

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7  
901 NORTH 5<sup>th</sup> STREET  
KANSAS CITY, KANSAS 66101

11/07/16 AM 9:15

ENVIRONMENTAL PROTECTION  
AGENCY REGION VII  
REGIONAL HEARING CLERK

IN THE MATTER OF: ) COMPLAINT AND CONSENT  
) AGREEMENT / FINAL ORDER  
)  
City of Farmington, Missouri )  
)  
)  
Proceedings under Section 309(g) ) Docket No. CWA-07-2010-0124  
of the Clean Water Act, )  
33 U.S.C. § 1319(g) )  
\_\_\_\_\_ )

**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.

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 Farmington, Missouri (hereafter “Respondent” or “City”), 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 except in compliance with, inter alia, Section 402 of the CWA, 33 U.S.C. § 1342. Section 402 of the CWA 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.
6. The CWA prohibits the discharge of “pollutants” from a “point source” into a “navigable water” of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.
7. To implement Section 402 of the CWA, EPA promulgated regulations codified at 40 C.F.R. Part 122. Under 40 C.F.R. Part 122.1, a NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.
8. The Missouri Department of Natural Resources (“MDNR”) is the state agency with the authority to administer the federal NPDES program in Missouri pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, implementing regulations, and a Memorandum of Understanding dated October 30, 1974. EPA maintains concurrent enforcement authority with authorized states for violations of the CWA.
9. Section 405(d)(1) of the CWA, 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.
10. Pursuant to Sections 405(d)(1) of the CWA, 33 U.S.C. 1345(d)(1), EPA promulgated the regulations governing the Standards for the Use or Disposal of Sewage Sludge, which are set forth at 40 C.F.R. Parts 501 and 503. These regulations include record keeping 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.
11. Missouri has not yet been authorized to administer the Sludge Management Program. The EPA remains responsible for enforcement of the requirements of the Sludge Management Program until such a time as Missouri is authorized to administer the program in its entirety.

Factual Background

12. Farmington is a “person” as defined by Section 502(5) of the CWA, 33 U.S.C. § 1362(5).
13. Farmington’s POTW generates “sewage sludge” that is used for “land application” on “agricultural land,” as those terms are defined by 40 C.F.R. §§ 503.9(w), 503.11(h) and 503.11(a), respectively.

14. Farmington's POTW discharges to an unnamed tributary to the St. Francois River and the Kennedy Branch of Wolf Creek.
15. The POTW is a "point source" that "discharges pollutants" into "navigable waters" of the United States, as these terms are defined by Section 502 of the CWA, 33 U.S.C. § 1362.
16. The Respondent's discharge of pollutants from the POTW requires a permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
17. On May 5, 2006, MDNR granted NPDES permit No. MO-0040312, (hereafter "West WWTP NPDES permit"), to the Respondent for discharges from the Farmington West Wastewater Treatment Plant ("West WWTP") to an unnamed tributary to the St. Francois River, subject to compliance with conditions and limitations set forth in the NPDES permit. The NPDES permit was revised June 16, 2006, and has an expiration date of May 4, 2011.
18. On December 16, 2005, MDNR granted NPDES permit No. MO-0028860, (hereafter "East WWTP NPDES permit"), to the Respondent for discharges from the Farmington East Wastewater Treatment Plant ("East WWTP") to the Kennedy Branch of Wolf Creek, subject to compliance with conditions and limitations set forth in the NPDES permit. The NPDES permit has an expiration date of December 15, 2010.
19. 40 C.F.R. Part 503.13 sets forth that bulk sewage sludge or sewage sludge sold or given away in a bag or other container shall not be applied to the land if the concentration of any pollutant in the sewage sludge exceeds the ceiling concentration for any pollutant as it is set forth in Table 1 of the same Part.
20. Table 1 of 40 C.F.R. Part 503.13, sets forth a ceiling concentration for Nickel of 420 milligrams per kilograms ("mg/kg") on a dry weight basis.
21. Part III.A of the August 15, 1994 Standard Conditions for NPDES Permits issued by the MDNR Missouri Clean Water Commission, incorporates by reference all applicable federal sludge disposal regulations under 40 C.F.R. Part 503.
22. Part A. Effluent Limitations and Monitoring Requirements of Respondent's West WWTP NPDES permit includes the following limits for discharges from outfall #001 to the unnamed tributary of the St. Francois River, effective upon issuance:
  - a. Ammonia as Nitrogen ("Ammonia as N") shall be limited to a daily maximum of 3.4 micrograms per liter ("mg/L") and a monthly average of 1.7 mg/L seasonally from May 1 through October 31. Additionally, Ammonia as N shall be limited seasonally from November 1 through April 30 to a daily maximum of 4.0 mg/L and a monthly average of 2.0 mg/L.

