain such systems and, according to Section 249.1000, it does not appear to be the Company's responsibility, in any event, to maintain such systems.

Based upon 249.1000, in thirty (30) days, we will notify all customers on individual lift stations that we will no longer be responsible for maintenance of such systems. Absent a Court Order to the contrary, that policy will then be implemented.

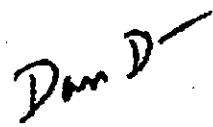
A copy of 249.1000 is enclosed.

Sincerely yours,



GARY L. SMITH

CC: MODNR St Louis  
MOPSC CASE NO WC-2000-474



the sewer pipe. Where a bend occurs, the channel shall be curved uniformly from inlet to outlet. Changes in direction of flow should generally not exceed ninety degrees (90°). Where a junction of two (2) or more lines occurs, a separate channel shall be constructed for each incoming line with the channels gradually merging together ahead of the outlet using uniform curves. In general, the invert of any branch sewer should be slightly higher than the invert of the main sewer to avoid slack-water areas where solids may accumulate. The bench on either side of the flow channel should provide a secure footing for maintenance personnel and have enough slope to drain. A slope of one-half to one inch (.5—1.0") per foot is recommended.

4. Watertightness. Manholes shall be of the precast concrete or poured in place concrete type. Inlet and outlet pipes shall be joined to the manhole with a gasketed flexible watertight connection or any watertight connection arrangement that allows differential settlement of the pipe and manhole wall to take place. Watertight manhole covers are to be used wherever the manhole tops may be flooded by street runoff or high water. Locked manhole covers may be desirable in isolated locations where vandalism may be a problem.

5. Frame and cover. The frame and cover shall be of standard design with a minimum clear opening of twenty-two inches (22"). The frame and cover shall be designed as a unit. The cover shall be easily removable with the aid of ordinary hand tools, such as a pry bar. The cover shall be tight fitting and exclude surface water. The joint between the frame and manhole shall be watertight.

(D) Pressure Sewer Systems. A pressure sewer system is considered as two (2) or more individual pressurization units, such as grinder pumps, discharging into a common force main. Pressure sewer systems are not to be used in lieu of conventional gravity sewers but may be acceptable when it can be shown in the engineer's report that it is not feasible to provide conventional gravity sewers. When pressure sewer systems are utilized, the operating authority shall be responsible for the maintenance and operation of the individual pressurization units. When considering the use of a pressure sewer system, the problems of extreme flow variation and anaerobic conditions of the wastewater entering the treatment facility must be taken into consideration. Consideration shall also be given to the possible need for odor control facilities at receiving manholes or at the treatment facility. For pressure sewer systems to function as intended, all clear water from footing drains,

basement sumps, leaky house connections and any other sources must be eliminated.

1. Design factors. Pressure sewer systems shall be laid out in a branched or tree configuration to avoid flow-splitting at branches which cannot be accurately predicted. The required pipe size shall be determined on the basis of three (3) principal criteria:

A. Velocities adequate to assure scouring should be achieved. A velocity of two to five feet (2—5') per second must be achieved at least once and preferably several times per day based on design flow.

B. Design shall be for peak sewage flow rates and negligible infiltration. Design shall be based on cumulative flow within the system. Infiltration and inflow must be considered when systems are being designed for existing residences where there is a potential for leaky house connections or leaky septic tanks.

C. Head loss should not exceed the pumping pressure capabilities. Head loss determination should be based on total dynamic head under the maximum flow expected to occur infrequently. It is recommended that a Hazen-Williams coefficient of one hundred twenty (120) be used to determine frictional head loss.

2. System arrangement. All pressure sewer pipe shall be installed at a depth sufficient to protect against freezing and mechanical damage. Attention must be given to the necessity for providing automatic air release valves at changes in slope. Release devices are required when the liquid flow velocity is insufficient to purge bubbles of trapped air. Pressure and/or flow control valves shall be installed at the end of all critical surge pipe runs in order to maintain a full pipe system and eliminate lift station flooding or plant washout. Water/sewer line crossings shall be in accordance with paragraph (9)(A)4. of this section.

3. System pressures. Pressure sewer system operating pressures in general should be in the range of twenty to forty pounds per square inch (20—40 lbs. psi) and shall not exceed sixty pounds per square inch (60 lbs. psi) for any appreciable amount of time. Provisions shall be made in both the system and the grinder pumps to protect against the creation of any long-term high pressure situations.

4. Materials. Many types of pipe materials may be used for pressure sewers. However, maximum benefit from the pressure approach can usually be achieved with non-metallic materials such as polyethylene, fiberglass reinforced plastic and polyvinyl chloride. As a minimum the piping material

should be equivalent to SDR 21 PVC pressure pipe. The small diameter service lines may be required to be constructed of a heavier pipe than SDR 21 PVC pressure pipe. Other materials may be used.

5. Service connections. Building service connections from individual grinder pumps to the collectors should be of one and one-fourth inch (1 1/4") PVC pipe and should include a full-ported valve (such as a corporation stop or "u" valve) located in the service line to isolate the pump from the main. Check valves specifically suited to wastewater service should be provided in the pressure service line before it enters the main.

6. Cleanouts and fittings. In place of manholes normally provided in gravity systems, pressure systems shall have cleanouts at intervals of approximately four hundred to five hundred feet (400—500'), at major changes of direction and where one (1) collector main joins another main. These cleanouts shall include an isolating valve and capped Y-branch fitting located on either side of the isolating valve and pointed both upstream and downstream for access during maintenance procedures.

A. Access for cleaning shall be provided at the upstream end of each main branch.

B. All appurtenances and fittings shall be compatible with the piping system used and shall be full bore with smooth interior surfaces to eliminate obstruction and keep friction loss to a minimum.

7. Pumping equipment. Proper system design and installation shall assure that each grinder pump will be able to adequately discharge into the piping system during all normal flow situations including peak design flow. Combined static, friction and miscellaneous head losses during peak design flows for given paths of flow through the system shall be maintained below the recommended operating head of any unit on the given path. The equipment shall be designed and manufactured with materials appropriate to wastewater service and shall meet all applicable safety, fire and health requirements arising from its intended use in or near residential buildings. Inside installations must be examined for freedom from noise, odors and electrical hazards. Both free-standing and below-the-floor type installations are acceptable. Outside installations shall be provided with an access from the surface which is suitably graded to prevent the entrance of surface water and equipped with a vandal-proof cover for safety. Installation of nonsubmersible grinder/macerator pumps must be protected against entrance of surface water into the electrical portions of the equipment. This

## *Missouri Revised Statutes*

### **Chapter 249 Sewer Districts in Certain Counties Section 249.1000**

August 28, 1999

**Publicly owned sewer treatment works, responsible for whole sewer system, when--  
exceptions.**

249.1000. A publicly owned treatment works that has ownership of interceptor and local sewers shall be responsible for the entire public sewer system, except that the operation and maintenance of any part of an individual user's pressure sewer system, including grinder or low pressure pumps and service lateral to the public or private pressure sewer system used for the purpose of collecting or conducting wastewater originating at a residence or individual commercial entity, shall be the responsibility of the owner of such residence or individual commercial entity unless the publicly owned treatment works has assumed such responsibility.

(L. 1997 H.B. 709 § 1)

Effective 7-1-97



Missouri General Assembly >

10 CSR 20-8.010

9) 10

Warren County (WPCP)  
Incline Village TP #2  
MO0100358

COPY



Mel Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

June 20, 2000

Incline Village Sewer & Water  
1248 Mimosa Court  
Attn: Gary Smith  
Foristell, MO 63348

RE: State Operating Permit Number MO0100358

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending April 2000.

Please be advised that failure to submit the discharge monitoring report constitutes a violation of the permit – a legally binding document enforced by both state and federal laws.

All monitoring information applicable to the permit should be submitted to this office by July 5, 2000. In the absence of such required information, a letter explaining your failure to comply with the monitoring requirements must be sent before the end of the period noted.

If you have any questions, please contact Paula Couch or me at (314) 301-7100. Your cooperation in this matter will be greatly appreciated.

Sincerely,

ST. LOUIS REGIONAL OFFICE

A handwritten signature in black ink, appearing to read "Kurt Riebeling".

Kurt Riebeling, Chief  
Water Section

KR/al

c: Public Service Commission

Page 17

COPY



Mel Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

June 20, 2000

Warren County Water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348

RE: State Operating Permit Number MO0098817

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending April 2000.

Please be advised that failure to submit the discharge monitoring report constitutes a violation of the permit – a legally binding document enforced by both state and federal laws.

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Sincerely,

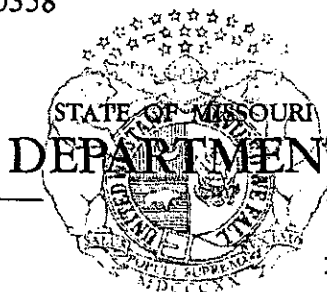
ST. LOUIS REGIONAL OFFICE

A handwritten signature in black ink, appearing to read "Kurt Riebeling", is written over a horizontal line.

Kurt Riebeling, Chief  
Water Section

KR/al

COPY



Mel Carnahan, Governor • Stephen M. Mahfood, Director

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

May 24, 2000

Incline Village Sewer & Water  
Attn: Gary Smith  
1248 Mimosa Court  
Foristell, MO 63348

RE: State Operating Permit Number MO0100358

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending March 2000.

Please be advised that failure to submit the discharge monitoring report constitutes a violation of the permit – a legally binding document enforced by both state and federal laws.

All monitoring information applicable to the permit should be submitted to this office by June 7, 2000. In the absence of such required information, a letter explaining your failure to comply with the monitoring requirements must be sent before the end of the period noted.

If you have any questions, please contact Paula Couch or me at (314) 301-7100. Your cooperation in this matter will be greatly appreciated.

Sincerely,

ST. LOUIS REIGONAL OFFICE

*Paula Couch*

for Kurt Riebeling, Chief  
Water Section

KR/pc

c: Public Service Commission

Page 19



Warren County (WPCP)  
Incline Village TP #2  
MO0100358

COPY



Mei Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

March 23, 2000

Mr. Gary Smith  
1248 Mimosa Ct.  
Foristell, MO 63348

RE: State Operating Permit Number MO0100358

Dear Permittee:

The State Operating Permit for your facility requires that discharge monitoring reports be submitted. The frequency of the monitoring and reporting is specified in the permit. A review of our file reveals you have not submitted the discharge monitoring report for the period ending January 2000.

Please be advised that failure to submit the discharge monitoring report constitutes a violation of the permit – a legally binding document enforced by both state and federal laws.

All monitoring information applicable to the permit should be submitted to this office by April 10, 2000. In the absence of such required information, a letter explaining your failure to comply with the monitoring requirements must be sent before the end of the period noted.

If you have any questions, please contact Paula Couch or me at (314) 301-7100. Your cooperation in this matter will be greatly appreciated.

Sincerely,

ST. LOUIS REGIONAL OFFICE

A handwritten signature in cursive script, appearing to read "Kurt Riebeling", is written over the typed name.

