

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
)
 City of Willard) **Order No. 2026-WPCB-1909**
)
 Proceeding under the)
 Missouri Clean Water Law)

ABATEMENT ORDER ON CONSENT

The issuance of this Abatement Order on Consent (AOC) No. 2026-WPCB-1909, by the Missouri Department of Natural Resources (Department), is a formal administrative action by the State of Missouri and is being issued because the City of Willard (Respondent or City) violated the Missouri Clean Water Law (MCWL). This AOC is issued under the authorities of Sections 644.056 and 644.079, Revised Statutes of Missouri (RSMo). Failure to comply with this AOC is, by itself, a violation of Section 644.076.1, RSMo. Litigation may occur without further notice if there is not compliance with the requirements of this AOC. This AOC does not constitute a waiver or a modification of any requirements for the MCWL, or its implementing regulations, all of which remain in full force and effect. Compliance with the terms of this AOC shall not relieve the Respondent of liability for, or preclude the Department from, initiating an administrative or judicial enforcement action to recover civil or administrative penalties for any future violations of the MCWL, or to seek injunctive relief, pursuant to Chapter 644, RSMo.

FINDINGS OF FACT

1. The Respondent is a fourth-class municipality with a population of approximately 6,511 residents. The Respondent owns and operates a sewer collection system located throughout

Willard, in Greene County. The sewer collection system collects and sends domestic wastewater via force main to the Springfield NW Wastewater Treatment Plant (WWTP) for treatment.

2. Little Sac River and its tributaries are waters of the State as the term is defined by Section 644.016(31), RSMo.

3. Domestic wastewater is a water contaminant as the term is defined by Section 644.016(28), RSMo.

4. On April 25, 2023, Department staff conducted an investigation due to a sanitary sewer overflow (SSO) from the City of Willard collection system at the Frisco Highline Trail overpass on US Highway 160, about 0.34 miles southeast of West Farm Road 94. During the investigation, the Department observed City staff attending an excavated pipe, where casing had broken inside of the line. The Department observed City staff using a 73 gallon per minute pump to divert roughly one thousand gallons of sewage to a nearby ditch, which then flowed into a tributary to the Little Sac River, causing a discharge of sewage. Analyses of an effluent sample collected during the inspection from the broken pipe showed *E. coli* levels above the detectable limit of the sample method (>242,000 #/100 mL). Due to the City operating without a Missouri State Operating Permit (Permit) and causing pollution of a tributary to Little Sac River, the Department issued Notice of Violation (NOV) No. 230029 to the Respondent on May 16, 2023, requiring response by June 15, 2023.

5. On June 13, 2023, the Department received a letter from the Respondent, in response to the May 15, 2023, NOV. The letter discussed how the City of Willard sewer collection system has been experiencing failures in the force main south of the 94 Lift Station for approximately 5,000 feet. The letter stated that the City determined there to be a failure in contractor workmanship causing “over belling and over deflection” of the 14" PVC force main.

The letter stated that the City is currently in the process of litigation with the contractor and has Community Partnership Funding to replace the existing force main. The City acknowledged the discharging of sewage was not authorized and noted that public employees have been trained to not pump sewage directly into a ditch.

6. On March 4, 2025, the Department received a status update from the City that next steps for the community funding partnership (94 Lift Station and Force Main) is to submit plans and specifications to the Department for approval and issuance of a construction permit. The City stated that due to the current freeze of grant programs, reimbursement of project costs is not fully clear and is a concern for the project. The freeze has since been lifted, and the City submitted a partial payment request that was promptly reimbursed on May 13, 2025. The City additionally stated they have begun an Inflow and Infiltration campaign to tighten up the system and plan to build a Compliance Improvement Plan for larger sewer issues they discover. The Compliance Improvement Plan consists of an addition of Appendix 8.11 to the City's Capacity, Management, Operations and Maintenance Plan. A copy of Appendix 8.11 was submitted separately to the Department.

7. On May 9, 2025, the Department issued Construction Permit No. MO-GC00884 to the Respondent.

STATEMENT OF VIOLATIONS

The Respondent has violated the MCWL and its implementing regulations as follows:

8. Operated, used, or maintained a water contaminant source, a domestic wastewater collection system, that discharged water contaminants from an unpermitted outfall to a tributary to Little Sac River, waters of the State, without a Permit, in violation of the Sections 644.051.2 and 644.076.1 RSMo, 10 CSR 20-6.010; and

9. Caused pollution of a tributary to Little Sac River, waters of the State, or placed or caused or permitted to be placed water contaminants in a location where it is reasonably certain to cause pollution of waters of the State, in violation of Sections 644.051.1(1) and 644.076.1, RSMo.