23. Part A. Effluent Limitations and Monitoring Requirements of Respondent's East WWTP NPDES permit includes the following limits for discharges from outfall #001 to the Kennedy Branch of Wolf Creek, effective upon issuance:

- a. Ammonia as N shall be limited to a daily maximum of 1.6 mg/L and a monthly average of 0.8 mg/L seasonally from May 1 through October 31. Additionally, Ammonia as N shall be limited seasonally from November 1 through April 30 to a daily maximum of 2.8 mg/L and a monthly average of 1.4 mg/L.

24. On January 26 through January 30, 2009, EPA performed an inspection of the Respondent's POTW under the authority of Section 308(a) of the CWA, 33 U.S.C. § 1318(a) (hereafter "Inspection").

25. During the Inspection, the EPA inspector conducted a walk-through of Respondent's West and East WWTPs, conducted a sampling inspection of each of the WWTPs outfalls, and collected additional information regarding the collection system and operation and maintenance programs. The EPA inspector documented his findings regarding Farmington's compliance with its NPDES permits and the CWA, as follows:

- a. Based on a review of Respondent's annual sludge reports, sewer sludge was applied to the land in concentrations exceeding the ceiling concentration for Nickel of 420 mg/kg, as set forth below:

Date of Sample	Date(s) of Land Application		Nickel Concentration	Percent Over Ceiling Concentration
October 20, 2006	October 2006	20 <sup>th</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , and 30 <sup>th</sup>	772.33 mg/kg	83.9%
	November 2006	2 <sup>nd</sup> , 3 <sup>rd</sup> , 6 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 20 <sup>th</sup> , and 21 <sup>st</sup>		
November 22, 2006	November 2006	22 <sup>nd</sup> , 27 <sup>th</sup> , 28 <sup>th</sup> , and 29 <sup>th</sup>	801.71 mg/kg	90.9%
	December 2006	6 <sup>th</sup> , 7 <sup>th</sup> , and 8 <sup>th</sup>		
	January 2007	None		
	February 2007	6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 14 <sup>th</sup> , and 15 <sup>th</sup>		
February 20, 2007	February 2007	20 <sup>th</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 26 <sup>th</sup> , 27 <sup>th</sup> , and 28 <sup>th</sup>	1406.62 mg/kg	234.9%

	March 2007	5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> , 16 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , 21 <sup>st</sup> , 23 <sup>rd</sup> , 27 <sup>th</sup> , 28 <sup>th</sup> , 29 <sup>th</sup> , and 30 <sup>th</sup>		
	April 2007	2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 16 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , and 26 <sup>th</sup>		
	May 2007	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> , 16 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 21 <sup>st</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , 29 <sup>th</sup> , 30 <sup>th</sup> , and 31 <sup>st</sup>		
	June 2007	1 <sup>st</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 7 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , 21 <sup>st</sup> , 25 <sup>th</sup> , 27 <sup>th</sup> , 28 <sup>th</sup> , and 29 <sup>th</sup>		
	July 2007	9 <sup>th</sup> , 10 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 16 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 26 <sup>th</sup> , 27 <sup>th</sup> , 30 <sup>th</sup> , and 31 <sup>st</sup>		
August 1, 2007	August 1, 2007	1 <sup>st</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 13 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> , 20 <sup>th</sup> , 21 <sup>st</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 27 <sup>th</sup> , 28 <sup>th</sup> , and 30 <sup>th</sup>	3027.09 mg/kg	620.7%
	September 2007	10 <sup>th</sup> , 11 <sup>th</sup> , 13 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , 21 <sup>st</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , 26 <sup>th</sup> , 27 <sup>th</sup> , and 28 <sup>th</sup>		
	October 2007	1 <sup>st</sup> , 2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 16 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 22 <sup>nd</sup> , 29 <sup>th</sup> , 30 <sup>th</sup> , and 31 <sup>st</sup>		
	November 2007	1 <sup>st</sup> , 2 <sup>nd</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 16 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 22 <sup>nd</sup> , and 29 <sup>th</sup>		
November 30, 2007	November 2007	30 <sup>th</sup>	3741.50 mg/kg	790.8%
	December 2007	None		