Kurt Riebeling, Chief  
Water Section

KR/pc

c: Public Service Commission

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Warren County (WPCP)  
Incline Village #2  
MO0100358

COPY



Mel Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

January 12, 2000

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

Dear Permittee:

RE: STATE OPERATING PERMIT NUMBER MO0100358

After review of your discharge monitoring report(s), it has come to our attention that the effluent limitations in your State Operating Permit have been exceeded. The effluent limitations established in the permit and the values reported in your discharge monitoring report for the period ending November 1999, are as follows:

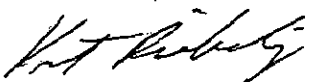
<u>OUTFALL</u>	<u>MONTH</u>	<u>PARAMETER</u>	<u>PERMIT</u> <u>LIMITATIONS</u>		<u>REPORTED</u> <u>RESULT</u>
01	November	BOD, 5-Day	30.0000	CONC. MAXIM.	49.0000
			20.0000	CONC. AVERA.	49.0000

Exceeding these limitations is a violation of the Missouri Clean Water Commission Regulation 10 CSR 20-7.015 "Effluent Regulations" and State Operating Permit conditions. You are encouraged to take appropriate steps to eliminate this violation.

If there are any questions or comments concerning this letter, please contact me or Paula Couch at (314) 301-7100.

Sincerely,

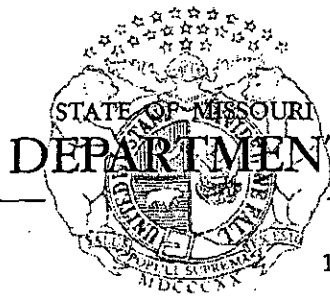
ST. LOUIS REGIONAL OFFICE

  
Kurt Riebeling, Chief  
Water Section

KR/pc

c: Public Service Commission

Warren County (WPCP)  
Incline Village #2



Mel Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

January 5, 2000

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

Dear Permittee:

RE: NPDES PERMIT NUMBER MO0100358

After review of your discharge monitoring report(s), it has come to our attention that the effluent limitations in your National Pollutant Discharge Elimination System (NPDES) Permit have been exceeded. The effluent limitations established in the permit and the values reported in your discharge monitoring report for the period ending September 1999, are as follows:

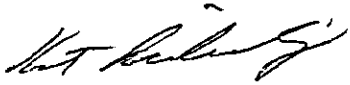
<u>OUTFALL</u>	<u>MONTH</u>	<u>PARAMETER</u>	<u>PERMIT LIMITATIONS</u>	<u>REPORTED RESULT</u>
01	September	Solids, Total Suspended	30.0000	CONC. MAXIM. 31.0000
			20.0000	CONC. AVERA. 31.0000

Exceeding these limitations is a violation of the Missouri Clean Water Commission Regulation 10 CSR 20-7.015 "Effluent Regulations" and NPDES permit conditions. You are encouraged to take appropriate steps to eliminate this violation.

If there are any questions or comments concerning this letter, please contact me or Paula Couch at (314) 301-7100.

Sincerely,

ST. LOUIS REGIONAL OFFICE

  
Kurt Riebeling, Chief  
Water Section

KR/pc

c: Public Service Commission

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MISSOURI DEPARTMENT OF NATURAL RESOURCES  
WATER POLLUTION CONTROL PROGRAM  
STATE OPERATING PERMIT TRANSMITTAL

1101

30P

PERMIT NO. MO - 0098817	PATS REVIEW NO.
COUNTY Warren	

TO: WATER POLLUTION CONTROL PROGRAM		Permits Section		ATTN: Phil Schroeder	
DATE: 11-1-79		FROM: Tom Segal			
REGION 5400		<input checked="" type="checkbox"/> DISCHARGE <input type="checkbox"/> NO-DISCHARGE <input type="checkbox"/> OTHER		<input checked="" type="checkbox"/> DOMESTIC <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> BOTH <input type="checkbox"/> CAFO	
<b>I. ACTION REQUESTED</b>					
<input type="checkbox"/> CP FOR NEW PERMIT PLAN AND SPECS REVIEWED? <input type="checkbox"/> YES <input type="checkbox"/> NO		<input type="checkbox"/> CP MODIFICATION REASON:			
<input type="checkbox"/> CP FOR MODIFICATION TO EXISTING PERMIT REASON:		<input type="checkbox"/> CP FOR NEW PERMIT, PUBLIC NOTICE COMPLETED P...			
<input checked="" type="checkbox"/> OP PERMIT RENEWAL		<input type="checkbox"/> TO CP, CONSTRUCTION COMPLETED			
<input type="checkbox"/> OP FOR NEW OR PREVIOUSLY UNPERMITTED SOURCE		<input type="checkbox"/> OP AND CP AT SAME TIME			
		<input type="checkbox"/> OTHER - PLEASE EXPLAIN			
<b>II. APPLICATION REVIEW</b>					
1. FORMS RECEIVED		2. ARE FORMS COMPLETE?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
<input type="checkbox"/> A <input type="checkbox"/> D		IF NO, EXPLAIN			
<input checked="" type="checkbox"/> B <input type="checkbox"/> 2F		3. FILING FEE RECEIVED?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO AMOUNT \$50.00	
<input type="checkbox"/> C		4. IS SIGNATURE CORRECT?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
TRANSFER (FILL OUT SECTIONS I - III)					
<b>III. OWNER INFORMATION</b>					
OWNER Warren County Water & Sewer Co.		OWNER'S ADDRESS 1248 Mimosa Ct., Foristell, MO 63348			
OPERATING AUTHORITY Same		OPERATING AUTHORITY'S ADDRESS Same			
FACILITY NAME Incline Village WWTF #1		FACILITY ADDRESS Foristell, MO 63348			
LEGAL DESCRIPTION NE 1/4, SW 1/4, NE 1/4, Sec. 1, T47 N, R14 W, Warren Co.					
PRIMARY SIC CODE OF DISCHARGE 4917		SIC CODE OF INDUSTRY OR FACILITY SERVED BY THIS DISCHARGE (E.G. BOMB FACTORY, SIC 3483) 6552 SUBP			
RECEIVING STREAM, BASIN AND RIVER REACH Incline Village Lake, Indian Camp Creek (Cure River Basin) (07110008-15-01) (C)					
<b>IV. OTHER INFORMATION</b>					
1. EXPIRATION DATE OF OLD PERMIT June 21, 1999		2. EXPIRATION DATE OF NEW PERMIT June 21, 2004			
3. OTHER ID NO. (LOA/CP/ND/NP/G) NA		4. IS THIS A MAJOR FACILITY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
5. GRANT OR LOAN NUMBER NA					
6. STANDARD CONDITIONS PART <input checked="" type="checkbox"/> I <input type="checkbox"/> I AND II (POTW) <input checked="" type="checkbox"/> III		IS THIS A POTW? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. HAS THIS FACILITY BEEN REFERRED TO C/R FOR ENFORCEMENT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YES, DRAFT MUST BE SENT TO C/R SECTION		IS THIS A REGIONAL SEWER DISTRICT? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<b>V. MANAGEMENT EVALUATION</b>					
1. IS THERE A CONTINUING AUTHORITY?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		WHAT IS IT? Private Sewer Co.	
2. IS A CERTIFIED OPERATOR REQUIRED?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		CERTIFICATE LEVEL D	
3. DOES THE DISCHARGER HAVE THE CORRECT CERTIFIED OPERATOR?		<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO			
4. IS AN INDUSTRIAL PRETREATMENT PROGRAM (IPP) REQUIRED?		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
IF YES, ANSWER THE FOLLOWING:					
A. ATTACH A LIST OF CATEGORICAL AND OTHER INDUSTRIES NEEDING PRETREATMENT		<input type="checkbox"/> YES <input type="checkbox"/> NO			
B. DOES THE DISCHARGER HAVE AN APPROVED IPP?		<input type="checkbox"/> YES <input type="checkbox"/> NO			
C. IS THE APPROVED IPP IMPLEMENTED?		<input type="checkbox"/> YES <input type="checkbox"/> NO			

5. DATE OF LAST MDNR DOCUMENTED INSPECTION

8-11-98

6. HAS THE SYSTEM BEEN PROPERLY OPERATED AND MAINTAINED?

☒ YES☐ NO

7. SCHEDULE OF COMPLIANCE

NA (previous schedule - owner now in compliance)

A. HAS PREVIOUS SCHEDULE BEEN MET, OR HAS AN EXPLANATION BEEN GIVEN FOR THE DELAY OR INABILITY TO COMPLY?

REMARKS (EXPLAIN DELAY)

## VI. RECEIVING WATER EVALUATION

1. STREAM CLASSIFICATION ☐ CLASS P ☐ CLASS P1 ☐ CLASS C ☐ LOSING STREAM (IF WITHIN TWO MILES)  
☐ LAKE (IF WITHIN .5 MILES) ☐ GROUND WATER ☒ UNCLASSIFIED2. DISTANCE TO NEAREST CLASSIFIED STREAM 1/4 MILES. NAME Indian Camp Creek (C)

3. RECEIVING STREAM - DESIGNATED WATER USES (IF UNCLASSIFIED, INDICATE FOR NEAREST CLASSIFIED STREAM AND NOTE DISTANCE)

☐ IRR ☒ LWL ☒ AQL ☐ CLF ☐ CDF ☐ BTG ☐ DWS ☐ IND ☐ WBC (IF WITHIN 2 MILES)A. RECEIVING STREAM FLOW - SEVEN DAY Q10 0.0 cfs OTHERB. RATIO OF RECEIVING STREAM FLOW TO DISCHARGE 0.0

4. REVIEW AVAILABLE STREAM SURVEY INFORMATION AND COMMENT ON WATER QUALITY:

Discharge flows into Indian Camp Lake which is unclassified. Searched ucl. water quality database (not found in WPCP web site - I had to do some digging!) and there is nobody monitoring Indian Camp Creek. There is no DNR data - no DNR stream surveys and inspection reports give only cursory info. In short, we have no idea of what the water quality is.

5. PROPOSED LIMITS ARE BASED UPON:

A. ☒ EFF REGSB. ☐ EPA CAT GUIDELINES☐ CALCULATION ATTACHEDC. ☐ BPJ

JUSTIFICATION/CALCULATIONS ARE ATTACHED

D. WQS BY

☐ PERMIT WRITER

ATTACH JUSTIFICATION

☐ WQMS

ATTACHED REVIEW SHEET

6. DOWNSTREAM PROPERTY OWNER (NAME AND ADDRESS)

PERMIT DRAFTED BY

Jim Rhodes

DATE

10-27-98

REVIEWED BY

Tom Segal

DATE

11-1-99

REVIEWED BY

DATE

APPROVED BY

DATE

APPROVED BY

DATE

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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-0098817

Owner: ~~Cary L. Smith~~ see transmittal

Owner's Address: 1248 Mimosa Ct., Foristell, MO 63348

Operating Authority: N/A

Operating Authority's Address: N/A

Facility Name: ~~Incline Village Sewer Company~~ see transmittal

Facility Address: Foristell, MO 63348

Legal Description: NE 1/4, SW 1/4, NE 1/4, Sec. 1, T47N, R1W, Warren County

Receiving Stream & Basin: Incline Village Lake, Indian Camp Creek (Cuivre River Basin)  
(07110008-15-01) (C)

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

Contact stabilization/lift station/sludge disposal by contract hauler

Design population equivalent is 400, ~~22,000~~

Design flow is 40,000 gallons per day.

Actual flow is ~~2,000~~ gallons per day.

