

Wastewater Enforcement: Missouri Department of Natural Resources Abatement Order to Jefferson County, Missouri, Public Sewer District



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The Missouri Department of Natural Resources (“MDNR”) issued a March 4th Abatement Order on Consent (“AOC”) to Jefferson County Public Sewer District (“Jefferson”). See Order No. 2019-WPCB-1579.

The AOC addresses an alleged violation of the Missouri Clean Water Law (“MCWL”).

Jefferson is stated to be in the process of acquiring a wastewater treatment facility (“WWTF”) that serves a subdivision in Jefferson County, Missouri. The WWTF is stated to consist of a three-cell lagoon and discharges to Falling Rock Branch pursuant to a Missouri State Operating Permit (“Permit”).

The prior permittee is stated to have been provided a Schedule of Compliance (“SOC”) that required submittal of an engineering report for an upgrade of the WWTF by September 1, 2013. A waste load allocation study and water quality and antidegradation review were required by March 1, 2014, along with an application for a construction permit by June 1, 2014, and a completion and submission of a Statement of Work application to modify the Permit by June 1, 2016.

MDNR staff are stated to have conducted an inspection of the WWTF on December 21, 2016, and determined it to be out of compliance with the MCWL and the Permit.

On December 4, 2018, Jefferson entered into an Asset Purchase Agreement to transfer all assets of the WWTF serving the previously referenced subdivision to Jefferson. As a result, upon closing date of the Asset Purchase Agreement, it is provided that Jefferson will assume responsibility to operate the WWTF.

The AOC provides in part that MDNR and Jefferson:

... acknowledge that the Respondent is acquiring a WWTF that has a history of violations of the MCWL. The Department and Respondent anticipate that after the Respondent’s acquisition of the WWTF, the WWTF will continue to exceed the effluent limits as set forth in the Permit as a consequence of the existing condition of the WWTF until the Respondent completes upgrades to the WWTF as set forth in the Compliance Schedule and Plan as described in Paragraph 21 below.

The AOC describes the anticipated violations.

The AOC describes Jefferson’s responsibility to upgrade, pursuant to the Compliance Schedule and Plan, the WWTF to bring it in compliance with the MCWL. Such activities will be initiated within 30 days of the effective date of the AOC.

Appeal rights are provided by the AOC.

A copy of the AOC can be found [here](#).