	January 2008	2 <sup>nd</sup> , 3 <sup>rd</sup> , 4 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 14 <sup>th</sup> , 15 <sup>th</sup> , 17 <sup>th</sup> , 18 <sup>th</sup> , 21 <sup>st</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 25 <sup>th</sup> , 28 <sup>th</sup> , 29 <sup>th</sup> , 30 <sup>th</sup> , and 31 <sup>st</sup>		
February 20, 2008	February 2008	None	1929.57 mg/kg	359.4%
	March 2008	26 <sup>th</sup> and 27 <sup>th</sup>		
	April 2008	29 <sup>th</sup> and 30 <sup>th</sup>		
	May 2008	1 <sup>st</sup> , 5 <sup>th</sup> , 6 <sup>th</sup> , 7 <sup>th</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 12 <sup>th</sup> , and 13 <sup>th</sup>		
May 15, 2008	May 2008	15 <sup>th</sup> , 16 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , 21 <sup>st</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 28 <sup>th</sup> , 29 <sup>th</sup> , and 30 <sup>th</sup>	666.22 mg/kg	58.6%
	June 2008	2 <sup>nd</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , 16 <sup>th</sup> , 17 <sup>th</sup> , 19 <sup>th</sup> , 25 <sup>th</sup> , 26 <sup>th</sup> , 27 <sup>th</sup> , and 30 <sup>th</sup>		
	July 2008	8 <sup>th</sup> , 21 <sup>st</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , 29 <sup>th</sup> , and 30 <sup>th</sup>		
	August 2008	1 <sup>st</sup> , 4 <sup>th</sup> , 11 <sup>th</sup> , 12 <sup>th</sup> , 13 <sup>th</sup> , and 28 <sup>th</sup>		
	September 2008	2 <sup>nd</sup> , 3 <sup>rd</sup> , 8 <sup>th</sup> , 9 <sup>th</sup> , 10 <sup>th</sup> , 11 <sup>th</sup> , 22 <sup>nd</sup> , 23 <sup>rd</sup> , 24 <sup>th</sup> , and 25 <sup>th</sup>		
October 2, 2008	October 2008	6 <sup>th</sup> , 8 <sup>th</sup> , 13 <sup>th</sup> , 21 <sup>st</sup> , and 22 <sup>nd</sup>	1381.71 mg/kg	229.0%
	November 2008	3 <sup>rd</sup> , 4 <sup>th</sup> , 5 <sup>th</sup> , 10 <sup>th</sup> , 18 <sup>th</sup> , 19 <sup>th</sup> , 20 <sup>th</sup> , and 21 <sup>st</sup>		

- b. Based on a review of Respondent's discharge monitoring reports ("DMRs"), Respondent's West WWTP exceeded the NPDES permit limitations for Ammonia as N at Outfall #001 as follows:

Date of Violation	Effluent Limit	Reported Effluent Limit	Percent Exceedance
February 2007	2.0 mg/L	2.5 mg/L	25%
February 2007	4.0 mg/L	6.74 mg/L	69%
March 2007	2.0 mg/L	2.8 mg/L	40%
March 2007	4.0 mg/L	6.74 mg/L	69%
October 2007	1.7 mg/L	2.5 mg/L	47%
October 2007	3.4 mg/L	8.8 mg/L	159%
March 2008	4.0 mg/L	5.0 mg/L	25%
April 2008	2.0 mg/L	3.8 mg/L	90%
April 2008	4.0 mg/L	6.0 mg/L	50%
May 2008	3.4 mg/L	4.4 mg/L	29%
June 2008	1.7 mg/L	5.9 mg/L	247%
June 2008	3.4 mg/L	9.8 mg/L	188%
January 2009	4.0 mg/L	5.8 mg/L	45%
February 2009	2.0 mg/L	2.9 mg/L	45%
February 2009	4.0 mg/L	7.3 mg/L	83%

- c. Based on a review of Respondent's discharge monitoring reports ("DMRs"), Respondent's East WWTP exceeded the NPDES permit limitations for Ammonia as N at Outfall #001 as follows:

Date of Violation	Effluent Limit	Reported Effluent Limit	Percent Exceedance
May 2007	0.8 mg/L	2.1 mg/L	163%
May 2007	1.6 mg/L	5.1 mg/L	219%
June 2007	0.8 mg/L	1.0 mg/L	25%