Design sludge production is 10.0 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.

~~September 22, 1999~~  
Effective Date

~~June 22, 1999~~ June 21, 2004  
Expiration Date

*John A. Young*  
John A. Young  
Director, Division of Environmental Quality  
ORIGINAL SIGNED BY DIRECTOR OF  
STAFF, CLEAN WATER COMMISSION

Director of Staff, Clean Water Commission

Page 25

**A. EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS**PAGE NUMBER 2 of 3  
PERMIT NUMBER MO-0098817

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/week	24 hr. estimate
Biochemical Oxygen Demand <sub>5</sub>	mg/L		45	30	once/month	**
Total Suspended Solids	mg/L		45	30	once/month	**
pH - Units	SU	***		***	once/month	grab
* Monitoring requirement only.						
** A composite sample made up from a minimum of four grab samples collected within a 24 hour period with a minimum of two hours between each grab sample.						
*** 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.						

\* Monitoring requirement only.

\*\* A composite sample made up from a minimum of four grab samples collected within a 24 hour period with a minimum of two hours between each grab sample.

\*\*\* 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.

MONITORING REPORTS SHALL BE SUBMITTED Monthly; THE FIRST REPORT IS DUE October 28, 1994  
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 and III  
STANDARD CONDITIONS DATED October 1, 1980 & August 15, 1994, AND HEREBY INCORPORATED AS THOUGH FULLY SET FORTH HEREIN.

C. SCHEDULE OF COMPLIANCE

*Remove*

1. By September 1, 1994, the permittee must have class C certified operator.

D. SPECIAL CONDITIONS

1. Report as no-discharge when a discharge does not occur during the report period.
2. Sludge and Biosolids Use For Domestic Wastewater Treatment Facilities
  - (a) Permittee shall comply with the pollutant limitations, monitoring, reporting, and other requirements in accordance with the attached permit Standard Conditions.
3. Permittee is to abandon the treatment facilities described herein and shall connect the tributary waste load to trunk sewers within 90 days of notice of availability if trunk sewers operated by one of the authorities outlined in Section (3)(B) 1 or 2 of Clean Water Commission Regulation 10 CSR 20-6.010 are made available to the site during the time a valid discharge permit exists. By September 1, 1994 the permittee must hire class C certified operator.





MISSOURI DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF ENVIRONMENTAL QUALITY  
WATER POLLUTION CONTROL PROGRAM  
FEE CALCULATION INFORMATION

FEE DATE

FACILITY NAME

Incline Village WWTF

COUNTY

Warren

MO - 0098817

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE

4952

1. Is this facility a POTW?

☐ YES ☒ NO

2. Is this a domestic only discharge?

☒ YES ☐ NO

3. Were EPA categorical guidelines used directly in writing this permit?  
(This does not include borrowing guidelines across industrial classifications  
by using Best Professional Judgement)

☐ YES ☒ NO

4. Is this discharge stormwater runoff or noncontact cooling water only?

☐ YES ☒ NO

5. If this is a construction permit or a new operating permit, has the fee been received?

☐ YES ☐ NO

6. Do you believe the fee is correct?

☒ YES ☐ NO

7. The permit writer believes the fee should be:

☐ \$15

☐ 1500

☐ \$5000

☒ \$50

☐ \$2500

☐ OTHER \_\_\_\_\_

☐ \$500

☐ \$3000

☐ \$1000

☐ \$3500

PREPARED BY

Jim Rhodes

DATE

10-27-99

APPROVED BY

DATE

FEE SPECIALIST SIGNATURE

DATE

Page 28

REISSUE

FOR AGENCY USE ONLY

APPLICATION NUMBER

DATE RECEIVED

FEE SUBMITTED

FORM B — APPLICATION FOR CONSTRUCTION OR  
OPERATING PERMIT FOR FACILITIES WHICH  
RECEIVE BASICALLY DOMESTIC WASTE  
UNDER MISSOURI CLEAN WATER LAW

5599

50.00

20

NOTE: PLEASE READ THE ACCOMPANYING INSTRUCTIONS BEFORE COMPLETING THIS FORM

1.00 This application is for:

☐ a construction permit

☒ an operating permit renewal: permit #

☐ an operating permit for a new or unpermitted facility

(See instructions for appropriate fee to be submitted with application)

2.00 FACILITY

NAME

Warren County Water & Sewer Co.

TELEPHONE NUMBER

(314) 463 1000

ADDRESS

1248 Mimosa Ct. City Foristell

STATE

MO

ZIP

63348

2.10 LEGAL DESCRIPTION:

NE 1/4, SW 1/4, NE 1/4, Sec. 1, T47N R 1W

County

2.20 Is this a new facility constructed under a Missouri Construction Permit? ☐ YES ☒ NO

If yes, please provide Missouri Construction Permit Number:

2.30 Name of receiving stream(s) Incline Village Lake - Indian Camp Creek

3.00 OWNER

NAME

Warren County Water & Sewer Co.

TELEPHONE NUMBER

(314) 463 1000

ADDRESS

1248 Mimosa Ct. City Foristell

STATE

MO

ZIP

63348

4.00 OPERATING AUTHORITY: the legal name and address of the operating authority (person or company retained to oversee day to day business activities) if different from the owner. (If same, write same.)

NAME

Same (Gary L. Smith - Owner)

TELEPHONE NUMBER

ADDRESS

Same

CITY

STATE

ZIP

5.00 FACILITY CONTACT

NAME

Gary L. Smith

TITLE

President

TELEPHONE NUMBER

(314) 463 1441

6.00 ADDITIONAL FACILITY INFORMATION

6.10 Description of facilities (attach additional sheet if required). Attach a USGS 7 1/2" topographic map showing location of all outfalls.

6.20 Number of separate discharge points 1

6.30 Number of persons presently connected or population equivalent 300

Design P.E. 400

Number of units presently connected:

Homes 60

Trailers 40

Apartments 0

Other

Design flow: 40000

Actual flow: 22,500

6.40 Does any bypassing occur anywhere in the collection system or at the treatment facility?

☐ Yes ☒ No (If yes, attach explanation)

6.50 Is industrial waste discharged to the facility identified in item 2?

☐ Yes

☒ No

(If yes, see instructions.)

6.60 Will the discharge be continuous through the year?

☒ Yes

☐ No

a. Discharge will occur during the following months:

b. How many days of the week will the discharge occur? 7

6.70 Will chlorine be added to the effluent?

☐ Yes

☒ No

a. If chlorine is added, what is the resulting residual?

6.80 Does this facility discharge to a losing stream or sinkhole?

☐ Yes

☒ No

6.85 Attach a flow chart showing all influents, treatment facilities and outfalls.

6.90 Has a waste load allocation study been completed for this facility?

☐ Yes

☒ No

6.95 List all permit violations, including effluent limit exceedances in the last 5 years. Attach a separate sheet if necessary.

If none, write none.

**7.00 SLUDGE HANDLING, USE AND DISPOSAL**

- 7.10 Is the sludge a hazardous waste as defined by 10 CSR 25? ☐ Yes ☒ No
- 7.20 Sludge Production, including sludge received from others: 10 Design Dry Tons/Year 8 Actual Dry Tons/Year
- 7.30 Capacity of sludge holding structures:
- 7.31 Sludge storage provided: \_\_\_\_\_ cubic feet; \_\_\_\_\_ days of storage
- 7.32 Type of storage: ☐ Holding tank ☒ No sludge storage is provided.  
☐ Basin ☐ Building  
☐ Concrete Pad ☐ Other (describe) \_\_\_\_\_
- 7.40 Sludge Treatment:
- ☐ Anaerobic Digester ☐ Lagoon ☐ Composting  
☐ Storage Tank ☐ Aerobic Digester ☐ Other (attach description)  
☐ Lime Stabilization ☐ Air or Heat Drying
- 7.50 Sludge Use or Disposal:
- ☐ Land Application ☐ Surface Disposal (Sludge Disposal Lagoon, Sludge held for more than 2 years)  
☒ Contract Hauler ☐ Incineration  
☐ Hauled to Another Treatment Facility ☐ Sludge Retained in Wastewater treatment lagoon  
☐ Solid Waste Landfill ☐ Other \_\_\_\_\_ Attach explanation sheet.

**7.60 PERSON RESPONSIBLE FOR HAULING SLUDGE TO DISPOSAL FACILITY**

- ☒ By Applicant ☐ By Others (complete below)

NAME \_\_\_\_\_

ADDRESS _____	CITY _____	STATE _____	ZIP _____
CONTACT PERSON _____	PHONE _____	PERMIT NO. _____	MO. _____

**7.70 SLUDGE USE OR DISPOSAL FACILITY**

- ☒ By Applicant ☐ By Others (complete below)

NAME \_\_\_\_\_

ADDRESS _____	CITY _____	STATE _____	ZIP _____
CONTACT PERSON _____	PHONE _____	PERMIT NO. _____	MO. _____

**7.80 Does the sludge or biosolids disposal comply with federal sludge regulations under 40 CFR 503?**

- ☒ Yes ☐ No (attach explanation)

**8.00 DOWNSTREAM LANDOWNER**

NAME Inchman Golf Course

ADDRESS <u>Fairway Dr</u>	CITY <u>Foristell</u>	STATE <u>MO</u>	ZIP <u>63348</u>
---------------------------	-----------------------	-----------------	------------------

**9.00 DRINKING WATER SUPPLY INFORMATION****9.10 WHAT IS THE SOURCE OF YOUR DRINKING WATER SUPPLY:**

- A. ☒ Public supply (municipal or water district water)  
If public, please give name of the public supply Warren County Water & Sewer Co.
- B. ☐ Private well \_\_\_\_\_
- C. ☐ Surface water (lake, pond, or stream) \_\_\_\_\_

**9.20 Does your drinking water source serve at least 25 people at least 60 days per year (not necessarily consecutive days)?**

- ☒ Yes ☐ No

**9.30 Does your supply serve housing which is occupied year round by the same people? This does not include housing which is occupied seasonally.**

- ☒ Yes ☐ No

**10.00 I certify that I am familiar with the information contained in the application, that to the best of my knowledge and belief such information is true, complete and accurate, and if granted this permit, I agree to abide by the Missouri Clean Water Law and all rules, regulations, orders and decisions, subject to any legitimate appeal available to applicant under the Missouri Clean Water Law.**

A. NAME AND OFFICIAL TITLE (TYPE OR PRINT) <u>Gary L. Smith</u>	B. PHONE NO. (AREA CODE & NO.) <u>(314) 463 1441</u>
C. SIGNATURE <u>[Signature]</u>	D. DATE SIGNED <u>12-12-98</u>

COPY



Mel Carnahan, Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

CERTIFIED MAIL # Z 465 691 892  
RETURN RECEIPT REQUESTED

June 7, 1999

Mr. Gary Smith  
1248 Mimosa Court  
Foristell, Mo 63348

Dear Mr. Smith:

On June 3, 1999 Mr. Daugherty of my staff investigated a complaint of a sewage bypass at 1102 Post Oak Court in Incline Village. At the time of this investigation samples of the effluent from the two treatment plants were collected. You will be provided with a copy of the analytical results when they are available.

