



Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

www.dnr.mo.gov

September 21, 2016

CERTIFIED MAIL # 7014 2870 0000 8182 3458
RETURN RECEIPT REQUESTED

Mr. Hollis Brower Jr.
Taney Co Water Llc - Lakeway
786 Croley Blvd
Nixa, MO 65714

RE: Notice of Violation #DW1618 – Operator Certification

Dear Mr. Brower Jr.:

All community and non-transient non-community public water systems are required to employ a certified operator to oversee system operations and maintenance. Taney Co Water Llc - Lakeway (MO5036223) is required to have an operator certified at the DS-I distribution level, or higher. Department of Natural Resources records indicate that your system does not have an operator certified at this level and is therefore in violation of Missouri Safe Drinking Water Regulation 10 CSR 60-14.010.

This Notice of Violation is being issued following a failure to respond to the August 22, 2016 Letter of Warning issued by the department. **Within 15 days of this notification**, Taney Co Water Llc - Lakeway must provide proof to the department that they have obtained the services of a properly certified operator or enter into a department approved schedule (corrective action plan) to obtain the services of a certified operator. Failure to comply with these requirements may result in the department taking further enforcement action against your water system.

If you currently have a properly certified operator in charge of your water system, please contact us, at the phone number provided at the end of this letter, to update this information.

If you currently do not have a properly certified operator, your public water system may choose to have an employee obtain operator certification through the department or you may enter into a contractual agreement with a certified operator to maintain your water system.

If you wish to have an employee become certified, you are required to submit a corrective action plan to the department within 15 days of this notification for review and approval. The plan must be on letterhead, signed by a person of authority and dated. The plan must include the name of person to be certified, position/affiliation with the public water system, and a schedule for when the employee will take the certification exam.



OPC BW DIR "7"

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Mr. Hollis Brower Jr.
Page Two

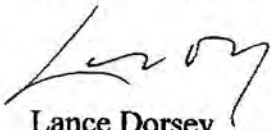
Information on training courses and examination schedules can be found online at <http://dnr.mo.gov/env/wpp/opcert/oprtrain.htm>. You can also contact the Operator Certification Unit by phone at 800-361-4827 for more information on certification requirements.

If you obtain the services of a certified operator through contract, you are required to submit a copy of the agreement with the operator's name, address, telephone number, and certification number in writing to the Water Protection Program's Public Drinking Water Branch within 15 days of this notification. The agreement shall indicate the responsibilities of the operator including, but not limited to, those listed in Missouri Safe Drinking Water Regulation 10 CSR 60-14.010(4)(F)1.

If you have any questions regarding this letter, please contact Mr. Brent Weis by phone at 573-751-7834 or by mail at Missouri Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Lance Dorsey
Compliance and Enforcement Section Chief

LD:bwa

c: Ms. Katie Hirtz, Environmental Scientist, Southwest Regional Office
Ms. Darlene Helmig, Section Chief, Public Drinking Water Branch



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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August 26, 2016

Mr. Hollis H. Brower, Jr.
Taney Co Water, LLC
P.O. Box 1080
Nixa, MO 65714

Dear Mr. Brower:

Taney County Water, LLC – Lakeway public water system signed a *Bilateral Compliance Agreement* (BCA) on March 17, 2016, to address outstanding violations including failure to correct a Significant Deficiency, failure to complete the 2014 Consumer Confidence Report, and failure to obtain a Permit to Dispense as required. Notice of Violation #SW16247 was issued on July 27, 2016, for failure to complete these actions.

On April 18 and August 9, 2016, you provided some information regarding repairs made to the Lakeway standpipe by Ozark Applicators. Based on discussions between Ms. Katie Hirtz of this office and Ozark Applicators on August 16, 2016, the Missouri Department of Natural Resources (department) has determined additional actions are necessary. The representative from Ozark Applicators clarified they were called out to make an emergency repair, repairs made were intended to be temporary, and they did not complete a tank inspection while on site. The terms of the BCA require the standpipe be inspected to determine if the tank is water-tight and constructed to prevent the entry of birds, insects, and excessive dust, and any sanitary deficiencies found during the inspection must be repaired. As the tank has not yet been inspected and repairs made are only considered temporary, the BCA is being extended **an additional 60 days** to complete the following:

- Complete a tank inspection (including the interior)
- Make any repairs necessary to correct sanitary defects (including replacement of the vent as already noted and cleaning of the interior of the tank if the inspection recommends it).

A copy of the tank inspection report and documentation of repairs made must be submitted to this office within 60 days.

In addition, the department has not yet received certification for the 2015 Consumers Confidence Report nor received an application for a Permit to Dispense. Both of these items must also be completed within the next 60 days.

Mr. Hollis H. Brower, Jr.
Taney Co Water, LLC
August 26, 2016
Page 2

Please note that failure to comply with the terms of the BCA within the next 60 days will result in referral the department's Public Drinking Water Branch. The department will seek other appropriate enforcement remedies, which could include monetary penalties.

If you have questions, please contact Ms. Katie Hirtz of this office at 417-891-4300 or via mail at Southwest Regional Office, 2040 W. Woodland, Springfield, MO 65807-5912.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Cynthia S. Davies
Regional Director

CSD/khl

c: Mr. Jim Busch, Missouri Public Service Commission
Ms. Darlene Helmig, Water Protection Program
Mr. Joseph Stoops, Public Drinking Water Branch

Mr. Jim Busch
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360

5036223



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DEPARTMENT OF NATURAL RESOURCES

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August 22, 2016

Mr. Hollis Brower Jr.
Taney Co Water LLC - Lakeway
786 Croley Blvd.
Nixa, Mo 65714

RE: Letter of Warning – Operator Certification

Dear Mr. Brower Jr.:

All community and non-transient non-community public water systems are required to employ a certified operator to oversee system operations and maintenance. Taney Co Water LLC - Lakeway (MO5036223) is required to have an operator certified at the DS-I distribution level or higher. Department of Natural Resources records indicate that your system does not have an operator certified at this level and is therefore in violation of Missouri Safe Drinking Water Regulation 10 CSR 60-14.010.

If you currently have a properly certified operator in charge of your water system, please contact us, at the phone number provided at the end of this letter, to update this information.

