FILED
July 15, 2024
Data Center
Missouri Public
Service Commission

Exhibit No. 8

Staff – Exhibit 8 DNR Administrative Orders for Misty Mountain and Rolling Hills File No. WC-2023-0353

STATE OF MISSOURI)
) ss.
COUNTY OF COLE	ì

AFFIDAVIT FOR BUSINESS RECORDS

Before me, the undersigned authority, personally appeared Shannon Wilson, Custodian of records for the Missouri Department of Natural Resources, who being by me duly sworn, deposed as follows:

My name is Shannon Wilson, I am of sound mind, capable of making this Affidavit, and personally acquainted with the facts herein stated:

I am the Custodian of Records for the Missouri Department of Natural Resources. Attached hereto are 38 pages relating to Rolling Hills and Misty Mountain Administrative Orders for water systems.

This document is an official record that is kept by the Missouri Department of Natural Resources in the regular course of the Department's business. It was the regular course of business of the Missouri Department of Natural Resources for an employee with knowledge of the act, event, condition, or opinion recorded to make the record or to transmit information thereof to be included in such record; and the record was made at or near the time of the act, event, condition, opinion or diagnosis. The record attached hereto is exact duplicate of the original,

TAMI SPEARS

COLE COUNTY

hannon Wilson, Affiant

In witness whereof I have hereunto subscribed my name and affixed my official

NOTARY PUBLIC - NOTARY SEAL

Notary Public

(SEAL)

My commission expires:

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)	
26)	
Leon Travis Blevins and)	
Patricia Blevins)	
)	Order No. PDWB-2023-215
)	
Proceeding under Sections 640.100 to)	
640.140, RSMo)	

NOTICE AND ORDER TO ABATE VIOLATIONS AND PAY ADMINISTRATIVE PENALTIES

NOTICE TO RECIPIENTS OF ADMINISTRATIVE ORDERS

NOTICE IS HEREBY GIVEN that on this date the Missouri Department of Natural Resources (department) has issued this Notice and Order to Abate Violations and Pay Administrative Penalties No. PDWB-2023-215 (Order) to Leon Travis Blevins and Patricia Blevins (the Respondents) under the Missouri Safe Drinking Water Law and Regulations (MSDWL&R), Sections 640.100 to 640.140, Revised Statutes of Missouri (RSMo), specifically Sections 640.130 and 640.131, RSMo. Failure to comply with this Order is, by itself, a violation of Section 640.131, RSMo. Continued non-compliance may result in the department pursuing legal action for injunctive relief, additional administrative or civil penalties, a surcharge of 15 percent of the penalty described herein, 10 percent interest on any amounts owed, attorney fees and costs, and/or any other remedy authorized by law, including but not limited to Sections 640.130 and 640.131, RSMo.

FINDINGS OF FACT

- 1. The Respondents Leon Travis Blevins, also known as Travis Blevins, and Patricia Blevins, husband and wife, are individuals who reside in the State of Missouri who do business in their individual capacity as Misty Mountain Water Works, which is a fictitious business name that is not registered with the Missouri Secretary of State. The Respondents own a community public water system (System) as defined by 10 CSR 60-2.015(2)(C)12 and 10 CSR 60-2.015(2)(P)8 and are the supplier of water, as defined by 10 CSR 60-2.015(2)(S)12, in that the Respondents exercise the day-to-day control over and management of the System. This System, known as Misty Mountain Public Water System, MO3036363, is located in St. Robert, Pulaski County, Missouri and is classified as a level 1 distribution system (DS) that operates year-round. This System serves water to approximately 28 service connections through a distribution system to an estimated 75 people. The System consists of four groundwater wells, four pressure tanks, and a distribution system.
- 2. Well No. 1 (WL 20295) is located on Topo Drive and was constructed in 2007 as a domestic well. The homes served by Well No. 1 are currently connected to MO3024491, Pulaski County Public Water Supply District No. 2 but Well No. 1 has not been plugged. Well No. 3 (WL 20297) and Well No. 4 (WL 20298) are located on Tigger Lane. Well No. 3 was constructed in 2006 as a multifamily well and Well No. 4 was constructed in 2011 as a domestic well. Well No. 5 (WL 20299) is located on Taylor Lane and was constructed in 2006 as a multifamily well; it is not being used and has not been plugged.
- 3. Pressure is provided by a 119 gallon bladder tank at Wells No. 3 and No. 5, and an 86 gallon bladder tank at No. 4. The 119 gallon bladder tank at Well No. 1 was removed in July 2023.

- 4. On June 7, 2022, Central Field Operations (CFO) staff collected bacteriological samples from a proposed water system, now known as Misty Mountain Public Water System. On June 8, 2022, CFO staff notified the Respondents one of the samples was *E. coli* positive and the system would be under a boil water advisory. CFO staff visited the System to collect repeat samples and provide door hangers to notify customers of the boil advisory.
- 5. On July 27, 2022, the department mailed the Respondents a new system information packet noting the System containing its unique identification number and noting the Respondents must begin submitting routine samples for bacteriological analysis.
- 6. On August 15, 2022, CFO staff collected four special bacteriological samples from Well No. 1, all four samples were *E. coli* positive. On August 16, 2022, the department issued a Boil Water Order for the customers served by Well No. 1.
- 7. On August 18, 2022, the department conducted an Investigation of Coliform-Positive Samples (ICPS), also known as an Unsafe Sample Investigation, and collected four repeat samples at Topo Drive and five additional samples from Well No. 1. All of the samples were *E. coli* positive.
- On September 8, 2022, the department conducted an ICPS and collected four repeat samples at Tigger Lane. One of the samples was total coliform positive.
- 9. On September 21, 2022, CFO staff mailed the Respondents a letter following a Level 2 Assessment conducted on August 11, 2022. The letter directed the Respondents to install an appropriate screen on the air relief vent and sign an enclosed corrective actions document to acknowledge the issues with Well No. 1. The letter also recommended the Respondents properly shock and flush the System. On October 11, 2022, the Respondents returned the corrective action plan and the Respondents provided proof of the screen installation on December 29, 2022.