The complaint alleged that a home's pump station, or grinder pump, failed and that the contents of the wet well were pumped to the yard instead of being hauled away. Upon examining the site Mr. Daugherty found solids from sewage left behind on the grass adjacent to the pump station. Please be advised that discharging a water contaminant where it is reasonably certain to enter waters of the State is a violation of the Missouri Clean Water Law [RSMo 644.051.1(1), & 644.076.1]. In addition, the causing and failing to report a bypass is a violation of the Missouri Clean Water Regulations [10CSR20-7.015(9)(E), and (E) (2)].

Notice of violation # 1420 SL is hereby issued for the above-cited violations. At locations where sewage has been pumped to the ground, lime should be spread over the site to protect against the spread of disease. This should be done immediately.

In most of the systems that my staff inspect they find the pump stations are the responsibility of the homeowner. However, since Warren County Water & Sewer Company has assumed responsibility for the pump stations, and because of the ever increasing number of these stations, it would appear that the company should obtain a means to pump out these stations and deliver the contents to the treatment plant. There are two options that are immediately evident.

- 1) Gravity systems allow the transfer of material via a pump from one manhole to a second manhole that is past the blockage. Unfortunately, manholes are not available on pressure sewer systems as in Incline Village. However it may be possible to use a portable pump to transfer the waste from the disabled station to nearby pump station, if one is available.
- 2) The use of a portable tank to haul the sewage to the treatment plant. The tank could be carried in the back of a pick-up, or could be a trailer mounted unit. The tank would not necessarily have to be large enough to take the entire contents of a pump station to be

effective. A station could be pumped down by half at any time, or two or more trips could be made too completely empty a pump station.

Please note, whenever there is a bypass of the wastewater collection system the Department must be notified by telephone within 24 hours, and in writing within five business days. The report should include: location of the occurrence; duration of bypass, including the estimated time of start, and the time the bypass was corrected; quantity (estimated) bypassed; cause of bypass; methods employed to clean-up the bypass.

A second item of concern was observed at treatment plant #2. A hose was connected to the flush hydrant in front of the treatment plant, but a back-flow prevention device was not in use on the line.

Whenever potable water is used or available within a wastewater treatment plant, the water line must be protected by a reduced pressure principal (RPP) back-flow prevention assembly [Missouri Safe Drinking Water regulation 10 CSR 60-11.010(3)]. A list of approved back-flow prevention devices is enclosed.

I am certain that you will take the necessary steps to address the items cited above, and to ensure that such incidents will not re-occur in the future.

If you have any questions, or need assistance, please contact Mr. Daugherty at the St. Louis Regional Office at 314-301-7100.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Robert S. P. Eck  
Regional Director

RESPE/DJD/cm

Enclosures

C: Public Drinking Water Program  
Water Pollution Control Program  
Missouri Department of Health, Central District  
Warren County Department of Environmental Health  
Warren County Planning & Zoning  
James Mercile, Public Service Commission  
John Kelly, Incline Village Board of Trustees  
Mr. Robert Ullrich



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

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER

1420 SL

DATE AND TIME ISSUED

June 7, 1989

☐ A.M.  
☐ P.M.

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Warren County Water & Sewer

Incline Village Treatment Plant #1-MO-0098817

Incline Village Treatment Plant #2-MO-0100358

Warren County

MAILING ADDRESS

1248 Mimosa Court

CITY

Foristell

STATE

MO

ZIP CODE

63348

NAME OF OWNER OR MANAGER

Gary Smith

TITLE OF OWNER OR MANAGER

Owner

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law RSMO 644.051.1 § 644.076.1

Missouri Clean Water Commission Regulations. 10CSR.20-7.015(9)(E)

and 10CSR20-7.015(9)(E)(2).

NATURE OF VIOLATION

DATE(S):

TIME(S):

Placed Water Contamants where they would be reasonably certain to enter  
water of the state by pumping lift stations to the environment.

Caused or permitted the by pass of waste water, and failed to report the  
by pass to the department as required by Clean Water Commission  
Regulations.

SIGNATURE (PERSON RECEIVING NOTICE)

By Certified Mail

SIGNATURE (PERSON ISSUING NOTICE)

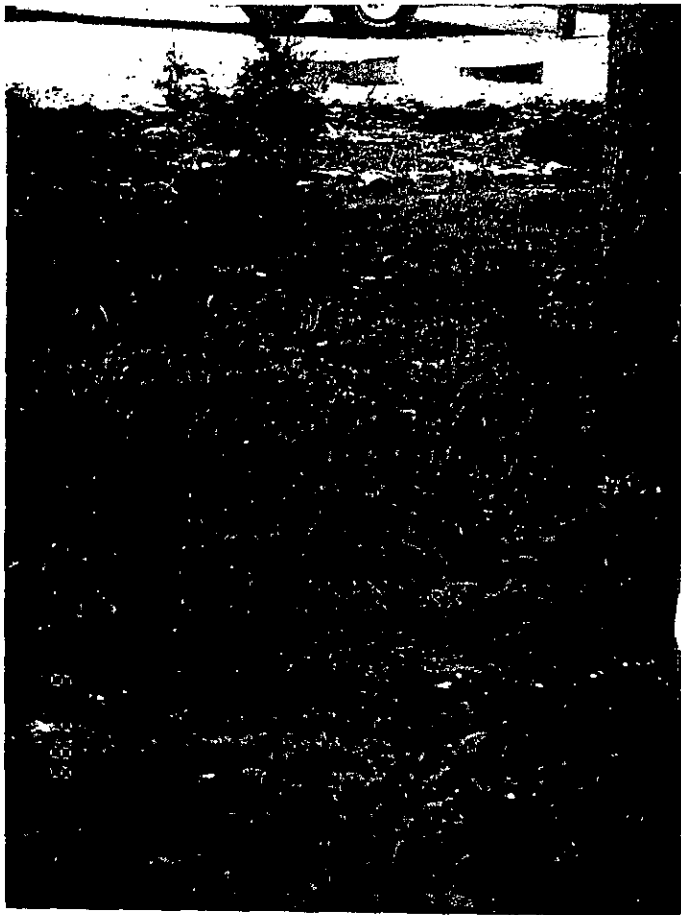
Dan Daugherty

TITLE OR POSITION

TITLE OR POSITION/DNR REGION

Environmental Specialist  
St. Louis Regional Office

COPY



4179-21

4179-21                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
View from outfall of T.P. #1, towards lake. Fountain is property  
of the Golf Course.

4179-23

4179-23                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
View from the Golf Course towards the fountain in the alleged  
"lagoon". This small body of water was created by cutting off a  
cove of the lake with a golf cart pathway.

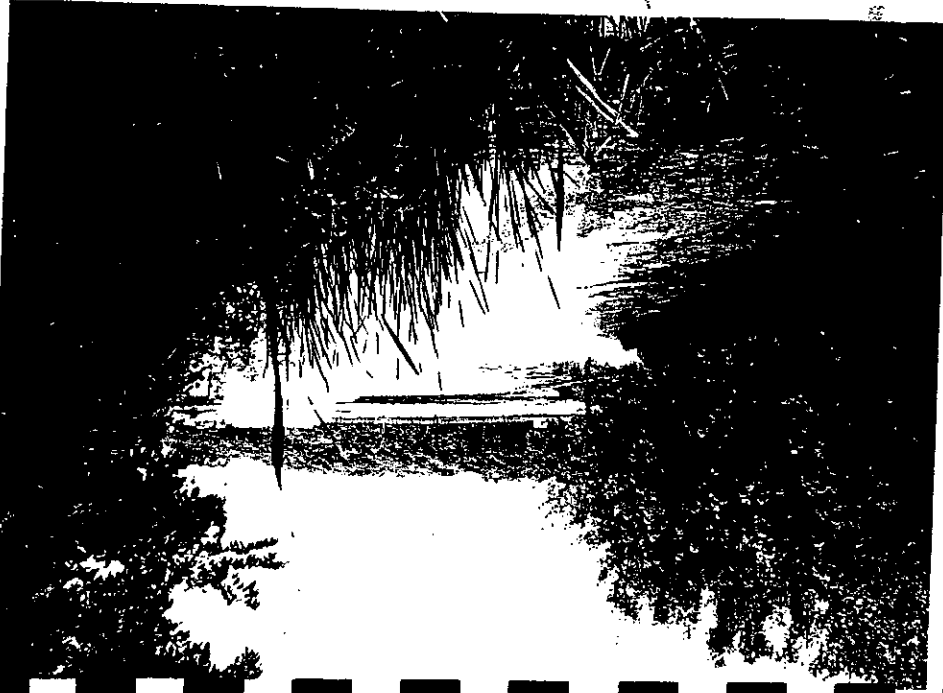
4179-22

4179-22                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
Close up view from outfall of T.P. #1, towards the fountain in the  
lake. This is what the complaint letter referred to as a "lagoon".  
This is part of the lake, and owned and managed by the golf  
course.

4179-24

4179-24                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
Close up of the fountain in the cove the complainant called a  
"lagoon". Treatment Plant #1 is in background.





4179-18

4179-18                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
Looking towards the location where the sewage solids were left,  
view from driveway. Lake in background.

4179-19

4179-19                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
View of the sewage solids in foreground, and lake in background

4179-17

4179-17                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
Close up of solids left behind on ground when grinder pump unit  
was pumped out to ground.

4179-16                      6/3/99                      DJD  
Warren Co. Water & Sewer    Warren Co. (WPCP)  
Tire tracks through sewage solids left behind when grinder pump  
unit was pumped out.

4179-15

**St. Louis Regional Office**  
Negative Files

Negative Set # 4179

NEG	DATE:	BY:	PROG:	DESCRIPTION OF PHOTO
1	1 THROUGH 15, outside project			
16 to 24A Investigation of complaint at Incline Village, Warren County d.b.a Warren County Water and Sewer Company				
16	6/3/99	DJD	WPCP	Tire tracks through sewage solids left behind when grinder pump unit was pumped out.
17	6/3/99	DJD	WPCP	Close up of solids left behind on ground when grinder pump unit was pumped out to ground.
18	6/3/99	DJD	WPCP	Looking towards the location where the sewage solids were left, view from driveway. Lake in background.
19	6/3/99	DJD	WPCP	View of the sewage solids in foreground, and lake in background
20	6/3/99	DJD	WPCP/ PDW	T.P. #2, No backflow preventer on hose going into the Treatment Plant.
21	6/3/99	DJD	WPCP	View from outfall of T.P. #1, towards lake. Fountain is property of the Golf Course.
22	6/3/99	DJD	WPCP	Close up view from outfall of T.P. #1, towards the fountain in the lake. This is what the complaint letter referred to as a "lagoon". This is part of the lake, and owned and managed by the golf course.
23	6/3/99	DJD	WPCP	View from the Golf Course towards the fountain in the alleged "lagoon". This small body of water was created by cutting off a cove of the lake with a golf cart pathway.
24	6/3/99	DJD	WPCP	Close up of the fountain, Treatment Plant #1 is in background.

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

McL Carnahan, Governor • Stephen M. Mahford, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

October 19, 1998

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

Dear Mr. Gary Smith:

On August 11, 1998, a grab sample was collected of the effluent from the two extended aeration treatment plants serving Incline Village, Warren County, Missouri.