If you currently do not have a properly certified operator, your public water system may choose to have an employee obtain operator certification through the department or you may enter into a contractual agreement with a certified operator to maintain your water system.

This Letter of Warning has been issued following a failure to respond to the July 6, 2016 notification issued by the department. Within 15 days of this notification, Taney Co Water LLC - Lakeway must provide proof to the department that they have obtained the services of a properly certified operator or enter into a department approved schedule (corrective action plan) to obtain the services of a certified operator. Failure to comply with these requirements may result in the department taking further enforcement action against your water system.

If you obtain the services of a certified operator through contract, you are required to submit a copy of the agreement with the operator's name, address, telephone number, and certification number in writing to the Water Protection Program's Public Drinking Water Branch within 15 days of this notification. The agreement shall indicate the responsibilities of the operator including, but not limited to, those listed in Missouri Safe Drinking Water Regulation 10 CSR 60-14.010(4)(F)1.



Mr. Hollis Brower Jr.
Page Two


If you wish to have an employee become certified, you are required to submit a corrective action plan to the department within 15 days of this notification for review and approval. The plan must be on letterhead, signed by a person of authority and dated.

The plan must include the name of person to be certified, position/affiliation with the public water system, and a schedule for when the employee will take the certification exam. Information on training courses and examination schedules can be found online at <http://dnr.mo.gov/env/wpp/opcert/oprtrain.htm>. You can also contact the Operator Certification Unit by phone at 800-361-4827 for more information on certification requirements.

If you have any questions regarding this letter, please contact Mr. Brent Weis by phone at 573-751-7834 or by mail at Missouri Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Lance Dorsey
Compliance and Enforcement Section Chief

LD:bwa

c: Ms. Katie Hirtz, Environmental Scientist, Southwest Regional Office
Ms. Darlene Helmig, Section Chief, Public Drinking Water Branch



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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July 27, 2016

CERTIFIED MAIL #7013 1710 0001 3507 2309
RETURN RECEIPT REQUESTED

Mr. Hollis H. Brower, Jr.
Taney Co Water, LLC
P.O. Box 1080
Nixa, MO 65714

NOTICE OF VIOLATION Public Drinking Water Branch NOV#SW16247 RESPONSE REQUIRED

Dear Mr. Brower:

Taney County Water, LLC – Lakeway public water system signed a *Bilateral Compliance Agreement* (BCA) on March 17, 2016, to address outstanding violations including failure to correct a Significant Deficiency, failure to complete public notice, and failure to obtain a Permit to Dispense as required.

The Significant Deficiency Provisions required the public water system to inspect the standpipe and to submit a written report to this office within 90 days of entering the agreement. Within 30 calendar days of the inspection, the public water system was to correct any sanitary defects noted and to submit photographic documentation to this office of any repairs made. In an April 18, 2016, email you notified Ms. Katie Hirtz that you had hired a company to look at the standpipe and that they had repaired the screen on the vent. You supplied photos that appeared to be of a repair to the joining elbow of the overflow; this issue was not previously reported, and no photos of the standpipe vent were supplied. No written inspection report, additional photos, or additional clarification has been provided to date despite several requests.

The Public Notice Provisions required you to develop, distribute, and certify distribution of the 2015 Consumer Confidence Report (CCR). In an email from Ms. Hirtz to you on May 25, 2016, an additional requirement was made to distribute and certify distribution to the department by July 1, 2016, due to the accumulation of points through EPA's Enforcement Targeting Tool (ETT) for Taney County Water, LLC – Lakeway. This email also included a requirement to complete Public Notice for the outstanding Significant Deficiency violations. A read receipt from you regarding this email was received on the same day. To date, neither the CCR nor the Public Notice has been completed.

Mr. Hollis H. Brower, Jr.
Taney County Water, LLC – Lakeway
July 27, 2016
Page 2

The Permitting Provision required you to submit a transfer Permit to Dispense application within 30 days. No application has been received to date.

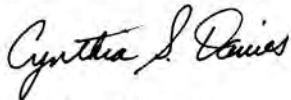
Therefore, Notice of Violation #SW16247 is being issued.

Please note that failure to comply with the terms of the BCA within the next 30 days will result in referral the department's Public Drinking Water Branch. The department will seek other appropriate enforcement remedies, which could include monetary penalties.

If you have questions, please contact Ms. Katie Hirtz of this office at 417-891-4300 or via mail at Southwest Regional Office, 2040 W. Woodland, Springfield, MO 65807-5912.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Cynthia S. Davies
Regional Director

CSD/khl

c: Mr. Jim Busch, Missouri Public Service Commission
Ms. Darlene Helmig, Water Protection Program
Mr. Joseph Stoops, Public Drinking Water Branch

Mr. Jim Busch
Missouri Public Service Commission
P.O. Box 360
Jefferson City, MO 65102-0360



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DEPARTMENT OF NATURAL RESOURCES

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July 6, 2016

Mr. Hollis Brower Jr.
Taney Co Water LLC - Lakeway
786 Croley Blvd.
Nixa, MO 65714

RE: Operator Certification - PWS MO5036223

Dear Mr. Brower Jr.:

All community and non-transient non-community public water systems are required to employ a certified operator to oversee system operations and maintenance. Taney Co Water LLC - Lakeway (MO5036223) is required to have an operator certified at the DS-I distribution level or higher. Department of Natural Resources records indicate that your system does not have an operator certified at this level and is therefore in violation of Missouri Safe Drinking Water Regulation 10 CSR 60-14.010.

If you currently have a properly certified operator in charge of your water system, please contact us, at the phone number provided at the end of this letter, to update this information.

If you currently do not have a properly certified operator, your public water system may choose to have an employee obtain operator certification through the department or you may enter into a contractual agreement with a certified operator to maintain your water system.

Within 30 days of this notification, please contact the department to notify us of how you intend to obtain the services of a properly certified operator.

If you obtain the services of a certified operator through contract, within 30 days, please submit a copy of the agreement with the operator's name, address, telephone number, and certification number in writing to the Water Protection Program's Public Drinking Water Branch. The agreement shall indicate the responsibilities of the operator including, but not limited to, those listed in Missouri Safe Drinking Water Regulation 10 CSR 60-14.010(4)(F)1.

