

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7

901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

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ENVIRONMENTAL PROTECTION  
AGENCY-REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF )  
)  
The City of Maryville, Missouri )  
)  
)  
)  
)  
)  
Proceedings under Section 309(g) )  
of the Clean Water Act, )  
33 U.S.C. § 1319(g) )  
\_\_\_\_\_ )

Docket No. CWA-07-2009-0103

COMPLAINT AND CONSENT  
AGREEMENT / FINAL ORDER

**COMPLAINT**

Jurisdiction

1. This Administrative Complaint ("Complaint") has been filed under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA"), pursuant to Section 309(g) of the Clean Water Act ("CWA"), 33 U.S.C. §§ 1319(g) and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits, 40 C.F.R. Part 22 (Consolidated Rules of Practice).

2. This Complaint and Consent Agreement/Final Order ("CA/FO") alleges that the Respondent discharged pollutants into the waters of the United States in violation of Section 301 of the CWA, 33 U.S.C. § 1311, and as more specifically described below in this Complaint in the paragraphs under the Statutory and Regulatory Framework of Section 301 of the CWA.

Parties

3. The Complainant, by delegation from the Administrator of EPA to the Regional

Administrator, EPA Region 7, is the Director of Region 7's Water, Wetlands, and Pesticides Division.

4. The City of Maryville, Missouri (hereafter "Respondent" or "City" or "Maryville"), is a political subdivision of the State of Missouri and a "municipality" within the meaning of 33 U.S.C. § 1362(4), which owns and operates a publicly owned treatment works ("POTW") that treats domestic, commercial, and industrial wastewater.

Statutory and Regulatory Framework of Section 301 of the CWA

5. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants, by any person except in compliance with, inter alia, Section 402 of the CWA, 33 U.S.C. § 1342.

6. The Respondent is a "person" within the meaning of Section 502(5) of the CWA, 33 U.S.C. § 1362(5).

7. Section 402 of the CWA, 33 U.S.C. § 1342, provides that pollutants may be discharged only in accordance with the terms of a National Pollutant Discharge Elimination System ("NPDES") permit issued pursuant to that Section.

8. The Missouri Department of Natural Resources ("MDNR") is the state agency with the authority to administer the federal NPDES program pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, implementing regulations, and a Memorandum of Understanding between EPA and MDNR dated October 30, 1974. MDNR is also the state agency with the authority to administer the Pretreatment Program pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, implementing regulations at 40 C.F.R. § 403.10, and a Memorandum of Understanding between EPA and MDNR dated June 3, 1981. As such, MDNR is the Approval Authority for the Pretreatment Program in Missouri. EPA maintains concurrent enforcement authority with

authorized state NPDES programs for violations of NPDES permits.

9. Maryville's Pretreatment Program was approved by MDNR on or about December 28, 1984, thus Maryville is the "Control Authority" as defined in 40 C.F.R. Part 403.12(a).

Maryville's approved Pretreatment Program sets forth procedures for implementing requirements for regulating industrial discharges to Respondent's POTW, and specifically incorporates requirements set forth at 40 C.F.R. § 403.8.

10. At all relevant times, Respondent has owned and operated a wastewater treatment facility ("WWTF") and its associated sewer and stormwater collection and transmission systems, which receive and treat wastewater and stormwater runoff from residential, commercial, and industrial connections within the City of Maryville, Missouri.

11. Respondent's WWTF and corresponding collection system services the discharge of non-domestic pollutants into the Maryville POTW from "Industrial Users", as that term is defined by 33 U.S.C. § 1362(18).

12. The wastewater treatment facility described in Paragraphs 10 and 11 is a "point source" that "discharges pollutants" to the One Hundred and Two River, which is a "navigable water," as defined by Section 502 of the CWA, 33 U.S.C. § 1362. Respondent is therefore subject to the provisions of the CWA, 33 U.S.C. § 1251 et seq.

13. On September 19, 2003, NPDES Permit No. MO-0033286 was issued to Respondent by MDNR pursuant to Section 402 of the CWA, 33 U.S.C. § 1342. The Respondent's NPDES permit, Paragraph 7 of the Special Conditions, states that the "Permittee shall implement and enforce its approved pretreatment program in accordance with the requirements of 40 C.F.R. Part 403. The approved pretreatment program is hereby incorporated by reference." On February 13,

2009, and on March 20, 2009, Respondent's NPDES permit was reissued with the same Special Conditions described above, but set forth as Paragraph 11 in the current NPDES permit.