This sampling was conducted as a part of an investigation of the operation and condition of that treatment plant. A report on that investigation was provided at the conclusion of the inspection on August 11, 1998. The effluent samples have been analyzed and copies of the analytical reports dated August 26, 1998, are attached.

For treatment plant #1, (Permit # MO-0098817) 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 analysis result of 52 mg/l for Biochemical Oxygen Demand (BOD) exceeded the monthly average limit of 30 mg/l by 73% and the analysis result of 40 mg/l for Non-Filterable Residue (NFR) exceeded the monthly average limit of 30 mg/l by 33% (however, this does not exceed the weekly limit of 45 mg/L).

In this case, violations of 10 CSR 20-7.015(8)(B)1 occurred. 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)).

This citation of violations is based only upon the single grab sample collected at the time of the investigation. Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality, which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

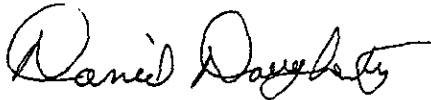
For treatment plant #2, (Permit # MO-0100350) the analysis results of 5 mg/l for Biochemical Oxygen Demand (BOD), and 5 mg/l for Non-Filterable Residue (NFR) in the attached report show the effluent was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling.

Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality, which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

If you have any questions, please contact me at the St. Louis Regional Office at (314) 822-0101.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Daniel Daugherty  
Environmental Specialist

DJD/dr

Enclosure

c:     Water Pollution Control Program  
       Missouri Department of Health, Central District  
       Warren County Health Department  
       Warren County Planning & Zoning  
       Public Service Commission  
       Mr. John Kelly, Incline Village Homeowners Association

AUG 3 1998

STATE OF MISSOURI  
**DEPARTMENT OF NATURAL RESOURCES**

Mel Carnahan, Governor • Stephen M. Mahfood, Director

DIVISION OF ENVIRONMENTAL QUALITY

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

ENVIRONMENTAL SERVICES PROGRAM

RESULTS OF SAMPLE ANALYSES

Sample Number: 98-3736  
Lab Number: 98-D2299

45/30

Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3278/3000

Report Date: 8/26/98  
Date Collected: 8/11/98  
Date Received: 8/12/98

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0098817  
Sampling Location: INCLINE VILLAGE TREATMENT PLANT #1  
Sample Description: GRAB SAMPLE

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	52	mg/L	8/17/98	160.2
Biochemical Oxygen Demand	< 40	mg/L	8/18/98	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: STEVE DYER, WPC



Mel Carnahan, Governor • Stephen M. Mahfood, Director

# DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

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

## ENVIRONMENTAL SERVICES PROGRAM

### RESULTS OF SAMPLE ANALYSES

Sample Number: 98-3737  
Lab Number: 98-D2300

30/20

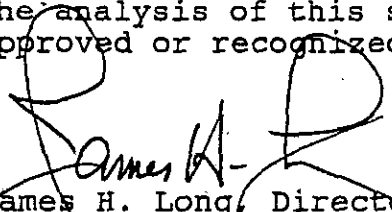
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3278/3000

Report Date: 8/26/98  
Date Collected: 8/11/98  
Date Received: 8/12/98

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0100350  
Sampling Location: INCLINE VILLAGE TREATMENT PLANT #2  
Sample Description: GRAB SAMPLE

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	5	mg/L	8/17/98	160.2
Biochemical Oxygen Demand	5	mg/L	8/18/98	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: STEVE DYER, WPC

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shott, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1017

(314)822-0101

FAX (314)822-0943

December 5, 1997

Mr. Gary Smith  
1248 Mimosa Court  
Foristell, MO 63348

Dear Mr. Smith:

On July 30, 1997, grab samples were collected of the effluent from the Incline Village Treatment Plant #1 (MO-0098817), and the Incline Village Treatment Plant #2 (MO-0100358). This sampling was conducted as part of a routine surveillance of the operation and condition of that treatment plant. The effluent samples have been analyzed and copies of the analytical reports dated August 12, 1997 are attached.

For Treatment Plant #1, the analysis results of 24 mg/l for Biochemical Oxygen Demand (BOD), in the attached report was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling. However the analysis result of 37 mg/l for Non-Filterable Residue (NFR) exceeded the monthly average limit of 30 mg/l by 23%.

For Treatment Plant #2, the analysis results of 4 mg/l for Biochemical Oxygen Demand (BOD), in the attached report was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling, but the analysis result of 27 mg/l for Non-Filterable Residue (NFR) exceeded the monthly average limit of 20 mg/l by 35%.

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)). In this case violations of 10 CSR 20-7.015 (8)(B)1 and 7.015(3)(B)1 occurred.

These citations of violations is based only upon the single grab samples collected at the time of the investigation. It is important to remember that the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24 hour period. The grab sample analysis results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.



If you have any questions, please contact me at the St. Louis Regional Office.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Daniel Daugherty  
Environmental Specialist

DJD/cm

Attachment

c: Water Pollution Control Program  
Public Service Commission  
Mr. John Kelly, Incline Village Homeowners Assoc.  
Warren County Health Department

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shott, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULTS OF SAMPLE ANALYSES

AUG 18 1997

Sample Number: 97-3660  
Lab Number: 97-D1929

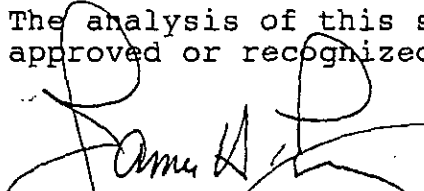
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3235/3000

Report Date: 8/12/97  
Date Collected: 7/30/97  
Date Received: 7/31/97

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0098817  
Sampling Location: INCLINE VILLAGE #1  
Sample Description: GRAB SAMPLE OF EFFLUENT  
County: WARREN

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	37	mg/L	8/ 5/97	160.2
Biochemical Oxygen Demand	24	mg/L	8/ 6/97	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: STEVE DYER, WPC

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Sharr, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM

RESULTS OF SAMPLE ANALYSES

Sample Number: 97-3661  
Lab Number: 97-D1930

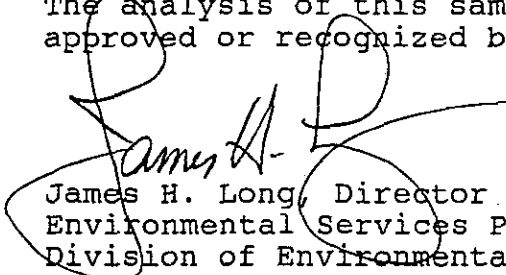
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3235/3000

Report Date: 8/12/97  
Date Collected: 7/30/97  
Date Received: 7/31/97

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0100358  
Sampling Location: INCLINE VILLAGE #2

Analysis Performed	Results		Analyzed	Method
Non-Filterable Residue	27	mg/L	8/ 5/97	160.2
Biochemical Oxygen Demand	4	mg/L	8/ 6/97	405.1

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: STEVE DYER, WPC

Warren County (WPCP) ✓  
Incline Village

COPY



Mel Carnahan, Governor • David A. Shorr, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1017

(314)822-0101

FAX (314)822-0943

September 18, 1995

CERTIFIED MAIL: P 177 782 340  
RETURN RECEIPT REQUESTED

Gary Smith  
Shady Oaks Subdivision  
1248 Mimosa Drive  
Foristell, MO 63348

Dear Mr. Smith:

On September 13, 1995, Mr. Paul E. Mueller and Mr. Jim Rhodes of this office were at Shady Oaks Subdivision and observed violations of the Missouri Clean Water Laws and Regulations, and Public Drinking Water Regulations.

A pump was observed with a hose in the unfinished pump station wet well. It was obvious that the discharge pipe had been discharging to the downstream ditch. Standing water with a malodor and sewage sludge was observed in the ditch. Discharging water contaminates to the waters of the State is a violation of State laws and regulations.

An illegal cross-connection between the water supply and the sanitary sewer system also existed. A hose had been connected to a flushing hydrant and the other end had been dropped into the sanitary sewer system manhole. This cross-connection is a violation of Missouri Public Drinking Water Regulation 10 CSR 60-11.010(2).

Notice of Violation #0684 SL is hereby issued for the above mentioned violations.

Please note that your Construction Permit #22-4678 expired June 30, 1995, and you did not apply for an extension 30 days prior to the expiration date. Since the project for Shady Oaks Subdivision was not finished in a timely manor (pumps were not installed), you need to resubmit plans and specifications, and the 200 dollar filing fee to this office before continuing construction.

Page 45

Incline Village (WPCP)  
September 18, 1995  
Page 2

Should you have any questions or comments, please contact  
Mr. Paul Mueller of this office.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Robert S. P. Eck  
Regional Director

RSPE/<sup>PEM</sup>PEM/10

Enclosures

c: Water Pollution Control Program  
Public Drinking Water Program  
Warren County Health Department  
Warren County Building Commission



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

P.O. BOX 176  
JEFFERSON CITY, MO 65102

VIOLATION NUMBER

0684 SL

DATE AND TIME ISSUED

☐ A.M.

☐ P.M.

SOURCE (NAME, ADDRESS, PERMIT NUMBER, LOCATION)

Gary Smith

Shady Oaks MHP

MAILING ADDRESS

1248 Mimosa Drive

CITY

Foristell

STATE

MO

ZIP CODE

63348

NAME OF OWNER OR MANAGER

Gary Smith

TITLE OF OWNER OR MANAGER

LAW, REGULATION OR PERMIT VIOLATED

Missouri Clean Water Law RSMo. Section 644.051.1(2) and

Section 644.076.1

Missouri Clean Water Commission Regulation 10 CSR 20-7.031(3)(A)(C)

Missouri Public Drinking Water Regulation 10 CSR 60-11.010(2)

NATURE OF VIOLATION

DATE(S):

TIME(S):

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.

Caused or allowed an unprotected cross connection

SIGNATURE (PERSON RECEIVING NOTICE)

BY CERTIFIED MAIL

TITLE OR POSITION

SIGNATURE (PERSON ISSUING NOTICE)

Paul E. Mueller

TITLE OR POSITION/DNR REGION

Environmental Specialist  
St. Louis Regional Office

COPY



Mei Camahan, Governor • David A. Shorr, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunser Office Drive, Suite 100 St. Louis, MO 63127-1017

(314)822-0101

FAX (314)822-0943

July 12, 1995

Mr. Gary Smith  
1248 Mimosa Court  
Foristell, MO 63348

Dear Mr. Smith:

On June 19, 1995 grab samples were collected of the effluent from wastewater treatment plant #1 (MO-0098817) and wastewater treatment plant #2 (MO-0100358) which serve Incline Village, Warren County, Missouri. This sampling was conducted as part of an investigation of the operation and condition of the facility. A report on that investigation was provided to you upon the conclusion of that inspection.

The effluent samples have been analyzed and copies of the analytical reports dated June 30, 1995 are attached. It should be noted that the samples exceeded the recommended holding time of 48 hours by two to three hours. It is not believed that this affected the analysis results to any noticeable extent, but would render the results invalid for compliance monitoring.

The results in the attached report for Treatment Plant #1 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 analysis result of 64 mg/l for Biochemical Oxygen Demand (BOD) exceeded the monthly average limit of 30 mg/l by 113%, but the analysis result of 32 mg/l for Nonfilterable Residue (NFR) only exceeded the monthly average limit of 30 mg/l by 6%.