If you wish to have an employee become certified, please submit a corrective action plan to the department within 30 days of this notification for review and approval. The plan must be on letterhead, be signed by a person of authority and dated. The plan must include the name of the person to become certified, position/affiliation with the public water system, and a schedule for when the employee will take the certification exam.



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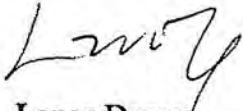
Mr. Hollis Brower Jr.
Page Two

Information on training courses and examination schedules can be found online at <http://dnr.mo.gov/env/wpp/opcert/oprtrain.htm>. You can also contact the Operator Certification Unit by phone at 800-361-4827 for more information on certification requirements.

If you have any questions regarding this letter, please contact Mr. Brent Weis by phone at 573-751-7834 or by mail at Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102-0176.

Sincerely,

WATER PROTECTION PROGRAM



Lance Dorsey
Compliance and Enforcement Section Chief

LD:bwa

c: Katie Hirtz, Environmental Scientist, Southwest Regional Office
Ms. Darlene Helmig, Section Chief, Public Drinking Water Branch



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

dnr.mo.gov

January 29, 2016

NOTICE OF VIOLATION SW1679
CERTIFIED MAIL #7013 1710 0001 3507 2149
RETURN RECEIPT REQUESTED

Mr. Hollis H. Brower, Jr.
Taney Co Water, LLC
P.O. Box 1080
Nixa, MO 65714

Dear Mr. Brower:

It has come to the attention of the Missouri Department of Natural Resources (department) that Taney Co Water, LLC - Lakeway public water system has violated federal and state, Safe Drinking Water Law and Regulations as listed in the enclosed Bilateral Compliance Agreement (BCA).

It is the responsibility of this department to take actions to bring your public water system back into compliance with the provisions of the Safe Drinking Water Law. This letter is to inform you that your water system is in violation of safe drinking water law and regulations and, as such, may be subject to court actions in the event the deficiencies remain uncorrected.

The department is also required by Section 640.102(2) of the Revised Statutes of Missouri (RSMo) to engage in Conference, Conciliation, and Persuasion (CC&P) in resolving issues of non-compliance involving regulated public water systems. For your reference, Section 640.102(2) RSMo defines CC&P as, "a process of verbal or written communications consisting of meetings, reports, correspondence, or telephone conferences between authorized representatives of the department and the alleged violator. The process shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the department. During any such meeting the department and the alleged violator shall negotiate in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to achieve compliance."

At this time, we would prefer to pursue a voluntary course of action intended to return your water system to compliance. Enclosed is a BCA, which includes corrective actions to be completed by your water system over a twelve (12) month period. The intent of the BCA is to address the violations and prevent their recurrence. Please carefully review this BCA. If you agree with the terms and conditions, please sign and return the original to this office and retain a copy for your records.

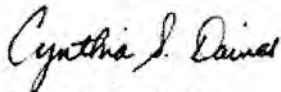
Taney Co Water, LLC - Lakeway
January 29, 2016
Page 2

If you need further explanation of the terms of the BCA or need to negotiate modifications, please contact Ms. Katie Hirtz of this office by calling 417-891-4300 or via mail at the Southwest Regional Office, 2040 W. Woodland, Springfield, Missouri 65807. We are offering to meet with you in this office on **February 29, 2016 at 1:00 p.m.** If you prefer, we can discuss the issues by telephone.

To demonstrate your willingness to comply, you must respond to this letter by **February 29, 2016**. Please sign, retain a copy for your records, and return the BCA or arrange for a meeting to negotiate an alternate agreement. Please note that failure to respond to this letter or comply with the terms of the BCA will result in escalated enforcement action. In the event you choose not to enter into this agreement, the department will seek other appropriate enforcement remedies, which could include monetary penalties.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Cynthia S. Davies
Regional Director

CSD/khl

Enclosure

c: Ms. Sarah Hearne, Public Drinking Water Branch
Ms. Darlene Helmig, Water Protection Program
Mr. Paul Jeffries, Division of Environmental Quality

MISSOURI DEPARTMENT OF NATURAL RESOURCES
PUBLIC DRINKING WATER BRANCH
BILATERAL COMPLIANCE AGREEMENT
TANEY CO WATER LLC - LAKEWAY
TANEY COUNTY, MISSOURI
PUBLIC WATER SYSTEM MO5036223

January 29, 2016

The Missouri Department of Natural Resources Southwest Regional Office (hereinafter referred to as "the department") and Taney Co Water LLC - Lakeway public water system (hereinafter referred to as "public water system") agree to the following statement of facts and agree on the following compliance schedule to correct violations of the Missouri Safe Drinking Water Law and Regulations.

STATEMENT OF FACTS

1. The person in responsible charge of the public water system is Mr. Hollis H. Brower, Jr., Organizer, Taney County Water, LLC, 786 Croley Boulevard, P.O. Box 1080, Nixa, MO 65714, 417-725-4141.
2. The public water system is located at 195 Perch Street, Kissee Mills, MO 65680 in Taney County.

<u>PWS Feature</u>	<u>Location</u>
Well #1	Section 2, Township 24 North, Range 20 West Latitude 36.6859° North, Longitude -93.0602° West

3. The following is a list of Notice of Violations (NOVs) issued to the public water system during the past 36 months.

<u>NOV Number</u>	<u>Date Issued</u>	<u>Brief Summary of Violations</u>
SW1679	January 29, 2016	Failure to correct Significant Deficiency, CCR Violation, Permit to Dispense

4. The public water system serves piped water for human consumption to at least 25 residents on a year-round basis and is therefore a community public water system as defined in Safe Drinking Water Regulation 10 CSR 60-2.015.
5. The public water system dispensed water to the public without obtaining a written permit to dispense water from the department as required by Safe Drinking Water Regulation 10 CSR 60-3.010(1)(D).

6. The public water system failed to address a Ground Water Rule Significant Deficiency within 120 days as required by Safe Drinking Water Regulation 10 CSR 60-4.025(5)(A). Specifically, the public water system failed to provide documentation that the storage tank had been modified to exclude the entry of birds and insects. At the time of inspection, wasps were found on the inside of the overflow screen. The Significant Deficiency was identified during an inspection on April 17, 2015.
7. The public water system failed to deliver to customers a Consumer Confidence Report as required by Safe Drinking Water Regulation 10 CSR 60-8.030(1) for 2014.