14. As the approved pretreatment Control Authority, described in Paragraph 9, Maryville issued pretreatment permits to the following "Significant Industrial Users" ("SIU"), as defined in 40 C.F.R. § 403.3(t), that discharge pollutants to Maryville's POTW:

- a. LMP Steel and Wire, Industrial User Permit # M-113084-5, issued November 19, 2002, through November 18, 2007, and reissued as M-113084-6 on April 19, 2007, through April 18, 2012;
- b. Federal-Mogul Corporation, Industrial User Permit # M-121498-2, issued December 14, 2003, through December 13, 2008, and reissued M-121498-3 on December 14, 2008, through December 13, 2013;
- c. Deluxe Printing (formally d/b/a as New England Business Service), Industrial User Permit No. M-012285-5, issued November 25, 2002, through November 24, 2007, and reissued as M-012285-6 on November 25, 2007, through November 24, 2012;
- d. Eveready/Energizer Battery Company, Industrial User Permit No. M-121184-6, November 25, 2002, through November 24, 2007, and reissued M-121184-7 on November 25, 2007, through November 24, 2012;
- e. Kawasaki Motors Manufacturing Company, Industrial User Permit No. M-810190-05, issued December 15, 2002, through December 14, 2007, and reissued M-810190-06 on December 8, 2007, through December 7, 2012;
- f. Laclede Chain Manufacturing Company, Industrial User Permit No. M-120384-06, issued December 12, 2002, through December 11, 2007, and reissued M-120384-7 on December 12, 2007, through December 11, 2012; and
- g. St. Francis Hospital, Industrial User Permit No. M-021585-5, issued November 20, 2002, through November 19, 2007, and reissued M-021585-6 on November 20, 2007, through November 19, 2012.

15. On or about November 25, 1998, MDNR approved Respondent's Enforcement Response Plan as a modification to the Respondent's approved pretreatment program.

Respondent's Enforcement Response Plan requires timely review of all sampling results to determine violations. Further, the Respondent's Enforcement Response Plan requires that enforcement action be taken to return a violator to compliance.

Factual Background

16. On May 15 through 17, 2007, EPA performed an on-site evaluation of the Respondent's pretreatment program, specifically Maryville's implementation of its approved pretreatment program. EPA provided the report documenting the findings of the evaluation to MDNR and Maryville on or about December 18, 2007.

17. On January 31, 2008, EPA issued a Request for Information pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, to Maryville. The Request for Information requested documentation of the Respondent's implementation of its approved pretreatment program. On or about March 27, 2008, and May 2, 2008, Maryville provided its response to the Request for Information.

18. The evaluation and Request for Information described in Paragraphs 16 and 17 above, identified violations of Maryville's NPDES permit, including the failure to implement its approved pretreatment program and the Pretreatment Regulations, 40 C.F.R. Part 403. Failure to implement its approved pretreatment program in compliance with its NPDES Permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a). Respondent has failed to implement its approved pretreatment program specifically as outlined in Paragraphs 19 through 26, identified as Counts 1 through 3 below.

Findings of Violation Of Section 301 Of The CWA

19. As described below in Counts 1 through 3, EPA's inspections and review of available information, including Maryville's response to EPA's Request for Information, document that

the Respondent has violated Section 301(a) of the CWA, 33 U.S.C. 1311(a), by violating Paragraph 7 and/or Paragraph 11 of its NPDES permit. Paragraph 7 and/or Paragraph 11 of Maryville's NPDES permit required Maryville to "implement and enforce its approved pretreatment program in accordance with the requirements of 40 C.F.R. Part 403."

Count 1- Failure to Conduct Annual Inspection of the SIUs

20. Respondent is required to inspect each SIU at least once a year, pursuant to 40 C.F.R. § 403(f)(2)(v).

21. In violation of 40 C.F.R. § 403(f)(2)(v), Respondent failed to conduct annual inspections for each of the seven SIUs, as identified in Paragraph 14, for the years 2005 and 2006. The failure to conduct the inspections was acknowledged in the evaluation described in Paragraph 16, and in addition, the Request for Information described in Paragraph 17 failed to produce any record of annual inspections for each SIU for the years 2005 and 2006.

Count 2 - Failure to Implement the Approved Enforcement Response Plan

22. Respondent is required to implement an enforcement response plan, pursuant to 40 C.F.R. § 403.8(f)(5).

23. Provisions in Respondent's enforcement response plan required the timely review of sampling results to determine violations. Moreover, the enforcement response plan requires that enforcement action be taken to return a violator to compliance.