In this case violations of 10 CSR 20-7.015(8)(B)1 occurred.

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)).

This citation of violations is based only upon the single grab sample collected at the time of the investigation. Some suspended solids may have been caused by material dislodged at the sample access point in the treatment plant just moments prior to collection of the sample at the outfall. In addition, the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of

variations in effluent quality which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

The results in the attached report for Treatment Plant #2 show the effluent was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling. Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

If you have any questions, please contact me at the St. Louis Regional Office.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Daniel Daugherty  
Environmental Specialist

DJD/bkk

Attachment

c: Water Pollution Control Program  
Missouri Department of Health, Central District  
Warren County Health Department  
Warren County Planning & Zoning  
Mr. John Kelly



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULTS OF SAMPLE ANALYSES

Sample Number: 95-4671  
Lab Number: 95-D1017

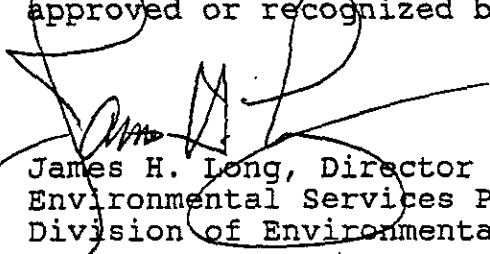
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3221/3000

Report Date: 6/30/95  
Date Collected: 6/19/95  
Date Received: 6/21/95

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO0098817  
Sampling Location: INCLINE VILLAGE, PLANT #1,  
Sample Description: GRAB SAMPLE OF EFFLUENT

Analysis Performed	Results	Analyzed	Method
Non-Filterable Residue	64.0 mg/L	6/22/95	160.2
pH	7.90	6/19/95	150.1
Comment: Analyzed in field			
Biochemical Oxygen Demand	32 mg/L	6/21/95	405.1
Comment: Exceeded holding time.			

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: RICHARD ALLEN, WPC

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULTS OF SAMPLE ANALYSES

Sample Number: 95-4670  
Lab Number: 95-D1018

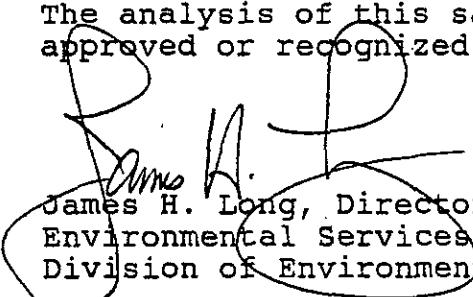
Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3221/3000

Report Date: 6/30/95  
Date Collected: 6/19/95  
Date Received: 6/21/95

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO0100358  
Sampling Location: INCLINE VILLAGE, PLANT #2,  
Sample Description: GRAB SAMPLE OF EFFLUENT

Analysis Performed	Results	Analyzed	Method
Non-Filterable Residue	9.00 mg/L	6/22/95	160.2
pH	8.00	6/19/95	150.1
Comment: Analyzed in field			
Biochemical Oxygen Demand	7 mg/L	6/21/95	405.1
Comment: Exceeded holding time.			

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: RICHARD ALLEN, WPC

COPY

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1017

(314)822-0101

FAX (314)822-0943

May 11, 1995

Mr. Gary Smith  
Incline Village Water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348

Dear Mr. Smith:

On March 21, 1995, grab samples were collected of the effluent from Treatment Plant #1, and Treatment Plant #2, which serve the Incline Village Subdivision, Foristell, Missouri. This sampling was conducted as part of an investigation of the operation and condition of the facility. The report on that investigation was provided to you at the conclusion of the inspection.

The effluent samples have been analyzed and copies of the analytical reports, dated April 17, 1995, are attached.

The analysis results for Treatment Plant #1, 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) exceeded the monthly average limit of 30 mg/l by 26% and the Nonfilterable Residue (NOR) exceeded the monthly average limit of 30 mg/l by 26%.

In this case, violations of 10 CSR 20-7.015(8)(B)1 occurred.

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)).

This citation of violations is based only upon the single grab sample collected at the time of the investigation. Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day. In addition, you should note that this single sample did not exceed the weekly limit of 45 mg/l for BOD and NFR. The results of any additional monitoring performed during the month should be included in the calculations to determine the true monthly average values.

At the time of the inspection, we had noted that this treatment plant did not appear to return sludge to the head of the plant in the same manner as plant #2. At the conclusion of the inspection, you had

indicated that you were going to investigate and determine if the sludge return line required repair. I am confident that with the proper adjustments to this plant, you will have it operating within the specified effluent limits, as plant #2 currently does.


The analysis results for Treatment Plant #2 show the effluent was in compliance with the applicable limitations specified in Clean Water Commission Regulation 10 CSR 20-7.015 at the time of sampling. The analysis result for BOD was <4 mg/l, and the result for NOR was 1.01 mg/l, both are very good results. The effluent limit for BOD and NOR are both 20 mg/l.

Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day.

If you have any questions, please contact me at the St. Louis Regional Office.

Sincerely,

ST. LOUIS REGIONAL OFFICE

  
Daniel Daugherty  
Environmental Specialist

DJD/mc

Attachment

c: Water Pollution Control Program  
Warren County Health Department  
Missouri Dept. of Health, Eastern District

STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULTS OF SAMPLE ANALYSES

Sample Number: 95-4590  
Lab Number: 95-D311

Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3221/3000

Report Date: 4/17/95  
Date Collected: 3/21/95  
Date Received: 3/22/95

Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0098817  
Sampling Location: INCLINE VILLAGE TREATMENT PLANT #1  
Sample Description: GRAB SAMPLE OF TREATMENT PLANT  
EFFLEUNT

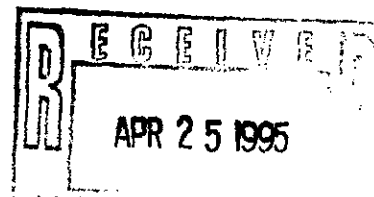
Analysis Performed	Results	Date Analyzed	Method
Non-Filterable Residue	38.0 mg/L	3/24/95	160.2
Biochemical Oxygen Demand	38 mg/L	3/23/95	405.1

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

*Earl W. Pabst*

James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: RICHARD ALLEN, WPC



STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Mel Carnahan, Governor • David A. Shorr, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULTS OF SAMPLE ANALYSES

Sample Number: 95-4591  
Lab Number: 95-D312

Reported To: DAN DAUGHERTY  
Affiliation: SLRO  
Project Code: 3221/3000

Report Date: 4/17/95  
Date Collected: 3/21/95  
Date Received: 3/22/95

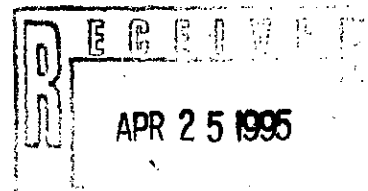
Sample Collected by: DAN DAUGHERTY, SLRO  
Facility Identification: MO-0100358  
Sampling Location: INCLINE VILLAGE TREATMENT PLANT #2  
Sample Description: GRAB SAMPLE OF TREATMENT PLANT  
EFFLUENT

Analysis Performed	Results	Date Analyzed	Method
Non-Filterable Residue	1.01 mg/L	3/24/95	160.2
Biochemical Oxygen Demand	< 4 mg/L	3/23/95	405.1

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

*Earl W. Rahat*  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

c: RICHARD ALLEN, WPC



COPY

File



Mel Carnahan, Governor • David A. Shorr, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1017

(314)822-0101

FAX (314)822-0943

December 30, 1994

Mr. Gary Smith  
Incline Village water & Sewer  
1248 Mimosa Court  
Foristell, MO 63348

Dear Mr. Smith

On November 16, 1994, a grab sample was collected of the effluent from the Incline Village wastewater treatment plant #1. This sampling was conducted as part of an investigation of the operation and condition of the facility. A report on that investigation was sent to you on November 30, 1994.

The effluent sample has been analyzed and a copy of the analytical report dated December 2, 1994 is attached.

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) exceeded the monthly average limit of 45 mg/l by 6.6%. The Nonfilterable Residue (NFR) was in compliance with the permit effluent limit of 30 mg/l with a analysis result of 27mg/l.

In this case violations of 10 CSR 20-7.015(8) (B)1 occurred.

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)).

This citation of violations is based only upon the single grab sample collected at the time of the investigation. Please note the terms of your State Operating Permit require the collection of composite samples for compliance monitoring purposes. Composite samples are required for this purpose because of variations in effluent quality which can occur within a 24 hour period. The grab sample results shown on the attached report reflect only the effluent condition at the time of the investigation and may not be fully indicative of the average effluent quality for the day, and, was only 6% above the permit limit.

During the telephone conversation of December 22, 1994, you indicated that the liquid level controls for the lift station serving treatment plant #1 were adjusted to pump more frequently. This should reduce the

occurrence of the sewage in the lift station going septic before it is pumped to the treatment plant. The pumping of septic sewage into the treatment plant would adversely affect the biologic action in the plant. With this adjustment, you should see a reduction in the analysis results for BOD from treatment plant #1 in the months to come.

In the inspection report of November 30, 1994, I incorrectly stated that the new permit for treatment plant #1 required monthly sampling and quarterly reporting. As we discussed on December 22, the permit requires monthly reporting. I apologize for the confusion and any problems this may have caused. You also asked if the sample result form you received from the laboratory would be sufficient as a Discharge Monitoring Report. The answer is yes, as long as all of the required monthly sampling data is on the form and if you sign the copy you send this office. There is not an "official" DMR reporting form that must be used.

Again I would like to apologize for the confusion, and if you have any questions, please contact me at the St. Louis Regional Office.

Sincerely,

ST. LOUIS REGIONAL OFFICE



Daniel Daugherty  
Environmental Specialist

DJD/

Attachment

c: Water Pollution Control Program  
Warren County Health Department  
Incline Village Homeowners Association



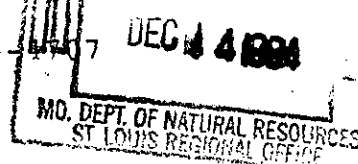
STATE OF MISSOURI  
DEPARTMENT OF NATURAL RESOURCES

Met Camahan, Governor • David A. Short, Director

DIVISION OF ENVIRONMENTAL QUALITY  
P.O. Box 176 Jefferson City, MO 65102-0176

ENVIRONMENTAL SERVICES PROGRAM  
RESULT OF SAMPLE ANALYSIS

Sample No. 94-1707



Reported to: DAN DAUGHERTY  
Affiliation: SLRO

Date: 12/02/94  
Project Code: 3221/3000

Sample Description:  
INCLINE VILLAGE TREATMENT PLANT #1,  
GRAB SAMPLE, EFFLUENT,  
MO0098817, WARREN COUNTY

Collected by: DAN DAUGHERTY  
Affiliation: SLRO

Date: 11/16/94

PARAMETERS

RESULTS

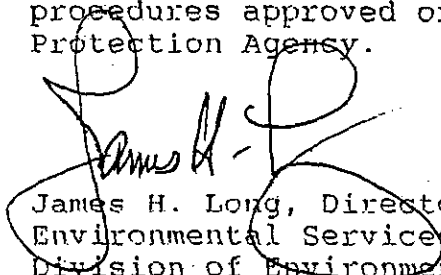
BOD

48 mg/L

NONFILTERABLE RESIDUE

27 mg/L

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

  
James H. Long, Director  
Environmental Services Program  
Division of Environmental Quality

cc: RICHARD ALLEN, WPC

COPY

GARY L. SMITH  
D/B/A INCLINE WATER AND SEWER  
1248 MIMOSA COURT  
FORISTELL, MISSOURI 63348  
(314) 673 1441

June 3, 1994

-7 1994

Mr. Joseph J. Becker  
Attorney at Law  
8011 Clayton Road  
St. Louis, Missouri 63117

Re: Application For Transfer of Operating Permit

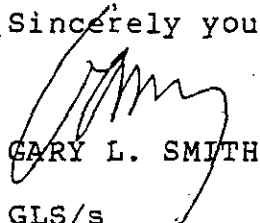
Dear Joe:

The Department of Natural Resources has requested that an Application For Transfer of Operating Permit be filed regarding the sewer system at Incline Village. Although I thought all of this had been done previously, by copy of this letter, I am sending to the DNR copies of various documents that we have previously furnished to the DNR and the PSC which may satisfy the DNR. However, to expedite this matter, I am requesting that you sign and forward a copy of the above application at your earliest convenience.