- 10. On October 24, 2022, the department conducted an ICPS and collected four repeat samples at Tigger Lane. All four samples were total coliform negative.
- 11. On November 21, 2022, the department mailed the Respondents a Level 2

 Assessment requiring the system to ensure the well head has a sanitary seal, investigate a discovered pipe for compliance with setback distances, inspect the pitless adapter, and add chlorination if the system continues to have *E. coli* positive samples after addressing the sanitary defects. The letter directed the Respondents to correct the sanitary defects by December 21, 2022. To date, the sanitary defects have not been corrected.
- 12. On January 31, 2023, the department mailed the Respondents a Notice of Violation (NOV) for failing to complete corrective action or comply with a state-approved corrective action plan within the time frame outlined in the approved compliance schedule in response to an *E. coli* positive ground water source sample. The department also mailed the Respondents an NOV for failing to correct a sanitary defect identified during a Level 2 Assessment.
- 13. On February 7, 2023, the department spoke with Respondent Leon Travis Blevins regarding the status of corrective actions at Well No. 1. The Respondent acknowledged he did not start excavation of the discovered pipe or pitless adapter.
- 14. On March 29, 2023, CFO staff conducted a compliance assistance visit and collected four special samples to try to lift the boil water order. Three of the four samples were *E. coli* positive.
- 15. On April 2, 2023, the System reported a low pressure event. On April 3, 2023, CFO staff spoke with Respondent Leon Travis Blevins who reported the casing and pump detached from the pitless adapter and fell into Well No. 1. The Respondent said he would not

provide water to customers in the interim but would connect to Pulaski County Public Water Supply District No. 2 if the well could not be repaired. On April 4, 2023, Respondent Leon Travis Blevins contacted the water supply district, who unlocked the meter and turned on the water at a connection to a line serving the homes on Topo Drive.

- 16. On April 13, 2023, the department lifted the Boil Water Order for Well No. 1 following two consecutive days of bacteriologically safe samples. Well No. 1 has not been repaired and customers previously using that well are being served by the connection to Pulaski County Public Water Supply District No. 2.
- 17. On April 18, 2023, the department mailed the Respondents an NOV for failing to notify customers of the failure to correct the sanitary defect identified in a Level 2 Assessment conducted on November 14, 2022.
- 18. On July 18, 2023, the department mailed the Respondents a report following a routine inspection conducted on June 20, 2023, which identified three significant deficiencies and six unsatisfactory findings requiring a response by August 17, 2023, and correction by November 15, 2023. On December 1, 2023, the department mailed the Respondents an NOV for failing to correct all of the significant deficiencies.
- 19. On September 12, 2023, the department classified the Respondents' wells as noncompliant wells. The construction of substandard drinking water wells increases the risk of exposure to microbiological and chemical contaminants to those served by wells that meet construction standards. Substandard wells also create an increased risk of contamination of ground water resources, which can adversely affect neighboring private and public wells. Furthermore, wells constructed without proper casing, wells constructed to an inappropriate

depth, and wells lacking adequate backflow protection give an unfair economic advantage compared to the cost of wells meeting public water system construction standards.

20. On December 8, 2023, the Respondents provided documentation of the sale of Well No. 2 (WL 20296), located on Trisha Drive and constructed in 2006 as a multifamily well. The breather vent was not properly screened at the time of the June 20, 2023, inspection and was cited as a significant deficiency. The Respondents did not provide proof the significant deficiency was corrected.

21. The Respondents failed to provide a continuous, safe supply of water for the sampling dates listed in Table 1 below:

		Total Coliform	E. coli	Sample Type
Sample Date	Sample Number(s)	Absent or	Absent or	(& Number
200		Present	Present	taken)
08/15/2022	OE717357-	Present	Present	Special (4)
No Service of the	OE717360			
08/16/2022	OE718717-	Present	Present	Routine (2)
	OE718718			
08/16/2022	OE718715-	Present	Present	Well (5)
	OE718716,			
	OE718719-	1		
Sec	OE718721			
08/18/2022	OE719861,	Present	Present	Well (6)
	OE719864-			
700 X	OE719868			
08/18/2022	OE719960,	Present	Present	Repeat (3)
	OE719862-			
	OE719863			
08/23/2022	OE722149-	Present	Absent	Special (3)
	OE722151	6.7		
08/24/2022	OE722908,	Present	Absent	Special (2)
	OE722912			
08/24/2022	OE722911	Present	Present	Special
09/06/2022	OE727749	Present	Absent	Routine
09/06/2022	OE727561,	Present	Absent	Special (3)
	OE727560,			
	OE727562		2	
09/07/2022	OE727972	Present	Absent	Triggered
09/07/2022	OE727973	Present	Absent	Special

09/19/2022	OE734538	Present	Absent	Repeat
10/19/2022	OE749458-	Present	Absent	Routine (2)
	OE749459	S 8879 021 36		
10/27/2022	OE753273,	Present	Present	Special (4)
	OE753278,			
	OE753359,			
	OE753360			
11/07/2022	OE758520	Present	Present	Routine
11/10/2022	ÖE760046	Present	Present	Triggered
11/10/2022	OE760047	Present	Absent	Repeat
11/10/2022	OE760048,	Present	Present	Repeat
	OE760049	-		
12/12/2022	OE774248	Present	Absent	Triggered
1/4/2023	OE782660	Present	Absent	Routine
1/10/2023	OE786105	Present	Present	Triggered
3/28/2023	OE823973	Present	Present	5-0.8 resolve
	OE823974,	5		Special (3)
	OE823975		3626	
3/29/2023	OE824287,	Present	Present	Special (3)
	OE824292,			
	OE824293	A	806075	
4/6/2023	OE828542	Present	Absent	Special
8/7/2023	OE890061	Present	Absent	Routine
8/14/2023	OE893336,	Present	Absent	Repeat (2)
	OE893338			

Table I

- 22. The Respondents do not have a permit to dispense (PTD) water to the public. A PTD application will only be considered after the Respondents complete the requirements listed below in the Agreement for Corrective Actions section.
- 23. This Order is necessary to compel compliance with MSDWL&R and to prevent or eliminate threats to human health and the environment.