24. Respondent, in violation of 40 C.F.R. § 403.8(f)(5), failed to implement their enforcement response plan as described in Paragraph 23, above, and specifically as set forth in Table 1, below:

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Table 1

Date(s) of Violation	Significant Industrial User	Significant Industrial User Noncompliance	Enforcement Response Guide Description of Noncompliance	Enforcement Response Guide Recommended Action	Action Taken by Respondent
12/17/2004, 6/21/2005, 6/14/2006, 6/21/2007	Kawasaki Motors Manufacturing Company	Frequent improper sampling of Outfalls 003 and 004	Major Violation of Analytical Procedures- No Evidence of Negligence or Intent	NOV; Meeting; AO	None
2 <sup>nd</sup> Semiannual Report 2004, 2005, 2006, 2007	Kawasaki Motors Manufacturing Company	Frequent failure to sample Outfalls 001 and 002	Major Sampling, Monitoring Reporting Deficiencies	NOV; Meeting; Show Cause Hearing; Fine or Civil Litigation Seeking Penalties of \$300.00	None
12/1/2004, 6/1/2005, 11/17/2005, 6/21/2006, 5/21/2007	Deluxe Printing (formally d/b/a as New England Business Service)	Frequent improper sampling of Outfall 001	Major Violation of Analytical Procedures- No Evidence of Negligence or Intent	NOV; Meeting; AO	None
2 <sup>nd</sup> Semiannual Report 2006	Deluxe Printing (formally d/b/a as New England Business Service)	Failure to submit Semiannual Report	Complete Failure to Monitor or Report	AO; Civil Litigation and/or Criminal Prosecution Seeking Penalties of \$500.00 per day; Termination of Services	None
11/9/2004, 5/11/2005, 11/7/2005, 5/23/2006, 4/10/2007, 9/18/2007	Eveready/ Energizer Battery Company	Frequent improper sampling of Outfall 002	Major Violation of Analytical Procedures- No Evidence of Negligence or Intent	NOV; Meeting; AO	None
2 <sup>nd</sup> Semiannual Report 2004, 2005, 2006, 2007	Eveready/ Energizer Battery Company	Frequent failure to sample Outfall 001	Major Sampling, Monitoring Reporting Deficiencies	NOV; Meeting; Show Cause Hearing; Fine or Civil Litigation Seeking Penalties of \$300.00	None
1 <sup>st</sup> Semiannual Report 2005	LMP Steel and Wire	Failure to submit Semiannual Report	Complete Failure to Monitor or Report	AO; Civil Litigation and/or Criminal Prosecution Seeking Penalties of \$500.00 per day; Termination of Services	None
9/26/2004, 5/18/2005, 10/18/2005, 6/12/2006, 11/28/2006, 6/29/07, 9/17/2007	Laclede Chain Manufacturing Company	Frequent improper sampling of Outfall 002	Major Violation of Analytical Procedures- No Evidence of Negligence or Intent	NOV; Meeting; AO	None
2 <sup>nd</sup>	Laclede Chain	Frequent failure to	Major Sampling,	NOV; Meeting; Show	None

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Semiannual Report 2004, 2005, 2006, 2007	Manufacturing Company	sample Outfall 001	Monitoring Reporting Deficiencies	Cause Hearing; Fine or Civil Litigation Seeking Penalties of \$300.00	
12/6/2004, 1/19/2005, 6/27/2005, 12/15/2005, 6/23/2006, 12/13/2006	St Francis Hospital	Frequent improper sampling of Outfall 001	Major Violation of Analytical Procedures- No Evidence of Negligence or Intent	NOV; Meeting; AO	None
<sup>2nd</sup> Semiannual Report 2006	St Francis Hospital	Frequent late sampling of a pollutant	Major Sampling, Monitoring Reporting Deficiencies	NOV; Meeting; Show Cause Hearing; Fine or Civil Litigation Seeking Penalties of \$300.00	None
<sup>2nd</sup> Semiannual Report 2006	St Francis Hospital	Frequent late submittal of Semiannual Report	Major Sampling, Monitoring Reporting Deficiencies	NOV; Meeting; Show Cause Hearing; Fine or Civil Litigation Seeking Penalties of \$300.00	None
2007	St. Francis Hospital	Failure to submit Semiannual Report	Complete Failure to Monitor or Report	AO; Civil Litigation and/or Criminal Prosecution Seeking Penalties of \$500.00 per day; Termination of Services	None

Count 3- Failure to Comply with Public Participation Requirements

25. Respondent, pursuant to 40 C.F.R. § 403.8(f)(2)(viii), is required to provide “annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of the Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance with applicable Pretreatment regulations.”