I appreciate your help in this matter. Hopefully, after three years, this matter will finally be resolved.

Thank you for your attention in this matter.

Sincerely yours,

  
GARY L. SMITH

GLS/s

cc: MODNR St. Louis

Law Offices of  
Becker, Dufour, Yarbrough & Berndsen  
8011 Clayton Road  
St. Louis, Missouri 63117  
314 / 727-7100  
FAX 314 / 727-4762

October 14, 1992

Joseph J. Becker  
Charles F. Dufour  
John T. Yarbrough  
Thomas G. Berndsen  
Sharon E. Burke

Mr. Gary Smith  
Incline Sewer and Water Company  
1248 Mimosa Court  
Foristell, Missouri 63348

RECEIVED  
-7 1994

Dear Gary:


Enclosed herewith find duplicate executed original Minutes giving the authority of the Board of Directors for the Officers to dispose of the assets of both the Sewer and Water Company.

I trust that these documents will be adequate for the Public Service Commission.

If I can be of any further assistance, please contact me.

Very truly yours,

BECKER, DUFOUR, YARBROUGH, BERNDSEN  
& BURKE

  
Joseph J. Becker  
Attorney at Law

JJB/sef  
Enclosures

DUPLICATE

CONSENT TO ACTION OF ALL OF THE DIRECTORS OF  
INCLINE VILLAGE SEWER COMPANY

The undersigned, being all of the surviving Directors of Incline Village Sewer Company, a Missouri Corporation, acting without notice, hereby waive notice and the holding of a meeting and consent to and adopt and vote in favor of the following resolution, which consent is to have the same effect as a unanimous vote of the Directors at a meeting duly held on the date hereof. The date of this consent is as of the 15th day of June, 1990.


WHEREAS, the Company has no cash with which to continue operations, and Mr. Ortmann and Mr. Adolphus have been providing funds to keep the company operating so as to provide continuing sewer service for the customers of the system, and

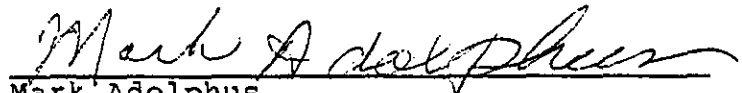
WHEREAS, Mr. Ortmann and Mr. Adolphus are unable to provide additional funding and it is necessary to continue to provide service to the system customers, it is necessary to find an operator and/or buyer for the system.

NOW THEREFORE, be it resolved as follows:

RESOLVED: That the officers of the Corporation are hereby authorized to find a buyer and/or operator for the system in order to provide continuing service to the systems customers. Any officer is authorized to execute all contracts, deeds, bills of sale and any other document necessary to impliment this resolution. Such sale or operating agreement shall be on such terms and conditions as the officers deem to be in the best interest of the corporation and its customers in their sole discretion.

IN WITNESS WHEREOF, the undersigned being all of the surviving Directors of the Corporation have executed this Consent as of the 15th day of June 1990.

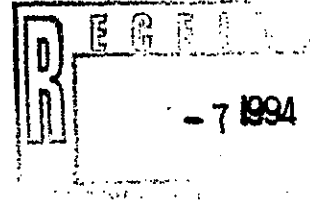
  
Robert Ortmann  
Director

  
Mark Adolphus  
Director

DUPLICATE

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION  
JEFFERSON CITY

December 17, 1993



CASE NO: WM-93-109

Joseph J. Becker, Becker, Dufour, Yarbrough & Berndsen, 8011 Clayton Road,  
St. Louis, MO 63117

Mark C. Pointek, Attorney at Law, P.O. Box 172, 216 West Main, Washington,  
MO 63090

Enclosed find certified copy of ORDER in the above-numbered case(s).

Sincerely,

David L. Rauch  
Executive Secretary

Uncertified Copy:

Office of the Public Counsel, P.O. Box 7800, Jefferson City, MO 65102  
Gary L. Smith, 1248 Mimosa Court, Foristell, MO 63348

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 17th  
day of December, 1993.

In the matter of the application of Gary L. Smith, d/b/a )  
Incline Village Water and Sewer Co., to assume assets, )  
to expand its operating area, to amend connection fees, ) Case No. WM-93-109  
and such related matters. )  
)

ORDER APPROVING TARIFFS AND  
CANCELING PREVIOUS TARIFFS ON FILE

On November 15, 1993, Gary L. Smith, d/b/a Incline Village Water and Sewer Company (Smith/Incline) filed proposed tariffs with an effective date of December 20, 1993, reflecting the authorized expansion of the water service area, revised water service connection charge, rewording of sewer service connection rules, and the addition of water main and collecting sewer extension rules. On May 4, 1993, the Commission issued its Order Approving Sale Of Assets, Granting Certification And Expanding Certificated Area which approved Smith/Incline acquiring the assets of Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. (Incline Villages) and expanding the certificated area for water service.

On December 13, 1993, the Commission's Staff (Staff) filed its recommendation. Staff states that at the time the acquisition was approved, a subsequent sale to East Central Missouri Water and Sewer Authority (ECM) was considered imminent. Smith/Incline was authorized to operate under tariffs of Incline Villages initially, and if the sale to ECM did not take place within 60 days, Smith/Incline would then file its own new tariffs. Staff states that the expected sale has not taken place. Staff states that the proposed tariffs are adopted from its example tariffs and that other than those authorized changes, there are no other rates or changes from Incline Villages' tariffs on

file. Also, in a letter dated December 6, 1993, Smith/Incline authorized Staff's permission to make technical corrections to certain of the proposed tariff sheets. Staff states that the proposed tariffs, after those technical corrections, comply with the Commission's Order and should be approved.

After considering the proposed tariffs of Smith/Incline, corrected by Staff, and Staff's recommendation, the Commission determines that the proposed tariffs are in compliance with its previous Order and are also fair and reasonable. Therefore, the Commission will approve the proposed tariffs of Smith/Incline as corrected by Staff for water and sewer service rendered on and after December 20, 1993, and order Incline Villages' tariffs to be canceled as of the effective date of the order.

**IT IS THEREFORE ORDERED:**

1. That the following proposed tariff sheets filed by Gary L. Smith, d/b/a Incline Village Water and Sewer Company, on November 15, 1993, and as corrected by the Commission's Staff, be hereby approved for water and sewer service rendered on and after December 20, 1993:

P.S.C.MO. No. 1 Water)

Original Sheet No. A (Index)

Original Sheet Nos. 1 through 38

P.S.C.MO. No. 1 (Sewer)

Original Sheet No. A (Index)

Original Sheet Nos. 1 through 41

2. That all the tariffs previously approved for Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. be hereby canceled as of the effective date of this order.



3. That this order shall become effective on the 20th day of December, 1993.

BY THE COMMISSION

  
David L. Rauch  
Executive Secretary

(S E A L)

Mueller, Chm., McClure, Perkins,  
Kincheloe and Crumpton, CC., concur.

STATE OF MISSOURI  
PUBLIC SERVICE COMMISSION

At a session of the Public Service  
Commission held at its office  
in Jefferson City on the 4th  
day of May, 1993.

In the matter of the application of Gary L. Smith, d/b/a )  
Incline Village Water and Sewer Co., to assume assets, )  
to expand its operating area, to amend connection fees, ) Case No. WM-93-109  
and such related matters. )  
)

ORDER APPROVING SALE OF ASSETS, GRANTING CERTIFICATION  
AND EXPANDING CERTIFICATED AREA

On September 22, 1992 Gary L. Smith, d/b/a Incline Village Water and Sewer Co., (Applicant) filed an Application pursuant to Section 393.190, R.S.Mo. 1986, seeking authorization of the Commission: (1) approving the sale and transfer of all the franchise, works, or system of Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. to Applicant; (2) authorizing Applicant to begin providing services to the certificated service area of Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc.; (3) authorizing Applicant to expand to a newly certificated area; (4) to increase new service connection fees as to new water connections to the sum of \$575 and as to new sewer connections to the sum of \$400; (5) to require any extension of an existing main to be charged to the developer or new service applicant; (6) to require customers on pressurized connection systems to be required to pay maintenance costs of such systems; and (7) for such other relief as may be deemed necessary.

On September 24, 1992 Applicant filed an Amended Application. On October 15, 1992 Applicant filed an Assignment from Robert L. Lewis to Applicant of all his right, title, or interest in a certain Sales Contract and Management Agreement dated January 15, 1992 wherein Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. are named as first party and further

consenting to the Application to the Commission of Applicant. On October 23, 1992 Applicant filed a duplicate of the Board of Directors of Incline Village Water Company, Inc.'s assent to the sale of the water company dated June 15, 1990. On October 26, 1992 Applicant filed a statement from Joseph J. Becker, attorney for Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. which indicated that there was no objection of the said companies to the Application herein.

Applicant is an individual doing business as Incline Village Water and Sewer Co. with his principal office and place of business located at 1248 Mimosa Court, Foristell, Missouri 63348. Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. are both public utilities as defined in Section 386.020, R.S.Mo. 1986, and as such are authorized, respectively, to distribute and sell water and provide sewer service in their service areas located in Warren County, Missouri and St. Charles County, Missouri.

Certificates to provide water service and sewer service were granted by the Commission to Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc., respectively, by a Report And Order in Case Nos. WA-82-259 and WA-82-260, effective November 9, 1982. Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. provide water and sewer service to approximately 57 residential customers plus the club house, swimming pool, and a subdivision sales office. The service area consists of the Incline Village lake development in Warren County, and the developers of the subdivision are the owners of Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. This subdivision was not successful for the developers, who are in bankruptcy. Also, some of the principals in the development company have died or have health problems. For these reasons they are no longer interested in the operation of the utilities. Although Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. themselves are not in bankruptcy, the

attorney for the utilities has indicated bankruptcy would be filed unless the assets and responsibility are transferred to another party. Applicant, Gary L. Smith, is presently operating Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. by contract with the utilities and also has a contract to purchase the assets, which is the subject of this case. Smith plans to operate the utility systems charging the same rates that the Commission has approved for Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc., which are monthly rates of \$7.50 plus \$2.42 per 1,000 gallons for water service and \$15.00 flat rate for sewer service.