AGREEMENT

10. The Department and the Respondent desire to amicably resolve all claims that may be brought against the Respondent for violations alleged above in Statement of Violations.

11. The provisions of this AOC shall apply to and be binding upon the parties executing this AOC, their successors, assigns, agents, subsidiaries, 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 affect the responsibilities of the Respondent under this AOC.

12. Sections 644.076.1 and 644.079, RSMo, authorize the imposition of penalties for violations of the MCWL and establish monetary penalties of up to \$10,000 per day per violation. The penalty contained in this AOC was calculated using the Penalty Assessment Protocol described in 10 CSR 20-3.010.

13. The Respondent, in compromise and satisfaction of the Department's claims relating to the above-referenced violations, is ordered and agrees, without admitting liability or fault, to pay an administrative penalty in the amount of \$1,500. The Department and the Respondent further agree that \$1,500 shall be suspended as described below.

14. The administrative penalty in the amount of \$1,500 shall be suspended while this AOC is in effect upon the condition that the Respondent does not violate the terms of this AOC.

Upon determination by the Department that the Respondent has failed to meet the terms of this AOC to the Department's satisfaction, including the requirements in Paragraphs 15 through 19, the Department may send a written demand for the suspended penalty to the Respondent. The Respondent shall have 30 days from receipt of the written demand to submit the suspended penalty. The payment shall be in the form of a check made payable to "Greene County Treasurer, as custodian of the Greene County School Fund" and shall be delivered with a signed copy of the AOC to the address listed in Paragraph 24.

15. In the period of time from the effective date of this AOC until the new or upgraded collection and force main system is completed, the Respondent is ordered and agrees to operate and maintain the existing collection and force main system at all times in compliance with the conditions and requirements of the MCWL. All units or components of the existing collection and force main system shall be maintained in an operable condition, even if this requires the purchase and installation of new parts or equipment, or repair of the collection system.

16. Discharges from an unpermitted outfall are not authorized. The Respondent is ordered and agrees to prevent any discharge of wastewater from the collection system. If an SSO occurs from any part of the City's collection system, the Respondent is ordered and agrees to pump and haul the wastewater to a permitted WWTF with the capacity to treat the wastewater. The Respondent is ordered and agrees to maintain pumping and hauling receipts and submit copies of the receipts to the Department upon request.

17. Discharges from an unpermitted outfall must be reported. Within 60 days of the effective date of this AOC, the Respondent is ordered and agrees to register for an online account

with the Missouri Gateway for Environmental Management, in order to begin submitting SSO/Bypass reports through the online submission system.

18. Within 24 hours of discovery of any SSO from the collection system, the Respondent is ordered and agrees to report the discharge through the SSO and Bypass online reporting system.

19. From the effective date of this AOC, the Respondent is ordered and agrees to implement the Facility Plan's improvements schedule, which shall be incorporated herein as an enforceable condition of this AOC.

20. Within 60 days of completing construction of the improvements specified in the improvements schedule, the Respondent is ordered and agrees to submit to the Department a Statement of Work Completed Form, signed, sealed, and dated by a professional engineer licensed in the State of Missouri certifying that the project is complete and operable in accordance with Department-approved plans and specifications.

21. The Respondent is ordered and agrees to comply with the MCWL, Chapter 644, RSMo, and its implementing regulations at all times in the future.

22. This AOC shall terminate 90 days after upgrades to the collection system specified in the compliance schedule and plan are completed.

SUBMISSIONS

23. All other documentation submitted to the Department for compliance with this AOC shall be submitted within the timeframes specified to cwenf@dnr.mo.gov or:

Madisyn Branch
Department of Natural Resources
Water Protection Program
Compliance and Enforcement Section
P.O. Box 176
Jefferson City, MO 65102-0176

OTHER PROVISIONS

24. Immediately upon becoming aware that a deadline or milestone as set forth in this AOC will not be completed by the required deadline, the Respondent shall notify the Department by telephone or electronic mail: i) identifying the deadline that will not be completed; ii) identifying the reason for failing to meet the deadline; and iii) proposing an extension to the deadline. Within five days of notifying the Department, the Respondent shall submit to the Department, for review and approval, a written request containing the same basic provisions of i, ii, and iii listed above. The Department may grant an extension if it deems appropriate. Failure to submit a written notice to the Department may constitute a waiver of the Respondent’s right to request an extension and may be grounds for the Department to deny the Respondent an extension.