26. In violation of 40 C.F.R. § 403.8(f)(2)(viii), Respondent failed to determine that each instance of SIU noncompliance, identified above in Table 1, was Significant Noncompliance, as described in 40 C.F.R. § 403.8(f)(2)(viii)(A)-(H), and therefore failed to comply for years 2005 through 2008 with public participation requirements of 40 C.F.R. Part 25 and 40 C.F.R. § 403.8(f)(2)(viii).

### CONSENT AGREEMENT

27. Respondent admits the jurisdictional allegations of this Complaint and CA/FO and agrees not to contest the EPA's jurisdiction in this proceeding or any subsequent proceeding to enforce the terms of the Final Order.

28. Respondent neither admits nor denies the factual allegations contained in this Complaint and CA/FO.

29. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying this Consent Agreement.

30. Respondent and Complainant each agree to bear their own costs and attorney's fees.

31. Nothing contained in the Final Order shall alter or otherwise affect Respondent's obligations to comply with all applicable federal, state and local environmental statutes and regulations and applicable permits.

32. Respondent agrees to undertake the Supplemental Environmental Project ("SEP"), identified in Attachment 1, which is enclosed to and incorporated into this CA/FO. The parties agree that performance of the SEP, set forth in Attachment 1, is intended to secure significant environmental restoration and/or protection.

33. Respondent agrees that it will not deduct the cost of the SEP, as set forth in Attachment 1, from its taxes.

34. Respondent consents to the issuance of the Final Order and consents to the payment of a mitigated civil penalty in the amount of Twenty Thousand Four Hundred Dollars (\$20,400) to be paid within thirty (30) days of the effective date of the Final Order.

35. Respondent understands that its failure to timely pay any portion of the mitigated civil

penalty stated in Paragraph 34 above may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall accrue thereon at the applicable statutory rate on the unpaid balance until such civil penalty and any accrued interest are paid in full. Additionally, as provided by 31 U.S.C. § 3717(e)(2), a six percent (6%) per annum penalty (late charge) may be assessed on any amount not paid within ninety (90) days of the due date.

36. The undersigned representative(s) of Respondent certifies that he is fully authorized to enter the terms and conditions of this Complaint and CA/FO and to execute and legally bind Respondent to it.

37. Payment of the entire penalty shall resolve all civil and administrative claims of the United States alleged in the Findings of Violation.

38. Respondent certifies by the signing of this CA/FO that the Respondent is operating in compliance with the requirements of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342, and the Respondent's NPDES permit. The effect of the settlement described in paragraph 37 above is conditional upon the accuracy of this certification.

39. This Consent Agreement may be signed by EPA and Respondent in part and counterpart. This CA/FO may be executed by EPA upon receipt from Respondent of a signature page. Upon its execution, a copy of the executed agreement shall be sent by U.S. mail to Respondent.

40. Respondent agrees that the original CA/FO signed by Respondent shall be transmitted to Melissa A.C. Bagley, Assistant Regional Counsel, U.S. Environmental Protection Agency, Region 7, 901 North Fifth St., Kansas City, Kansas 66101. Upon the EPA's receipt of the signed original from Respondent, it shall be filed with the Regional Hearing Clerk.

**FINAL ORDER**

IT IS HEREBY AGREED BY THE PARTIES, and pursuant to Section 309(g) of the Clean Water Act (CWA), 33 U.S.C. § 1319(g), it is ORDERED that:

1. Within thirty (30) days of the effective date of this Final Order, Respondent shall submit a Work Plan to EPA that describes the implementation of the SEP identified in Attachment 1. The Work Plan shall include, but not be limited to: (a) the scope of work for the SEP; (b) the start and completion date for the SEP; and (c) the names of persons implementing the SEP and the qualifications of each such person. EPA will review the Work Plan and approve it or provide Respondent written comments within forty-five (45) days of EPA's receipt of the Work Plan. If requested by Respondent, EPA will provide Respondent an opportunity to discuss the written comments. Respondent shall resubmit the Work Plan in a form that responds to EPA's comments within fifteen (15) days after receipt of EPA's written comments. EPA shall review the resubmitted Work Plan within fifteen (15) days of EPA's receipt of the resubmitted Work Plan. The Work Plan shall become a Final Work Plan upon approval by EPA. Respondent shall complete the SEP consistent with the approved schedule included in the Final Work Plan, but in no event later than October 31, 2011.