STATEMENT OF VIOLATIONS

The department finds that the following violations of the MSDWL&R, Chapter 640, RSMo, have occurred, thereby subjecting the Respondents to penalties as set forth in Section 640.130 and 640.131, RSMo:

- 24. The Respondents failed to meet the maximum contaminant level for *E. coli* bacteria, in violation of 10 CSR 60-4.022(10)(A).
- 25. The Respondents failed to complete corrective action of a sanitary defect identified during a Level 2 Assessment within the timeline approved by the department, in violation of 10 CSR 60-4.022(9)(C).
- 26. The Respondents failed to complete corrective action or comply with a state-approved corrective action plan within the timeframe outlined in the approved compliance schedule in response to an *E. coli* positive ground water source sample, in violation of 10 CSR 60-4.025(5)(B).
- 27. The Respondents failed to notify the affected public within 30 days after learning of a Tier 2 violation, in violation of 10 CSR 60-8.010(3)(B)1.
- 28. The Respondents use wells, constructed after October 1, 1979, and prior to June 15, 2007, that do not meet community water system construction standards in accordance with *Minimum Design Standards for Community Water Systems December 10, 2013* and 10 CSR 60-3.010(1).
- 29. The Respondents dispensed water to the public without first obtaining a written permit to dispense and continue to do so in violation of 10 CSR 60-3.010(2)(A).

CORRECTIVE ACTIONS

- 30. Pursuant to Sections 640.130.3, RSMo, the department hereby orders the Respondents to complete each of the following corrective actions
- A. Corrective Action 1 The Respondents are ordered to perform all routine drinking water sample analysis required for community water systems by 10 CSR 60-4 and 10

CSR 60-15, and as required by the department, to ensure the quality of water provided to the customers of the System.

- i. The department reserves the authority to prohibit the Respondents from using Well No. 3, Well No. 4, and Well No. 5 based on the results of the routine sampling, any contamination, surface water influence, maximum contaminant level (MCL) violations, or if any of the conditions in Paragraph 30.A.ii are satisfied. In the event of any contamination, MCL violations, or satisfaction of any of the conditions in Paragraph 30.A.ii, the Respondents shall immediately notify the department to determine appropriate action and shall continue monitoring as directed by the department until a department-approved resolution is in place. Approvable resolutions include the Respondents removing an identified source of contamination, connecting to a departmentpermitted public water system, installing a department-approved treatment system, or constructing a new department-approved community water system well or wells in accordance with the Minimum Design Standards for Community Water Systems – December 10, 2013, and plugging the noncompliant well or wells in accordance with state standards, 10 CSR 23-3.110.
- ii. The Respondents shall conduct further corrective action as required by this Order if any well satisfies any of the following conditions:
 - a. One Escherichia coli (E. coli) positive source water sample
 requires five additional source water samples. If one of the five

- additional source water samples is $E.\ coli$ positive resulting in a total of two $E.\ coli$ positive source water samples;
- b. A combination of two or more Assessment Level triggers within a rolling 12 month period;
- c. Three or more microbiological monitoring violations within a rolling 12 month period;
- d. One or more confirmed nitrate/nitrite result (average of initial and confirmation samples) exceeding the nitrate/nitrite MCLs;
- e. If the System exceeds the MCL for any volatile organic chemical
 based upon a four quarter annual average or single sample result
 that is high enough to exceed the MCL four quarter annual average
 (four times the MCL);
- f. If the System exceeds the MCL for any inorganic chemical based upon a four quarter annual average or single sample result that is high enough to exceed the MCL four quarter annual average (four times the MCL);
- g. Two or more chemical contaminant monitoring violations within a rolling 12 month period; or
- h. Two or more source water samples with lead at or above 15 micrograms per Liter;
- iii. For any well that triggers the additional corrective action requirements set forth in Paragraph 30.A.ii, the Respondents may continue to use the existing

noncompliant well until a resolution is completed for the well, as long as it complies with the following conditions:

- a. The Respondents either provide public notice of contaminants detected in the water to all of its customers, as required by 10 CSR 60-8, including special instructions and precautions as directed by the department and certifies public notice completion per 10 CSR 60-7.010(9), or provide bottled water to all of their customers on a temporary basis upon prior department approval along with public notification of the availability of bottled water as required by 10 CSR 60-8 or as directed by the department.
- b. When microbiological samples exceed the Assessment Level triggers only, the Respondents provide temporary disinfection using a chlorine delivery system with adequate contact time to achieve 4-log treatment of viruses and pathogens before or at the first customer as acceptable to and approved by the department prior to installation. If the Respondents choose to use a well or wells that meet this condition and thereby uses this option, the Respondents may use only liquid sodium hypochlorite as the disinfecting agent and must maintain a free available chlorine residual of not less than 0.5 milligrams per liter in water entering the distribution system. While in use, the Respondents shall monitor the disinfection residual daily using analytical equipment

- acceptable to the Department and record the results of this disinfection residual monitoring daily.
- c. Within 60 days of notification of the requirement to add a detention tank or tanks, the Respondents shall submit a Construction Permit Application, one hard copy and one electronic copy of an engineering report, detailed plans, and technical specifications prepared by a professional engineer licensed in Missouri, to the Department's Water Protection Program Public Drinking Water Branch, Permits and Engineering Section by email at pdwbengineeringwaterpermits@dnr.mo.gov, or by mail at P.O. Box 176, Jefferson City, MO 65102. The engineer shall design the engineering documents for system improvements in accordance with the Department's Minimum Design Standards for Community Water Systems December 10, 2013.
- iv. Should it be necessary to construct a new well, the Respondents shall:
 - a. Within 60 days of notification of the requirement to construct a new well or determination by the Respondents that the construction of a new well is necessary, the Respondents shall submit a schedule to install the new well along with a Construction Permit Application, one hard copy and one electronic copy of an engineering report, detailed plans, and technical specifications prepared by a professional engineer licensed in Missouri, to the Department's Water Protection Program Public Drinking Water

Branch, Permits and Engineering Section by email at pdwb.engineeringwaterpermits@dnr.mo.gov, or by mail at P.O. Box 176, Jefferson City, MO 65102. The engineer shall design the engineering documents for system improvements in accordance with the Department's Minimum Design Standards for Community Water Systems – December 10, 2013;