COMPLIANCE SCHEDULE

General Provisions -

- A. This compliance schedule shall begin on the date of signature by the person(s) in responsible charge of the system indicating acceptance of the terms of the agreement. The compliance period will be for a minimum of 12 months.
- B. This agreement may be modified only by mutual written consent of the department and the system.
- C. During the compliance period, it is agreed that the department will not commence formal litigation for past violations of the Missouri Safe Drinking Water Law or regulations as stipulated in the Statement of Fact section of this agreement, with the exception that continued violation of those stated regulations would indicate a lack of "good faith effort" in returning to compliance and would jeopardize the validity of this agreement.
- D. Failure to comply with the terms of this agreement shall result in enforcement action by the department, to include referral to the Office of the Attorney General of Missouri for litigation seeking orders for immediate relief and imposition of fines and/or penalties, or referral to the United States Environmental Protection Agency for formal federal litigation.
- E. The responsible person/continuing authority in charge of the system shall adequately maintain and operate the system to prevent future violation of the Missouri Safe Drinking Water Law and Safe Drinking Water Regulations.
- F. In the event that the terms of this agreement are not met according to the specified time frames and 14 days prior to initiating further enforcement action with regard to this matter, the department's Compliance and Enforcement Section, Public Drinking Water Branch (PDWB) will provide the system with the opportunity to meet and discuss the failure to satisfy those terms. If appropriate, that office may, in agreement with the system, modify or extend the time frame necessary to meet the terms not complied with.

- G. At the end of the compliance period, if the terms of the agreement have been successfully met, the Southwest Regional Office shall issue a letter of notification to the system indicating the system has satisfied the terms of the agreement, the system has been returned to compliance status and the compliance agreement is formally at an end. Until receipt of such letter, the system shall not assume that the compliance period has ended.
- H. At the end of the compliance period covered by this agreement, the system shall continue to monitor for microbiological, chemical and radiological contaminants as required in 10 CSR 60 and shall perform all operational monitoring as prescribed in those regulations. Failure to fulfill this term may result in immediate formal enforcement action.
- I. In the event of transfer of ownership of the system, the terms of this agreement shall be binding on the heirs, successors, assigns and agents of the current ownership until such time as the said terms have been fulfilled and are satisfactory to the department.

Specific Provisions -

Significant Deficiency

1. Within 90 calendar days of execution of this compliance schedule, the public water system shall have the standpipe inspected and a written tank inspection report submitted to this office. This inspection shall determine if the tank is watertight and constructed to prevent entry of birds, insects, and excessive dust.
2. Within 30 calendar days after the tank inspection is completed, the public water system shall correct all sanitary deficiencies found in the tank inspection and submit photographic evidence to this office of any repairs made.

Public Notice

1. The Consumer Confidence Report (CCR) is located at <http://dnr.mo.gov/ccr/ccr.htm>. This webpage has links to help you develop and deliver your CCR. The CCR for 2015 will be ready by April 1 for you to develop and deliver to your customers. By July 1 the CCR must be distributed to your customers. By completing this year's CCR, the system will be in compliance for the outstanding years.

After delivery of the CCR, complete and submit the certification along with a copy of the posting to Missouri Department of Natural Resource, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102.

Permitting

1. Within 30 calendar days of the date of execution of this compliance schedule, the public water system shall submit a completed transfer application for a permit to dispense water to the public (application form enclosed) to the Public Drinking Water Program, P. O. Box 176, Jefferson City, MO, 65102. A copy shall be sent to the Southwest Regional Office, 2040 West Woodland, Springfield, MO 65807, 417-891-4300, and the public water system shall keep a copy of this completed application in their permanent file.

SIGNATURES



Mark Rader, Chief
Drinking Water Section
Southwest Regional Office
Missouri Department of Natural Resources

January 29, 2016

(Date)

(Signature)


(Date)

(Typed or Printed Name)

(Title)

Taney Co Water, LLC

5036223


 STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

October 14, 2015

Mr. Hollis Brower
 Taney County Water LLC- Lakeway
 786 Croley Blvd.
 Nixa, MO 65714

RE: Notice of Non-Compliance – Significant Deficiencies

Dear Mr. Brower:

This letter is a follow-up to the April 7, 2015 inspection of the public water system (PWS) serving **Taney County Water LLC- Lakeway (MO5036223)** in Taney County, in which the Missouri Department of Natural Resources staff identified a significant deficiency within the PWS. Significant Deficiencies are defined as defects in design, operation, or maintenance of the PWS that can cause public health concerns, or have the potential to introduce contamination to the water system. Staff identified the following significant deficiencies:

The storage tank is not constructed to prevent entry of birds or insects which is a Significant Deficiency per 10 CSR 60-4.025(4)(A)D. Specifically wasps were found on the inside of the overflow screen.

According to 10 CSR 60-4.025(4), within 120 days of being notified of a significant deficiency you are required to have either demonstrated to the department that the deficiency has been corrected or to have entered into a department approved corrective action plan to resolve the deficiency.

Our records indicate that your water system was scheduled to have corrected the significant deficiency or entered into a corrective action plan to return to compliance by August 29, 2015. As of the date of this letter, our records do not show your water system met the requirement to correct the identified deficiency and is in violation of regulation 10 CSR 60-4.025(4).

In accordance with 10 CSR 60-8 your PWS is responsible for notifying customers of this violation. Enclosed you will find a copy of the required public notice and certification forms. Please fill in the certification form with the appropriate dates of delivery/posting. Return a copy of the distributed notification and the signed certification sheet to the Missouri Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, attn: Shelby Miller, P.O. Box 176 Jefferson City, Missouri, 65102.



Mr. Hollis Brower
Page Two

Immediately upon receipt of this letter, please contact the Southwest Regional Office, by calling 417-891-4300, to discuss this issue. This violation will be returned to compliance after you have demonstrated to the department that the significant deficiency has been corrected or the PWS has entered into a department approved corrective action plan.

Failure to comply with these requirements may cause the department to initiate further enforcement action, which may include referral to the Water Protection Program, Public Drinking Water Branch, Compliance and Enforcement Unit for appropriate injunctive relief and collection of monetary penalties.