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June 2007	1.6 mg/L	2.0 mg/L	25%
August 2007	1.6 mg/L	2.1 mg/L	31%
September 2007	1.6 mg/L	2.1 mg/L	31%
March 2008	1.4 mg/L	1.8 mg/L	29%
March 2008	2.8 mg/L	3.0 mg/L	7%
April 2008	1.4 mg/L	1.9 mg/L	36%
April 2008	1.4 mg/L	3.2 mg/L	129%
May 2008	0.8 mg/L	3.1 mg/L	288%
May 2008	1.6 mg/L	7.7 mg/L	381%
June 2008	0.8 mg/L	4.6 mg/L	475%
June 2008	1.6 mg/L	6.2 mg/L	288%
July 2008	0.8 mg/L	4.0 mg/L	400%
July 2008	1.6 mg/L	5.5 mg/L	244%
August 2008	0.8 mg/L	16.9 mg/L	2013%
August 2008	1.6 mg/L	27.6 mg/L	1625%
September 2008	0.8 mg/L	9.0 mg/L	1025%
September 2008	1.6 mg/L	14.0 mg/L	775%
January 2009	1.4 mg/L	2.2 mg/L	57%
January 2009	2.8 mg/L	3.9 mg/L	39%
March 2009	1.4 mg/L	6.2 mg/L	343%
March 2009	2.8 mg/L	14.2 mg/L	407%
April 2009	1.4 mg/L	2.7 mg/L	93%
April 2009	2.8 mg/L	4.2 mg/L	50%
May 2009	0.8 mg/L	1.7 mg/L	113%

May 2009	1.6 mg/L	2.4 mg/L	50%
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Findings of Violation

26. Respondent’s application of sewage sludge to the land in concentrations exceeding the ceiling concentrations for Nickel during the time periods identified in Paragraph 25, subparagraph (a), above, is a violation of Respondent’s NPDES Permit and 40 C.F.R. Part 503.13, and as such is a violation of Section 405(d)(1) of the CWA, 33 U.S.C. § 1345(d)(1).
27. Respondent’s failure to comply with the effluent limitations for Ammonia as N during the time periods identified in Paragraph 25, subparagraphs (b) and (c), above, is a violation of its NPDES permit and as such is a violation of Sections 301 and 402 of the CWA, 33 U.S.C. §§ 1311 and 1342.

**CONSENT AGREEMENT**

28. 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.
29. Respondent neither admits nor denies the factual allegations contained in this Complaint and CA/FO.
30. Respondent waives any right to contest the allegations and its right to appeal the proposed Final Order accompanying this Consent Agreement.
31. Respondent and Complainant each agree to bear their own costs and attorney’s fees.
32. 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.
33. Respondent consents to the issuance of the Final Order and consents to the payment of a mitigated civil penalty in the amount of Sixty-one Thousand Five Hundred and Sixty-six Dollars (\$61,566) to be paid within thirty (30) days of the effective date of the Final Order.
34. Respondent understands that its failure to timely pay any portion of the mitigated civil penalty stated in Paragraph 33 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.

35. 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.
36. Payment of the entire penalty shall resolve all civil and administrative claims of the United States alleged in the Findings of Violation.
37. 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 permits. The effect of the settlement described above is conditional upon the accuracy of this certification.
38. 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.
39. 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 5<sup>th</sup> Street, Kansas City, Kansas 66101. Upon 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. Respondent shall pay a civil penalty of Sixty-one Thousand Five Hundred and Sixty-six Dollars (\$61,566). 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:

US EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000.

2. 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 5<sup>th</sup> 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.

3. 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

4. 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.

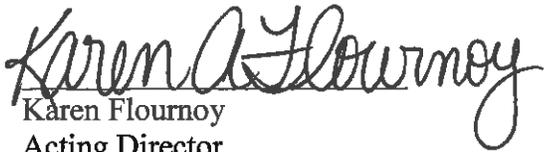
#### Reservation of Rights

5. 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.
6. 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

7. 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



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

5-10-11  
Date



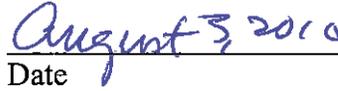
Melissa A.C. Bagley  
Assistant Regional Counsel  
U.S. Environmental Protection Agency  
Region 7

5/2/11  
Date

FOR RESPONDENT:  
CITY OF FARMINGTON, MISSOURI:



Name



Date



Title

IT IS SO ORDERED.

May 16, 2011  
Date

  
Robert L. Patrick  
Regional Judicial Officer

IN THE MATTER OF City of Farmington, Missouri, Respondent  
Docket No. CWA-07-2010-0124

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 7  
United States Environmental Protection Agency  
901 N. 5<sup>th</sup> Street  
Kansas City, Kansas 66101

Copy by Certified Mail Return Receipt to:

Mayor Stuart (Mit) Landrum  
City of Farmington, Missouri  
701 Grand Canyon Drive  
Farmington, Missouri 63640

Dated: 5/16/11

  
Kathy Robinson  
Hearing Clerk, Region 7.