On November 6, 1992 the Commission issued its Order And Notice of the proposed sale causing notice to be provided: (1) to each customer of Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc., (2) to ten persons residing in the proposed service area to be newly certificated, (3) to newspaper publishers located in St. Charles, Warren and Lincoln Counties, Missouri, (4) area lawmakers, and (5) area county commissions. Said Order And Notice also established a 30-day intervention period and directed inquiries to the Office of Public Counsel or the Commission's Staff (Staff). On December 23, 1992 the Commission issued its order granting intervention to East Central Missouri Water and Sewer Authority (East Central).

On April 16, 1993 the Commission's Staff filed its recommendation. Staff recommends that the sale of assets from both Incline Village Water Company, Inc., and Incline Village Sewer Company, Inc. to Applicant be approved. Staff also recommends that the expansion of the certificated area for water service as requested by Applicant be approved. Staff also recommends Applicant give notice of the closing of the sale to Staff within five days thereafter and make specific tariff filings. In making its recommendations, Staff indicates that it has settled with Applicant as to the connection charges applying to new customers to the water and sewer systems. For a residential service connection and meter

setting construction the charge will be \$300. This would include material and labor for making the tap, connecting service line piping between the tap at the main and the property line, and a meter installed in a covered meter box at the property line. The customer would be responsible for the service line between the meter setting and the building. For a residential sewer service connection, the present rule requires Incline Village Sewer Company, Inc. to provide material and inspection. Applicant wishes to provide material and labor for sewer connections similar to its desires on water connections. Therefore, Staff recommends a modification of the applicable sewer tariff rules. Staff believes the current charge of \$150 is adequate for sewer connections. Staff also recommends that Applicant file an extension rule for each tariff concerning water and sewer. Staff says no such tariffs currently exist and may be needed to service a developer or prospective customer. Staff recommends that the tariffs comply with its "example" tariffs for small companies.

Applicant proposes to expand the water service area to include an additional area. Included in the additional area is a subdivision known as Forest Green Estates. That subdivision has a developer-owned water system; but, the well has some problems and the developer is under directive from the Missouri Department of Natural Resources to correct the problem. Staff believes the appropriate way to correct the problem would be to supply the area with water from the Incline Village Water Company, Inc. system. Staff states that the Incline system's single well is capable of producing 350 gallons per minute which, with the utilization of the storage tank, is enough water to supply more than 700 residential customers. Staff believes that the Incline system provides more than enough water supply for the 60 existing customers and the eight existing customers in Forest Green Estates. Staff states that a new main between Forest Green Estates and Incline Village has been constructed by the developer of Forest Green Estates. When the new main is connected to the two systems the

Forest Green distribution system will be deeded to Applicant and the residents of Forest Green Estates will become retail customers of Applicant. Applicant will install water meters for each of the existing customers in Forest Green Estates and include the cost in rate base. Customers connecting in the future would be subject to the same connection charges as any other new customer in the existing service area.

Staff indicates that there have been numerous complaints from homeowners concerning such problems as water pressure, water leaks, pressure sewer pump unit maintenance, dirty water, hydrant repair, and lack of response. Staff attributes most of the problems to the inaction of the present owners, who are essentially a bankrupt business. Staff believes that Applicant will provide necessary management to the business and that service can be provided since a professional operator has been hired.

Staff further states that East Central has been interested in ownership of the Incline system for years. Applicant and the management of East Central have a tentative verbal agreement wherein East Central would purchase the assets from Applicant, subject to Commission approval, after the approval of the sale herein to Applicant. Staff states that an initial transfer of ownership to Applicant is necessary due to contracts and interests of the various parties with regard to the assets.

An opportunity for hearing has been provided and no proper party has requested an opportunity to present evidence. Pursuant to *State ex rel. Rex Deffenderfer Enterprises, Inc. v. Public Service Commission*, 776 S.W.2d, 494, 496 (Mo. App. 1989), the Commission will consider the case based upon the verified Application and attachments.

After considering the verified Application and statements and Staff's recommendations, the Commission finds that the transfer of assets of Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. to

Applicant and the expansion of the certificated area for water service as requested should be approved. The Commission determines that this transfer and expansion of certificated area for water service is not detrimental to the public interest and, in fact, is in the public interest. The Incline system has been in a state of improper management from the present owners, who have no interest in continuing operation of water and sewer service. Although the companies themselves are not presently in bankruptcy, the developers of the Incline companies are in bankruptcy. Applicant is the present operator under a management contract with the present owners and has demonstrated to Staff sufficient willingness to provide proper management to the Incline system. The East Central interest is a separate matter at this point and may be considered by the Commission in the future. The important consideration for the Commission is that there is a present owner and operator who will provide adequate water and sewer service to the existing customers of the Incline system. Also, the Commission is of the opinion that the Incline system should be expanded to include the Forest Green Estates. The present Forest Green Estates water distribution system appears inadequate and its inclusion in the Incline water system would be an improvement to the water system of the homeowners of that development. The Commission also finds that the tariffs requested by the Staff for Applicant to file are just and reasonable. The Commission is of the opinion that small water companies have a particularly challenging task to operate efficiently and in an environmentally safe manner and that it is imperative that adequate water service be continuous. Therefore, the Commission cannot be caught up in competing interests and must look to each applicant on a stand-alone basis, as it has done with this Application. The Commission also determines that there will be no local tax impact from the sale of assets upon any political subdivision.

IT IS THEREFORE ORDERED:

1. That Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. be hereby authorized to sell, transfer and assign to Gary L. Smith, d/b/a Incline Village Water and Sewer Co., their water operations, sewer operations, assets, franchise and service area.

2. That the expansion of the certificated area for water service to an area including Forest Green Estates be hereby approved.

3. That Gary L. Smith, d/b/a Incline Village Water and Sewer Co., notify the Commission's Staff of the date of the closing of the sale of assets within five (5) days after such action.

4. That Gary L. Smith, d/b/a Incline Village Water and Sewer Co., be hereby authorized to adopt the tariffs on file for Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. for provision of water and sewer service, with the provision that if a case to transfer assets to East Central Missouri Water and Sewer Authority is not filed within sixty (60) days after the effective date of the Commission's order herein, Gary L. Smith will file his own complete tariffs.

water  
5. That Gary L. Smith, d/b/a Incline Village Water and Sewer Co., be hereby authorized to file tariff sheets within five (5) days after the effective date of the Commission's order herein modifying the water tariffs with a new map and metes and bounds description to reflect the added water service area, a water service connection charge of \$300, and a rewording of present tariff rules 4(e) and 12(f) regarding new water service connections which shall also include an extension rule.

6. That Gary L. Smith, d/b/a Incline Village Water and Sewer Co., be hereby authorized to file tariff sheets within five (5) days after the effective date of the Commission's order herein modifying the sewer tariffs with a



rewording of present tariff rules 4(g), 5(i), 5(k) and 12(d) regarding sewer service connections which shall also include an extension rule.

7. That after receipt of notification of the closing of the sale from Gary L. Smith, d/b/a Incline Village Water and Sewer Co., the certificates of convenience and necessity held by Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. shall be canceled.

8. That after cancellation of the certificates of convenience and necessity held by Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc., certificates of convenience and necessity for water and sewer service in the same area and for water service in the expanded area herein approved shall be granted to Gary L. Smith, d/b/a Incline Village Water and Sewer Co.

9. That Incline Village Water Company, Inc. and Incline Village Sewer Company, Inc. be hereby authorized to enter into, execute and perform in accordance with the terms of all other documents reasonably necessary and incidental to the performance of transfer of assets herein described.

10. That nothing in this order shall be considered as a finding by the Commission of the reasonableness of the expenditures herein involved, nor of the value for ratemaking purposes of the properties herein involved, nor as an acquiescence in the value placed upon said properties by Gary L. Smith, d/b/a Incline Village Water and Sewer Co., or Incline Village Water Company, Inc. or Incline Village Sewer Company, Inc. ; and the Commission reserves the right to consider the ratemaking treatment to be afforded these transactions, and their resulting cost of capital, in any later proceeding.

11. That this order shall become effective on the 14th day of May,  
1993.

BY THE COMMISSION

*Brent Stewart*

Brent Stewart  
Executive Secretary

(S E A L)

Mueller, Chm., Rauch, McClure,  
Perkins and Kincheloe, CC., concur.

COPY

File



Bob Holden

~~XXXXXXXXXXXX~~ Governor • Stephen M. Mahfood, Director

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF ENVIRONMENTAL QUALITY

St. Louis Regional Office

10805 Sunset Office Drive, Suite 100 St. Louis, MO 63127-1038

(314) 301-7100

FAX (314) 301-7107

March 2, 2001

CERTIFIED MAIL #7099 3220 0008 0571 0025  
RETURN RECEIPT REQUESTED

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

Dear Mr. Smith:

### LETTER OF WARNING

On February 15, 2001, Mr. Paul Mueller of this office was at Incline Village, served by the Warren County Water & Sewer Company, and found violations of the Missouri Public Drinking Water Regulations.

A water sample collected in the distribution system found the chlorine levels at 4.4 mg/L of total chlorine and a free chlorine level greater than 2.2 mg/L. A level of 4.4 mg/l is 10 percent greater than is allowed. Missouri Safe Drinking Water Regulation 10 CSR 60-4.055(1)(A) sets the Maximum Residual Disinfectant Levels (MDRL) at 4.0 mg/L.

If your tests do not reflect these high levels you may wish to contact Mr. Jack Baker of this office to aid you in the calibration of your equipment.

Regulation 10 CSR 60-4.055 requires public water systems that disinfect to monitor daily the free chlorine residual entering the distribution system and maintain the residual at 0.5 mg/L. The regulation also requires the total chlorine be tested at the time of the bacteriological sampling, and be maintained at no less than 0.2 mg/L at the far ends of the distribution system. These readings should be kept on file and available for Department of Natural Resources review. A chlorine colorimeter or spectrophotometer, which use DPD chemistry, must be used for chlorine analysis. The results of the analysis should be kept on file and submitted to the Department (by the 10th of the following month) as required by State Regulation 10 CSR 69-4.080 and 10 CSR 69-7.010.

The difference of almost 50 percent between the total chlorine residual and the free chlorine residual indicates that there is a substantial chlorine demand within the system. Quite possibly this may be the result of a biofilm coating the water lines. Biofilms are common in water systems, which may have previously not used disinfection or may not have maintained a sufficient chlorine residual.

Immediately, take action to bring the chlorine levels below the 4.0 mg/L MDRL.

Within 10 days, submit chlorine records for the months of January and February 2001.

It would be advisable to do the daily chlorine residuals at three locations; one close to the well, one in mid-distribution, and the final one at a far end of the distribution. Both free and total residuals should be done daily. Eventually you should see free residual raise to approach almost 90 percent of the total residual. This will occur over time as the chlorine demand is satisfied throughout the system. The residuals at the far end will always be lower than those closest to the well.

Should you wish to meet with or to discuss this Letter of Warning, please contact Mr. Mueller at the Lincoln County Satellite Office at (636) 528-4779 or Mr. Dan Daugherty at this office.

Sincerely,

ST. LOUIS REGIONAL OFFICE



gc/ Mohamad Alhalabi, P.E.  
Regional Director

MA/PEM/jh

c: Warren County Department of Health