**BEFORE THE MISSOURI DEPARTMENT OF NATURAL RESOURCES**

| | | |
|---|---|---|
| **In the Matter of**: | ) | |
| | ) | |
| **City of Columbia** | ) | **Order No. 2026-WPCB-2013** |
| | ) | |
| **Proceeding under the** | ) | |
| **Missouri Clean Water Law** | ) | |

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**ABATEMENT ORDER ON CONSENT**

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The issuance of this Abatement Order on Consent (AOC) No. 2026-WPCB-2013, 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) has violated the Missouri Clean Water Law (MCWL). This AOC is issued under the authorities of Sections 644.056, 644.076, 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 city with a population of approximately 129,330 residents. The Respondent owns and operates a landfill and yard waste compost facility (facility) located at

5700 Peabody Road, Columbia, Boone County. The facility discharges stormwater from six sedimentation basins (Outfall Nos. 002 through 007) throughout the facility to a tributary to Hinkson Creek, subject to the conditions and requirements of Missouri State Operating Permit No. MO-0112640 (Permit).

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

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

4. The Permit requires the Respondent to collect representative samples of the landfill and compost stormwater effluent discharged from Outfall Nos. 002, 003, 004, and 007 and analyze the sample for the contaminants listed in Part "A" of the Permit every quarter. The Permit requires the stormwater effluent to comply with the limitations contained in Part "A" of the Permit and requires the Respondent to submit the results of the analysis to the Department for limit set "Q" on quarterly Discharge Monitoring Reports (DMRs) by the 28th day of the month following the reporting period and submit the results of the analysis for limit set "A" on annual DMRs by the 28th of January of the following year.

5. The Permit requires the Respondent to collect representative samples of the material recovery and vehicle maintenance stormwater effluent discharged from Outfall Nos. 005 and 006 and analyze the sample for the contaminants listed in Part "A" of the Permit every quarter. The Permit requires the stormwater effluent to comply with the limitations contained in Part "A" of the Permit and requires the Respondent to submit the results of the analysis to the Department for limit set "Q" on quarterly DMRs by the 28th day of the month following the reporting period.

6. The Permit establishes effluent limitations for aluminum. See Table "A-1" and "A-2" of the Permit.

7. Stormwater effluent discharged from Outfall Nos. 002, 003, 004, and 007 of the facility failed to comply with effluent limitations for aluminum for the fourth quarter 2024 through the second quarter 2025.

8. On March 28, 2025, the Department sent a Letter of Warning (LOW) to the Respondent based on permitted effluent limitation violations for aluminum for the third quarter 2023 and the fourth quarter 2024. The LOW required a response by April 30, 2025. On April 29, 2025, the Department received a sufficient response for the March 28, 2025, LOW from the Respondent.

9. On June 12, 2025, Department staff met with the Respondent to discuss potential corrective actions to address the continued effluent limitation violations for aluminum. On October 21, 2025, the Respondent was voluntarily referred to the Department's compliance and enforcement section.

## STATEMENT OF VIOLATIONS

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

10. Failed to comply with the permitted effluent limitations for aluminum, contained in Part "A" of the Permit, in violation of Sections 644.051.1(3) 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. 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.

14. 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 $5,000. The Department and the Respondent further agree that the $5,000 penalty will be fully suspended based on the condition that the Respondent does not violate the Permit, the MCWL and its implementing regulations, or the terms of this AOC.

15. The suspended penalty described in the paragraph above in the amount of $5,000 shall be suspended while this AOC is in effect upon the condition that the Respondent does not violate any 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 17 through 21, 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 "Boone County Treasurer, as custodian of the Boone County School Fund" and shall be delivered to:

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

16. In the period of time from the effective date of this AOC until improvements to the facility are completed, the Respondent is ordered and agrees to operate and maintain the existing facility at all times in compliance with the conditions and requirements of the Permit, except the Department acknowledges that the Respondent may continue to have moderate exceedances for aluminum while this AOC is in effect. The Respondent is ordered and agrees to operate and maintain the existing facility to the best of its ability to reduce aluminum to as close to the permitted effluent limitations as possible. The suspended penalty in Paragraph 15 and stipulated penalties in Paragraph 26 will not be assessed solely for an aluminum exceedance of similar severity to those reported by the Respondent in 2024 and 2025.