25. Should the Respondent fail to meet the terms of this AOC, including the deadlines set out in Paragraphs 15 through 19, the Respondent shall be subject to pay stipulated penalties in the following amount:

<u>Days of Violation</u>	<u>Amount of Penalty</u>
1 to 30 days	\$100 per day
31 to 90 days	\$250 per day
91 days and above	\$500 per day

Stipulated penalties will be paid in the form of a check made payable to “Greene County Treasurer, as custodian of the Greene County School Fund.” Any such stipulated penalty shall be paid within ten 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

26. Compliance with this AOC resolves only the specific violations described herein, and this AOC shall not be construed as a waiver or modification for any other requirements of the MCWL and regulations, or any other source of law. Nor does this AOC resolve any future violations of this AOC or any law or regulation. Consistent with 10 CSR 20-3.010(5), this AOC shall not be construed as satisfying any claim by the state or federal government for natural resource damages.

27. Nothing in this AOC forgives the Respondent from future non-compliance with the laws of the State of Missouri, nor requires the Department or State of Missouri to forego pursuing by any legal means for any non-compliance with the laws of the State of Missouri. The terms stated herein constitute the entire and exclusive agreement of the parties. There are no other obligations of the parties, be they express or implied, oral or written, except those expressly set forth herein. The terms of this AOC supersede all previous memoranda of understanding, notes, conversations, and agreements, express or implied. This AOC may not be modified orally.

28. By signing this AOC, all signatories assert that they have read and understood the terms of this AOC, and that they have the authority to sign this AOC on behalf of their respective party.

29. The effective date of the AOC shall be the date the Department signs the AOC. The Department shall send a fully executed copy of this AOC to the Respondent for their records.

COST ANALYSIS FOR COMPLIANCE

30. Pursuant to Section 644.145, the Cost Analysis for Compliance (CAFCom) addresses the obligations included within this AOC and is attached hereto as Exhibit 1. This CAFCom does not address future improvements that may be necessary to comply with the

MCWL or its implementing regulations. This AOC requires the Respondent to complete the sanitary sewer system improvements project as outlined in the Department approved improvements schedule.

NOTICE OF APPEAL RIGHTS

31. By signing this AOC, the Respondent consents to its terms and waives any right to appeal, seek judicial review, or otherwise challenge the terms and conditions of this AOC, including the CAFCom referenced herein, pursuant to Sections 621.250, 640.010, 640.013, 644.056.3, 644.079.2, Chapter 536 RSMo, 644.145, RSMo, 10 CSR 20-1.020, 10 CSR 20-3.010, 10 CSR 20-6.020(5), the Missouri Constitution, or any other source of law.

SIGNATORY AUTHORITY

Agreed to on this ____ day of _____, 2026

The Honorable Troy Smith, Mayor of Willard

Agreed to and ordered on this ____ day of _____, 2026

DEPARTMENT OF NATURAL RESOURCES
Heather Peters, Director
Water Protection Program

c: Tanya Turner, Director, Southwest Regional Office
Operating Permits Section
General Counsel's Office

Summary Schedule for City of Willard Sewer Collection System Abatement Order on Consent No. 2026-WPCB-1909

Deliverables	Scheduled Due Date
1. Prevent any discharge of wastewater by pumping and hauling any discharge from the collection system to a permitted WWTF with the capacity to treat the wastewater, and maintain pumping and hauling receipts and submit copies of the receipts to the Department upon request. (Agreement Section Paragraph 15)	From the effective date of this AOC.
2. Register for an online account with the Missouri Gateway for Environmental Management, in order to begin submitting SSO/Bypass reports through the online submission system. (Agreement Section Paragraph 16)	Within 60 days of the effective date of this AOC.
3. Report any discharge through the SSO and Bypass online reporting system. (Agreement Section Paragraph 17)	Within 24 hours of discovery of any SSO or Bypass within the collection system.
4. Implement the Facility Plan’s improvements schedule, which shall be incorporated herein as an enforceable condition of this AOC. (Agreement Section Paragraph 18)	From the effective date of this AOC.
5. Submit to the Department a Statement of Work Completed Form, signed, sealed, and dated by a professional engineer licensed in the State of Missouri certifying that the project is complete and operable in accordance with Department-approved plans and specifications. (Agreement Section Paragraph 19)	Within 60 days of completing construction of the improvements specified in the improvements schedule.