- b. Prior to submittal of plans and specifications, the Respondents shall arrange with the department for a site inspection to ensure that the proposed location of any new well is in conformance with appropriate construction standards relative to separation distance from any potential contamination source or any other well that may be on the property or on any adjoining property and that the proposed well is the type appropriate for this public water system. The Respondents are ordered not to construct or drill until the department has issued a construction authorization; and
- c. Upon completion of the construction, the Respondents' engineer shall certify in writing that construction has been completed in conformance with the requirements of the construction authorization.
- B. Corrective Action 2 Within 30 days of the effective date of this Order, the Respondents shall submit to the department, for review and approval, a drinking water schedule of compliance with verifiable timeline to achieve compliance and provide a safe and adequate supply of drinking water to the Respondents' customers by February 29, 2024. The schedule

must contain, at a minimum, specific milestones to document progress, related studies, infrastructure improvements, process changes, planned completion dates, follow-up evaluations, and reporting requirements. The Respondents' plan shall indicate whether they is pursuing the sale of the system to a utility operating company, pursuing a water purchase contract to connect to a nearby public water system, or pursuing some other path to compliance. The Respondents shall immediately implement the schedule of compliance once the department approves it. If the Respondents select to retain responsibility for the System, the Respondents are ordered to complete the following additional corrective actions:

- i. Within 180 days of the effective date of this Order, the Respondents shall properly plug Well No. 1 (WL 20295) in accordance with 10 CSR 23-3.110. The Respondents shall register the plugging of Well No. 1 with the Department's Well Installation Section within 60 days of work completion in accordance with Section 256.614, RSMo.
- ii. For any alterations to the System requiring an engineer, as determined by the schedule, the Respondents shall submit a Construction Permit Application for the new well along with one hard copy and one electronic copy of an Engineering Report, detailed plans and technical specifications prepared by a professional engineer licensed in the State of Missouri, to the Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102. The engineering documents for the water system improvements shall be designed in accordance with the department's Minimum Design Standards for Missouri Community Water Systems December 10, 2013. An applicant

proposing a facility within the legal boundaries of an existing higher preference continuing operating authority may utilize a lower preference continuing operating authority by submitting, as part of the application, documentation that water service is not available from each existing higher preference continuing operating authority, or a statement from each existing higher preference continuing operating authority waiving its preferential status, as defined by 10 CSR 60-3.020(6).

- a. Within 30 days of receipt of any request for additional information or changes in the engineering documents from the Water Protection Program's Public Drinking Water Branch, the Respondents shall submit the modifications to the Water Protection Program's Public Drinking Water Branch, Permits and Engineering Section, P.O. Box 176, Jefferson City, MO 65102-0176.
- C. Corrective Action 3 For all past violations and any future violations, the Respondents shall perform public notice in accordance with the requirements 10 CSR 60-8.010 and certify completion of public notice in accordance with the requirements of 10 CSR 60-7.010(9). The Respondents may obtain public notice forms by contacting the Public Notice Coordinator at Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102, or by email at DWPublicNotice@dnr.mo.gov.
- D. Corrective Action 4 Within 30 days of the effective date of this Order, the Respondents shall pay the outstanding Primacy Fee as required by 10 CSR 60-16.010, plus

interest as provided in 10 CSR 60-16.010(5)(A). The total amount due as of the date of this Order is \$160.41.

- E. Corrective Action 5 Within 30 days of the effective date of this Order, the Respondents shall register Misty Mountain Water Works with the Secretary of State as a Missouri business entity or as a fictitious name. Information on how to start or register a business with the Secretary of State is available on its website at https://www.sos.mo.gov/business/outreach/starting_steps.
- F. Corrective Action 6 Within 180 days of the effective date of this Order, the Respondents shall provide documentation to the department demonstrating a permanent organization exists that serves as the System's continuing operating authority and that the continuing operating authority has the necessary technical, managerial, and financial capability for the proper management, operation, replacement, maintenance, and modernization of the public water system. As part of this documentation, the Respondents shall fill out and submit the Technical, Managerial and Financial Checklist form attached hereto as Exhibit A.
- G. Corrective Action 7 Within 60 days of completion of Corrective Actions 1 through 6, the Respondents shall complete and submit the Permit to Dispense application attached hereto as Exhibit B.

PENALTY

Pursuant to section 640.131 RSMo and 10 CSR 60-6.070, the department hereby orders the Respondents to pay administrative penalties for the above-referenced violations.

31. The violations referenced herein by the Respondents pose a major potential for harm to human health, human safety, and the environment according to the gravity-based

assessment criteria in 10 CSR 60-6.070(3) and this assessment was used to determine the administrative penalties in this Order.

- 32. Within 60 days from the date of issuance of this Order, the Respondents shall pay to the Department an administrative penalty in the amount of \$6,000.
- 33. Such payment shall be made by check made payable to the Pulaski County Treasurer as custodian of the Pulaski County School Fund.
- 34. Such payment must be delivered to the Department of Natural Resources, Accounting Program, P.O. Box 477, Jefferson City, MO 65102, for forwarding to the Pulaski County Treasurer.

OTHER PROVISIONS

- 35. This Order shall remain in effect until all corrective actions have been completed and the department issues a Permit to Dispense.
- 36. The Respondents shall not add more connections to Well No. 3 (WL 20297), Well No. 4 (WL 20298), and Well No. 5 (WL 20299). Any modification of the wells or any other part of the public water system, including repairs or new construction, like adding service connections or interconnections, requires department approval prior to starting the modification.
- 37. While this Order is in effect, the Respondents shall disclose the condition of the wells to any prospective purchasers of any properties containing the wells, by providing a copy of this Order along with written notice of the presence of the noncompliant wells.
- 38. Any request for an extension of time or to otherwise modify this Order may be considered by the department on a case-by-case basis, but will only be considered if the Respondents make a written request to the department within ten business days of this Order, and otherwise provide appropriate justification and/or documentation to the department in a timely manner. Any department modification of this Order shall be issued in written form.