If you have questions concerning this letter please feel free to contact the Southwest Regional Office by calling 417-891-4300, or via mail at the Southwest Regional Office, 2040 W. Woodland, Springfield, Missouri 65807-5912.

Sincerely,

WATER PROTECTION PROGRAM

Lance Dorsey
Compliance and Enforcement Section Chief

LD:bwa

c: Ms. Katie Hirtz, Southwest Regional Office

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor • Sara Parker Pauley, Director

www.dnr.mo.gov

July 13, 2015

Mr. Hollis Brower Jr.
Taney County Water LLC- Lakeway
786 Croley Blvd.
Nixa, MO 65714

RE: Letter of Warning – Significant Deficiencies

Dear Mr. Brower Jr.:

This letter is a follow-up to the April 17, 2015 inspection of the public water system (PWS) serving **Taney County Water LLC- Lakeway (MO5036223)** in Taney County, in which the Missouri Department of Natural Resources staff identified a significant deficiency within the PWS. Significant Deficiencies are defined as defects in design, operation, or maintenance of the PWS that can cause public health concerns, or have the potential to introduce contamination to the water system. Staff identified the following significant deficiencies:

The storage tank was not constructed to prevent entry of birds or insects which is a Significant Deficiency per 10 CSR 60-4.025(4)(A)(D). Specifically, wasps were found on the inside of the overflow screen.

According to 10 CSR 60-4.025(4), you are required to consult with the department within 30 days of the inspection report to determine what actions will be taken to correct the significant deficiency. In total, the water system has 120 days from the date of the report to either complete the required corrective actions and notify the department, or enter into an approved corrective action plan which provides a schedule for completion of the remaining significant deficiencies.

Our records indicate that your water system was scheduled to consult with the department by May 31, 2015 to discuss how you plan to correct the identified significant deficiency. As of the date of this letter, our records do not show your water system met the requirement of consultation and is in violation of regulation 10 CSR 60-4.025(4).

Immediately upon receipt of this letter, please contact the Southwest Regional Office, by calling 417-891-4301, to discuss this issue. This violation will be returned to compliance after you consult with the department on how you plan to correct the significant deficiency and avoid further enforcement action.

The department would also like to remind you that you were scheduled to have demonstrated correction of the significant deficiency or to have entered into an approved corrective action plan to return to compliance by August 29, 2015.

Mr. Hollis Brower Jr.
Page Two

Failure to comply with these requirements may cause the department to initiate further enforcement action, which may include referral to the Water Protection Program, Public Drinking Water Branch, Compliance and Enforcement Unit for appropriate injunctive relief and collection of monetary penalties.

If you have questions concerning this letter please feel free to contact the Southwest Regional Office by calling 417-891-4301, or via mail at the Southwest Regional Office, 2041 W. Woodland, Springfield, Missouri 65807-5912.

Sincerely,

WATER PROTECTION PROGRAM



Lance Dorsey
Compliance and Enforcement Section Chief

LD:bwa

c: Ms. Katie Hirtz, Southwest Regional Office

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Confirmed

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STATE OF MISSOURI
 DEPARTMENT OF NATURAL RESOURCES

Jeremiah W. (Jay) Nixon, Governor Sara Parker Pauley, Director

dnr.mo.gov

May 1, 2015

Mr. Hollis H. Brower, Jr.
 Taney County Water LLC
 P.O. Box 1080
 Nixa, MO 65714

Dear Mr. Brower:

Enclosed is the Report of Inspection for the community water system serving Taney County Water LLC - Lakeway in Taney County. Included in this report is a listing of a Significant Deficiency noted during the inspection that requires corrective action by the public water system. This report is believed to be self-explanatory. I trust you will direct your attention to the following deficiencies which are more thoroughly discussed within the Report of Inspection:

- The storage tank was not constructed to prevent entry of birds or insects (Significant Deficiency).
- The public water system does not have a permit to dispense water.
- The public water system failed to retain some of the written records.

Additional recommendations are outlined in the report.

Unless otherwise requested within the report, all correspondence and questions should be directed to Ms. Katie Hirtz of this office by calling 417-891-4300 or via mail at the Southwest Regional Office, 2040 West Woodland, Springfield, MO 65807-5912.

Sincerely,

SOUTHWEST REGIONAL OFFICE



Mark Rader, Chief
 Drinking Water Section

MDR/khl

Enclosures

c: Mr. Jim Busch, Missouri Public Service Commission
 Ms. Misty Lange, Public Drinking Water Branch
 Mr. Brent Weis, Public Drinking Water Branch

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Mr. Jim Busch, Manager, Water and Sewer Unit
Missouri Public Service Commission
200 Madison Street, P.O. Box 360
Jefferson City, MO 65102-0360

MISSOURI DEPARTMENT OF NATURAL RESOURCES
REPORT OF INSPECTION
COMMUNITY PUBLIC WATER SYSTEM
TANEY COUNTY WATER LLC - LAKEWAY
TANEY COUNTY, MISSOURI
PUBLIC WATER SYSTEM ID NUMBER MO5036223

May 1, 2015

INTRODUCTION

A routine inspection was made of the community public water system serving Taney County Water LLC - Lakeway by Ms. Katie Hirtz, Mr. Johnny O'Dell, and Mr. Jason Wolf of the Missouri Department of Natural Resources (department) Southwest Regional Office on April 17.

Mr. Hollis H. Brower, Jr., Operator, was present representing the facility during the inspection. The purpose of the inspection was to determine compliance with Missouri Safe Drinking Water Law and Regulations.

DISCUSSION

The system serves approximately 100 connections and an estimated population of 370 people in a residential area on a year-round basis. This is a private utility regulated by the Missouri Public Service Commission.

Well #1 [state-approved] was drilled in 1986 to a total depth of 722 feet with six-inch casing to a depth of 480 feet. The 30-horsepower submersible pump is set at a depth of 315 feet and is rated to produce 160 gallons per minute. Liquid chlorination is provided. Chlorine detention and system pressure are provided by a 24,000-gallon standpipe. As a height of 46.2 feet is required to maintain a minimum pressure of 20 psi at the base of the tank, the tank only has a usable storage capacity of approximately 10,875 gallons without supplemental pumping. Both of these volumes assume the full capacity of the tank is being used. The well is currently set to pump when base pressures reach 28 psi; however, Mr. Brower was uncertain as to what pressure (or tank height) the pump kicks off. The department recommends determining these figures and recording them somewhere near the controls.