2. Respondent shall notify EPA in writing within one week after the completion of the SEP. Within forty-five (45) days after the completion of the SEP, Respondent shall submit to EPA a SEP Completion Report that shall include, but not be limited to, the following:

- a. A description of the activities that Respondent completed in its implementation of the SEP Work Plan.
- b. A signed and notarized certification that it has not deducted the SEP cost

from its taxes.

- c. A signed and notarized certification that none of the cost incurred in implementation of the SEP was funded in any part by a federal grant or other form of federal financial assistance.
- d. An itemized accounting of the costs incurred per project in performance of the SEP. The itemization shall be submitted with the following statement, signed by Respondent:

I certify that the information accompanying this submittal is true, accurate, and complete. I am aware that there are significant penalties for submitting false information to the United States, its agencies and departments, including the possibility of fine and imprisonment for knowing violations.

3. Respondent shall pay stipulated penalties in the following circumstances:

- a. For failure to submit the Work Plan, as required by Paragraph 1 above, or failure to submit it to EPA within the time frame set forth in Paragraph 1 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the due date set forth in Paragraph 1, until the report is submitted in a form that satisfies EPA.
- b. For failure to submit the SEP Completion Report, as required by Paragraph 2 above, or failure to submit it to EPA within the time frame set forth in Paragraph 2 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after the due date set forth in Paragraph 2, until the report is submitted in a form that satisfies EPA.
- c. Except as provided in subparagraphs (d) and (e) below, for a SEP, which

has not been completed satisfactorily as determined by EPA, Respondent shall pay a stipulated penalty to the United States in the amount that equals the estimated cost of the SEP as set forth in Attachment 1, along with interest accrued at the statutory rate.

- d. If the SEP is not completed satisfactorily, but Respondent made good faith and timely efforts to complete the project and certifies, with supporting documentation, that at least 90% of the amount of money required to be spent for the project was expended on the SEP, Respondent shall not pay any stipulated penalty.
- e. If the SEP is satisfactorily completed, but the Respondent spent less than 90% of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty equal to the difference between the amount of the estimated SEP cost set forth in Attachment 1 and the amount expended in implementing the SEP.
- f. If no SEP is implemented and the penalty of Twenty Thousand Four Hundred Dollars (\$20,400) is not made within thirty (30) days of the effective date of this Consent Agreement and Final Order, Respondent shall pay a stipulated penalty of Two Thousand Five Hundred Dollars (\$2,500) in addition to the that which is due, along with interest accrued at the statutory rate.

4. Payment of stipulated penalties shall be immediately due and payable upon notice by EPA. Respondent's failure to pay any portion of the penalty assessed herein in accordance with

the provisions of this Final Order may result in commencement of a civil action in Federal District Court to recover the total penalty required by the terms of the Final Order, together with interest thereon at the applicable statutory rate. Payment of the stipulated penalties shall be by cashier's or certified check made payable to the "United States Treasury" and shall be remitted to:

EPA-Region 7  
PO Box 371099M  
Pittsburgh, PA 15251.

The check shall note the case title and the docket number. A copy of the check shall be sent to Melissa A.C. Bagley, Assistant Regional Counsel, EPA-Region 7, 901 North Fifth Street, Kansas City, Kansas 66101.

5. Respondent hereby certifies that, as of the date of this CA/FO, Respondent is not required to perform or develop the SEP by any federal, state or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in any other enforcement action or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

6. EPA and its authorized representatives shall have access to the property Respondent owns that is the location of the SEP at all reasonable times to monitor Respondent's implementation of the SEP. Respondent shall use its best efforts to obtain for EPA access to property not owned by Respondent that is the location of a SEP at all reasonable times to monitor Respondent's implementation of the SEP. Best efforts shall include payment of reasonable costs to obtain access. Nothing herein shall be construed to limit EPA's access authority under the CWA or any other law.

7. Respondent shall pay a civil penalty of Twenty Thousand Four Hundred Dollars (\$20,400). Said penalty shall be paid in full within thirty (30) days following receipt by Respondent of a fully executed copy of this Complaint and CA/FO. Respondent shall pay the penalty by certified or cashier's check payable to "Treasurer, United States of America" and shall deliver it, with a transmittal that identifies the case name and docket number to:

EPA-Region 7  
PO Box 371099M  
Pittsburgh, PA 15251.

