

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

IN THE MATTER OF:)	FINDINGS OF VIOLATION AND ORDER
)	FOR COMPLIANCE
City of Pacific, Missouri)	
)	
)	Docket No. CWA-07-2008-0018
Proceedings under Section 309(a)(3))	
Of the Clean Water Act,)	
33 U.S.C. § 1319(a)(3))	

I. Preliminary Statement

1. The Findings of Violations contained herein is made and this Compliance Order (the Finding of Violations and Compliance Order are collectively referred to herein as the "Order") is issued pursuant to the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), by Section 309(a)(3) of the Clean Water Act (the "Act"), 33 U.S.C. § 1319(a)(3), as delegated to EPA Region VII's Regional Administrator, and as further delegated to the Director of EPA Region VII's Water, Wetlands and Pesticides Division.

2. The Respondent is the City of Pacific, Missouri ("Respondent").

3. The State of Missouri is not authorized to administer the Sludge Management Program. Therefore, EPA directly implements the Sludge Management Program in Missouri and remains responsible for enforcement of the requirements of the Sludge Management Program until such time as the State is authorized to administer the Sludge Management Program.

II. Statutory and Regulatory Framework

4. Section 405(d)(1) of the Act, 33 U.S.C. § 1345(d)(1), provides that the Administrator shall develop and publish regulations providing guidelines for the disposal of sludge and the utilization of sludge for various purposes.

5. Pursuant to Section 405(d)(1) of the Act, 33 U.S.C. § 1345(d)(1), EPA promulgated regulations governing the Standards for the Use or Disposal of Sewage Sludge which are set forth at 40 C.F.R. Part 503 (the "Sludge Management Program").

These regulations establish recordkeeping and reporting requirements, pollutant limits and site management practices applicable to owners or operators of treatment works treating domestic sewage, and standards for the final use or disposal of sewage sludge generated during the treatment of domestic sewage in treatment works.

6. Pursuant to 40 C.F.R. § 503.18(a), Class I sludge management facilities and facilities which have a design flow rate equal to or greater than one million gallons per day shall submit the information outlined in 40 C.F.R. § 503.18(a)(1) and (2) to EPA by February 19 of each year.

III. Jurisdiction

7. Respondent is a "municipality" as defined by Section 502(4) of the Act, 33 U.S.C. § 1362(4), and is therefore a "person," as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

8. Respondent owns and operates the City of Pacific Waste Water Treatment Facility, which is a "treatment works treating domestic sewage," as defined by 40 C.F.R. § 122.2.

9. The City of Pacific Waste Water Treatment Facility is a Class I sludge management facility as defined by 40 C.F.R. § 501.2 and/or has a design flow rate equal to or greater than one million gallons per day.

10. To date, this office has not received a report of sludge activities from the Respondent that contains the information required by 40 C.F.R. § 503.18(a)(1) and (2) for sludge handling and disposal activities in calendar year 2006.

IV. Findings of Violation

11. The facts stated in paragraphs 7 through 10 above are herein incorporated.

12. To date, Respondent has failed to submit to EPA the information outlined in 40 C.F.R. § 503.18(a)(1) and (2) for sludge handling and disposal activities in calendar year 2006, in violation of 40 C.F.R. § 503.18(a)(1) and (2), promulgated pursuant to Section 405 of the Act, 33 U.S.C. § 1345(d)(1).

V. Order of Compliance

Based on the foregoing Finding and pursuant to the authority of Section 309(a)(3) of the Act, 33 U.S.C. § 1319(a)(3), RESPONDENT IS HEREBY ORDERED AS FOLLOWS:

13. No later than fifteen (15) calendar days following the receipt of this Order Respondent shall submit a complete annual report for sludge handling and disposal activities in calendar year 2006 to the addressee in paragraph 15 below. The report must include all of the information required by 40 C.F.R. § 503.18(a). A copy of the pertinent sections of the regulations is included for your convenience. Include copies of all laboratory analysis, calculations with supporting documentation used to determine agronomic loading rates, and a numeric value (in dry metric tons) of sludge production in calendar year 2006.

14. No later than February 19, 2008 and each year thereafter, the Respondent shall submit a complete annual report for sludge handling and disposal. The report must include all of the information required by 40 C.F.R. § 503.18(a).

Include copies of all laboratory analysis, calculations with supporting documentation used to determine agronomic loading rates, and a numeric value (in dry metric tons) of sludge production. All documents should be submitted to the federal and state officials listed in paragraph 15.

15. All documents required to be submitted by this Order shall be sent to:

Berla Johnson
Water Enforcement Branch (WENF)
Water, Wetlands and Pesticides Division
U.S. Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

and

Mike Struckhoff
Director, St. Louis Regional Office
Missouri Department of Natural Resources
7545 S. Lindbergh, Suite 210
St. Louis, MO 63215

V. General Provisions

16. The provisions of this Order are severable. If any provision of this Order is determined to be unenforceable, the remaining provisions shall remain in full force and effect.

17. This Order does not constitute a waiver or a modification of any requirements of the Clean Water Act, 33 U.S.C. § 1251 et seq., all of which remain in full and effect. The EPA retains the right to seek any and all remedies available under Sections 309(b), (c), (d), or (g) of the Act, 33 U.S.C. § 1319(b), (c), (d), or (g), for any violation cited herein. Issuance of this Order shall not be deemed an election by EPA to forgo any civil or criminal action to seek penalties, fines, or other appropriate relief under the Act for any violation whatsoever.

18. This Order shall not constitute a permit under the CWA. Compliance with the terms of this Order shall not relieve Respondent of its responsibility to obtain any required local, state and/or federal permits.

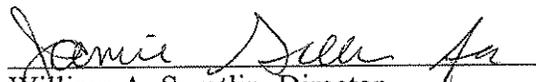
19. Nothing in this Order shall limit EPA's right to obtain access to, and/or to inspect Respondent's facility, and/or to request additional information from Respondent pursuant to the authority of Section 308 of the CWA, 33 U.S.C. § 1318.

20. EPA may subsequently amend this Order in accordance with the authority of the CWA. For example, EPA may amend this Order to address any noncompliance with the CWA, including, but not limited to, any noncompliance with the requirements of Section 405 of the CWA.

In the event of any such subsequent amendment to this Order, all requirements for performance of this Order not affected by the amendment shall remain as specified by this original Order.

21. This Order shall remain in effect until a written notice of termination is issued by an authorized representative of the EPA.

This Order shall become effective upon the date of receipt by Respondent.
Issued this 20 day of November 2007.



William A. Spratlin, Director
Water, Wetlands and Pesticides Division



Melissa Bagley
Assistant Regional Counsel

IN THE MATTER OF City of Pacific, Missouri, Respondent
Docket No. CWA-07-2008-0018

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Findings of Violation and Order for Compliance was sent this day in the following manner to the addressees:

Copy hand delivered to
Attorney for Complainant:

Melissa A.C. Bagley
Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

The Honorable Herbert C. Adams
Mayor
City of Pacific
300 Hoven Drive
Pacific, Missouri 63069

Copy by First Class Mail to:

Kevin Mohammadi
Chief, Water Pollution Compliance and Enforcement Section
Missouri Department of Natural Resources
P.O. Box 176
Jefferson City, Missouri 65102

Mike Struckhoff
Director, St Louis Regional Office
Missouri Department of Natural Resources
7545 S. Lindbergh, Suite 210
St Louis, Missouri 63215

Dated: 11/26/07



Kathy Robinson
Hearing Clerk, Region 7