Chlorination was voluntarily installed in 2013. According to the construction permit for this project, a free chlorine residual of 0.8 mg/L is necessary to meet 4-log inactivation of viruses. Otherwise, the department recommends maintaining a free chlorine residual of at least 0.5 mg/L at the entrance to distribution to ensure adequate disinfection for bacteria. Mr. Brower plans to install continuous chlorine and pressure meters at this system. Chlorine residuals will be collected from a short branch off of the main distribution line into the well house. Flow through the chlorine sensor is expected to be 0.5 gallons per minute. Daily free chlorine residuals were available for the month of April. A request to see additional records was not fulfilled.

Distribution consists of two to six-inch polyvinyl chloride (PVC) piping. According to Mr. Brower, no flush hydrants or flush valves are provided. Valves are provided at regular intervals in the water system. Mr. Brower has recently received services from Missouri Rural Water Association to have the distribution system mapped, including GPS locations for all valves and meters. There is a metered emergency interconnection between this water system and Taney County PWSD #1 at Highway 160 and Lakeway Road. Neither water system has any recollection as to when this interconnection was last used.

Although requirements for installation and inspection of backflow devices are included in the system's Tariff with Missouri Public Service Commission, it does not appear customers are made aware of requirements (nor was Mr. Brower certain of the existence in the Tariff). The department strongly recommends additional notification to residences of these requirements.

This system requires an operator properly certified at the DS-I level. Mr. Brower is currently certified to operate this system.

Two drinking water samples were collected from 1248 Lakeway and were submitted for microbiological analysis. The samples tested total coliform absent or "safe". The total residual chlorine level in the system was 0.95 mg/L at the time of the inspection. Pressure at the time of sampling was found to be 75 psi.

Water rates are currently set at \$10.89 per month plus \$4.88 per 1,000 gallons. This rate is set by the Public Service Commission.

In view of recent natural catastrophes at other communities in the area, it is strongly recommended that your emergency operation plan and procedures be evaluated and updated to determine if they are adequate for any emergency that may arise. For more information please see the Model Emergency Operating Plan for Public Water Supplies located on the department website at <http://www.dnr.mo.gov/env/wpp/eop/index.html>.

MONITORING AND SAMPLING HISTORY

The following is a list of monitoring violations the system has accrued during the last 24 months.

At the time of inspection there were no monitoring violations during the last two years.

UNSATISFACTORY FEATURES

The Ground Water Rule specifies eight elements integral to an effective inspection of a public water system. The eight elements are: Source (protection, physical components, and condition); Treatment; Distribution System; Finished Water Storage; Pumps, Pump Facilities, and Control;

Monitoring, Reporting, and Data Verification; Water System Management and Operations; and Operator Compliance with State Requirements. Your public water system was evaluated for compliance with these eight elements.

The following unsatisfactory features were noted with comments and recommendations for correction, and are organized into categories as noted below. Pay particular attention to those unsatisfactory features cited under the Significant Deficiency heading because they require corrective action.

Significant Deficiencies

Significant Deficiencies cause, or have the potential to cause, the introduction of contaminants into water delivered to customers. The Ground Water Rule (GWR) requires the public water system to consult with the department within 30 days of receiving this report to determine what actions will be taken to correct the Significant Deficiency. Please inform the department on your course of action by phone or mail no later than **June 1, 2015, otherwise a violation will be issued**. The system must also contact the department within 30 days of correcting a Significant Deficiency. In total, the system has 120 days from the date of this letter to either complete the required corrective actions, or enter into an approved corrective action plan, which provides a schedule for completion of the remaining Significant Deficiencies. If the Significant Deficiency is not resolved within 120 days or another department-approved date, **then a violation will be issued**.

1. The storage tank was not constructed to prevent entry of birds or insects which is a Significant Deficiency per 10 CSR 60-4.025(4)(A)D. Specifically, wasps were found on the inside of the overflow screen.

The storage tank must be watertight and constructed to prevent entry of birds, insects, and excessive dust. Storage tanks are very attractive to birds and insects because they are warm in the winter and cool in the summer. The presence of birds, insects, or excessive dust in the tank may result in unsafe bacteriological samples.

Inspect and/or modify the storage tank so that it is watertight and constructed to prevent entry of birds, insects, and excessive dust. Submit photographic evidence to the Southwest Regional Office to demonstrate compliance.

Violations of Missouri Safe Drinking Water Regulations

These violations can result in enforcement action if repeated or not corrected. Some violations are more serious than others, and this is explained in the comments.

2. The public water system does not have a permit to dispense water as required by Safe

Drinking Water Regulation 10 CSR 60-3.010(2)(A). Specifically, the water system has not applied for a transfer permit.

All public water systems must obtain a permit to dispense water to the public. There is no permit fee. A public water system must submit a permit to dispense application and must meet bacterial and chemical monitoring and maximum contaminant level requirements.

Complete the enclosed application for a permit to dispense and submit it with all required documentation, including a deed to the well property, to: Missouri Department of Natural Resources, Public Drinking Water Branch, Infrastructure, Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102, Phone 573-751-5331, Fax: 573-751-3110.

3. The public water system failed to retain some of the written records in violation of Safe Drinking Water Regulation 10 CSR 60-9.010. Specifically, chlorine residual records for prior to April 2015 were requested but never received.

In order to ensure safe operation and oversight of the system all suppliers of water to the public must retain records on their premises or at a convenient location near their premises. The public water system is required to keep system records and make those records available to this department upon request. Records of microbiological analyses and operational analyses must be retained for five years. Records of chemical analyses and corrective actions taken under the Ground Water Rule must be retained for a minimum of 10 years. Records of actions taken by the system to correct violations, copies of written reports and copies of public notices and Consumer Confidence Reports must be retained for at least three years.

Establish a record retention system to ensure public water system records are maintained in accordance with 10 CSR 60-9.010. The public water system should require copies of all reports and all water analysis records kept in a safe location accessible to appropriate personnel and the water system operator.

Department Recommendations

These deficiencies are important and the public water system should give serious consideration to correction. However, these deficiencies are not normally subject to enforcement action unless the department determines that these are contributing to the failure of the public water system to provide an adequate volume of safe water to customers at sufficient pressure.

