



**ROUTE TO:** De'Carlton Seewood, City Manager  
**FROM:** David Sorrell, Director of Utilities  
**DATE:** February 27, 2023  
**RE:** Notice of Violation – MO3010181 – Failing to collect routine drinking water samples as required by the Lead & Copper Rule

The Water Division is required by the Missouri Department of Natural Resources to collect drinking water samples from 100 properties twice per year and have the samples analyzed for both lead and copper. On February 17, 2023, staff received, via email, the attached Notice of Violation from the Missouri Department of Natural Resources dated February 8, 2023. The violation is for not collecting the routine drinking water samples as required by the Lead & Copper Rule.

Investigation into the cause of this violation has revealed that it is attributed to staff not following necessary processes to ensure the sampling was completed to meet the regulatory requirements. These types of violations erode the confidence of customers; create a poor public perception of Utilities and the City and are not acceptable. The failure of staff to perform duties will be dealt with appropriately through standard personnel procedures and regulations.

Moving forward, it is necessary to return to compliance. The actions necessary to return to compliance is to identify the locations for samples to be collected, contact property owners to obtain permission to sample at these locations and actually collect the samples and submit them to the Missouri Department of Natural Resources by June 30, 2023. A second round of sampling will need to be completed after July 1, 2023 and before December 31, 2023 to be compliant.

The potential for this type of lack of action which results in noncompliance in the future needs to be minimized. As part of the fiscal year 2023 budget process, an organization change was approved in both the Water and Electric Divisions to create a single position with overall responsibility for each division. Prior to approval of these changes, each division was separated into three sections with independent managers, creating the potential for poor communications and lack of understanding of responsibilities. These organizational changes will help minimize the potential for this type of failure in the future and should improve overall performance and communications.

There is currently a need for some reassignment of roles and responsibilities in the Water Division that need to be implemented as soon as possible to ensure a return to compliance. Moving forward, one individual will be responsible to ensure all required compliance monitoring is completed. This responsibility will be assigned to the Laboratory Supervisor. Second, the Laboratory Supervisor position will be changed to report directly to the recently created Assistant Director P.E. – Water position. A weekly status report of activities to return to

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compliance will be required to be submitted each Monday until the sampling is complete so progress can be monitored and reported to the City Manager's office.

The final reassignment is to appoint a staff member with a history of successfully completing projects, managing personnel and addressing regulatory compliance issues as the Acting Assistant Director P.E. – Water. This appointment would remain until the position can be filled following normal recruitment processes. The proposed changes to the roles and responsibilities should ensure that the utility can return to compliance in the timeframe allotted; more appropriately prioritize staff assignments to achieve desired outcomes and; begin restoring customer confidence in the Water Utility.