- 39. Compliance with this Order resolves only the specific violations described herein, that this Order shall not be construed as a waiver or a modification of any requirements of the MSDWL&R or any other source of law. This Order does not resolve any future violations of this Order or any law or regulation. Consistent with 10 CSR 60-6.070(5), this Order shall not be construed as satisfying any claim by the state or federal government for natural resource damages.
- 40. This Order shall apply to and be binding upon the Respondents, and any of the Respondents' agents, subsidiaries, successors, assigns, affiliates, or lessees, including the officers, agents, servants, corporations, and any persons acting under, through or for the Respondents. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not relieve the Respondents of their obligation to comply with this Order.
- 41. For any plan or submittal from the Respondents that is required by this Order and subject to department approval under this Order, the department may approve, disapprove, require revisions, or otherwise modify any such plan or submittal. Any such department decision shall be conveyed in writing to the Respondents. Disapproval may result in further Orders or pursuit of other forms of relief by the department. If the department requires revisions, the Respondents shall submit a revised version of the plan or submittal within ten business days after receiving notice of the department's required revisions, or within such other timeframe as the department may specify. If the department approves or modifies in writing such plan or submittal, it shall become enforceable pursuant to this Order, and the Respondents shall commence work and implement such approved or modified plan in accordance with the schedule and provisions contained therein.

42. Penalty payments under this Order, including any stipulated penalties, are penalties within the meaning of Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), and 26 C.F.R. § 1.162-21(a)(3)(i). For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2)(iii)(A), certain costs incurred by performance of this Order may qualify as restitution, remediation, or costs required to come into compliance with the law. The Respondents are solely responsible for providing to the department complete, accurate, and necessary information by the close of any applicable tax year to complete a Form 1098-F. Further, the department shall not be responsible for any incomplete or inaccurate information nor the results of any tax audit. No portion of any penalties paid pursuant to this Order may be used to reduce any federal or state tax obligations, except as authorized by the Internal Revenue Service.

SUBMISSIONS

43. All other documentation not otherwise specified in this Order shall be submitted to the department for compliance within the timeframes specified to:

Jackie Johnson
Department of Natural Resources
Water Protection Program
Public Drinking Water Branch
P.O. Box 176
Jefferson City, MO 65102-0176

NOTICE OF APPEAL RIGHTS

44. If you are adversely affected by this decision, you may be entitled to pursue an appeal before the Administrative Hearing Commission (AHC) pursuant to Sections 640.130,

640.131, and 621.250, RSMo. To appeal, you must file a petition or notice of appeal with the AHC within 30 days after the date this decision was mailed or the date it was delivered, whichever date was earlier. If any such petition is sent by registered mail or certified mail, it will be deemed filed on the date it is mailed; if it is sent by any method other than registered mail or certified mail, it will be deemed filed on the date it is received by the AHC. Any appeal must be directed to:

Administrative Hearing Commission United States Post Office Building, Third Floor 131 West High Street P.O. Box 1557 Jefferson City, MO 65102-1557 Telephone: 573-751-2422

Fax: 573-751-5018

Website: www.oa.mo.gov/ahc

SIGNATURE AUTHORITY

SO ORDERED this 28th day of _December __, 2023 by:

DEPARTMENT OF NATURAL RESOURCES

John Hoke, Director

Water Protection Program



Michael L. Parson Governor

> Dru Buntin Director

May 31, 2024

CERTIFIED MAIL # 9589 0710 5270 1526 7237 22 RETURN RECEIPT REQUESTED

Leon Travis Blevins and Patricia Blevins Misty Mountain PWS, MO 3036363 15405 Texas Road P.O. Box 882 St. Robert, MO 65584

RE: Misty Mountain Public Water System ID No. MO3036363

Modification of Administrative Order No. PDWB-2023-215

Dear Leon Travis Blevins and Patricia Blevins:

Misty Mountain PWS was referred to the Missouri Department of Natural Resources' Public Drinking Water Branch Compliance and Enforcement Section on November 21, 2022, for unresolved violations of the Missouri Safe Drinking Water Law and Regulations. The department issued Notice and Order to Abate Violations and Pay Administrative Penalties (AO) No. PDWB-2023-215, which became effective and enforceable on December 28, 2023, the date of department signature.

On February 1, 2024, your attorney emailed a request for an extension to the deadline to appeal the AO, or an extension of the deadlines in the AO. The department denied these requests on February 2, 2024. Your attorney filed an appeal of the AO with the Administrative Hearing Commission on February 2, 2024. The appeal was dismissed on April 4, 2024.

On March 8, 2024, Tigger Water Well, a nonprofit corporation registered and in good standing with the Missouri Secretary of State, provided documentation of their ownership of Well No. 3 (WL 20297). The corporation is owned by third parties. Based on this new information, it is now the department's understanding that you do not own or control Well No. 3.

Therefore, the purpose of this letter is to inform you that the department will not attempt to enforce the provisions in the AO regarding Well No. 3 (WL 20297) in paragraphs 30.A.i to 30.A.iv, and paragraph 36. The department will not add or modify any requirements in the AO, and all other terms remain in full force and effect.

Leon Travis Blevins and Patricia Blevins Page 2

Failure to comply with the terms of AO No. PDWB-2023-215 may result in escalated enforcement action, up to and including referral of these violations to the Missouri Attorney General's Office to pursue litigation.

If you have questions or concerns about this letter, you may contact Jackie Johnson by telephone at 573-751-4414, by email at jackie.johnson@dnr.mo.gov, or by mail at Department of Natural Resources, Water Protection Program, P.O. Box 176, Jefferson City, MO 65102-0176.

Thank you.

Sincerely,

WATER PROTECTION PROGRAM

John Hoke Director

JH:jjk

c: Dalten Young, Unit Chief, Central Field Operations



Michael L. Parson Governor

> Dru Buntin Director

May 13, 2024

CERTIFIED MAIL # 9589 0710 5270 1526 7236 92 RETURN RECEIPT REQUESTED

Leon Travis Blevins and Patricia Blevins Rolling Hills PWS, MO3036362 15405 Texas Road P.O. Box 882 St. Robert, MO 65584

RE:

Rolling Hills Public Water System ID No. MO3036362

Administrative Order on Consent No. PDWB-2023-233

Dear Leon Travis Blevins and Patricia Blevins:

Enclosed you will find the fully executed Administrative Order on Consent (AOC) No. PDWB-2023-233 signed by the Missouri Department of Natural Resources. This AOC became effective and enforceable on May 13, 2024, the date of department signature. The department would like to thank you for your assistance in reaching an agreement in this matter. Please refer to the AOC for future required submissions.