The check must also be annotated with the docket number and with the name of the case. Copies of the transmittal letter and the check shall be simultaneously sent to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency - Region 7  
901 North 5th Street  
Kansas City, Kansas 66101; and

Melissa A.C. Bagley  
Assistant Regional Counsel  
Office of Regional Counsel  
U.S. Environmental Protection Agency - Region 7  
901 North 5<sup>th</sup> Street  
Kansas City, Kansas 66101.

Should the civil penalty not be paid as provided above, interest will be assessed at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717. The interest will be assessed on the overdue amount from the due date through the date of payment.

Parties Bound

8. This Final Order shall apply to and be binding upon Respondent, its agents, successors and assigns. Respondent shall ensure that its directors, officers, employees, contractors, consultants, firms or other persons or entities acting under or for them with respect to matters

included herein comply with the terms of this CA/FO.

Reservation of Rights

9. EPA reserves the right to enforce the terms of this Final Order by initiating a judicial or administrative action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319.

10. With respect to matters not addressed in this Final Order, EPA reserves the right to take any enforcement action pursuant to the CWA, or any other available legal authority, including without limitation, the right to seek injunctive relief, monetary penalties and for punitive damages.

Effective Date

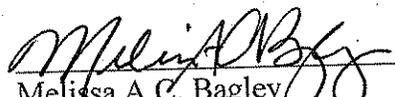
11. This Final Order shall be effective upon receipt by Respondent of a fully executed copy hereof. All time periods herein shall be calculated from the effective date unless otherwise provided in this Final Order.

COMPLAINANT:  
U.S. ENVIRONMENTAL PROTECTION AGENCY

  
William A. Spratlin

Director  
Water, Wetlands, and Pesticides Division  
U.S. Environmental Protection Agency  
Region 7

9-22-09  
Date

  
Melissa A.C. Bagley

Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 7

9-22-09  
Date

The City of Maryville, Missouri  
Docket No: CWA-07-2009-0103

FOR RESPONDENT:  
CITY OF MARYVILLE, MISSOURI:

Chad Jackson  
Name

8-11-09  
Date

Mayor  
Title

IT IS SO ORDERED.

September 25, 2009  
Date

  
Robert L. Patrick  
Regional Judicial Officer

## ATTACHMENT 1

### SUPPLEMENTAL ENVIRONMENTAL PROJECT DESCRIPTION

#### **Background**

Maryville operates a Water Treatment Plant that provides drinking water for the entire City of Maryville, Missouri, including the Public Water District #1. The Water Treatment Plant can produce five million gallons of potable water per day, and currently averages two and a half million gallons per day. The surface water supply source is Mozingo Lake and is owned by the Maryville. Currently, the Water Treatment Plant operates three, thirty-five year old, antiquated booster pumps. There are two smaller booster pumps at thirty horsepower apiece and one larger at sixty-five horsepower. Due to the age of these pumps, they consume a significant amount of electricity when operating approximately eighteen to twenty hours a day. Current energy usage at this facility averages one hundred and forty kilowatts per month.

#### **Supplemental Environmental Project**

Maryville shall replace one of the thirty horsepower pumps with a centrifugal pump, which operates with a variable frequency drives.<sup>1</sup>

#### **Supplemental Environmental Project Location**

The location of this project is at the Maryville Water Treatment Plant located at 3613 East First Street in Maryville, Missouri.

#### **Total Supplemental Environmental Project Cost**

The total supplemental environmental project shall cost at least \$32,000.

#### **Schedule for Implementation of the Supplemental Environmental Project**

Maryville shall install the pump and the pump shall be fully operational by no later than October 31, 2011.

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<sup>1</sup> Maryville has also indicated that they will likely be replacing the other two pumps, however not as a requirement of this Supplemental Environmental Project. Replacement of all three pumps is anticipated to yield a 33% reduction in energy use.

IN THE MATTER OF The City of Maryville, Missouri, Respondent  
Docket No. CWA-07-2009-0103

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Complaint and Consent Agreement/  
Final Order 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. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Mayor Chad Jackson  
City of Maryville, Missouri  
415 North Market Street  
Maryville, Missouri 64468

Dated: 9/28/09



Kathy Robinson  
Hearing Clerk, Region 7