17. The Respondent is ordered and agrees to submit to the Department complete DMRs as required in the Permit by the 28th day of the month following every reporting period.

18. Within 60 days of the effective date of this AOC, the Respondent is ordered and agrees to submit to the Department for review and approval a sampling plan for Hinkson Creek explaining who will take stream samples, how often the stream samples will be taken, and how the stream samples will be analyzed. The Respondent is ordered and agrees to submit to the Department sampling results of Hinkson Creek in accordance with the sampling plan.

19. Within 60 days of the effective date of this AOC, the Respondent is ordered and agrees to submit to the Department for review and approval a dewatering plan for Outfall No. 007 explaining how the Respondent will manage aluminum through the controlled valve system previously installed at Outfall No. 007 and if the controlled valve system can be implemented at other outfalls to bring the facility back into compliance with the Permit and MCWL.

20. Upon the Department's approval of the sampling plan and dewatering plan as mentioned in Paragraph 18 and 19 above, the Respondent is ordered and agrees to implement both plans for a period of 365 days. The Respondent is ordered and agrees to submit to the Department a progress report regarding the status of the facility on the 1st of every month until the termination of this AOC or upon the request of the Department.

21. If the Respondent achieves full compliance with the MCWL within the 365-day operational improvements period above, the Respondent may request termination of this AOC in accordance with Paragraph 23. If the Respondent and the Department determine the 365-day period of improved operations alone will not achieve compliance, the Department may then issue to the Respondent a letter requiring further operational improvement plans for the facility.

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

23. AOC shall terminate upon the first occurrence of any of the following conditions:

a. 30 days after the 365-day operational improvements period established in Paragraph 20 if the facility produces effluent in compliance with the Permit and the MCWL.

b. The Department may terminate this AOC at any time in writing to the Respondent.

**SUBMISSIONS**

24. 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

25. 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.

26. 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:

| Days of Violation | Amount of Penalty |
|---|---|
| 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

27. 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.

28. 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.

29. 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.

30. 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

31. 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 monitor and complete upgrades to the facility to meet effluent limitations.

## NOTICE OF APPEAL RIGHTS

32. 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.

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**SIGNATORY AUTHORITY**

Agreed to on this _____ day of _____, 2026

_____
De'Carlon Seewood, City Manager
City of Columbia

E.K.

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. 55706540-505990, and that there is an unencumbered balance to the credit of such account sufficient to pay therefor.

E-SIGNED by Matthew Lue
on 2026-04-08 20:50:21 GMT

_____
Matthew Lue, City Director of Finance

M.J.

Agreed to on this _____ day of _____, 2026

_____
DEPARTMENT OF NATURAL RESOURCES
Heather Peters, Director
Water Protection Program

c: Jacob Cross, Director, Northeast Regional Office
Operating Permits Section
General Counsel's Office

**Exhibit 1. Recent Permitted Effluent Limitation Violations**

| Reporting Date | Outfall No. | Effluent Parameter | Daily | | |
|---|---|---|---|---|---|
| | | | Effluent Limit | Reported Value | Percent over limit |
| 12/31/2024 | 002 | Aluminum (µg/L) | 750 | 1460 | 95 |
| 12/31/2024 | 003 | Aluminum (µg/L) | 750 | 1270 | 69 |
| 12/31/2024 | 004 | Aluminum (µg/L) | 750 | 3030 | 304 |
| 12/31/2024 | 007 | Aluminum (µg/L) | 750 | 954 | 27 |
| 03/31/2025 | 007 | Aluminum (µg/L) | 750 | 1630 | 117 |
| 06/30/2025 | 004 | Aluminum (µg/L) | 750 | 1110 | 48 |