

BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES

In the Matter of:)
)
 City of Columbia) **Order No. 2026-WPCB-1879**
)
 Proceeding under the)
 Missouri Clean Water Law)

ABATEMENT ORDER ON CONSENT

The issuance of this Abatement Order on Consent (AOC) No. 2026-WPCB-1879, 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 Columbia (Respondent) 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 home rule municipality with a population of approximately 129,330 residents. The Respondent owns and operates a drinking water distribution system which serves municipal residents. The central drinking water treatment facility is located at 6851

West Route K, Columbia, of Boone County and operates subject to Missouri State Operating Permit No. MO-0136034. The sites of the violations are 310 Pendleton Walkway, 21 East Stewart Road, and 307 Trinity Place, each in Columbia, Boone County.

2. Flat Branch Creek and its tributaries are waters of the State as the term is defined by Section 644.016(31), RSMo.

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

4. Substances or conditions in sufficient amounts to result in toxicity to human, animal, or aquatic life is a violation of general criteria for water quality standards as defined by 10 CSR 20-7.031(4)(D).

5. On October 3, 2023, Department staff conducted a concern investigation at Grasslands Park in response to a reported fish kill and cloudy water in Flat Branch Creek at Grasslands Park near the sites of three chlorinated drinking water line breaks at 310 Pendleton Walkway, 21 East Stewart Road, and 307 Trinity Place. The City of Columbia confirmed a report of cloudy water and dead fish at Grasslands Park in Flat Branch Creek. Cloudy water and dead fish in Flat Branch Creek ranging from Grasslands Park to East Fourth Street and Cherry Street were then confirmed through observation by both Department and Missouri Department of Conservation (MDC) staff. Representatives of Columbia Water and Light were present during the investigation, including the Superintendent of Water Distribution.

6. On October 30, 2023, the Department issued Referral Notice of Violation (RNOV) No. NE230057 to City of Columbia. The RNOV transmittal letter stated that the case has been referred to the Compliance and Enforcement Section and contained an offer to meet.

7. The MCWL and Section 644.096, RSMo, authorize the state, or any political subdivision or agency, to recover actual damages, including all costs and expenses necessary to establish or collect any sums under Sections 644.006 to 644.141, RSMo, and the costs and expenses of restoring any waters of the State to their condition as they existed before the violation, sustained by it because of any violation.

8. MDC staff determined the water main break resulted in the deaths of five fish totaling \$0.76. Staffing costs incurred by the state during the fish kill investigation are \$3,543.91, and the state incurred \$71.55 in expense and equipment costs during the investigation. The total for costs and damages incurred by the state for this incident is \$3,616.22.

STATEMENT OF VIOLATIONS

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

9. Discharged water contaminants to Flat Branch Creek, waters of the State, which reduced the quality of such waters below the general criteria water quality standards, in violation of Sections 644.051.1(2) and 644.076.1, RSMo, and 10 CSR 20-7.031(4)(C) and -(D); and

10. Caused pollution of Flat Branch Creek, waters of the State, or placed or caused or permitted to be placed a water contaminant, chlorinated water, in a location where it was reasonably certain to cause pollution of waters of the State, in violation of Section 644.051.1(1) and 644.076.1, RSMo.

AGREEMENT

11. 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.

12. 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.

13. The Respondent is ordered and agrees to pay the State's investigative costs, expenses, and damages in the amount of \$3,616.22. This amount shall be due upon the Respondent's signature and submittal of this AOC. The check shall be made payable to "State of Missouri" and shall be delivered along with a signed copy of the AOC to:

Accounting Program
Department of Natural Resources
P.O. Box 477
Jefferson City, MO 65102-0477

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

15. This AOC shall be considered fulfilled and shall terminate upon completion of the cost recovery payment.

SUBMISSIONS

16. 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:

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

OTHER PROVISIONS

17. 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.

18. Should the Respondent fail to meet the terms of this AOC, including the deadlines set out in the Paragraphs above, 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 “Boone County Treasurer, as custodian of the Boone 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

19. 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.

20. 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.

21. 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.

22. 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.

NOTICE OF APPEAL RIGHTS

23. 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, 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

De'Carlton Seewood, City Manager
City of Columbia

Attest:

Sheela Amin, City Clerk

Approved as to Form:

Nancy Thompson, City Counselor/ek

CERTIFICATION: I certify that this Abatement Order on Consent is within the purpose of the appropriation to which it is to be charged, account no. 07220665 505990 , and that there is an unencumbered balance to the credit of such account sufficient to pay therefor.

Matthew Lue, City Director of Finance

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

DEPARTMENT OF NATURAL RESOURCES

Heather Peters, Director
Water Protection Program

c: Jacob Cross, Director, Northeast Regional Office
General Counsel's Office
Accounting Program
Fiscal Management Section