4. The storage tank piping is not sufficiently valved to permit bypassing. Specifically, there is no bypass line around the tank.

The storage tank should be designed and constructed to allow the tank to be taken offline.

drained, cleaned, repaired, and painted without causing a loss of pressure in the distribution system. This should include bypass piping and sufficient valves to the storage tank to permit continuous operation of the system even with the tank offline.

5. Storage capacity is insufficient.

The minimum storage capacity (or equivalent storage capacity) for systems not providing fire protection shall be equal to the average daily consumption. Since the average daily consumption is approximately 23,000 gallons and the current usable storage capacity is 10,875 gallons, the system is deficient in storage. For other options please refer to 7.1.2. of the Design Guide for Community Water Systems.

The department recommends evaluating your storage capacity and obtaining a construction permit from the Missouri Department of Natural Resources Public Drinking Water Branch to construct additional storage. To obtain this construction permit, submit two copies of an engineering report, plans, and specifications each bearing the seal of a professional engineer registered in Missouri along with an application for a construction permit to Missouri Department of Natural Resources, Public Drinking Water Branch, P.O Box 176, Jefferson City, Missouri 65102, 573-751-5331.

6. The storage tank needs exterior painting.

Steel tanks without adequate paint coating will quickly deteriorate from corrosion. The tanks must have the exteriors cleaned and painted. If the tank interiors have not been inspected in the past three years, the interiors should be inspected, cleaned, and repainted as necessary. Note that interior paint must be approved by Missouri Department of Natural Resources Public Drinking Water Branch.

The department recommends cleaning and painting the exterior of the storage tank.

7. The public water system does not have an adequate tank interior inspection and cleaning program.

The public water system should have a tank interior inspection and cleaning program with the following elements: a) Each tank interior should be inspected and cleaned every two to five years depending on silt build up; b) the type and general condition of the interior paint should be determined, especially on any paint that appears to be high in lead or chromium; c) glass-coated interiors should be inspected for cracking, corrosion and other signs of coating deterioration (spalling, cracking, leaking, etc.); d) if rusting is present, determine the approximate percent of rusted area, the extent, nature and depth of pitting, and the condition of the remaining coating

(chalking, blistering, loose, blotchy, etc.); and, e) concrete structures should be inspected for signs of deterioration (spalling, cracking, leaking, etc.). All work shall be conducted in a clean and sanitary manner, and all surfaces shall be thoroughly cleaned and disinfected before a storage facility is returned to service. It is the responsibility of the public water system to either conduct or require water quality tests to demonstrate the good sanitary condition of the tank interior before it is returned to service. Follow all environmental laws and rules to dispose of chlorinated water, sludge debris and other wastes.

Develop and institute an adequate tank interior inspection and cleaning program.

8. The public water system does not have adequate emergency electrical power.

When power failure would result in cessation of minimum essential service, an alternate power supply should be provided to meet average day demand. Each public water system should have an emergency electrical power source which may include a permanent or portable generator at each well and pump station, a tractor connection at each well or pump station, or service from two power companies.

The department recommends providing sufficient emergency electrical power to operate all pumps that are essential to maintaining water supply and pressure.

9. The public water system has not provided for the well house hatch and standpipe valve box to be locked. In addition, the standpipe valve box structure is in poor condition and repairs should be made to make it secure.

Safety, security, and risk-reduction measures are important, and should be implemented to reduce the water system's vulnerabilities. All water system facilities should be evaluated and re-designed to include measures to provide protection against vandalism, sabotage, terrorist acts, or access by unauthorized personnel. These protection measures should include: a) locked security doors; b) windows sized or barred to prevent access; and, c) security fencing around vulnerable areas of drinking water facilities (for example, wellheads, manholes, pump houses, treatment buildings and storage tanks).

The department recommends providing measures to allow the well house hatch and standpipe valve box to be secure against unauthorized access.

10. Dead end mains are not equipped with flush hydrants.

All dead end mains should be eliminated by looping where practical. If these cannot be eliminated, each dead end main must be equipped with a flush hydrant to allow stale or

contaminated water to be eliminated.

The department recommends installing flush hydrants at each dead end main.

11. The facility does not have updated written procedures for distribution system operation including a valve exercising program. Specifically, Mr. Brower expressed concerned over exercising valves and a desire to replace valves as repairs are made. Repairs or replacements made on a planned schedule ahead of time to ensure working valves, however, and are of benefit to the system during an emergency.

Routine procedures for water line flushing and maintenance can extend the life of distribution system components and better assure good quality water throughout the system. Good and meaningful plans for system operation such as hydrant flushing and valve maintenance programs can be a critical part of a water system's emergency operations plan.

It is recommended that the system develop written procedures for valve maintenance. Enclosed for your use are the following guidance documents: a blank valve and hydrant record form and a blank valve exercising record form. If needed, please contact our water specialist at 417-891-4300 for assistance in establishing a program.

12. The public water system does not have an adequate well water level monitoring program.

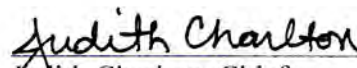
The public water system should measure the static water level and operating water level each quarter, keep records of these readings, look for long term trends (particularly water table decline), and use this information to plan for the future which can include lowering well pumps (which may require higher horsepower pumps), drilling existing wells deeper, drilling new wells further apart, or switching to surface water sources with appropriate treatment.

Maintain an adequate well water level monitoring program.

SUBMITTED BY:

APPROVED BY:


Katie Hirtz
Environmental Specialist


Judith Charlton, Chief
Drinking Water Inspection Unit

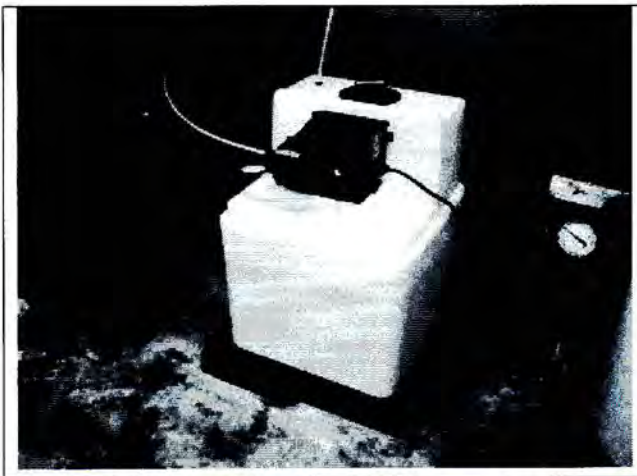


Location: Taney County Water LLC - Lakeway

Photographer: Katie Hirtz

Photograph Date: April 17, 2015

Comments: Well #1. The department recommends implementing a water level monitoring program.

