

Water Enforcement: Missouri DNR/Boone County, Missouri Aquatics Club Abatement Order on Consent



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06/06/2017

The Missouri Department of Natural Resources (“MDNR”) issued a May 7th Abatement Order on Consent (“Order”) to the West Broadway Swim Club, Inc. (“West Broadway”). See Order No. 2017-WPCB-1480.

West Broadway is described as a non-profit corporation that owns a private community recreational aquatics club (“swim club”) in Boone County, Missouri.

The swim club is stated to consist of two pools, one large, main pool and one small secondary pool.

MDNR staff were stated to have conducted an investigation at the swim club and its immediate surroundings on September 6th, 2016 in response to an “Environmental Concern.” The staff reportedly observed dead fish in a tributary to Harmony Creek from the swim club location to approximately 0.57 miles downstream at the Bellwood Estates Subdivision entrance on North Strawn Road.

The Order provides that a West Broadway Board Vice-President was contacted by MDNR. This individual is stated to have confirmed that the swim club drained a pool into the tributary on September 5, 2016. He informed MDNR staff that West Broadway did not have authorization to drain the pool into the City of Columbia, Missouri sanitary sewer system. It was further stated that the pool water had been dechlorinated and the pH had been neutralized as much as possible (i.e., 7.2) before the water was drained.

The Missouri Department of Conservation (“MDC”) conducted an investigation of the fish kill on September 6, 2016. The cause of the fish kill was determined to be chlorine toxicity and the source a swimming pool drainage into the tributary to Harmony Creek. The Order describes MDC observation of dead fish and identifies the number, types, and alleged damages.

The West Broadway Vice-President estimated that over 100,000 gallons of water had been drained into the tributary. He further stated that the pool manager had checked the pH and chlorine level the day the pool was drained noting results of 7.4 for pH and 1.5 parts per million combined chlorine. The Missouri Water Quality Standards Acute Criteria for Total Residual Chlorine contained in Table A of 10 CSR 20-7.0 is 19 micrograms per liter.

MDNR issued a Notice of Violation (“NOV”) to West Broadway for alleged violations. The investigation report that accompanied the NOV requires West Broadway to take corrective actions to address the alleged violations by submitting an application for a General Permit to discharge pool water in the future and a written response explaining what actions had been taken to correct the violations to prevent a recurrence.

MDNR is stated to have received an application for Permit and on November 11, 2016 the agency issued a Permit to West Broadway.

The Order alleges violations which include:

- Operation, use or maintenance of a water contaminant source, chlorinated pool water, which discharged to a tributary to Harmony Creek, Waters of the State, without a Permit. . .
- Discharged water contaminants into Waters of the State which reduced the quality of waters below Water Quality Standards established by the Clean Water Commission in violation of Sections . . .
- Caused pollution of the tributary to Harmony Creek, 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 to the Waters of the State in violation of Sections . . .

West Broadway does not admit to the validity or accuracy of the referenced Order.

West Broadway agrees to pay the State's investigative costs and damages in the amount of \$1,729.62. The organization further agrees and is ordered to operate and maintain the swim club pool at all times in compliance with the MCWL. Further, it is ordered to maintain Permit coverage for all future discharges from the swim club and to comply with all effluent limits, monitoring requirements, and conditions contained in the Permit.

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