If you have any questions regarding this correspondence, or the AOC, you may contact Jackie Johnson at 573-751-4414; by email at jackie.johnson@dnr.mo.gov; or by mail at Department of Natural Resources, Water Protection Program, Public Drinking Water Branch, P.O. Box 176, Jefferson City, MO 65102-0176. Thank you.

Sincerely,

WATER PROTECTION PROGRAM

Lance Dorsey

Compliance and Enforcement Section Chief

LD:jjk

Enclosure

c: Dalten Young, Unit Chief, Central Field Operations

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)	
B 6)	
Lcon Travis Blevins and)	
Patricia Blevins)	
2)	Order No. PDWB-2023-233
)	
Proceeding under Sections 640.100 to)	
640.140, RSMo)	

ADMINISTRATIVE ORDER ON CONSENT

NOTICE TO RECIPIENTS OF ADMINISTRATIVE ORDERS

The issuance of Administrative Order on Consent No. PDWB-2023-233 (Order) by the Missouri Department of Natural Resources (Department) is a formal administrative action by the State of Missouri and is being issued because the Department alleges that Leon Travis Blevins and Patricia Blevins (the Respondents) are in violation of the Missouri Safe Drinking Water Law, Sections 640.100 to 640.140, Revised Statutes of Missouri (RSMo), and its implementing regulations, 10 CSR 60 (MSDWL&R). This Order is issued pursuant to Sections 640.130.3 and 640.131, RSMo. Failure to comply with this Order is, by itself, a violation of the MSDWL&R that may trigger penalties and other forms of relief pursuant to Sections 640.130 and 640.131, RSMo.

FINDINGS OF FACT

- 1. The Respondents Leon Travis Blevins, also known as Travis Blevins, and Patricia Blevins, husband and wife, are individuals who reside in the State of Missouri who do business in their individual capacity as Misty Mountain Water Works, which is a fictitious business name that is not registered with the Missouri Secretary of State. The Respondents own a community public water system (System) as defined by 10 CSR 60-2.015(2)(C)12 and 10 CSR 60-2.015(2)(P)8 and are the supplier of water, as defined by 10 CSR 60-2.015(2)(S)12, in that the Respondents exercise the day-to-day control over and management of the System. This System, known as Rolling Hills public water system (PWS), MO3036362, is located near St. Robert, Pulaski County, Missouri, and is classified as a level 1 distribution system that operates year-round. This System serves water to 20 service connections through a distribution system to an estimated 45 people. The System consists of one groundwater well, one storage tank, and a distribution system.
- Well No. 1 (WL 20293) is a domestic well constructed in 2007 and drilled to a total depth of 445 feet.
 - 3. Pressure is provided by a 172 gallon bladder tank.
- 4. On June 20, 2023, the Department conducted a routine inspection of the System.

 On July 18, 2023, the Department mailed the Respondents an inspection report noting two significant deficiencies and five unsatisfactory findings requiring consultation by August 17, 2023, and correction by November 15, 2023. The Respondents consulted with the Department on August 16, 2023.
- On August 17, 2023, the Department mailed the Respondents a Level 1
 Assessment, triggered by a total coliform positive routine sample and total coliform positive

repeat samples collected for the August 2023 monitoring period. On September 11, 2023, the Respondents returned the completed assessment.

- 6. On September 5, 2023, the Department identified the Respondents' well as a noncompliant well. The construction of substandard drinking water wells increases the risk of exposure to microbiological and chemical contaminants to those served by wells that meet construction standards. Substandard wells also create an increased risk of contamination of ground water resources, which can adversely affect neighboring private and public wells. Furthermore, wells constructed without proper casing, wells constructed to an inappropriate depth, and wells lacking adequate backflow protection give an unfair economic advantage compared to the cost of wells meeting public water system construction standards.
- 7. The Respondents do not have a permit to dispense (PTD) water to the public. A PTD application will only be considered after the Respondents complete the requirements listed below in the Agreement for Corrective Actions Section.
- 8. This Order is necessary to compel compliance with MSDWL&R and to prevent or eliminate threats to human health and the environment.

STATEMENT OF VIOLATIONS

- 9. The Department finds that the following violations of the MSDWL&R have occurred, thereby subjecting the Respondents to penalties as set forth in Sections 640.130 and 640.131, RSMo.
- 10. The Respondents use a well, constructed after October 1, 1979, and prior to June 15, 2007, that does not meet community water system construction standards in accordance with Minimum Design Standards for Community Water Systems December 10, 2013 and 10 CSR 60-3.010(1).

11. The Respondents dispensed water to the public without first obtaining a written permit to dispense, and continues to do so in violation of 10 CSR 60-3.010(1)(D).

AGREEMENT FOR CORRECTIVE ACTIONS

- 12. The Department and the Respondents desire to amicably resolve all claims that might be brought against the Respondents for the violations alleged above. The parties voluntarily enter this Order and understand and agree that neither the payment of any sum of money nor the execution of this Order by the parties will constitute or be construed as an admission of any wrongdoing or liability whatsoever by any party.
- 13. Pursuant to Section 640.130.3 RSMo, the Department hereby orders the Respondents, and the Respondents agree, to complete each of the following corrective actions for the noncompliant well:
 - A. Corrective Action 1 The Respondents are ordered and agree to perform all routine drinking water sample analysis required for community water systems by 10 CSR 60-4 and 10 CSR 60-15, and as required by the Department, to ensure the quality of water provided to the customers of the System.
 - i. The Department reserves the authority to prohibit the Respondents from using Well No. 1 based on the results of the routine sampling, any contamination, surface water influence, maximum contaminant level (MCL) violations, or if any of the conditions in Paragraph 13.A.ii are satisfied. In the event of any contamination, MCL violations, or satisfaction of any of the conditions in Paragraph 13.A.ii, the Respondents shall immediately notify the Department to determine appropriate action and shall continue monitoring as directed by the Department until a Department-approved resolution is in place.

Approvable resolutions include the Respondents removing an identified source of contamination, connecting to a Department-permitted public water system, installing a Department-approved treatment system, or constructing a new Department-approved community water system well or wells in accordance with the Department's Minimum Design Standards for Community Water Systems – December 10, 2013, and plugging the noncompliant well in accordance with state standards, 10 CSR 23-3.110.