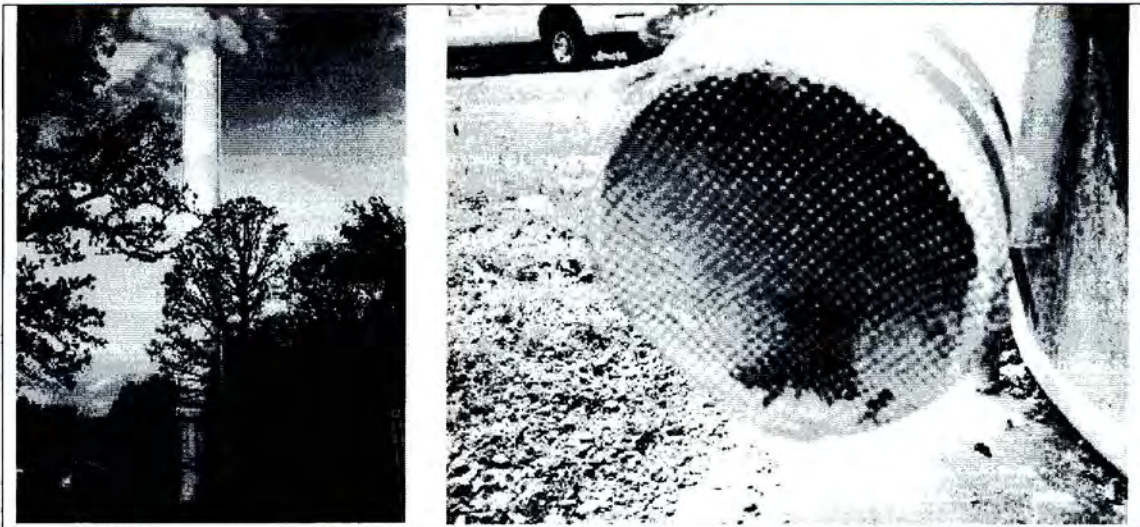


Location: Taney County Water LLC - Lakeway

Photographer: Katie Hirtz

Photograph Date: April 17, 2015

Comments: New chlorination system and standpipe controls. The department recommends determining the pumping range for the standpipe and recording it somewhere near the controls.

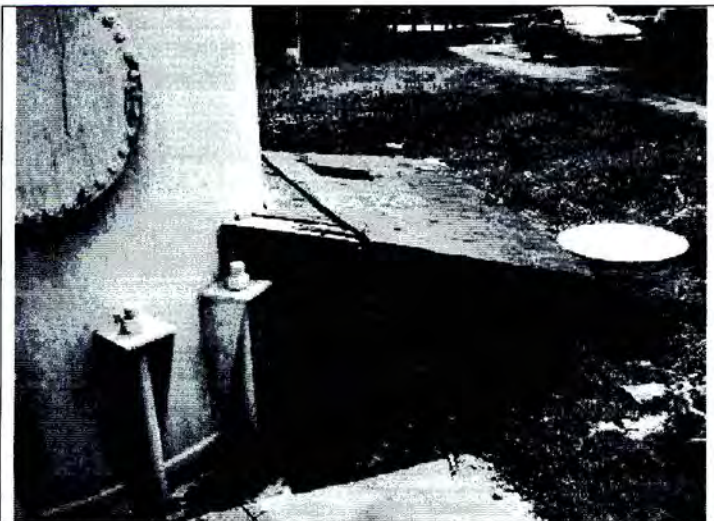


Location: Taney County Water LLC - Lakeway

Photographer: Katie Hirtz

Photograph Date: April 17, 2015

Comments: Wasps were found in the overflow screen on the standpipe indicating a breach in the integrity of the tank.



Location: Taney County Water LLC - Lakeway

Photographer: Katie Hirtz

Photograph Date: April 17, 2015

Comments: Standpipe valve box. The department recommends making repairs to this box to improve security.



Jeremiah W. (Jay) Nixon, Governor

Sara Parker Pauley, Director

DEPARTMENT OF NATURAL RESOURCES

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RECEIVED

SEP 08 7

PUBLIC DRINKING WATER

August 28, 2014

Mr. Hollis H. "Bert" Brower
 Taney County Water, LLC – Lakeway
 P.O. Box 1080
 Nixa, MO 65714

Dear Mr. Brower:

On August 21, Environmental Concern SW17899 was investigated concerning high chlorine levels in the Taney County Water, LLC – Lakeway water system at Kisse Mills. During the investigation staff from this office documented the Total Residual Chlorine level in the water at 1447 Lakeway was 12.2 mg/L at 3:18 p.m. Staff continued to flush the system until 3:25 p.m. and found that the Total Residual Chlorine in the system was 12.6 mg/L.

During a telephone conversation with you on August 21, you stated that you would go to the system and determine the cause of the problem. You also stated that you would report your findings and the steps that you took to resolve the problem to me by telephone on Friday, August 22. However, I have not received your response.

Therefore, by **September 22**, respond to this office in writing explaining the reason for the excessive amount of chlorine in the water system and what measures you have taken to resolve the issue. Include with your response a copy of all chlorine residual readings that you or your staff have taken from this water system during the month of August 2014.

If you have questions please feel free to contact me at 417-891-4300 or via mail at the Southwest Regional Office, 2040 W. Woodland, Springfield, Missouri 65807-5912

Sincerely,

SOUTHWEST REGIONAL OFFICE

Mark Rader, Chief
 Drinking Water Section

MDR/wml

Enclosure

c: Mr. Jim Busch, Public Service Commission
 Ms. Darlene Helmig, Public Drinking Water Branch
 Mr. Sarah Hearne, Public Drinking Water Branch

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Mr. Jim Busch
Public Service Commission
P. O. Box 360
Jefferson City, MO 65102