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MISSOURI ATTORNEY GENERAL ENFORCEMENT ACTIONS



PRESS RELEASE SUMMARIES

Water

Development Owners Agree to Improve Safety of Three Dams

On March 25, 1993, the Attorney General's Office reached a court-ordered agreement in which the Rocky Ridge Ranch Property Owners' Association and Areaco Investment Co. will repair and modify three dams located in Ste. Genevieve County in order to improve the dams' structural integrity and overall safety. The three dams form Lakes Wanda Lee, Ocie, and Ski in the Rocky Ridge Ranch development approximately ten miles northwest of Ste. Genevieve. The agreed upon construction will bring the dams into compliance with the Missouri Dam and Reservoir Safety Law.

The agreement is a result of a lawsuit filed February 22, 1993 by the Attorney General's Office asking the Ste. Genevieve County Circuit Court to order the Owners' Association to lower the lake levels until safety is improved and the dams receive registration permits. Under the agreement, the property owners' association will lower the water levels on the Wanda Lee and Ocie lakes by ten feet until the structures are inspected and receive registration permits from the Missouri Department of Natural Resources and

the Dam and Reservoir Safety Council. The agreement also requires the installation of ten-foot water-level gauges on all three dams. Construction on the Lake Wanda Lee dam must be completed by December 1, 1993; construction on the Lake Ocie dam must be completed by June 1, 1994; and construction on the Lake Ski dam must be completed by December 1, 1994.

Air

Steel Company Sued for Open Burning

The Attorney General's Office is suing a steel company and two of its former officers, charging violations of the Missouri Air Conservation Law by knowingly allowing and engaging in open burning as a waste disposal method on the company's property. The petition, filed April 8, 1993, in Jackson County Circuit Court, names Summit Structural Steel Co., Ben Sparks, and Thomas A. Mossie and alleges that the two men allowed the open burning of used solvents as a disposal method on the company's property. Sparks is named as former company president and Mossie is named as an associate of the company, which was administratively dissolved last year. The Attorney General's office is asking the court to assess

civil penalties of up to \$10,000 for each day of violation.

According to court documents, the company was cited in August 1984 by the Missouri Department of Natural Resources ("DNR") for open burning violations. Company representatives then admitted to open burning of used solvents when the DNR inspected the facility on March 21, 1991. The DNR then issued the company a Notice of Violation after the agency was notified by the Lee's Summit Fire Department on April 22, 1991, that firefighters responded to a call at the Summit Structural Steel site and saw eight burning 55-gallon drums that were believed to have contained solvents, paint sludge, and other trade wastes.

Solid Waste

Attorney General's Office Wants Illegal Dump Cleaned Up

The Attorney General's Office is seeking a court order in Newton County Circuit Court requiring a group of Newton County residents charged with operating and using an illegal landfill to clean up the trash and pay civil penalties of up to \$1,000 for each day of violation of the Missouri Solid Waste Management Law. The petition, filed on

March 29, 1993, accuses George and Victoria Blood of Joplin of allowing Charles Bresee, Rick Bresee, and Lewarren Lansaw, also of Joplin, to dump solid waste into an abandoned mine shaft on property occupied by the Bloods. The property owner has not been accused of wrongdoing in the case. The Bresees operated a trash removal service in the Joplin area at the time of the violations. The five also are accused of knowingly allowing and engaging in open burning at the site without a permit. The petition asks the court to order the trash in the abandoned mine removed and deposited at a legal landfill instead of just being buried in-place. Removing the trash will avoid having leachate from the decomposing trash leaking into nearby groundwater.

The Bloods have been issued at least two Notices of Violation, plus an Abatement Order dated May 21, 1991, which also named the Bresees. The Bloods and Bresees have not complied with the Abatement Order which required them to remove the waste from the illegal site within 45 days of receiving the order.

Attorney General's Office Sues Illegal Dump Operators

The Attorney General's office is seeking a court order in McDonald County Circuit Court against three members of a McDonald County family to stop the operation of an illegal dump and to require the cleanup and

proper disposal of the trash on their property. In a petition filed on April 8, 1993, Foy H. and Rema C. Wigent and their son Steve Wigent, all of Powell, Missouri, are accused of knowingly violating the Missouri Solid Waste Management Law for a decade. The petition alleges that the family has engaged in or allowed the illegal dumping and open burning of trash on its property. The Attorney General's office is seeking civil penalties of up to \$1,000 for each day of violation and is asking the court to order the removal of the trash within 30 days.

Court documents show that the Missouri Department of Natural Resources ("DNR") had initially notified the Wigents of alleged violations in April 1988. After numerous complaints from area residents, the DNR inspected the site and issued a Notice of Violation dated January 9, 1990, followed by a letter ten days later advising the Wigents of their options and possible penalties. The site was inspected on June 24, 1992 and found to be in violation again upon reinspection in 1993.

Underground Storage Tanks

Missouri to Share in \$30 Million Settlement

When Attorney General Jay Nixon returned from the Spring meeting of the National Association of Attorneys General in

Washington on March 31, 1993, he brought with him a \$30 million settlement between Circle K Corporation and various federal agencies and states, including Missouri. Under the agreement, filed March 29, 1993 in Phoenix, Arizona, the bankrupt Circle K will provide funds for the removal of underground storage tanks and the cleanup, where needed, of contaminants at any of the almost 1,000 gas station/convenience stores the company operated at the time of the bankruptcy. The settlement also covers more than 1,200 additional sites that Circle K operated at various times before bankruptcy. Missouri has three sites, all in the Kansas City area, and will receive about \$30,000. The rest of the sites are in 30 other states and on two American Indian reservations.

Many of the Circle K sites, including the Missouri sites, were leased by the company. Property owners with underground storage tanks will have to pay the initial costs of removing underground storage tanks and, if leakage occurred, the property owner must cleanup any contaminated soil. The settlement money will be used to reimburse the property owners. Any money remaining after the cleanup will be deposited into the Department of Natural Resources' Hazardous Waste Remedial Fund, which is used to cover the costs of responding to hazardous waste emergencies.