- ii. The Respondents agree to conduct further corrective action as required by thisOrder if the well satisfies any of the following conditions:
 - a. One Escherichia coli (E. coli) positive source water sample requires five additional source water samples. If one of the five additional source water samples is E. coli positive resulting in a total of two E. coli positive source water samples;
 - b. A combination of two or more Assessment Level triggers within a rolling 12 month period;
 - Three or more microbiological monitoring violations within a rolling 12 month period; or
 - d. One or more confirmed nitrate/nitrite result (average of initial and confirmation samples) exceeding the nitrate/nitrite MCLs;
 - e. If the System exceeds the MCL for any volatile organic chemical based upon a four quarter annual average or single sample result that is high enough to exceed the MCL four quarter annual average (four times the MCL);

- f. If the System exceeds the MCL for any inorganic chemical based upon a four-quarter annual average or single sample result that is high enough to exceed the MCL four quarter annual average (four times the MCL);
- g. Two or more chemical contaminant monitoring violations within a rolling 12-month period; or
- h. Two or more source water samples with lead at or above 15 micrograms per Liter;
- iii. For any well that triggers the additional corrective action requirements set forth in Paragraph 13.A.ii, the Respondents may continue to use the existing noncompliant well until a resolution is completed for the well, as long as it complies with the following conditions:
 - a. The Respondents either provide public notice of contaminants detected in the water to all of its customers, as required by 10 CSR 60-8, including special instructions and precautions as directed by the Department and certifies public notice completion per 10 CSR 60-7010(9), or provide bottled water to all of their customers on a temporary basis upon prior Department approval along with public notification of the availability of bottled water as required by 10 CSR 60-8 or as directed by the Department.
 - b. When microbiological samples exceed the Assessment Level triggers only, the Respondents provide temporary disinfection using a chlorine delivery system with adequate contact time to

achieve 4-log treatment of viruses and pathogens before or at the first customer that is acceptable to and approved by the Department prior to installation. If the Respondents choose to use a well that meets this condition and thereby uses this option, the Respondents may use only liquid sodium hypochlorite as the disinfecting agent and must maintain a free available chlorine residual of not less than 0.5 milligrams per liter in water entering the distribution system. While in use, the Respondents shall monitor the disinfection residual daily using analytical equipment acceptable to the Department and record the results of this disinfection residual monitoring daily.

c. Within 60 days of notification of the requirement to add a detention tank or tanks, the Respondents shall submit a Construction Permit Application, one hard copy and one electronic copy of an engineering report, detailed plans, and technical specifications prepared by a professional engineer licensed in Missouri, to the Department's Water Protection Program Public Drinking Water Branch, Permits and Engineering Section by email at pdwbengineeringwaterpermits@dnr.mo.gov, or by mail at P.O. Box 176, Jefferson City, MO 65102. The engineer shall design the engineering documents for system improvements in accordance with the Department's Minimum Design Standards for Community Water Systems – December 10, 2013.

- iv. Should it be necessary to construct a new well, the Respondents further agree that:
 - a. Within 60 days of notification of the requirement to construct a new well or determination by the Respondents that the construction of a new well is necessary, the Respondents shall submit a schedule to install the new well along with a Construction Permit Application, one hard copy and one electronic copy of an engineering report, detailed plans, and technical specifications prepared by a professional engineer licensed in Missouri, to the Department's Water Protection Program Public Drinking Water Branch, Permits and Engineering Section by email at pdwb.engineeringwaterpermits@dnr.mo.gov, or by mail at P.O. Box 176, Jefferson City, MO 65102. The engineer shall design the engineering documents for system improvements in accordance with the Department's Minimum Design Standards for Community Water Systems December 10, 2013;
 - b. Prior to submittal of plans and specifications, the Respondents shall arrange with the Department for a site inspection to ensure that the proposed location of any new well is in conformance with appropriate construction standards relative to separation distance from any potential contamination source or any other well that may be on the property or on any adjoining property and that the proposed well is the type appropriate for this public water system.

The Respondents agree that no construction or drilling shall take place until the Department has issued a construction authorization; and

- c. Upon completion of the construction, the Respondents' engineer shall certify in writing that construction has been completed in conformance with the requirements of the construction authorization.
- B. Corrective Action 2 Within 30 days of the effective date of this Order, the Respondents shall register Misty Mountain Water Works with the Secretary of State as a Missouri business entity, or as a fictitious name. Information on how to start or register a business with the Secretary of State is available on its website at https://www.sos.mo.gov/business/outreach/starting_steps.
- C. Corrective Action 3 Within 180 days of the effective date of this Order, the Respondents are ordered and agree to provide documentation to the Department demonstrating a permanent organization exists that serves as the System's continuing operating authority and that the continuing operating authority has the necessary technical, managerial, and financial capability for the proper management, operation, replacement, maintenance, and modernization of the public water system. As part of this documentation, the Respondents shall fill out and submit the Technical, Managerial and Financial Checklist form attached hereto as Exhibit A.
- D. Corrective Action 4 Within 60 days of completion of Corrective Actions 1 through 3, the Respondents are ordered and agree to complete and submit the Permit to Dispense application attached hereto as Exhibit B.

PENALTY

- 14. Should the Respondents fail to meet the deadlines outlined in this Order, the Respondents agree and are ordered to pay stipulated penalties in the amount \$100 per day of noncompliance Stipulated penalties shall begin to accrue the day after performance is due or on the day a violation occurs, whichever is applicable, and shall continue to accrue until performance is satisfactorily completed or until the violation ceases. Stipulated penalties shall accrue simultaneously for separate violations of this Order.
- 15. Stipulated penalties shall be paid in the form of a certified or cashier's check made payable to Pulaski County Treasurer, as custodian of the Pulaski County School Fund. Any such stipulated penalty shall be paid within ten business days of demand by the Department and shall be delivered to: Accounting Program, Department of Natural Resources, P.O. Box 477, Jefferson City, MO 65102-0477, for forwarding to the Pulaski County Treasurer.
- 16. The stipulated penalties provided for in this Order do not limit the Department's rights or any other available remedies, where a violation of this Order also constitutes a violation of a statute or regulation; however, where a violation of this Order for which stipulated penalties are provided is also a violation of a statute or regulation, the Respondents may be allowed a credit, dollar for dollar, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

OTHER PROVISIONS

- 17. This Order shall remain in effect until all corrective actions have been completed and the Department issues a new Permit to Dispense.
- 18. The Respondents agree to not add more connections to Well No. 1 (WL 20293).
 Any modification of the well or any other part of the public water system, including repairs or

new construction, like adding service connections or interconnections, requires Department approval prior to starting the modification.

- 19. By signing this Order, the Respondents acknowledge that its well is currently noncompliant with the MSDWL&R. While this Order is in effect, the Respondents agree to disclose the condition of the well to any prospective purchasers of any properties containing the well, by providing a copy of this Order along with written notice of the presence of the noncompliant well.
- 20. The terms stated herein constitute the entire and exclusive agreement of the parties with respect to the matters described herein. The terms of this Order supersede all previous notes, conversations, and agreements, whether express or implied. Any modifications of this Order shall be in writing. No changes, alterations, modifications, or qualifications to the terms herein shall be made or be binding unless in writing and signed by the Department. The Respondents may submit a written request to the Department for an extension of time or other modification to this Order. The request must include appropriate justification and documentation.
- 21. The Department and the Respondents agree that this Order resolves only the specific violations described herein, that this Order shall not be construed as a waiver or a modification of any requirements of the MSDWL&R or any other source of law, and that this Order does not resolve any claims based on any failure by the Respondents to meet the requirements of this Order, or claims for past, present, or future violations of any statutes or regulations other than those referenced herein. Consistent with 10 CSR 60-6.070(6), this Order shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

- 22. This Order shall apply to and be binding upon the Respondents and any of the Respondents' agents, subsidiaries, successors, assigns, contractors, affiliates, and lessees, including the officers, agents, servants, corporations, and any persons acting under, through or for the parties. Any changes in ownership or corporate status, including but not limited to any transfer of assets or real or personal property, shall not relieve the Respondents of their obligation to comply with this Order.
- 23. The requirement of the Respondents to comply with the terms of this Order is not conditioned on the receipt of any federal, state, or local funds. Failure to comply is not excused by lack of federal or state grant funds, or by the processing of any application for the same unless such application is subject to review by the Department, and the Department is the cause of said delay. Application for construction grant state revolving loan funds, or any other grants or loans, or delay caused by inadequate facility planning or plans and specifications on the part of the Respondents shall not be cause for extension of this Order.
- 24. For any plan or submittal from the Respondents that is required by this Order and subject to Department approval under this Order, the Department may approve, disapprove, require revisions, or otherwise modify any such plan or submittal. Any such Department decision shall be conveyed in writing to the Respondent. Disapproval may result in further Orders or pursuit of other forms of relief by the Department. If the Department approves or modifies in writing such plan or submittal, it shall become enforceable pursuant to this Order, and the Respondents shall commence work and implement such approved or modified plan in accordance with the schedule and provisions contained therein.
- 25. Consistent with Section 640.115.1, RSMo, and 10 CSR 60-3.020(4)(A), the Respondents shall notify the Department in writing by certified mail at least 90 calendar days

prior to transfer of ownership or operation of the system or transfer of ownership of the real property upon which the system is situated.

- 26. The parties understand this Order will be a public record pursuant to Chapter 610, RSMo.
- 27. The Respondents agree to comply with the MSDWL&R at all times in the future. Nothing in this Order forgives the Respondents for any future noncompliance with the laws of the State of Missouri, and the Department expressly reserves the right to address future noncompliance in any manner authorized by law.
- 28. This Order shall be governed by and construed in accordance with the laws of the State of Missouri.
- 29. All signatories to this Order acknowledge that they have thoroughly read and reviewed the terms and provisions of this Order and are familiar with the same, that the terms and provisions contained herein are clearly understood by them and have been fully consented to by them.
- 30. Penalty payments under this Order, including any stipulated penalties, are penalties within the meaning of Section 162(f)(1) of the Internal Revenue Code, 26 U.S.C. § 162(f)(1), and 26 C.F.R. § 1.162-21(a)(3)(i). For purposes of the identification requirement in Section 162(f)(2)(A)(ii) of the Internal Revenue Code, 26 U.S.C. § 162(f)(2)(A)(ii), and 26 C.F.R. § 1.162-21(b)(2)(iii)(A), certain costs incurred by performance of this Order may qualify as restitution, remediation, or costs required to come into compliance with the law. The Respondents are solely responsible for providing to the Department complete, accurate, and necessary information by the close of any applicable tax year to complete a Form 1098-F. Further, the Department shall not be responsible for any incomplete or inaccurate information

nor the results of any tax audit. No portion of any penalties paid pursuant to this Order may be used to reduce any federal or state tax obligations, except as authorized by the Internal Revenue Service.

CORRESPONDENCE AND DOCUMENTATION

31. All correspondence, submissions, and documentation with regard to this Order, except as otherwise specified, shall be directed to the following person, subject to change upon written notification from either party:

For the Department:
Jackie Johnson
Water Protection Program
Public Drinking Water Branch
P.O. Box 176
Jefferson City, MO 65102-0176

For the Respondent: Leon Travis Blevins and Patricia Blevins Rolling Hills PWS 15405 Texas Road P.O. Box St. Robert, MO 65584

WAIVER OF RIGHT OF APPEAL

By signing this Order, the Respondents waive any right to appeal this Order pursuant to Sections 621.250, 640.010, 640.130, 640.131, or Chapter 536, RSMo; the Missouri Constitution; or any other source of law. This Order will become final and fully enforceable upon the date of the Department's signature.

[This space intentionally left blank; signature page follows

Administrative Hearing Commission
United States Post Office Building, Third Floor
131 West High Street
P.O. Box 1557
Jefferson City, MO 65102-1557
Telephone: 573-751-2422

Fax: 573-751-5018

Website: www.oa.mo.gov/ahc

SIGNATURE AUTHORITY

Agreed to on this 25 thday of Lyril, 2024
Agreed to on this A. S. May of T. Castlette, 2024
Harter Ben
Los Travia Blass
Leon Travis Blevins, owner
Rolling Hills PWS
MO3036362
Patricia Blevins, owner Rolling Hills PWS MO3036362
Agreed to and Ordered on this 13th day of May , 2024
DEPARTMENT OF NATURAL RESOURCES
John Hoke, Director
Water Protection Program
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